

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, and)
STATE OF NEW MEXICO ex rel. STATE)
ENGINEER,)
))
Plaintiffs,)
))
and)
))
ZUNI INDIAN TRIBE, NAVAJO NATION,)
))
Plaintiffs in Intervention,)
))
v.)
))
A & R PRODUCTIONS, et al.,)
))
Defendants.)
)

No. 01CV00072-MV/WPL

**ZUNI RIVER BASIN
ADJUDICATION**

MOTION TO JOIN ADDITIONAL PARTIES DEFENDANT

Plaintiff United States of America respectfully requests that the Court join as additional parties defendant the persons named below and order them to plead or otherwise defend in this action as required in any civil action in the United States District Court or suffer default judgment against them. As grounds in support of this Motion, the United States asserts:

1. The persons listed below are diverting and using or may claim a right to divert and use surface or underground waters within the Zuni River stream system in New Mexico:

Subfile Nos.	Defendant
ZRB-1-0139	Paul E. Botelho 786 Oakland Ave Ext Morganton , NC 28655
ZRB-1-0139	Robin K. Hayes 786 Oakland Ave Ext Morganton , NC 28655

The water uses, or claims to the right to use water, of these parties are subject to the laws of the State of New Mexico and the United States. This Court has exclusive jurisdiction to adjudicate all claims to the right to divert, store, or use the public waters of the Zuni River stream system in New Mexico.

2. The persons listed above may be diverting and using water associated with the subfile numbers indicated, or may otherwise be using or diverting surface or underground waters within the Zuni River stream system.

3. The persons listed above are being joined at this time as a result of updated ownership information obtained from Cibola County.

4. For the benefit of other parties, and by way of explanation, the United States asserts that motions to add additional defendants, dismiss defendants, correct defendants' names, and take other corrective action, are parts of an ongoing process made necessary by the hydrographic survey, defendants' responses, and other kinds of new information received during the course of this adjudication. The United States advances such motions primarily for the purpose of ensuring that the Court's records indicate as accurately as possible the persons or entities that are parties to this case.

DATED: September 29, 2016.

Respectfully submitted,

/s/ Samuel D. Gollis
Samuel D. Gollis
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 29, 2016, I filed the foregoing *Motion to Join Additional Parties Defendant* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF participants in the manner indicated:

Via Regular Mail

Paul E. Botelho
Robin K. Hayes
786 Oakland Ave Ext
Morganton, NC 28655

/s/ Samuel D. Gollis
Samuel D. Gollis