

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

UNITED STATES OF AMERICA,)	
and)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE)	
ENGINEER,)	
)	
Plaintiffs,)	
)	No. 01cv00072 BB-ACE
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	Sub-areas 9 & 10
)	
v.)	Subfile ZRB-2-0086
)	
A&R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

MOTION FOR SUBSTITUTION OF PARTIES

The Plaintiffs United States of America (“United States”) and State of New Mexico *ex rel.* State Engineer (“State”) hereby move the Court pursuant to Fed. R. Civ. P. 25(c) to issue its order substituting the LONNY D. THOMAS AND LEONA FAYE THOMAS REVOCABLE TRUST for defendants LONNY D. THOMAS and LEONA FAYE THOMAS in these proceedings, and as grounds states as follows:

1. Through the consultation process, Defendant Leona Faye Thomas has informed the Plaintiffs that all property pertaining to water rights in Subfile ZRB-2-0086 has been conveyed to the Lonny D. Thomas and Leona Fay Thomas Revocable Trust. In addition, Defendant Lonny D. Thomas is now deceased.

2. Leona Fay Thomas, acting as sole surviving Trustee of the Lonny D. Thomas and Leona Fay Thomas Revocable Trust, has executed an agreed Consent Order to resolve this Subfile with the Plaintiffs. The United States will submit the Consent Order for Court review as soon as the Lonny D. Thomas and Leona Fay Thomas Revocable Trust is named as a proper party defendant.

WHEREFORE, the Plaintiffs respectfully move the Court to enter its order substituting the Lonny D. Thomas and Leona Fay Thomas Revocable Trust as defendant in this action in place of Lonny D. Thomas and Leona Fay Thomas.

DATED: April 10, 2006

Respectfully submitted,



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COUNSEL FOR THE UNITED STATES

(telephonic approval 4/10/2006)

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COUNSEL FOR THE STATE OF NEW MEXICO
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I hereby certify that, on April 10, 2006, a copy of the forgoing *Motion For*

Substitution Of Parties was mailed to the following persons:

Via Certified Mail With Request for Waiver of Service:

Lonny D. Thomas and Leona Fay Thomas Revocable Trust
Leona Fay Thomas, Trustee
P.O. Box 705
Fence Lake, NM 87315

Via Regular Mail:

Special Master Vickie L. Gabin
U.S. District Court
District of New Mexico
P.O. Box 2384
Santa Fe, NM 87504-2384

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