

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 1, 2 & 3 (excl. Ramah)
)	
v.)	Subfile ZRB-4-0073
)	
A&R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

MOTION FOR SUBSTITUTION OF PARTY

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 RORY S. GEORGE AND LESIA C. GEORGE for defendants DEAN A. BROWN AND DIANNE C. BROWN in these proceedings. As grounds for this motion, Plaintiffs state as follows:

1. Dean A. Brown and Dianne C. Brown were named as defendants in this matter by the United States’ original Complaint and waived service of process on February 26, 2001. (Filed of record May 13, 2005, Doc. No. 362.)

2. Pursuant to the Special Master’s September 28, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 1, 2, and 3*

(Excluding Ramah) of the Zuni River Stream System (Doc. No. 838), the United States served Dean A. Brown and Dianne C. Brown with a proposed consent order for Subfile ZRB-4-0073 and other required service items.

3. Dean A. Brown and Dianne C. Brown have provided the Form A Change of Ownership and deed copy submitted herewith as Exhibit A. These documents demonstrate that Dean A. Brown and Dianne C. Brown have conveyed title to the property involved in Subfile ZRB-4-0073 to Rory S. George and Lesia C. George. The Form A is signed by both the Browns and the Georges.

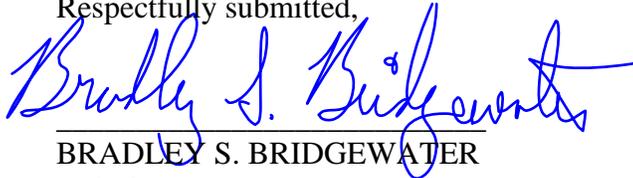
4. The Hydrographic Survey of the Zuni River Stream System has not identified Dean A. Brown and Dianne C. Brown to be potential claimants of any other water rights than those involved in Subfile ZRB-4-0073.

5. Pursuant to Fed.R.Civ.P. 25(a) and (c), this motion is being served on Rory S. George and Lesia C. George in the manner provided in Fed.R.Civ.P. 4(e)(1) and Rule 1-004(E)(3) NMRA for service of a summons.

WHEREFORE, the Plaintiffs respectfully move the Court to enter its order (1) substituting RORY S. GEORGE AND LESIA C. GEORGE as party defendants for DEAN A. BROWN AND DIANNE C. BROWN in these proceedings and (2) dismissing DEAN A. BROWN AND DIANNE C. BROWN as party defendants from this action.

DATED: November 28, 2006

Respectfully submitted,



BRADLEY S. BRIDGEWATER
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COUNSEL FOR THE UNITED STATES

(approved via email 11/28/2006)

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

CERTIFICATE OF SERVICE

I hereby certify that, on November 28, 2006, a copy of the foregoing *Motion For*

Substitution Of Party was mailed to the following persons:

Via Certified Mail, Restricted Delivery:

Rory S. George
Lesia C. George
P.O. Box 308
Sonoita, AZ 85637

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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