

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-4-0351
)	
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 JACK L. WOODS AND B. ELAINE WOODS for defendant PATRICIA RUPPE in these proceedings and dismissing PATRICIA RUPPE as a party defendant. As grounds for this motion, Plaintiffs state as follows:

1. Patricia Ruppe was joined as a defendant in this matter by the Court’s October 31, 2006 *Order Granting Motion to Join Additional Parties Defendant* (Doc. No. 857) and waived service of process on December 4, 2006 (filed of record December 14, 2006, Doc. No. 910).

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 Patricia Ruppe with a proposed consent order for Subfile ZRB-4-0351 and with other required service items.

3. Patricia Ruppe has provided the Form A Change of Ownership and deed copy submitted herewith as Exhibit A. These documents demonstrate that Patricia Ruppe has conveyed title to the property involved in Subfile ZRB-4-0351 to Jack L. Woods and B. Elaine Woods, who were joined as defendants in this case by the United States original Complaint, but have never previously waived service nor been served with a summons in this action.

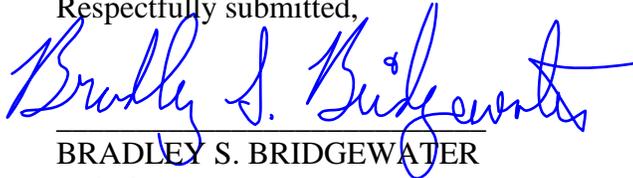
4. The Hydrographic Survey of the Zuni River Stream System has not identified Patricia Ruppe to be a potential claimant of any other water rights than those involved in Subfile ZRB-4-0351.

5. Pursuant to Fed.R.Civ.P. 25(a) and (c), this motion is being served on Jack L. Woods and B. Elaine Woods 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 JACK L. WOODS AND B. ELAINE WOODS as party defendants for PATRICIA RUPPE in these proceedings, and (2) dismissing PATRICIA RUPPE as a party defendant from this action.

DATED: December 15, 2006

Respectfully submitted,



BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294
(303) 844-1359

COUNSEL FOR THE UNITED STATES

(approved via email 12/15/2006)

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Santa Fe, NM 87504
(505) 827-6150

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

CERTIFICATE OF SERVICE

I hereby certify that, on December 15, 2006, a copy of the foregoing *Motion For*

Substitution Of Party was mailed to the following persons:

Via Certified Mail, Restricted Delivery:

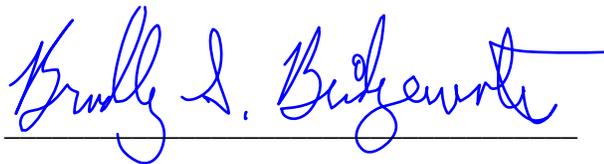
Jack L. Woods
B. Elaine Woods
P.O. Box 22
Caballo, NM 87931

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

Edward Bagley
Office of the State Engineer, Legal Division
P.O. Box 25102
Santa Fe, NM 87504

Patricia Ruppe
P.O. Box 596
Ramah, NM 87321



Bradley L. Budgevick