

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

UNITED STATES OF AMERICA,)	07-cv-00681-BB
ET AL.,)	
)	
PLAINTIFFS,)	
)	
)	ZUNI RIVER BASIN
)	ADJUDICATION
v.)	
)	
)	
STATE OF NEW MEXICO)	
COMMISSIONER OF PUBLIC)	
LANDS, ET AL.,)	
)	Subproceeding 1
DEFENDANTS.)	Zuni Indian Claims
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MOTION TO INTERVENE

COMES NOW, H.C. and Barbara A. Johnson (“Johnsons”), Defendant in the lead case, 01-cv-00072 BB, by and through their counsel of record, Law & Resource Planning Associates, P.C., and hereby file this Motion to Intervene in the member case, 07-cv-00681 BB (“Zuni Subproceeding”), pursuant to Fed. R. Civ. P. 24(a) and (b).

As grounds therefore, the Johnsons state as follows:

1. The Johnsons are defendants in the underlying Zuni Basin Adjudication and as defendants, were entitled to file a Notice of Intent to Participate in the Zuni Subproceeding.
2. Notices of Intent to Participate in the Zuni Subproceeding needed to be filed by October 26, 2007 pursuant to the Court’s Preliminary Procedural and Scheduling Order (Doc. 3, 07-cv-00681) (“Scheduling Order”).
3. The Johnsons did not timely file their Notice of Intent to participate in the Zuni Subproceeding due to not receiving notice of the pending deadline in time to file the Notice of Intent in a timely manner.

4. The Johnsons have recently been out of town for extended periods, and did not receive mail during that time, so were unaware of the pending deadline.

5. H.C. Johnson personally attended the Status Conference before the Special Master held on November 27, 2007 in accordance with the Scheduling Order.

6. The Johnsons have represented themselves thus far in the lead case but will henceforth be represented by counsel and will receive notice of all proceedings through counsel.

7. The Johnsons claim an interest in the Zuni Subproceeding and are so situated that the disposition of this action may as a practical matter impair or impede their ability to protect that interest

8. The Johnsons' interests in the Zuni Subproceeding are not adequately represented by existing parties.

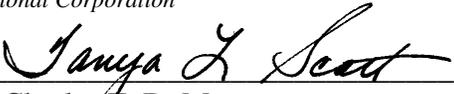
9. The Johnsons' interests in the main proceeding and in the Zuni Subproceeding have common questions of law or fact. No party will be prejudiced by allowing the Johnsons to participate in the Zuni Subproceeding, as the Subproceeding has only recently been commenced and allowing the Johnsons to participate will not result in any delays.

10. No pleading showing the claim or defense of the Johnsons is attached because they are already defendants in the lead case and no answers can yet be filed in the member case.

11. Opposing counsel and pro se parties have been contacted. The following parties do not object to this Motion: United States of America, Pueblo of Zuni, Navajo Nation, Ronald and Marzell Porath, and Daniel G. Cordova. No other party responded to the request for concurrence. No party expressed any objection. A proposed Order is not attached as required by D.N.M.LR-Civ. 7.2 because most parties did not respond to the request for concurrence.

Respectfully submitted,

LAW & RESOURCE PLANNING ASSOCIATES,
A Professional Corporation

By: 

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that, on December 20th, 2007, I filed the foregoing Motion to Intervene electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Filing to be served by electronic means. In addition, the following pro se parties were served by United States mail:

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