

**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
<hr/>		

MOTION TO INTERVENE

COME NOW, Robert J. Wallace, Robert R. Wallace, and Donnie Ray Bogart Lambden, Defendants (“Defendants”) 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 Defendants state as follows:

1. Defendants are parties in the underlying Zuni Basin Adjudication and as defendants, were entitled to file a Notice of Intent to Participate in the Zuni Subproceeding;
2. All three Defendants filed a Notice of Intent to Participate in the Zuni Subproceeding. *See* Doc. Nos. 78, 79 and 85.
3. None of the three Defendants could attend the Status Conference held before the Special Master in Albuquerque, New Mexico on November 27, 2007. Each mistakenly believed

that they could have a non-lawyer representative appear on their behalves pursuant to a signed power of attorney.

4. Kathleen Gibson, who is not an attorney, appeared for the three Defendants at the November status conference with a power of attorney from each of the three Defendants. Copies of the powers of attorney is attached hereto as Exhibit A.

5. The three Defendants have been stricken from the Zuni Subproceeding for failing to personally appear or to have an attorney appear for them at the November status conference. *See* Doc. No. 151.

6. The Defendants each 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;

7. The Defendants' interests in the Zuni Subproceeding are not adequately represented by existing parties;

8. The Defendants' interests in the main proceeding and in the Zuni Subproceeding have common questions of law or fact;

9. No party will be prejudiced by allowing these Defendants to participate in the Zuni Subproceeding, as the Subproceeding has only recently been commenced and allowing them to participate will not result in any delays;

10. Defendants attach as Exhibit B a pleading setting forth the defense for which intervention is sought.

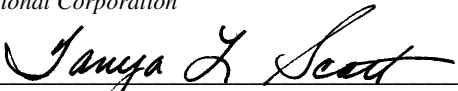
11. All three Defendants acted in good faith in attempting to follow the instructions of the Court by timely returning their Notices of Intent to Participate and by having another defendant attempt to appear on their behalves.

12. Opposing counsel and pro se parties have been contacted. No one expressed any objection to the Motion.

WHEREFORE, Robert J. Wallace, Robert R. Wallace and Donnie Ray Bogart Lambden respectfully request that the Court enter an Order allowing them to participate in the Zuni Subproceeding.

Respectfully submitted,

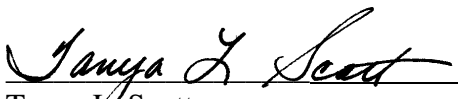
LAW & RESOURCE PLANNING ASSOCIATES,
A Professional Corporation

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 3, 2008, I filed the foregoing pleading electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Filing to be served by electronic means .


Tanya L. Scott