

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

UNITED STATES OF AMERICA	)	
and	)	<b>07cv00681-BB</b>
ZUNI INDIAN TRIBE	)	
Plaintiffs,	)	ZUNI RIVER BASIN
	)	ADJUDICATION
-v-	)	
	)	
STATE OF NEW MEXICO, <i>ex rel.</i> State	)	<b>Subproceeding 1</b>
ENGINEER, <i>et al.</i>	)	<b>Zuni Indian Claims</b>
Defendants	)	
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**NOTICE OF EXPEDITED *INTER SE* SUBPROCEEDING FOR SUBPROCEEDING 1**

TO: ALL PERSONS CLAIMING WATER RIGHTS IN THE ZUNI RIVER STREAM SYSTEM, ITS TRIBUTARIES AND ASSOCIATED UNDERGROUND WATER BASIN WITHIN THE STATE OF NEW MEXICO, INCLUDING PERSONS PREVIOUSLY JOINED AS DEFENDANTS IN THE ABOVE-CAPTIONED ACTION AND ALL UNKNOWN CLAIMANTS OF INTEREST.

**PLEASE READ THIS NOTICE CAREFULLY. IT DESCRIBES THE ONLY OPPORTUNITY YOU WILL HAVE TO PARTICIPATE IN THE ADJUDICATION OF WATER RIGHTS CLAIMED IN THE ZUNI RIVER STREAM SYSTEM ON BEHALF OF THE ZUNI TRIBE AND ITS MEMBERS (THE “ZUNI INDIAN CLAIMS”). PLEADINGS FILED IN THIS SUBPROCEEDING MUST INCLUDE THE CASE CAPTION AS SET FORTH ABOVE, OR THEY WILL NOT BE RECOGNIZED IN THIS SUBPROCEEDING.**

YOU ARE HEREBY NOTIFIED that the United States, on May 11, 2007, initiated this subproceeding by filing the *United States' Subproceeding Complaint And Statement Of Claims For Water Rights On Behalf Of, And For The Benefit Of, The Zuni Indian Tribe And Zuni Allottees* (Doc. No. 1 in this case, No. 07cv00681, and Doc. No. 1125, No. 01cv00072) (“U.S. Subproceeding Complaint”). In addition, on July 27, 2007, the Zuni Indian Tribe filed its *Supplemental Subproceeding Complaint* (Doc. No. 2 in this case) (“Zuni Supplemental Subproceeding Complaint”). These documents are available for copying at the pleading repository for the Zuni adjudications at the University of New Mexico’s Zollinger Library in Gallup, New Mexico; and at the Office of the State Engineer, Litigation and Adjudication Program, in Santa Fe, New Mexico. In addition, the documents may be downloaded in Portable Document Format (PDF) from the “Court Documents, Decisions, Orders, Etc.” page at: <http://www.zunibasin.com>.

You may also obtain a copy of the U.S. Subproceeding Complaint and the Zuni Supplemental Subproceeding Complaint by sending a written request to Bradley S. Bridgewater, U.S. Department of Justice, 1961 Stout St., 8<sup>th</sup> Floor, Denver, CO 80294.

## **Subproceeding 1**

The Court has established Subproceeding 1 in order to efficiently conduct the adjudication of the Zuni Indian Claims. All water rights claimants in the Zuni River stream system will receive this notice and have the opportunity to object to claims filed in this subproceeding, and to participate in the presentation to the Court of evidence and legal arguments concerning such claims. The adjudication of these claims will proceed to a partial final decree which shall be binding on all water rights claimants, known and unknown, in the Zuni River stream system, regardless of whether they choose to participate as parties in Subproceeding 1, and will therefore affect these other parties' rights to challenge the Zuni Indian Claims. However, Subproceeding 1 does not involve the adjudication of the water rights of other parties, including those of subfile defendants, of the Navajo Nation and its members, or of the United States in its proprietary capacity or in its capacity as trustee for the benefit of the Navajo Nation or Navajo Nation members.

### **Rights and Options of Water Right Owners:**

If you claim water rights in the Zuni River stream system, its tributaries or associated underground water basin, you have the following rights and options:

1. You may do nothing. If you do not wish to participate in the adjudication of the Zuni Indian Claims, you do not have to take any further action. In that case, you may be bound by any partial final decree entered by the Court concerning the Zuni Indian Claims.
2. You may file a *Notice of Intent to Participate in Subproceeding 1* using the attached form. If you wish to participate in the adjudication of the Zuni Indian Claims, you must, **no later than October 26, 2007**, file a *Notice of Intent to Participate in Subproceeding 1* with the Clerk's Office of the U.S. District Court, 106 S. Federal Place, Santa Fe, NM 87501, using the form appearing at the end of this document and following the instructions. If you retain an attorney, that attorney must follow the instructions on the form. Filing a *Notice of Intent to Participate in Subproceeding 1* constitutes a voluntary appearance and affirmative submission to the jurisdiction of this Court with respect to all matters in the lead case, No. 01cv00072-BB, as well as those involved in Subproceeding 1, No. 07cv00681-BB. **Any party that fails to file a timely *Notice of Intent to Participate in Subproceeding 1* may not later object to the Zuni Indian Claims, unless pursuant to an order of the Court granting a motion to intervene in Subproceeding 1 consistent with Fed. R. Civ. P. 24.**

If you file a *Notice of Intent to Participate in Subproceeding 1* by October 26, 2007, you must attend a scheduling conference for further proceedings, to be held before the Special Master on November 27, 2007, at a time and place to be announced. **Any party not appearing at the planning and scheduling conference in person or by counsel will thereafter be precluded from participating in Subproceeding 1, notwithstanding the filing of a timely *Notice of Intent to Participate in Subproceeding 1*.**

This Notice approved this \_\_\_\_ day of \_\_\_\_\_, 2007.

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SPECIAL MASTER

