

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,)	
)	
v.)	
)	
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(a) to issue its order substituting JACQUELINE ROSSIGNOL-SELLIER & DENNIS BLACK for defendant DANIEL C.L. SELLIER in these proceedings. As grounds for this motion, Plaintiffs state as follows:

1. Daniel C.L. Sellier 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).
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

Daniel C.L. Sellier with a proposed consent order for Subfile ZRB-4-0357 and with other required service items.

3. Jacqueline Rossignol-Sellier returned the Waiver of Service of Summons for Daniel C.L. Sellier indicating that Mr. Sellier was deceased and that she was the personal representative of the decedent's estate. After further inquiry by counsel for the United States, Ms. Rossignol-Sellier provided the Form A Change of Ownership and recorded warranty deed, copy attached hereto as Exhibit A, which establish that Ms. Rossignol-Sellier and Dennis Black are now the owners of the property involved in Subfile ZRB-4-0357.

4. The Hydrographic Survey of the Zuni River Stream System has not identified Daniel C.L. Sellier, or his Estate, to be a potential claimant of any other water rights than those involved in Subfile ZRB-4-0357.

5. Pursuant to Fed.R.Civ.P. 25(a) and (c), this motion is being served on Jacqueline Rossignol-Sellier and Dennis Black 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 substituting JACQUELINE ROSSIGNOL-SELLIER & DENNIS BLACK for defendant DANIEL C.L. SELLIER in these proceedings.

DATED: March 8, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
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COUNSEL FOR THE UNITED STATES

(approved via email 3/7/2007)
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COUNSEL FOR THE STATE OF NEW MEXICO
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 8, 2007, I filed the foregoing *Motion For Substitution Of Party* electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participants in the manner indicated:

Via Certified Mail, Restricted Delivery:

Jacqueline Rossignol-Sellier &
Dennis Black
HC 61, Box 816
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