

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

01cv00072 BDB-ACE

STATE OF NEW MEXICO, *ex rel*
State Engineer, A& R Productions, *et al.*,
Defendants,

ZUNI RIVER ADJUDICATION

**ORDER GRANTING MOTIONS TO INTERVENE
AND RE-ALIGNING THE PARTIES**

THIS MATTER is a part of the general adjudication of all water rights in the Zuni River stream system. It is before the Court on the Zuni Tribe's April 20, 2001 (Docket No. 48) and the Navajo Nation's September 7, 2001 (No. 88) motions to intervene. On June 10, 2002 (No. 135), the Court lifted its March 1, 2001 (No. 3) stay for the limited purpose of addressing these motions. Only defendant Petranto and the State responded.

The 10th Circuit has recognized that the Tribes may intervene as a matter of right under Fed. R. Civ. Proc. 24(a) in a water adjudication which addresses their rights. New Mexico ex rel. Reynolds v. Aamodt, 537 F.2d 1102, 1106 (10th Cir. 1976), *cert. denied* 429 U.S. 1121 (1977). Therefore, the motions to intervene shall be GRANTED and the Tribe and the Nation shall be RE-ALIGNED as Plaintiffs-in-Intervention in the amended complaint.

IT IS SO ORDERED

/electronic signature/
BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE