

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
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	
)	
v.)	
)	
A&R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

**MOTION TO JOIN ALL UNKNOWN CLAIMANTS AS ADDITIONAL PARTIES
DEFENDANT**

The United States of America (“United States”) hereby respectfully requests the Court to join as additional parties defendant all unknown claimants of interest to water in the Zuni River stream system in New Mexico and order the parties to answer the United States’ Complaint in this action as required in any civil action in the United States District Court or suffer default judgment against the parties. In support of this motion, the United States asserts:

1. The United States has completed a hydrographic survey of all portions of the Zuni River Basin in New Mexico and has made a diligent effort to identify and locate all persons who may claim any interest or right to the use of the waters of the Zuni River stream system in New Mexico.

2. In pertinent part, NMSA 1978, Section 72-4-17 provides that, in any suit for the determination of rights to use the waters of a stream system, “all unknown persons who may claim any interest or right to the use of the waters of . . . such system . . . may be made parties . . . said unknown persons by the name and style of unknown claimants of interest to water in such stream system”

3. The water uses, or claims to the right to use water, of these parties are subject to the laws of the State of New Mexico and the United States. This Court has exclusive jurisdiction to adjudicate all claims to the right to divert, store, or use public waters of the Zuni River stream system in New Mexico.

2. The unknown claimants are being joined at this time because the United States’ hydrographic survey has examined the available sources of information concerning water uses in the Zuni River stream system in New Mexico senior to December 4, 2008 with reasonable diligence and it now appears unlikely that further effort to identify unknown claimants will be fruitful, or is warranted.

3. For the benefit of other parties, and by way of explanation, the United States asserts that motions to add additional defendants, dismiss defendants, correct defendants’ names, and take other corrective action, are parts of an on-going process made necessary by the hydrographic survey, defendants’ responses, and other kinds of new information received during the course of this adjudication. The United States advances such motions primarily for the purpose of ensuring that the Court’s records indicate as accurately as possible the persons or entities that are parties to this case.

DATED: May 8, 2009

Electronically Filed

/s/Bradley S. Bridgewater

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on May 8, 2009, I filed the foregoing *Motion To Join All Unknown Claimants As Additional Parties Defendant* electronically through the CM/ECF system, which caused CM/ECF participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

_____/s/_____
Bradley S. Bridgewater