

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

UNITED STATES OF AMERICA,)
 and)
 STATE OF NEW MEXICO, *ex rel.* STATE)
 ENGINEER,)
)
 Plaintiffs,)
)
 and)
)
 ZUNI INDIAN TRIBE, NAVAJO NATION,)
)
 Plaintiffs in Intervention,)
)
 v.)
)
 A&R PRODUCTIONS, et al.,)
)
 Defendants.)
 _____)

No. 01cv00072 MV/LFG

 ZUNI RIVER BASIN
 ADJUDICATION

MOTION TO JOIN ADDITIONAL PARTY DEFENDANT

The United States of America (“United States”) hereby respectfully requests the Court to join the person named below as an additional party defendant, and order the defendant to plead or otherwise defend in this action as required in any civil action in the United States District Court or suffer default judgment. In support of this motion, the United States asserts:

1. The person listed below is diverting and using or may claim a right to divert and use surface or underground waters within the Zuni River stream system in New Mexico:

Subfile No. ¹	Defendant
ZRB-2-0068	SANDARA VICTORIA MCAVOY AS TRUSTEE OF THE WALTER JIM MCAVOY AND PHYLLIS M. MCAVOY REVOCABLE TRUST HC 31, BOX 11 FENCE LAKE, NM 87315

The water uses, or claims to the right to use water, of this party 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 person listed above may be diverting and using water associated with the subfile number indicated, or may otherwise be using or diverting surface or underground waters within the Zuni River stream system.

3. The person listed above is being joined at this time as a result of updated ownership information obtained during the consultation process and, together with a previously-joined co-trustee, has accepted a consent order for the referenced subfile.

4. 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

¹ The United States provides Subfile Numbers in motions to join only for tracking purposes, and not to limit in any way the scope of the joinder sought.

purpose of ensuring that the Court's records indicate as accurately as possible the persons or entities that are parties to this case.

DATED: June 5, 2013

Electronically Filed

/s/Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

U.S. Department of Justice

South Terrace, Suite 370

999 18th Street

Denver, CO 80202

(303) 844-1359

COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 5, 2013, I filed the foregoing *Motion To Join Additional Party 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