

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**UNITED STATES,**

**Plaintiff,**

**vs.**

**NO. CIV-01-0072 BB/WWD**

**STATE OF NEW MEXICO ENGINEER, et al.,**

**Defendants.**

**REQUEST FOR JUDICIAL NOTICE**

Defendant Paul Petranto, by and through his defense counsel, William G. Stripp, hereby requests the Court to take judicial notice pursuant to Federal Rule of Evidence 201 of the following cases and decisions:

1. On April 27, 1979, the Zuni Tribe filed The Zuni Indian Tribe of New Mexico vs. The United States of America, United States Court of Claims case number 161-79 L. The Zuni Tribe brought the action to recover “just and adequate compensation for the taking by the United States of the lands and interests in lands held by aboriginal title or otherwise by the Zuni Tribe which were taken and acquired by the United States without the payment of just and adequate compensation”. On January 18, 1991, a Stipulation for Compromise Settlement and Entry of Final Judgment was filed. On January 22, 1991, a Judgment in the amount of \$25 million was entered.

2. On October 5, 1982, the Zuni Tribe filed the Zuni Tribe of New Mexico vs. City of Gallup, the State of New Mexico, Town of Ramah, et al., United States District Court for the District of New Mexico, case number 82-1135 M. On April 1, 1985, the case was dismissed without prejudice.

3. On September 4, 1984, City of Gallup, Ramah Water & Sanitation District, Ramah Valley Acequia Community Ditch Association, and Ramah Land and Irrigation Company vs. United States on its own behalf and on behalf of its wards, Zuni Indian Tribe of New Mexico, State of New Mexico, et al. was filed as State of New Mexico, McKinley County District Court case number CV-84-164. On March 28, 1985, the City of Gallup, the United States of America, the Zuni Indian Tribe, and the State of New Mexico filed their stipulation to dismiss US and Zuni Tribe vs. City of Gallup and to stay City of Gallup vs. US for 5 years. The parties entered into several additional stipulations, including an agreement between the United States and the State Engineer to enter into a cooperative arrangement to study the water resources and existing water uses in the Zuni River basin, and to pledge their “best efforts” to complete the study. The United States agreed that the BIA would complete a computer modeling study of the groundwater resources of the area. The United States and the State Engineer agreed that they would cooperate in conducting a hydrographic study of existing water uses according to established State Engineer Office standards. The United States and the State Engineer recognized that “time is of the essence”, and agreed to make every

reasonable effort to complete all facets of the comprehensive studies within five years.

The parties recognized their right to seek relief from the court to the extent that any party deemed their rights under the agreement to be violated. On March 8, 1990, City of Gallup vs. US was dismissed with prejudice for failure to bring the action to a final determination. None of the parties contested the dismissal with prejudice.

Date: April 24, 2001

Respectfully submitted,

----signed electronically-----

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**CERTIFICATE OF MAILING**

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