

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 TO DISMISS PARTY DEFENDANT

The Plaintiff United States of America (“United States”) and State of New Mexico *ex rel.* State Engineer (“State”) hereby moves the Court pursuant to Fed. R. Civ. P. 21 to dismiss Defendant PAUL BERNETT from this action. In support of this motion, the United States asserts:

1. The property that Paul Burnett previously owned within the geographical scope of this adjudication has been conveyed to another party.
2. The United States’ hydrographic survey of the Zuni Basin has not identified any water uses that may be owned by Mr. Burnett.

WHEREFORE, the Plaintiff respectfully moves the Court to enter its order dismissing Defendant Paul Burnett from these proceedings.

DATED: May 25, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley S. Bridgewater", written over a horizontal line.

BRADLEY S. BRIDGEWATER

U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294
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COUNSEL FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that, on May 25, 2006, a copy of the forgoing *Motion To Dismiss*

Party Defendant was mailed to the following persons:

Via Regular Mail:

Special Master Vickie L. Gabin
U.S. District Court
District of New Mexico
P.O. Box 2384
Santa Fe, NM 87504-2384

Edward Bagley
Office of the State Engineer, Legal Division
P.O. Box 25102
Santa Fe, NM 87504

Paul Bennett
P.O. Box 2187
Tijeras, NM 87059

A handwritten signature in black ink, reading "Bradley J. Budge", is written over a horizontal line. The signature is cursive and includes a long horizontal stroke at the end.