

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,	)	Sub-areas 1, 2 & 3 (excl. Ramah)
	)	
v.	)	Subfile ZRB-4-0423
	)	
A&R PRODUCTIONS, et al.	)	
	)	
Defendants.	)	
_____	)	

**MOTION FOR SUBSTITUTION OF PARTY**

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The Plaintiffs United States of America (“United States”) and State of New Mexico *ex rel.* State Engineer (“State”) hereby move the Court pursuant to Fed. R. Civ. P. 25(c) to issue its order substituting CRAIG A. BALIK AND MARSHA E. BALIK for defendants JAMES G. KNAPP AND STEPHANIE M. KNAPP in these proceedings. As grounds for this motion, Plaintiffs state as follows:

1. James G. Knapp and Stephanie M. Knapp were joined as defendants in this matter by the Court’s October 31, 2006 *Order Granting Motion to Join Additional Parties Defendant* (Doc. No. 857).

2. Pursuant to the Special Master’s September 28, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 1, 2, and 3*

*(Excluding Ramah)* of the Zuni River Stream System (Doc. No. 838), the United States served James G. Knapp and Stephanie M. Knapp with a proposed consent order for Subfile ZRB-4-0423 and with other required service items.

3. James G. Knapp and Stephanie M. Knapp have provided the Form A Change of Ownership and deed copy submitted herewith as Exhibit A. These documents demonstrate that James G. Knapp and Stephanie M. Knapp, on July 17, 2006, conveyed title to the property involved in Subfile ZRB-4-0423 to Craig A. Balik and Marsha E. Balik.

4. The Hydrographic Survey of the Zuni River Stream System has not identified James G. Knapp and Stephanie M. Knapp to be potential claimants of any other water rights than those involved in Subfile ZRB-4-0423.

5. Pursuant to Fed.R.Civ.P. 25(a) and (c), this motion is being served on Craig A. Balik and Marsha E. Balik in the manner provided in Fed.R.Civ.P. 4(e)(1) and Rule 1-004(E)(3) NMRA for service of a summons.

WHEREFORE, the Plaintiffs respectfully move the Court to enter its order (1) substituting CRAIG A. BALIK AND MARSHA E. BALIK as party defendants for JAMES G. KNAPP AND STEPHANIE M. KNAPP in these proceedings; and (2) dismissing JAMES G. KNAPP AND STEPHANIE M. KNAPP as party defendants from this action.

DATED: January 31, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
U.S. Department of Justice  
1961 Stout Street – 8<sup>th</sup> Floor  
Denver, CO 80294  
(303) 844-1359

COUNSEL FOR THE UNITED STATES

(approved via email 1/31/2007)  
EDWARD BAGLEY  
Office of the State Engineer, Legal Division  
P.O. Box 25102  
Santa Fe, NM 87504  
(505) 827-6150

COUNSEL FOR THE STATE OF NEW MEXICO  
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 31, 2007, I filed the foregoing *Motion For Substitution Of Party* electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

**Edward C Bagley**

lula.valdez@state.nm.us,edward.bagley@state.nm.us,connie.flint@state.nm.us,arianne.singer@state.nm.us,marjorie.dryden@state.nm.us,fred.kipnes@state.nm.us,vina.gallegos@state.nm.us

**Bidtahn Becker**

bidtahnbecker@navajo.org

**Bradley S. Bridgewater**

hjaafar@nrce.com,jennifer.vaughn2@usdoj.gov,bradley.s.bridgewater@usdoj.gov,yvonne.marsh@usdoj.gov

**James C. Brockmann**

jcbrockmann@newmexicowaterlaw.com

**Christina J Bruff**

cjb@lrpa-usa.com

**Kenneth J. Cassutt**

kencass@chflaw.com

**William J. Cooksey**

wcooksey@dcbf.net

**Jeffrey A. Dahl**

dahljeffrey@comcast.net,rlddms@aol.com

**Charles T. DuMars**

ctd@lrpa-usa.com

**Raymond Hamilton**

raymond.hamilton@usdoj.gov,USANM.ECFCivil@usdoj.gov,Rosemarie.Garcia@usdoj.gov

**Stephen G. Hughes**

shughes@slo.state.nm.us

**Robert A. Johnson**

rjohnson@jn-law.com,cmuggaberg@jn-law.com,sbowersock@jn-law.com

**Susan C Kery**

sck@ssslawfirm.com,tmm@ssslawfirm.com

**Jane Marx**

janemarx@earthlink.net

**Stephen R. Nelson**

snelson@jn-law.com,cmuggaberg@jn-law.com,sbowersock@jn-law.com

**Tanya L. Scott**

tls@lrpa-usa.com

**Peter B. Shoenfeld**

petershoenfeld@qwest.net

**William G. Stripp**

stripp@wildblue.net

**John W. Utton**

jwu@ssslawfirm.com,djs@ssslawfirm.com

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participants in the manner indicated:

**Via Certified Mail, Restricted Delivery:**

Craig A. Balik  
Marsha E. Balik  
17440 E. Santa Rosa Lane  
Fountain Hills, AZ 85268

**Via Regular Mail:**

James G. Knapp  
Stephanie M. Knapp  
5501 E. Kings Ave.  
Scottsdale, AZ 85254