

Gale C. Henke, Robert Ray Heine, Frances L. or James M. Herman, Hoffman Living Trust Dated 9-25-02 by DeAnn Hoffman & Karl A. Hoffman, Natalou Hyder, Trustee of Leslie Hyder Trust, Wallace H. Jackson Jr., M. Bruce Lambson, Diane Richins, Kathleen Dolly, Linda Faye Lehman, Alan & Elizabeth Lewis, Cindy Lewis, James Rankin Lewis, Sr., James R. Lewis, Jr., Jamie Lewis, Cindy Lewis, Gilbert Leyba, De Ann Leyba, Edward L. Link, Jane C. Martin, Janell Renee Martin, Lawrence Smith Martin, Anthony Charles Matkovich, Penny Carlene Matkovich, George McBeath, Mary Ann McBeath, Robert D. McClanahan, Fay B. Merrill, Robert E. Merrill, MORC Limited Partnership, Joe Milosevich, John E. Murphy, Sharon Murphy, John E. & Sharon L. Murphy Revocable Trust, Bonnie I. Myers, Martin I. Myers, Billie I. Navarre Revocable Trust, Kay Navarre Latham, Personal Representative, Colin E. O'Neill, Johanne O'Neill, Linda Vanderwagon Ortega, Irwin Pablo, Patricia Pablo, Karen Pettit, Trustee, Steven Pettit, Trustee, Leo Chester and Bessie Ruth Pollak, Ronald Porath, Marzella Porath, Sleet Raney, Julia Raney, Joseph William Schepps, Theodore B. Schnaidt, Janet Fay Scott, Jana Lee Scott, Leslie S. Reese, Louis H. Scott, Raquel Phillips-Scott, W.A. Scott, John L Selesky, Beatrice G. Selesky, Donald E. Sharp, Larry O. Smith, Jr., Rosemary Smith, Sandra Turley Spencer, George L. Strauss, Martha Jean Strauss,, JoAnn Strickland, JoAnn Strickland Trust, David W. Swindle, Linda J. Swindle, Franklin Dennis Turley, Patsy Ruth Turley, Sandra Dee Turley, Richard K. White, Raymond A. Wiggins, J.E. Wilcox, Winnie Mae Wilcox, J.E. and Minnie Mae Wilcox Trust, Tony Williams, Michelle Winfield, Robert Winfield, and the Western New Mexico Water Preservation Association, through their undersigned attorneys, and move the Court as follows:

1. For an Order allowing the filing *nunc pro tunc* as of October 26, 2007 of all Notices of Intent to Participate in the Zuni Subproceeding for the foregoing persons and entities, all of which were received by Law & Resource Planning Associates, P.C. on or prior to October

26, 2007. All of the referenced Notices of Intent to Participate have previously been filed with the Court. *See* Doc. Nos. 124, 125, 126, 127, 136;

2. For an Order amending the Special Master's Initial Scheduling and Planning Order, Section 2.2.1, to include each of the foregoing persons and entities as participants in the Zuni Subproceeding of the Zuni Basin Adjudication.

3. For leave to file an Answer by the foregoing persons and entities in the form previously filed with the Court as Document 185 within ten days of entry of any Order granting this Motion.

As grounds for this Motion, the above state as follows:

1. Each of the above persons or entities filed with the Federal District Court Intent to Participate in the Zuni Subproceeding. *See* Doc. Nos. 124, 125, 126, 127, 136.

2. All of the Notices of Intent to Participate were received by Law & Resource Planning Associates on or before October 26, 2007.

3. Because of technical difficulties encountered with the Court's electronic filing system on October 26, 2007, filing of the Notices of Intent was not completed until after the deadline of October 26, 2007.

4. On November 27, 2007, Tanya L. Scott from Law & Resource Planning Associates, P.C. appeared on behalf of each of the named persons or entities at the status conference held in Albuquerque, New Mexico.

5. The Special Master's Initial Scheduling and Planning Order entered January 3, 2008 does not include the Movants. *See* Doc. No. 151.

6. The Movants, through their attorneys, will file an Answer in the form previously filed with the Court as Doc. No. 185, within ten days of entry of any Order granting this Motion.

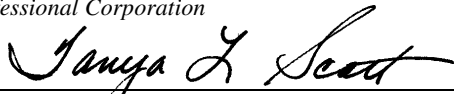
7. A proposed form of Order accompanies this Motion and is attached hereto.

WHEREFORE, the listed persons and/or entities pray the Court to file their Notices of Intent to Participate *nunc pro tunc* as of October 26, 2007, enter an Order amending the Special Master's Initial Scheduling and Planning Order (Doc. No. 151) to include each named person and/or entity and enter an Order allowing each named person and/or entity to file an Answer within ten days of entry of any Order granting this Motion.

Counsel for Plaintiffs have been contacted and do not oppose this Motion.

Respectfully submitted,

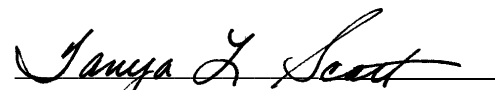
LAW & RESOURCE PLANNING ASSOCIATES,
A Professional Corporation

By: 

Charles T. DuMars
Tanya L. Scott
Attorneys at Law
Albuquerque Plaza, 201 3rd Street NW, Ste. 1750
Albuquerque, NM 87102
(505) 346-0998 / FAX: (505) 346-0997

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 28, 2008, I filed the foregoing pleading electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Filing to be served by electronic means.


Tanya L. Scott