

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

UNITED STATES OF AMERICA)	
and)	07cv00681-BB
ZUNI INDIAN TRIBE)	
Plaintiffs,)	ZUNI RIVER BASIN
)	ADJUDICATION
-v-)	
)	
STATE OF NEW MEXICO, <i>ex rel.</i> State)	Subproceeding 1
ENGINEER, <i>et al.</i>)	Zuni Indian Claims
Defendants)	
_____)	

ORDER DENYING MOTION TO STRIKE

This matter came before the Special Master upon the February 4, 2008, Plaintiff United States of America’s Motion to Strike Answer Filed by Non-Parties (Docket No. 186), Various Defendants’ Responses (February 14, 2008, No. 198), and Reply in Support of Motion to Strike (February 22, 2008, No. 204). This matter was discussed with involved counsel and the Special Master at a scheduling and case management conference held August 27, 2008. Having reviewed the pleadings, heard the comments by counsel and agreements of counsel, and being otherwise fully informed in the premises, I find:

1. The United States’ Motion, insofar as it refers to individual water rights claimants, should be denied as moot. The September 5, 2008, Order Granting in Part Motion for Leave to File *Nunc Pro Tunc* (No. 261) permitted the inclusion in this action of individuals represented by Tanya L. Scott, Esq..

2. The Western New Mexico Water Preservation Association (WNMWWPA) is not a party to this Subproceeding and cannot appear as a defendant herein.

WHEREFORE, IT IS HEREBY ORDERED:

1. The United States' Motion to Strike the Answer of Non-Parties (Doc. 186) is DENIED as substantially moot.

2. That the Western New Mexico Water Preservation Association ("WNMWPA") is not a party to this Subproceeding and cannot appear as a Defendant in this Subproceeding.

IT IS SO ORDERED.

Vickie L. Gabin

SPECIAL MASTER