

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

UNITED STATES OF AMERICA)	
and)	12cv01298-MV/LFG
NAVAJO NATION)	
Plaintiffs,)	ZUNI RIVER BASIN
)	ADJUDICATION
-v-)	
)	
STATE OF NEW MEXICO, <i>ex rel.</i> State)	Subproceeding 2
ENGINEER, <i>et al.</i>)	Navajo Indian Claims
Defendants)	
_____)	

**NOTICE OF EXPEDITED INTER SE SUBPROCEEDING
FOR SUBPROCEEDING 2**

TO: ALL PERSONS CLAIMING WATER RIGHTS IN THE ZUNI RIVER STREAM SYSTEM, ITS TRIBUTARIES AND ASSOCIATED UNDERGROUND WATER BASIN WITHIN THE STATE OF NEW MEXICO, INCLUDING PERSONS PREVIOUSLY JOINED AS DEFENDANTS IN THE ABOVE-CAPTIONED ACTION AND ALL UNKNOWN CLAIMANTS OF INTEREST.

PLEASE READ THIS NOTICE CAREFULLY. IT DESCRIBES THE ONLY OPPORTUNITY YOU WILL HAVE TO PARTICIPATE IN THE ADJUDICATION OF WATER RIGHTS CLAIMED IN THE ZUNI RIVER STREAM SYSTEM ON BEHALF OF THE NAVAJO NATION AND ITS MEMBERS (THE “NAVAJO INDIAN CLAIMS”). PLEADINGS FILED IN THIS SUBPROCEEDING MUST INCLUDE THE CASE CAPTION AS SET FORTH ABOVE, OR THEY WILL NOT BE RECOGNIZED IN THIS SUBPROCEEDING.

YOU ARE HEREBY NOTIFIED that the United States, on December 13, 2012, initiated this subproceeding by filing the *United States' Subproceeding Complaint and Statement of Claims for Water Rights on Behalf of, and for the Benefit of, the Navajo Nation and Navajo Allottees (No. 1)* (“U.S. Subproceeding Complaint”). In addition, on April 30, 2013, the Navajo Nation filed the *Supplemental Subproceeding Complaint of the Navajo Nation (No. 3)* (“Navajo Supplemental Subproceeding Complaint”). These documents are available for copying at the pleading repository for the Zuni adjudications at the University of New Mexico’s Zollinger Library in Gallup, New Mexico; and at the Office of the State Engineer, Litigation and Adjudication Program, in Santa Fe, New Mexico. In addition, the documents may be downloaded in Portable Document Format (PDF) from the “Court Documents, Decisions, Orders, Etc.” page at: <http://www.zunibasin.com>.

You may also obtain a copy of the U.S. Subproceeding Complaint and the Navajo Supplemental Subproceeding Complaint by sending a written request to Bradley S. Bridgewater, U.S. Department of Justice, South Terrace, Suite 370, 999 18th Street, Denver, CO 80202.

Subproceeding 2

The Court has established Subproceeding 2 in order to efficiently conduct the adjudication of the Navajo Indian Claims. All water rights claimants in the Zuni River stream system will receive this notice and have the opportunity to object to claims filed in this subproceeding, and to participate in the presentation to the Court of evidence and legal arguments concerning such claims. The adjudication of these claims will proceed to a partial final decree which shall be binding on all water rights claimants, known and unknown, in the Zuni River stream system, regardless of whether they choose to participate as parties in Subproceeding 2, and will therefore affect these other parties' rights to challenge the Navajo Indian Claims. However, Subproceeding 2 does not involve the adjudication of the water rights of other parties, including those of subfile defendants, of the Zuni Indian Tribe and its members, or of the United States in its proprietary capacity or in its capacity as trustee for the benefit of the Zuni Indian Tribe or Zuni Indian Tribe members.

Rights and Options of Water Right Owners:

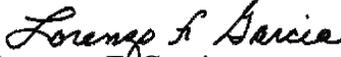
If you claim water rights in the Zuni River stream system, its tributaries or associated underground water basin, you have the following rights and options:

1. You may do nothing. If you do not wish to participate in the adjudication of the Navajo Indian Claims, you do not have to take any further action. In that case, you may be bound by any partial final decree entered by the Court concerning the Navajo Indian Claims.
2. You may file a *Notice of Intent to Participate in Subproceeding 2* using the attached form. If you wish to participate in the adjudication of the Zuni Indian Claims, you must, **no later than November 15, 2013**, file a *Notice of Intent to Participate in Subproceeding 2* with the Clerk's Office of the U.S. District Court, 106 S. Federal Place, Santa Fe, NM 87501, using the form appearing at the end of this document and following the instructions. If you retain an attorney, that attorney must follow the instructions on the form. Filing a *Notice of Intent to Participate in Subproceeding 2* constitutes a voluntary appearance and affirmative submission to the jurisdiction of this Court with respect to all matters in the lead case, No. 01cv00072-MV/LFG, as well as those involved in Subproceeding 2, No. 12cv01298-MV/LFG. **Any party that fails to file a timely *Notice of Intent to Participate in Subproceeding 2* may not later object to the Navajo Indian Claims, unless pursuant to an order of the Court granting a motion to intervene in Subproceeding 2 consistent with Fed. R. Civ. P. 24.**

If you file a *Notice of Intent to Participate in Subproceeding 2* by **November 15, 2013**, you must attend a scheduling conference for further proceedings, to be held on November 26, 2013, at a time and place to be announced. **Any party not appearing at the planning and scheduling conference in person or by counsel will thereafter be precluded from participating in**

Subproceeding 2, notwithstanding the filing of a timely *Notice of Intent to Participate in Subproceeding 2.*

The United States is ordered to serve this notice on all water rights claimants in the Zuni River stream system.


Lorenzo F. Garcia
UNITED STATES MAGISTRATE JUDGE

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NOTICE OF INTENT TO PARTICIPATE IN SUBPROCEEDING 2

The party named below claims water rights in the Zuni River stream system and intends to participate in the adjudication of the water rights claimed on behalf of the Navajo Nation, or on behalf of the beneficiaries of federal allotments to Navajo Indians, in this subproceeding.

PLEASE TYPE OR PRINT:

FULL NAME OF PARTY: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: _____ E-MAIL: _____

Is this notice filed by an attorney on behalf of the party? Yes No

If the answer to the preceding question is "Yes," **NO LATER THAN November 15, 2013**, the attorney must enter an appearance electronically pursuant to D.N.M.LR-Civ. 83.4, and the CM/ECF Administrative Procedures Manual, and attach this notice completely filled out and signed by the client party.

I understand that I (or my attorney) must also attend the scheduling conference to be held on November 26, 2013, at a time and place to be announced, in order to be allowed to participate in Subproceeding 2.

Signed: _____ Dated: _____

PARTY

If you are not represented by an attorney, the Court must receive this Notice by mail or hand-delivered NO LATER THAN November 15, 2013 at: Clerk's Office, U.S. District Court, 106 So. Federal Place, Santa Fe, New Mexico 87501.