

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

**STATE OF NEW MEXICO**  
**State Engineer,** *ex rel.*

**Plaintiff,**

v.

**No. 66cv06639 WJ/WPL**

**R. LEE AAMODT,**  
*et al.,*  
**Defendants.**

**and**  
**UNITED STATES OF AMERICA,**  
**PUEBLO DE NAMBE,**  
**PUEBLO DE POJOAQUE,**  
**PUEBLO DE SAN ILDEFONSO,**  
**and PUEBLO DE TESUQUE,**  
**Plaintiffs-in-Intervention**

**FIFTH MOTION TO JOIN PRE-BASIN CLAIMANTS AS  
ADDITIONAL PARTIES DEFENDANT**

The State of New Mexico, *ex rel.* State Engineer (“State”) hereby respectfully requests the Court to join as additional parties defendant the person or persons or entities named below and order them to answer the State’s Complaint in this action as required in any civil action in the United States District Court or suffer default judgment against the party. In support of this motion, the State asserts:

1. The persons or entities listed below are diverting and using or may claim a right to divert and use a domestic well and the underground waters within the Nambé, Pojoaque, and Tesuque stream system in New Mexico:

<u>Name</u>	<u>Address</u>	<u>Subfile(s)</u>
AMOS, DONNA	P.O. BOX 2725 SANTA FE, NM 87504	AAM-RG-52857
AMOS, GEORGE	P.O. BOX 2725 SANTA FE, NM 87504	AAM-RG-52857
ARNEST, MICHAEL	103 FEATHER ROAD SANTA FE, NM 87506	AAM-RG-60540
BIRGFELD, BARBARA A.	7 ANGELITOS ROAD SANTA FE, NM 87506	AAM-RG-43254
BIRGFELD, STEVEN	7 ANGELITOS ROAD SANTA FE, NM 87506	AAM-RG-43254
BUSTOS, LUBELL	105 FEATHER CATCHER RD. #B SANTA FE, NM 87506	AAM-RG-60543
ERHART, VICTORIA	P.O. BOX 393 TESUQUE, NM 87575	AAM-RG-04524
HATHAWAY, DON M.	27 TAVALOPA LOS LUNAS, NM 87031	AAM-RG-60542
HATHAWAY, THERESA	27 TAVALOPA LOS LUNAS, NM 87031	AAM-RG-60542
ORTIZ, LUZ O.	127 C NP 101 SANTA FE, NM 87506	AAM-RG-60549
ORTIZ, RAYMOND EDWIN	127 C NP 101 SANTA FE, NM 87506	AAM-RG-60549
RIVERA, MARK	83 A COUNTY ROAD 84G SANTA FE, NM 87506	AAM-RG-60547
ROYBAL, JOSE REYNALDO	2 AVENIDA DE CLOTILDE SANTA FE, NM 87506-3402	AAM-RG-44092
SANDOVAL, ELSIE	09 CASA ESCONDIDAS SANTA FE, NM 87506	AAM-RG-60544
SANDOVAL, MERCED	09 CASA ESCONDIDAS SANTA FE, NM 87506	AAM-RG-60544
STEVEN, DEBORAH J.	63 A COUNTY RD. 84B SANTA FE, NM 87506	AAM-RG-68613
TBL LAND CO. LLC	P.O. BOX 598 TESUQUE, NM 87574	AAM-RG-51584
WAGNER, JULIANNE	P.O. BOX 393 TESUQUE, NM 87575	AAM-RG-04524
ZEBROWSKI, JON	P.O. BOX 459 SANTA FE, NM 87504	AAM-RG-60545

2. The water uses, or claims to the right to use water, of these persons or entities are subject to the laws of the State of New Mexico and the United States. This Court has exclusive jurisdiction to adjudicate all claims to the right to divert, store, or use public waters of the Nambé, Pojoaque, and Tesuque stream system in New Mexico;

3. The persons or entities listed above may be diverting and using water associated with the subfile number listed, or may otherwise be using or diverting the underground waters within the Nambé, Pojoaque, and Tesuque stream system;

4. For the benefit of other parties, and by way of explanation, the State asserts that motions to add additional defendants, dismiss defendants, correct defendants' names, and take other corrective action, are parts of an on-going process made necessary by court process and procedures, the hydrographic survey, defendants' responses and other kinds of new information received during the course of this adjudication. The State advances such motions primarily for the purpose of ensuring that the Court's records indicate as accurately as possible the persons or entities that are parties to this case.

Electronically Filed

/s/ Edward C. Bagley  
EDWARD C. BAGLEY

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Attorney for the State Of New Mexico, *ex rel.*  
State Engineer

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22 of Oct 2015, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF participants attached as Exhibit A via first class mail, postage prepaid.

/s/ Edward C. Bagley  
EDWARD C. BAGLEY

**Exhibit A**

DONNA AMOS	P.O. BOX 2725, SANTA FE, NM 87504
GEORGE AMOS	P.O. BOX 2725, SANTA FE, NM 87504
MICHAEL ARNEST	103 FEATHER ROAD, SANTA FE, NM 87506
BARBARA A. BIRGFELD	7 ANGELITOS ROAD, SANTA FE, NM 87506
STEVEN BIRGFELD	7 ANGELITOS ROAD, SANTA FE, NM 87506
LUBELL BUSTOS	105 FEATHER CATCHER RD. #B, SANTA FE, NM 87506
VICTORIA ERHART	P.O. BOX 393, TESUQUE, NM 87575
DON M. HATHAWAY	27 TAVALOPA, LOS LUNAS, NM 87031
THERESA HATHAWAY	27 TAVALOPA, LOS LUNAS, NM 87031
LUZ O. ORTIZ	127 C NP 101, SANTA FE, NM 87506
RAYMOND EDWIN ORTIZ	127 C NP 101, SANTA FE, NM 87506
MARK RIVERA	83 A COUNTY ROAD 84G, SANTA FE, NM 87506
JOSE REYNALDO ROYBAL	2 AVENIDA DE CLOTILDE, SANTA FE, NM 87506-3402
ELSIE SANDOVAL	09 CASA ESCONDIDAS, SANTA FE, NM 87506
MERCED SANDOVAL	09 CASA ESCONDIDAS, SANTA FE, NM 87506
DEBORAH J. STEVEN	63 A COUNTY RD. 84B, SANTA FE, NM 87506
TBL LAND CO. LLC	P.O. BOX 598, TESUQUE, NM 87574
JULIANNE WAGNER	P.O. BOX 393, TESUQUE, NM 87575
JON ZEBROWSKI	P.O. BOX 459, SANTA FE, NM 87504