

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

STATE OF NEW MEXICO

State Engineer, *ex rel.*

Plaintiff,

v.

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

No. 66cv06639 WJ/WPL

**TWENTY-FIRST MOTION TO JOIN PRE-MORATORIUM
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> |
|----------------------------------|--|-------------------|
| BORDUIN, CANDACE W. | 186 COUNTY ROAD 113 SANTA FE, NM 87506 | AAM-RG-25380 |
| BORDUIN, LEON C. | 186 COUNTY ROAD 113 SANTA FE, NM 87506 | AAM-RG-25380 |
| CENTURY BANK | 301 GRIFFIN STREET SANTA FE, NM 87501 | AAM-RG-31666 |
| FONDA, BARBARA | 330 ROSEWOOD AVENUE WINNETKA, IL 60093 | AAM-RG-28574 |
| GROSSMAN, GARY S. | 1512 VASSAR ST. HOUSTON, TX 77006 | AAM-RG-30680 |
| HERRERA, FRANCES O. | 66 COUNTY ROAD 84G SANTA FE, NM 87506-9722 | AAM-RG-17420 |
| HOMEOWNERS ASSOC., LOS CAMINITOS | 61 CALLE ENCANTO SANTA FE, NM 87506 | AAM-RG-30680X |
| LUCERO, EDWARD D. | 1-B PLANT FARM ROAD SANTA FE, NM 87506 | AAM-RG-02937 |
| LUJAN, LARRY E. | P.O. BOX 6572 SANTA FE, NM 87502 | AAM-RG-31142 |
| LUJAN, SHIRLEY | P.O. BOX 6572 SANTA FE, NM 87502 | AAM-RG-31142 |
| NAMZEK, ROBERT JAMES | 48 COUNTY ROAD 84 B SANTA FE, NM 87506 | AAM-RG-28389 |
| RODRIGUEZ, ANGELINA M. | 6 ARBOL GRANDE SANTA FE, NM 87506 | AAM-RG-30631 |
| ROYBAL, DORIS E. | 248 COUNTY ROAD 84C SANTA FE, NM 87506 | AAM-RG-27533 |
| ROYBAL, ISABEL | 15 MAYAS ROAD SANTA FE, NM 87506 | AAM-RG-19330 |
| VALENCIA, STEPHANIE M. | 1-B PLANT FARM ROAD SANTA FE, NM 87506 | AAM-RG-02937 |
| YUAN, LUCY | 258 A COUNTY ROAD 84 SANTA FE, NM 87506 | AAM-RG-28569 |
| YUAN, VINCENT W. | 258 A COUNTY ROAD 84 SANTA FE, NM 87506 | AAM-RG-28569 |

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

Special Assistant Attorney General
Office of the State Engineer
Litigation and Adjudication Program
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-7844
edward.bagley@state.nm.us

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

CERTIFICATE OF SERVICE

I hereby certify that on the 30 of Dec 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

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|------------------------------------|--|
| CANDACE W. BORDUIN | 186 COUNTY ROAD 113, SANTA FE, NM 87506 |
| LEON C. BORDUIN | 186 COUNTY ROAD 113, SANTA FE, NM 87506 |
| CENTURY BANK | LANB, 301 GRIFFIN STREET, SANTA FE, NM 87501 |
| BARBARA FONDA | 330 ROSEWOOD AVENUE, WINNETKA, IL 60093 |
| GARY S. GROSSMAN | 1512 VASSAR ST., HOUSTON, TX 77006 |
| FRANCES O. HERRERA | 66 COUNTY ROAD 84G, SANTA FE, NM 87506-9722 |
| LOS CAMINITOS HOMEOWNERS ASSOC. | 61 CALLE ENCANTO, SANTA FE, NM 87506 |
| EDWARD D. LUCERO | 1-B PLANT FARM ROAD, SANTA FE, NM 87506 |
| LARRY E. LUJAN | P.O. BOX 6572, SANTA FE, NM 87502 |
| SHIRLEY LUJAN | P.O. BOX 6572, SANTA FE, NM 87502 |
| ROBERT JAMES NAMZEK | 48 COUNTY ROAD 84 B, SANTA FE, NM 87506 |
| ANGELINA M. RODRIGUEZ | 6 ARBOL GRANDE, SANTA FE, NM 87506 |
| DORIS E. ROYBAL | 248 COUNTY ROAD 84C, SANTA FE, NM 87506 |
| ISABEL ROYBAL | 15 MAYAS ROAD, SANTA FE, NM 87506 |
| STEPHANIE M. VALENCIA | 1-B PLANT FARM ROAD, SANTA FE, NM 87506 |
| LUCY YUAN | 258 A COUNTY ROAD 84, SANTA FE, NM 87506 |
| VINCENT W. YUAN | 258 A COUNTY ROAD 84, SANTA FE, NM 87506 |