

**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

**FIRST 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>
BYRNE, E. BLAKE	183 CAMINO DEL RINCON SANTA FE, NM 87506	AAM-RG-90058
BYRNE, JOCELYN B.	183 CAMINO DEL RINCON SANTA FE, NM 87506	AAM-RG-90058
COST, HEIDI JOHNSTON	P.O. BOX 2529 SANTA FE, NM 87504	AAM-RG-78278
KALFIN, KENNY B.	94 N SHINING SUN SANTA FE, NM 87506	AAM-RG-95170
LOS PORTALES LTD. PARTNERSHIP	2120 DELLESTA DRIVE BELLINGHAM, WA 98226	AAM-RG-79142
MACKEN, CATHERINE ANNE	P.O. BOX 479 TESUQUE, NM 87574	AAM-RG-46054
MAEZ, RUDY JEROME	P.O. BOX 356 ESPANOLA, NM 87532	AAM-RG-43302
MILLER, RICHARD I.	1352 BISHOPS LODGE ROAD SANTA FE, NM 87506	AAM-RG-63000
SCHREIBER, REBECCA	94 COUNTY ROAD 84 SANTA FE, NM 87506	AAM-RG-89708

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 April 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

E. BLAKE BYRNE	183 CAMINO DEL RINCON, SANTA FE, NM 87506
JOCELYN B. BYRNE	183 CAMINO DEL RINCON, SANTA FE, NM 87506
HEIDI JOHNSTON COST	P.O. BOX 2529, SANTA FE, NM 87504
KENNY B. KALFIN	94 N SHINING SUN, SANTA FE, NM 87506
LOS PORTALES LTD. PARTNERSHIP	2120 DELLESTA DRIVE, BELLINGHAM, WA 98226
CATHERINE ANNE MACKEN	P.O. BOX 479, TESUQUE, NM 87574
RUDY JEROME MAEZ	P.O. BOX 356, ESPANOLA, NM 87532
RICHARD I. MILLER	1352 BISHOPS LODGE ROAD, SANTA FE, NM 87506
REBECCA SCHREIBER	94 COUNTY ROAD 84, SANTA FE, NM 87506