

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

STATE OF NEW MEXICO, ex rel. STATE)
ENGINEER,)
)
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. 66cv6639 WJ/WPL

FORTIETH MOTION TO JOIN ADDITIONAL PARTY DEFENDANTS

The State of New Mexico, *ex rel.*, State Engineer (“State”) requests the Court to join as an additional party 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, consistent with the *Order Granting State of New Mexico’s Motion to Establish Expedited Process for Joinder, Service, and Response of Known Water Rights Claimants [Doc. No. 11120]*. Doc. 11216 (January 5, 2017). 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 Nambe, Pojoaque, and Tesuque stream system in New Mexico:

#	Name	Address	Subfile
1	Teresa A. Pacheco	254 County Road 84C Santa Fe, NM 87506	PM-64230
2	Janet M. Herrera	254 County Road 84C Santa Fe, NM 87506	PM-64230
3	Carleton Ruthling	313 Berger St. Santa Fe, NM 87501	PM-87332
4	Riverside B LLC	9 La Huerta LN Santa Fe, NM 87506 P.O. Box 503 Springer, NM 87747	PM-94763
5	Cynthia Lambert	1422 Bishops Lodge Rd. Santa Fe, NM 87506 7237 Meadow Ln Niwot, CO 80503-4617	RG-15032
6	Jeff Lambert	1422 Bishops Lodge Rd. Santa Fe, NM 87506 7237 Meadow Ln Niwot, CO 80503-4617	RG-15032
7	Luis Gonzales	21 Camino De Pastores Santa Fe, N 87506	RG-15195
8	Rita Gonzales	21 Camino De Pastores Santa Fe, N 87506	RG-15195
9	Melinne Owen	215 Tano Rd. Santa Fe, NM 87506	RG-16411
10	Paul T. Giguere, Jr.	215 Tano Rd. Santa Fe, NM 87506	RG-16411
11	Martina Herrera	Martina Herrera 8A Paseo de la Joya Santa Fe, NM 87506	RG-16608
12	John Wright Schaefer	1304 Old Pecos Trail Santa Fe, NM 87505 9C AB's Road Santa Fe, NM 87506	RG-19711
13	Theodora Raven Trust	C/O WM A TAKALA 169 Tesuque Village Rd. Santa Fe, NM 87506 C/O WM A TAKALA 1442 St. Francis Dr. Ste E. Santa Fe, NM 87505	RG-21941

14	Annette Perez	26 Perez Lane Santa Fe, NM 87506 7 Perez Lane Santa Fe, NM 87506	RG-28152
15	Michael Cruz	26 Perez Lane Santa Fe, NM 87506 7 Perez Lane Santa Fe, NM 87506	RG-28152
16	Brian C. Weed	39 County Rd. 117N Santa Fe, NM 87506	RG-28379
17	Peter A. Zugger	42 County Rd 84A Santa Fe, NM 87506 P.O. Box 302 Los Alamos, NM 87544-0302	RG-30794
18	Bruce Tondre	228 Columbine Lane Evergreen, CO 80439 49B Loma Serena Santa Fe, NM 87506	RG-32750
19	Catherine Tondre	228 Columbine Lane Evergreen, CO 80439 49B Loma Serena Santa Fe, NM 87506	RG-32750
20	Eugene Ortiz	24A County Road 84B Santa Fe, NM 87506-7215 Rt. 5 Box 297 A Santa Fe, NM 87501 CR 84 Box 371A Santa Fe, NM 87506	RG-39240
21	Judy Salgado	218 County Rd. 84 Santa Fe, NM 87506	RG-42995
22	Johnny James Jiron	12 C El Pueblito Rd. Santa Fe, NM 87506 P.O. Box 3617 POJ. STA. Santa Fe, NM 87501	RG-48137
23	Charles L. Runkle	8 Shasta Lane Santa Fe, NM 87506	RG-57368
24	Pamela Mayfield	8 Shasta Lane	RG-57368

		Santa Fe, NM 87506	
25	Frances McConkey	8 County Rd. 113A Nambe, NM 87506 306 NW Bayside Ct. Port Saint Lucie, FL 34986	RG-60553
26	NM Bank and Trust	C/O Special Assets ORE Coordinator 114 NM 503 Santa Fe, NM 87506 C/O Special Assets ORE Coordinator P.O. Box 778 Dubuque, IA 52004	RG-60559
27	Don Omer	9 Via de Zorritos Santa Fe, NM 87506	RG-60586
28	Joyce Omer	9 Via de Zorritos Santa Fe, NM 87506	RG-60586
29	Tano Road LLC	C/O Robert Gips 410 Tano Rd. Santa Fe, NM 87506 C/O Robert Gips 3400 N. Ashton Blvd STE 175 Lehi, UT 84043-5310	RG-67598
30	Simon Stertzer	P.O. Box 3767 Jackson, WY 83001 14 Via de Zorritos Santa Fe, NM 87506	RG-75097
31	Kimberly Stertzer	P.O. Box 3767 Jackson, WY 83001 14 Via de Zorritos Santa Fe, NM 87506	RG-75097
32	Shalisha Bishop	57 Feather Road Santa Fe, NM 87506	RG-86591
33	Daniel Bishop	57 Feather Road Santa Fe, NM 87506	RG-86591
34	James Evanson	James Evanson 35 Calle San Martin Santa Fe, NM 87506	RG-95103
35	Lisa Kapp	Lisa Kapp P.O. Box 35	RG-95103

		Holmes, NY 12531 Lisa Kapp 17 Via San Martin Santa Fe, NM 87506	
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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. The Court has exclusive jurisdiction to adjudicate all claims to the right to divert, store, or use public waters of the Nambe, 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 Nambe, 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/ Kelly Brooks Smith

Kelly Brooks Smith

Edward C. Bagley

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Attorneys for the State of New Mexico

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 8, 2017, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means and will mail the foregoing to the parties listed in the motion above by first class mail on January 9, 2017.

/s/ Kelly Brooks Smith
Kelly Brooks Smith