

**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 NAMBÉ)
 PUEBLO DE POJOAQUE,)
 PUEBLO DE SAN ILDEFONSO,)
 and PUEBLO DE TESUQUE,)
)
 Plaintiffs-in-Intervention.)
 _____)

NO. 66cv6639 MV/WPL
Subfiles RG-19091; RG-25082

MOTION FOR SUBSTITUTION OF PARTIES

COMES NOW, Defendant the New Mexico Department of Transportation (“NMDOT”) by and through its undersigned counsel, Law & Resource Planning Associates, P.C. (Zachary Ogaz), and, pursuant to Federal Rule of Civil Procedure 25(c), hereby request the Court grant this Motion for Substitution of Parties. As grounds in support thereof, NMDOT states as follows:

1. On June 7, 1971, Robert Romero’s Application to appropriate water for domestic purposes under RG-19091 was approved by the Office of the New Mexico State Engineer.
2. In the Proposed Final Judgment and Decree of the Water Rights of the Nambe, Pojoaque, and Tesuque Stream System Name Index to Addendum Part A (Doc. 11186-7, pages 94 and 125), Robert Romero and NMDOT are the listed owners of RG-19091.
3. On June 22, 2001, Defendant NMDOT acquired RG-19091 during the construction

of US Highway 285/84.

4. On October 25, 2002, Defendant NMDOT's Change of Ownership form relating to RG-19091 was accepted by the Office of the New Mexico State Engineer and NMDOT is currently the sole owner of RG-19091. *See* Exhibit "A", attached hereto.

5. On February 27, 1984, RG-25082 was adjudicated to Dorothy M. Brown.

6. In the Proposed Final Judgment and Decree of the Water Rights of the Nambe, Pojoaque, and Tesuque Stream System Name Index to Addendum Part A (Doc. 11186-7, page 15), Dorothy M. Brown is the listed owner of RG-25082.

7. On June 20, 2000, Defendant NMDOT acquired RG-25082 during the construction of US Highway 285/84

8. On October 25, 2002, Defendant NMDOT's Change of Ownership form relating to RG-25082 was accepted by the Office of the New Mexico State Engineer and NMDOT is currently the sole owner of RG-25082. *See* Exhibit "B", attached hereto.

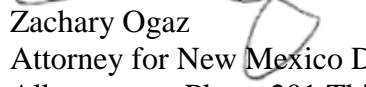
9. Counsel for Defendant NMDOT has conferred with the Plaintiff State of New Mexico, and the State does not object to the granting of this motion.

WHEREFORE, Defendant NMDOT respectfully requests that NMDOT be substituted as the correct party of ownership of Subfiles RG-19091 and RG-25082.

Respectfully submitted,

LAW & RESOURCE PLANNING ASSOCIATES,
A Professional Corporation

By: _____


Zachary Ogaz
Attorney for New Mexico Department of Transportation
Albuquerque Plaza, 201 Third Street NW, Suite 1750
Albuquerque, New Mexico 87102
(505) 346-0998 / FAX (505) 346-0997

CERTIFICATE OF SERVICE

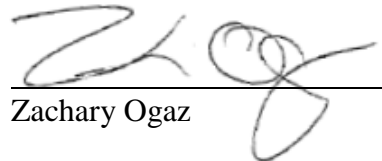
I HEREBY CERTIFY that on the date of filing I caused the foregoing to be filed electronically through the CM/ECF system which caused the parties on the electronic service list as of the time of filing, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

I FURTHER CERTIFY that I have contacted Robert Romero, former owner of RG-19091, and I have ascertained Mr. Romero's current address, and that on March 8, 2017 a true and correct copy of the foregoing was served by first class mail to Mr. Romero at his current address, described below.

Mr. Robert Romero
1704 State Rd. 502
Santa Fe, NM 87506

I FURTHER CERTIFY that on March 8, 2017, after attempting to contact the representative for Bert Brown, Successor-in-Interest to Dorothy M. Brown,¹ former owner of RG-25082, that a true and correct copy of the foregoing was served by first class mail to the representative for Mr. Brown at the last known address, described below.

Mr. Bert Brown
c/o Mr. Ronald Shattuck, Representative
Route 5, Box 360-M
Santa Fe, NM 87501



Zachary Ogaz

¹ Ms. Brown is deceased.