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Attorneys for the Navajo Nation

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE

IN RE THE GENERAL ADJUDICATION)
OF ALL RIGHTS TO USE WATER)
IN THE LITTLE COLORADO RIVER)
SYSTEM AND SOURCE)

Date:

CIVIL NO. 6417-34-1

) **NAVAJO NATION'S MOTION TO**
) **DISMISS THE PETITION FOR**
) **DECLARATORY JUDGMENT AND**
) **RECOGNITION OF WATER RIGHTS**
) **FILED BY ATKINSON TRADING**
) **COMPANY, INC.**
)
)
)
)
)

Descriptive Summary:	Motion to Dismiss Atkinson Trading Company's petition for declaratory judgment
Claimant Nos:	The Navajo Nation
Number of Pages:	3
Date of Filing:	May 14, 1999 (via overnight delivery)

Pursuant to ARIZ. R. CIV. P. 12(b)(6), the Navajo Nation ("Nation") respectfully moves that the Special Master issue a report recommending the dismissal of Atkinson Trading Co., Inc.'s *Petition for Declaratory Judgment and Recognition of Water Rights* (Sept. 15, 1997) ("ATC Petition"), for failure to state a claim upon which relief may be granted. In the alternative, the Nation requests the Master to stay the issue of the Nation's jurisdiction to

regulate the use of water by ATC within the exterior boundaries of the Navajo Reservation until that question has been addressed in the first instance by the Nation, and once the LCR Court has determined the nature and extent of ATC's water rights under state law. The reasons supporting this motion are set forth in the *Memorandum of the Navajo Nation in Support of its Motion to Dismiss the Petition for Declaratory Judgment and Recognition of Water Rights Filed by Atkinson Trading Company, Inc.* (May 14, 1999).

Respectfully submitted,
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By: _____
Alice E. Walker

Attorneys for the Navajo Nation

CERTIFICATE OF SERVICE

I hereby certify that I have placed a true and correct copy of the foregoing Navajo Nation's Motion to Dismiss the Petition for Declaratory Judgment and Recognition of Water Rights Filed by Atkinson Trading Company, Inc. in the U.S. Mail, first-class postage prepaid thereon, on this ____ day of May, 1999, addressed to the following:

Atkinson's Ltd. of Az.
dba Cameron Trading Post
P.O. Box 339
Cameron, AZ 86020

Atkinson Trading Co.
c/o William J. Darling & Associates, P.A.
William J. Darling
Margaret P. Armijo
P.O. Box 3337
Albuquerque, NM 87190-3337

Atkinson Trading Co.
c/o Van Wyck & Vandemoer, P.L.L.C.
Robert B. Van Wyck
702 N. Beaver
Flagstaff, AZ 86001

Navajo Nation Dep't of Justice
Attn: Stanley M. Pollack
P.O. Box 2010
Window Rock, AZ 86515-2010

U.S. Department of Justice
Indian Resources Section
Attn: Bradley S. Bridgewater
Suite 945, North Tower
999 18th Street
Denver, CO 80202

Clerk of the Superior Court
Apache County
Attn: Water Case Civil No. 6417-34-1
P.O. Box 667
St. Johns, AZ 85936

John E. Thorson, Special Master
Arizona General Stream Adjudication
1501 W. Washington, Suite 228
Phoenix, AZ 85007

Department of Water Resources
Adjudications Division
500 N. Third St.
Phoenix, AZ 85004-3903
