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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

CIVIL NO. 6417-34-1

MOTION TO INTERVENE

CONTESTED CASE NAME: *In re Atkinson's Ltd. of Az. DBA Cameron Trading Post*

DESCRIPTIVE SUMMARY: Pursuant to the Special Master's Minute Entry of March 2, 1999, the United States moves to intervene in this contested case.

PROCEEDING NO.: LC 148.

NUMBER OF PAGES: 3

DATE OF FILING: Original mailed to the Clerk of Court on March 12, 1999.

The United States of America ("United States") hereby moves the Court pursuant to Rule 24(a) of the Arizona Rules of Civil Procedure for leave to intervene in the above-referenced contested case. In support of this motion the United States asserts the following:

1. The United States is a party, and a claimant of water rights, in In Re The General Adjudication of All Rights To Use Water In The Little Colorado River System and Source, Civil No. 6417, from which this contested case arises. The pleading from which this contested case is apparently derived, specifically the "Petition for Declaratory Judgment and Recognition of Water Rights" ("Petition") filed by Atkinson

Trading Company, Inc. ("ATC"),¹ was filed in Civil No. 6417 and served upon the United States.

2. The ATC Petition seeks a judgment determining that ATC owns a specific quantity of water rights appurtenant to Lots 2 and 3 and part of Lot 4 of Section 22, Township 29 North, Range 9 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona ("the Property"). The United States owns lands with appurtenant federal reserved water rights immediately adjacent to the Property, and elsewhere within the Little Colorado River stream system, which lands and water rights the United States holds in trust for the Navajo Nation. The water rights claimed for the lands in question are set forth in claim number 39-0391441, as amended on November 22, 1994. In addition, the United States owns and has claimed federal reserved water rights for the Grand Canyon National Park, which rights have points of diversion downstream from ATC's Property. Adjudication of ATC's water rights may as a practical matter impair the United States' ability to protect its claimed water rights, unless the United States is permitted to intervene. The Navajo Nation has separately stated different claims for the same lands and cannot adequately represent the United States' interests, or fulfill the United States' obligations, as trustee or as owner of the Grand Canyon National Park.

3. Pursuant to the Special Master's Minute Entry and the discussion during the pretrial conference on March 2, 1999, the United States is not serving with this motion a separate "pleading setting forth the claim or defense for which intervention is sought" pursuant to Arizona Rule of Civil Procedure 26(c). The United States' will file its response to the ATC Petition by May 14, 1999.

WHEREFORE, the United States respectfully moves the Court to grant the United States leave to intervene in the present contested case.

^{1/} Also known as Atkinson's Ltd. of Az. DBA Cameron Trading Post.

Respectfully submitted, this 12th day of March, 1999.

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The original of the foregoing mailed this 12th day of March, 1999, to the Clerk of the Apache County Superior Court for filing. Copies of the foregoing mailed this 12th day of March, 1999, to all parties on the Court-approved mailing list for Case No. 6417-34-1.

Bradley S. Bridgewater