

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

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

07 OCT 17 AM 11:11

CLERK-SANTA FE

UNITED STATES OF AMERICA, for Itself
and as Trustee for the Zuni Indian Tribe, Navajo
Nation and Ramah Band of Navajos
and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,

and

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Plaintiffs in Intervention,

v.

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,
and
A & R PRODUCTIONS, et. al.,

Defendants.

No. 01cv00072-BB

ZUNI RIVER BASIN
ADJUDICATION

Subfile No: ZRB-5-0014

SUBFILE ANSWER

COME(S) NOW THE CLAWSON FARM & RANCH LLC D/B/A THE
QUARTER CIRCLE RANCH and answer(s) the complaint as follows:

Subfile No: Object Claim No Right

ZRB-5-0014

(Instructions: **Initial** in one of the two boxes to indicate whether you object to the description of water right(s) contained in the proposed Consent Order offered by the United States and the State, or whether you make no claim as to the water right(s) described in the proposed Consent Order. Provide the appropriate explanation below, and indicate what you have done to resolve your disagreement with the United States and the State, in the spaces provided below.)

I (We) object to the description of the water right(s) described by the proposed Consent Order for Subfile Number ZRB-5-0014 because:

We object to the proposed Consent Order , in that the amount of water offered is insufficient to operate and sustain the current property and its operations, including the Commercial, Farming and Cattle productions that are ongoing. Furthermore, it does not consider, offer, or make available, room for growth, development and full use of that properties potential. The property includes six (6) wells, dating back to as early as the turn of the century, of which four (4) were for households, including domestic, livestock and farming. One well (10" casing) was drilled to assist with farming and one for commercial use (of which we were told that we could not expand to future use, only claiming what has been used historically. If one has a commercial well, it would seem that it would be available for "commercial use" including future expansion of commercial enterprises.

(We) made a good faith effort to resolve my (our) disagreement with the Consent Order proposed by the United States and the State by: **We did attend the consultation, with the intent of discussing the property, it use, and to explain why we felt that the water offered was insufficient. At that meeting, there was no discussion, I was asked a few questions and then offered an amount that we feel is, and was, insufficient. I felt that there was a lack of good faith by those whom I consulted with. I tried to offer some explanations of our operations, including future commercial development, but was cut short, stating that only historical use was of importance.**

The 1st consent order offered us an amount that was insignificant, and we felt, inappropriate, for the amount of property and what we are doing with it (total amount offered was less than 3-acre feet, of which is allowable with one well permit). I felt that the second offer was an attempt to "show their generosity"; the 2nd offer being so much more than the first, that I (we) would be foolish to refuse such kindness.

(Attach additional pages if necessary)

I (We) claim no right for the water right(s) described by the proposed Consent Order for Subfile Number ZRB-5-00 14 because:

We do claim our right

(Attach additional pages if necessary)

((We) understand that by making this claim and filing this document I (we) am (are) not waiving my (our) rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I (we) may have

(Instructions: Each named defendant, or the defendant's attorney, must sign and date this Answer. If multiple defendants are named and you have separate addresses or telephone numbers, please attach an additional page providing address information for each defendant. If you are signing on behalf of a named defendant, you must indicate the source of your legal authority to do so and provide both your address and the address of the named defendant.)

Signature(s) – THE CLAWSON FARM & RANCH LLC D/B/A THE QUARTER CIRCLE RANCH:



PO Box 453

Ramah, NM 87321

(Address: Print Clearly)

505-783-4538

(Phone Number: Print Clearly)

IMPORTANT: Within 20 days of September 26, 2007, you must EITHER accept the last Consent Order offered by the United States and the State for Subfile ZRB-5-0014 OR file an answer in this Subfile with United States District Court for the District of New Mexico. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the Consent Order proposed by the United States and the State if you fail to accept the proposed Consent Order or file an answer within 20 days of September 26, 2007. Answers may be mailed to the Clerk of Court at 106 S. Federal Place, Santa Fe, NM 87501. A copy of the answer filed with the district court must also be sent to counsel for the United States and counsel for the State at the following addresses:

BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

EDWARD BAGLEY
Office of the State Engineer, Legal Division
P.O. Box 25102
Santa Fe, NM 87504