

90-6-2-91  
C.B.

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO  
DO JUN - 5 2008

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

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.

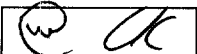

**No. 01cv00072-BB-ACE**

ZUNI RIVER BASIN  
ADJUDICATION

**Subfile No: ZRB-3-0090**

**SUBFILE ANSWER**

COME(S) NOW DAVID S. KESSLER & LISA KESSLER and answer(s)  
the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-3-0090		

**(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-3-0090 because:

(explain)

- 1) Inadequate offer - not consistent with usual amounts considered standard.
- 2) Does not follow previously legislated process
- 3) Not a duly legislated offer

(Attach additional pages if necessary)

I (We) made a good faith effort to resolve my (our) disagreement with the Consent Order proposed by the United States and the State by:

(describe)

- Responding  
 - Requesting for a new, higher offer

(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-3-0090 because:

(explain)

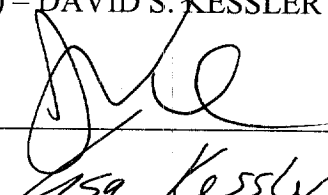
N/A

(Attach additional pages if necessary)

I (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) – DAVID S. KESSLER & LISA KESSLER:

  
\_\_\_\_\_  
\_\_\_\_\_  
*Lisa Kessler*

\_\_\_\_\_  
*PO Box 670*  
\_\_\_\_\_  
*Ramah, NM 87321*  
(Address: Print Clearly)

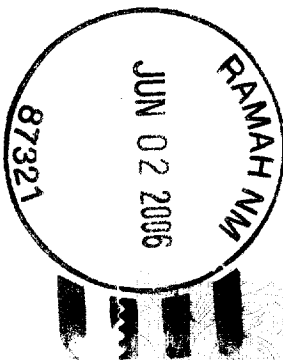
\_\_\_\_\_  
*505-783-4502*  
(Phone Number: Print Clearly)

**IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you waived service of process, you must file an answer in this subfile with United States District Court for the District of New Mexico by August 12, 2006. 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 file an answer by August 12, 2006. The court's address is 333 Lomas NW, Suite 270, Albuquerque, NM 87102. A copy of the answer filed with the district court must also be sent to counsel for the United States at the following address:**

**BRADLEY S. BRIDGEWATER  
U.S. Department of Justice  
1961 Stout Street – 8<sup>th</sup> Floor  
Denver, CO 80294**

Yoshida  
Box 670  
Ramaty, NM 87321

Bushler Building  
Box 670 / Building  
19161 Street / SW 19005  
Denver CO 80294



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