

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

UNITED STATE OF AMERICA, and)
STATE OF NEW MEXICO, ex rel. STATE)
ENGINEER,)

Plaintiffs,)

BDB/WDS)
and)

ZUNI INDIAN TRIBE, NAVAJO NATION,)

Plaintiffs-in-Intervention,)

TRUST)
v.)

A & R PRODUCTIONS, et al.,)

Defendants.)

CIV. NO. 01-00072

ZUNI RIVER BASIN
ADJUDICATION

Subfile No. ZRB 1-0100
JOANN STRICKLAND

AFFIDAVIT

STATE OF NEW MEXICO)
COUNTY OF Cibola) SS

Joann Strickland, having been duly sworn, deposes and states as follows:

1. I am the Trustee for Defendant Joann Strickland Trust in Subfile No. ZRB-1-0100.
2. I have personal knowledge of the matters stated in this Affidavit.
3. In addition to the defenses that I included in my answer that I filed myself in this Subfile, I also disagree with the amounts of water that were included in the Consent Order offered by the Plaintiffs in this matter.

4. I raise cattle on my property in the Grants area. Most of the water rights detailed in the Default Judgment entered against me (Doc. 2208) are connected to my livestock operation.

5. During the consultation for family members that I attended with Plaintiffs' counsel in this matter, I learned that the Consent Orders that were being offered were based primarily upon the carrying capacity of the land, and a per gallon per day amount for each head of cattle that could be raised on the property. I assume that the Consent Order offered to me was based upon the same assumptions.

6. On my property, I not only graze my cattle, but I also feed them. This allows me to have more cattle than the ordinary carrying capacity of the land would suggest.

7. Ten gallons per day per head of cattle is the amount of water offered to my family members at the consultation I attended. I believe that the Consent Order offered to me is based upon the same amount. Cattle require more than ten gallons per day to survive, especially in the summer. A Consent Order based upon ten gallons per day per head of cattle is insufficient for the cattle to survive.

8. My domestic well, 8B-2-W01, not only serves my residence, but also serves the residence of another family. In addition, the well is used for livestock purposes. There are three miles of pipeline that come off of this well for watering livestock on three sections of land. The .7 acre feet of water offered in the Consent Order and reflected in the default judgment is insufficient to serve two households and the cattle that depend upon it for water.

9. The amounts offered in the Consent Order and reflected in the default judgment do not reflect the actual beneficial use of water on my property.

10. I am prepared to offer evidence in support of the statements in this Affidavit.

FURTHER AFFIANT SAYETH NAUGHT.

Jo Ann Strickland, Trustee
Joann Strickland, Trustee
Joann Strickland Trust

Subscribed and sworn to before me this 9th day of December 2009, by Joann Strickland..

Patricia M. Sanchez
Notary Public

My Commission Expires: 8-20-2012

