

FILED *JK*

IN THE UNITED STATES DISTRICT COURT DISTRICT OF NEW MEXICO

FOR THE DISTRICT OF NEW MEXICO 10 OCT -1 AM 9:38

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-4-0406

SUBFILE ANSWER

COME(S) NOW TONIA MONTAGUE & KENNETH MONTAGUE and
answer(s) the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-4-0406	<i>Tonia Montague</i> <i>Ken Montague</i>	<input type="text"/>

(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-4-0406 because: Civil Action # 01cv 00072-BB-ACE
(explain) Consent Order sent to us, Tonia Montague & Kenneth Montague is not filed in our names.
We have unanswered questions that pertain to the wells and ponds.

(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) We are making an effort by consulting w/ Edward Bagley, Office of the State Engineer, Legal Division in order to clarify in greater detail the full uses we may have concerning usage rights per our wells & ponds described in the Consent Order.

(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-4-0406 because:
(explain) _____

(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.

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(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) – TONIA MONTAGUE & KENNETH MONTAGUE:

Tonia Montague
Kenneth F. Montague

PO Box 2966

Pine Top Az 85935

(Address: Print Clearly)

1-928-368-5128

(Phone Number: Print Clearly)

IMPORTANT: Within 20 days of September 13, 2010, you must **EITHER** accept the last Consent Order offered by the United States and the State for Subfile ZRB-4-0406 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 13, 2010. 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

Tom F. Montague
PO Box 2966
Phoenix, AZ 85935

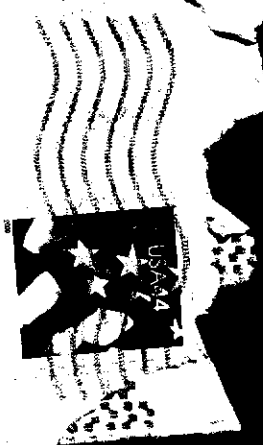
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OCT 01 2010

MATTHEW J. DYKMAN
CLERK

Clerk of Court
1065 Federal Place
Santa Fe, NM 87501

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