

9 May 2011

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

11 MAY 25 PM 2:45

CLERK-SANTA FE

Vickie Gabin

Special Master

PO Box 9933

Santa Fe, New Mexico 87504

Re: Zuni River Basin Adjudication, Case #01cv072-BB/WDS

Scheduling Conference, Tuesday, May 31, 2011

Dear Ms. Gabin:

I am a Defendant in the above referenced case and received notice in the mail today (postmarked 04May2011) that a date of May 31, 2011 at 1:00PM was set for a scheduling conference for the purpose of entering a pretrial order in this matter. The Order further notifies me that "attendance at this pretrial conference is mandatory for Defendants" and that "failure to appear without good cause may result in a default order which incorporates the Plaintiffs' proposed consent order(s)."

I am a physician and have a previously scheduled (February, 2011) mandatory medical course out of state at the time of this conference. Irrevocable and prepaid airline and hotel reservations as well as course tuition have been paid. (Documentation available upon request.) With three-week notice, I am unable to attend this scheduling conference. I am not represented by counsel in this matter—nor do I intend to engage counsel.

As outlined in my previous correspondence in this matter, I continue to believe there is reason to question the adequacy of the 0.7 acre feet/year offered in the settlement. I believe the Consent Order in this regard is inappropriately restrictive, inadequate, and arbitrary—and contradicts other authorities, including the U.S. Bureau of Reclamation and the American Ground Water Trust, which sets the figure at 1.0 acre feet/year for a residential family of four. However, I also believe that I will not prevail in this argument and, not wanting to waste the Court's or your time, am prepared to accept the 0.7 acre foot figure.

The more important issue for me has always been the extenuating circumstance of owning three adjacent lots in the Timberlake Subdivision (governed by CC&Rs which restrict each lot to one residence.) I have one good well on one lot and a well on a second lot which produces saline/non-potable water. Good wells with potable water are rare in this area and extremely unpredictable. Although I cannot, at present, establish Historic Beneficial Use supporting three residences with my one good well, it is our family's intention that residences for my children be built on the two adjacent lots and it seems reasonable and legitimate to request the right to use 2.1 acre feet/year (3 X 0.7 acre feet)

from this well. I am certain that Zuni and Navajo people, whom I have served for more than 15 years and have come to know, would understand the importance of ties to family and would not require that I incur the expense and uncertainty of digging additional wells on my adjacent lots when my existing well would serve us all. I remain hopeful that someone with authority involved in this process will recognize and accept the logic of this position.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Crooks", written over a horizontal line.

Robert W. Crooks, M.D.

333 Timberlake Road

PO Box 70

Ramah, NM 87321

Attached:

Copy Subfile Answer

Copy Attachment to REQUEST FOR CONSULTATION

Copy email to Consultation Panel Members in follow-up of CONSULTATION (never answered)

Robert W. Crooks, M.D.
P.O. Box 70
Ramath, NM 87521



7010 0290 0002 2463 6372



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