

respond. Plaintiffs admit that there exists an actual controversy between Plaintiffs and Defendants concerning this sub-file action, ZRB-2-0014. Plaintiffs deny that Defendants have a cause of action against Plaintiffs to assert a counterclaim, that jurisdiction exists to assert a counterclaim against Plaintiffs, and that Defendants are entitled to any relief, declaratory or otherwise, against Plaintiffs.

2. Plaintiffs admit the contents of Paragraph 2 of the Counterclaim.
3. Plaintiffs admit that Defendants, or their predecessors in title, have sufficiently and beneficially used some water to establish a water right under New Mexico law. Plaintiffs deny that Exhibits A and B to the First Amended Answer reflect the Defendants' water right. Plaintiffs otherwise deny any remaining factual assertions contained in Paragraph 3 of the Counterclaim.
4. Plaintiffs deny the factual assertions contained in Paragraph 4 of the Counterclaim.
5. Paragraph 5 of the Counterclaim constitutes Defendants' legal theory or conclusion and does not include any factual assertion to which Plaintiffs must respond.
6. At the conclusion of the Counterclaim, the Defendants claim relief that appears to be associated, at least in part, with their alleged Counterclaim. *See* First Amended Answer p. 19 ¶¶ (1) – (5). Plaintiffs deny that the Defendants are entitled to any relief with respect to their Counterclaim.

/s/ Andrew "Guss" Guarino

Andrew "Guss" Guarino
U.S. Department of Justice
South Terrace, Suite 370
999 18th St.
Denver, CO 80202
(303) 844-1343

and

Bradley S. Bridgewater

U.S. Department of Justice
South Terrace, Suite 370
999 18th St.
Denver, CO 80202
(303) 844-1359
COUNSEL FOR THE UNITED STATES

/s/ Edward C. Bagley_____

Edward C. Bagley
Special Assistant Attorneys General
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150
COUNSEL FOR THE STATE OF NEW
MEXICO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 14, 2014, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means.

/s/ Andrew "Guss" Guarino