

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

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

05 NOV 30 PM 1:56

CLERK-ALBUQUERQUE

UNITED STATES OF AMERICA,)
and)
STATE OF NEW MEXICO, *ex rel.*)
STATE ENGINEER,)
Plaintiffs,)
)
and)
ZUNI INDIAN TRIBE and)
NAVAJO NATION,)
Plaintiffs-in-Intervention,)
)
v.)
)
A & R PRODUCTIONS, *et al.*,)
Defendants.)

01-CV-00072-BDB/WWD--ACE

ZUNI RIVER BASIN
ADJUDICATION

**ZUNI INDIAN TRIBE'S RESPONSE TO MOTION TO CERTIFY QUESTIONS
TO THE NEW MEXICO SUPREME COURT**

The Zuni Indian Tribe hereby responds to the *Motion to Certify Questions to the New Mexico Supreme Court*, filed November 2, 2005 (Dkt. No. 396). Zuni concurs in all respects with the responses to the Motion filed by the United States and the State of New Mexico. No certifiable question exists. State law is clear: beneficial use is the basis, measure, and limit of all rights to use water under state law, including water rights for domestic wells. The Zuni Tribe respectfully requests the Court to deny the Motion and allow this case to move forward pursuant to the established scheduling and procedural framework.

407

Respectfully submitted,

JANE MARX, ATTORNEY AT LAW, P.C.

By: Jane Marx
Jane Marx
2825 Candelaria Road NW
Albuquerque, New Mexico 87107
Telephone: (505) 344-1176
Facsimile: (505) 344-8694
Attorney for the Zuni Indian Tribe

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Zuni Indian Tribe's Response To Motion to Certify Questions to the New Mexico Supreme Court* was mailed first class to all attorneys and parties of record on the following distribution list on this 30th day of November, 2005.

Jane Marx
Jane Marx

DISTRIBUTION LIST:

Edward Bagley & Gregory Ridgley
Office of State Engineer
Litigation and Adjudication
Post Office Box 25102
Santa Fe, New Mexico 87504-5102

Bruce Boynton, Esq.
Boynton, Simms-West Law Office
Post Office Box 1239
Grants, New Mexico 87020

Steven L. Bunch, Esq.
Special Assistant Attorney General
N.M. Highway & Trans. Dept.
Post Office Box 1149
Santa Fe, New Mexico 87504-1149

Richard W. Bowser, Pro Se
Joan D. Bowser, Pro Se
#5, Hawk Ridge Road
Moriarty, New Mexico 87035

Ted Brodrick, Pro Se
Post Office Box 219
Ramah, New Mexico 87321

Louis E. DePauli, Sr., Esq., Pro Se
1610 Redrock Drive
Gallup, New Mexico 87031

Kenneth J. Cassutt, Esq.
Cassutt, Hays, & Friedman, P.A.
530-B Harkle Road
Santa Fe, New Mexico 87505

Stephen Charnas, Esq.
Sutin, Thayer & Browne, P.C.
Post Office Box 1945
Albuquerque, New Mexico 87103-1945

Jeffrey A. Dahl, Esq.
Lamb, Metzgar, Lines, & Dahl, PA
Post Office Box 987
Albuquerque, New Mexico 87103

David R. Gardner, Esq.
Post Office Box 62
Bernalillo, New Mexico 87004

James E. Haas, Esq.
Losce, Carson & Haas, P.A.
Box 1720
Artesia, New Mexico 88211-1720

Robert W. Ionta, Esq.
McKim, Head & Ionta
Post Office Box 1059
Gallup, New Mexico 87305

Tanya L. Scott
Christina Bruff DuMars
Charles T. DuMars
Albuquerque Plaza
201 Third St. NW, Suite 1370
Albuquerque, New Mexico 87102

Cheryl Duty, Pro Se
HC61 Box 788
Ramah, New Mexico 87321

David R. Lebeck, Pro Se
Albert O. Lebeck, Pro Se
Post Office Drawer 38
Gallup, New Mexico 87305

Special Master Vickie L. Gabin
U.S. District Court - DCNM
Post Office Box 2384
Santa Fe, New Mexico 87504-2384

Kimberly J. Gugliotta, Pro Se
158 W. William Casey St.
Corona, Arizona 85641

Stephen G. Hughes, Esq.
Michael Thomas, Esq.
N.M. State Land Office
Post Office Box 1148
Santa Fe, New Mexico 87504-1148

Susan C. Kery, Esq.
John W. Utton, Esq.
Sheehan, Sheehan & Stelzner,
P.A.
Post Office Box 271
Albuquerque, New Mexico 87103

Greg Mehojah
DOI, Office of the Solicitor
Southwest Regional Office
505 Marquette Ave., NW
Suite 1800
Albuquerque, New Mexico 87102

Clara M. Mercer, Pro Se
1017 S. 10th Avenue
Yuma, Arizona 85364

Stephen P. Shadle, Esq.
**Westover, Shadle, Carter &
Walsma**
2260 South Fourth Avenue
Suite #2000
Yuma, Arizona 85364

Jay F. Stein, Esq.
James C. Brockmann, Esq.
Stein & Brockmann, P.A.
Post Office. Box 5250
Santa Fe, New Mexico 87502-5250

Pamela Williams, Esq.
Division of Indian Affairs
Office of the Solicitor
1849 C St., NW, Room 6456
Washington DC, 20240

Ann Hambleton Beardsley, Pro Se
127 Orchard Drive
Central, Utah 84722

Mark H. Shaw, Esq.
9700 Entrada Pl. NW
Albuquerque, New Mexico 87114-
3776

Bidtah Becker, Esq.
Stanley M. Pollack, Esq.
Navajo Nation Dept. Of Justice
Post Office Box 2010
Window Rock, Arizona 86515-2010

Mary Ann Joca, Esq.
U.S. Dept. Of Agriculture
Office of General Counsel
Post Office Box 586
Albuquerque, New Mexico 87103

Dorothy C. Sanchez, Esq.
1011 Fourth Street NW
Albuquerque, New Mexico 87102-
2132

Peter B. Shoenfeld, Esq.
Post Office Box 2421
Santa Fe, New Mexico 87504-2421

David Candelaria, Pro Se
12000 Ice Caves Road
Grants, New Mexico 87020

Stephen R. Nelson, Esq.
Johnson & Nelson, P.C.
P.O. Box 25547
Albuquerque, New Mexico 87125-
5547

William G. Stripp, Esq.
Post Office Box 159
Ramah, New Mexico 87321

Bradley S. Bridgewater
U.S. Department of Justice
999 18th Street, Suite 945 North
Denver, Colorado 80202

Gerald F. McBride, Pro Se
Myrri W. McBride, Pro Se
2725 Aliso Dr., NE
Albuquerque, New Mexico 87110

Cullen Hallmark, Esq.
Garber & Hallmark
Post Office Box 850
Santa Fe, New Mexico 87504

David W. Gehlert, Esq.
USDOJ-ENRD
999 18th St., Suite 945
Denver, Colorado 80202

Sandra S. Drullinger, *Pro Se*
818 E. Maple St.
Hoopeston, Illinois 60942

Peter Fahmy, Esq.
Office of Regional Solicitor
755 Parfet St., Suite 151
Lakewood, Colorado 80215

William J. Cooksey, Esq.
Dubois, Cooksey & Bishchoff, P.A.
2020 Fourth Street NW
Albuquerque, New Mexico 87102-
4130