

IN THE UNITED STATES  
DIST. COURT FOR THE DIST. OF N. M.

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,  
and NAVAJO NATION, Plaintiffs-in-intervention.

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

06 FEB 14 PM 1:18

CLERK-ALBUQUERQUE

CASE NUMBER;  
01cv00072-BB-ACE

v.

A & R PRODUCTIONS, et al.,  
Battle Wolf Trust, Ronald Porath & Marzella Porath  
10537 Calle Alba NW.  
Albuquerque, New Mexico 87114  
Defendants.

Bradley S. Bridgewater  
United States Department of Justice, Environment and Natural Resources Division  
Indian Resources Section  
999 18<sup>th</sup> Street, Suite 945  
Denver, Co 80202  
Phone: (303) 312-7318

This Court lacks Jurisdiction as the United States of America. The only place "United States of America: has any standing is in territorial Courts in insular possessions of the United States, then the styling must be, "United States of America, ss, President of the United States". See title 48 of the United States Code for particulars relating to Puerto Rican and Virgin Islands courts.

The Constitution vests absolutely no authority in the United States of America.

Article III courts must be convened to hear Controversies to which the United States is a party.

One cannot offer what is not one's to offer and I must assert my rights as provided by the Constitution. The Constitution vested authority in the United States, none to the United

485

States of America. This court must settle this matter before the case can proceed any further.

## **Offering any amount at this point is an attempt in circumventing the laws of New Mexico**

in a taking of water rights from the Zuni Mountain Water Basin from the landowners. Any offer is merely an attempt to take over water rights without the knowledge of the current use or the need, and also how much water is actually currently there. When these facts are established and attributable then all the parties concerned would be able to share equitably in a court with legitimate standing.

The need for the water by the plaintiffs has to be established before I would agree to giving up any amount of water. The plaintiffs currently have the same water rights as I do and the plaintiffs have not established a greater need for water than mine.

A neutral party, which should have been the State of New Mexico, for determining the needs of all the parties is the only way a fair determination can be made for sharing the water in an equitable manner in court with legitimate standing.

My meager financial resources for fighting the State of New Mexico, The Zuni Indian Tribe, The Navajo Indian Nation, and United States of America renders my financial means insignificant and meaningless compared to the resources of the other three entities. The other entities are using my tax dollars to take away my water rights. This is the case for most of the property owners, and is an abandonment of equal treatment if heard in this court. The protection by the court and the elected officials who took an oath to uphold the Constitution, if heard in this court, would be lost.

It is probably more like a situation involving eminent domain. A taking of private

property for the use or benefit of another, but just compensation must be included.

This kind of taking would render the value of the property affected worthless, especially of those that are without proof of sufficient historical water usage established.

The possibility of sale of the property affected would diminish considerably, and owners may eventually abandon their properties for non-payment of taxes. There is no use to own property of several acres that cannot or does not have the potential to support itself.

If the intention isn't considered carefully the outcome isn't guaranteed, and an injustice will have been done.

This balance of power against the Citizens, and Landowners in the Zuni Basin Lawsuit, is grossly unfair and in all eventuality will amount to a circumventing of the law, and an abandonment by the State and Federal Government for protection of the rights of the Citizens everywhere in New Mexico; culminating in the theft of a God-given natural resource.

This equates to an abandonment of the Protection of Citizens rights by the United States Government Officials who swear under Oath, to defend the Constitution of the United States. instead they are opposing those they swore to represent, by taking our tax money and choosing to support the Indian Nations solely.

The United States Government, and the State of New Mexico should be neutral parties.

This method of making offers to sections of lands, separately, is a deceptive method and is coercion. It keeps all landowners divided, and unaware of the course of actions transpiring.

I demand our discovery rights to all of the facts, conclusions, and findings of the State Engineers Hydrological study before any offer is made to me for relinquishing my water

rights, and this includes any parcels of land purchased but do not yet have wells.

We were not required to establish water rights prior to this litigation when we sunk a well. Our wells were dug in 1991, and are not subject to this litigation, but our other parcels of land will be negatively affected because we have not yet dug wells on them.

We were not notified about litigation for those parcels

The water rights to my other parcels of land are being subverted or attacked quietly by the Plaintiffs/governments by not including them in this litigation and denying the opportunity to defend those water rights. This act of litigation and exclusion of these properties is merely a taking without consent.

We have a right to object to this taking. I have been responsible in the use of the water and have not dug a well in every parcel that we own, however it seems that conserving water is not rewarded, it is coveted by my neighbor.

The unlimited funds of all the Governments concerned, against the Landowners is fundamentally unfair, but additionally is a tool being used against those of us without the same resources, and is coercion.

At both meetings a representative of the Navajo Nation, and the Zuni Indians were there, however they did not stand to respond to the questions asked about the water usage, and the offers being made. They did not deny the unchecked pumping of water from the wells on their reservation. If these hearings are supposed to be hearings, why didn't they speak up so that we could ask them some questions?

This offer appears to be a bully technique of letting me keep part of my own lunch money.

The restriction of not being able to sell my water is of course magnified in significance if the intention of this taking, turns into a leasing of water to Arizona by the Indian entities,

or the government. Then it is pure and simple theft of a God given resource. Any restrictions I have now on water must be a part of any fair settlement in this litigation and this includes selling or leasing of water.

The unfair actions of the Zuni Indians to run their wells wasting vast amounts of water in an attempt to establish historical water rights is contemptible and should disqualify them from this litigation as an illegal and wasteful use of the New Mexico water resources.

When one gets an offer, one expects something in return or then it isn't an offer, it is a threat. This offer is something out of Alice in Wonderland:

Donald B. Reed 2/14/06 date Margaret L. Reed date 2/14/06