

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

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

06 MAR 15 PM 1:45

CLERK ALBUQUERQUE

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/DWD/ACE

ZUNI RIVER BASIN
ADJUDICATION

Subfile No: ZRB-2-0096

SUBFILE ANSWER

COMES NOW LAWRENCE MARTIN & JANELL MARTIN and
answer(s) the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-2-0096	(b) <i>obj'd</i>	

(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.)

598

I (We) object to the description of the water right(s) described by the proposed Consent

Subfile Number ZRB-2-0096 because:

Defendant objects to plaintiff's consent offer on the following points: 1. Original homestead in the mid 1930's (Exhibit A Contract). 2. Homestead had a well drilled, which supplied water to the homestead, 2 stock ponds (1 measuring about 50 ft by 50 ft and 6 ft deep, the other one is about 70 feet long 3 ft deep and 15 feet wide see Exhibit B). 3. 80 acres cleared downslope of the homestead that was farmed, (see Exhibit B.) 4. Well was drilled in the 1930's, New Mexico Water Engineers office has it classified as an agricultural well and state the date of the well had to be prior to 1956 when records were being kept. 5. 320 acres with 64 animal Cow-calf pairs using about 40 gallons of water per day/pair would need 2,640 gallons per day or 867,600 gallons per year for survival not to mention the water use on the homestead itself when we re-build the house. 6. Old timers in the area, state the well had some of the best water in the region and families came from all over to fill their water containers for house cisterns. Additional attachments Exhibit C, recording of easement in 1970.

I (We) made a good faith effort to resolve my (our) disagreement with the

proposed by the United States and the State by:

(describe)

(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-2-0096 because:

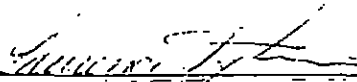
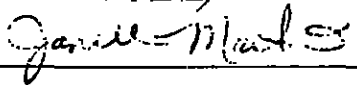
(explain)

(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.

(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) – LAWRENCE MARTIN & JANELL MARTIN:

 2-28-06
 2/28/06

6075 DEL SOL AVENUE, CO 81101
(Address: Print Clearly)

719-597-2334
(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you waived service of process, you must file an answer in this subfile with United States District Court for the District of New Mexico by April 10, 2006. 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 file an answer by April 10, 2006. The court's address is 333 Lomas NW, Suite 270, Albuquerque, NM 87102. A copy of the answer filed with the district court must also be sent to counsel for the United States at the following address:

BRADLEY S. BRIDGEWATER
U.S. Department of Justice
999 Eighteenth St., Suite 945 N
Denver, CO 80202

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt, President of the United States of America, have caused these Letters to be made Patent, and the seal of the General Land Office to be hereunto affixed. GIVEN under my hand, at the City of Washington, the Twenty-Eighth day of July in the year of our Lord one thousand nine hundred and THIRTY-SEVEN and of the Independence of the United States the one hundred and SEVENTY-SECOND.

(Seal)

By the President: Franklin D. Roosevelt
By ALGER H. SWAN, Assistant Secretary
FRANK D. ALLEN
Director of the General Land Office.

RECORDED: Patent Number 1071334

RECORDED
JUL 29 1937

COPIES OF THIS PATENT
IN OFFICE OF THE SECRETARY OF THE INTERIOR
THIS PATENT WAS FILED FOR RECORD IN THE OFFICE OF THE SECRETARY OF THE INTERIOR ON JULY 28 1937
AND IS AVAILABLE FOR EXAMINATION IN THE OFFICE OF THE SECRETARY OF THE INTERIOR
AT WASHINGTON D.C.
JUL 29 1937

DATA No 044430

6-1077

THE UNITED STATES OF AMERICA.

Do all to whom these presents shall come, greeting:

WHEREAS, a Certificate of the Register of the Land Office at Santa Fe, New Mexico, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1902, "to Cause surveys to be made of certain sections of the Public Domain," and the acts supplemental thereto, the claim of THE M. M. ALL, has been established and duly surveyed, in conformity to law, for the Lots one, two, three and four, or east half of the west half and the east half of Section thirty-one in Township five north of Range seven east of the New Mexico Meridian, New Mexico, containing six hundred thirty-eight acres and sixty-four hundredths of an acre, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the said Claimant the tract of land above described;

I HAVE AND TO HOLD the said tract of land, with the appurtenances thereto, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and reserved water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so covered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 866).

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt,

President of the United States of America, have caused these Letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the seventh day of December in the year of our Lord one thousand nine hundred and THIRTY-SEVEN and of the Independence of the United States the one hundred and SIXTY-THIRD.

(Seal)

By the President: Franklin D. Roosevelt
By James K. Harness, Secretary.

FRANK D. ALLEN
Director of the General Land Office.

RECORDED: Patent Number 1071334

RECORDED
DEC 10 1937

COPIES OF THIS PATENT
IN OFFICE OF THE SECRETARY OF THE INTERIOR
THIS PATENT WAS FILED FOR RECORD IN THE OFFICE OF THE SECRETARY OF THE INTERIOR ON DECEMBER 7 1937
AND IS AVAILABLE FOR EXAMINATION IN THE OFFICE OF THE SECRETARY OF THE INTERIOR
AT WASHINGTON D.C.
DEC 10 1937

... y las dichas partes de la primera parte, por sus herederos, sucesores, administradores, mandatarios o apoderados, o con sus representantes, o con las partes de la segunda parte, sus herederos, sucesores, administradores, mandatarios o apoderados que, a la hora de otorgarse y sellarse estas presentes, ellas constan en pleno derecho de las acciones arriba mencionadas, este escrito de herencia legal y sus cláusulas son legales, plenas y válidas legalmente para cancelar, pagar, vender y otorgar la misma en la forma y manera ya dicha y que las dichas partes de la primera y segunda partes de todas estas acciones, tratos, ventas, otorgamientos hipotecarios, arrendamientos, hipotecas y obligaciones anteriores, de clase o forma cualquiera; y que las dichas partes de la primera parte, sus herederos y sucesores para siempre, la validez del título de las predios arriba mencionados a las partes de la segunda parte, sus herederos, sucesores o apoderados, o con sus representantes o cualquier persona que legalmente actuara o actuara en nombre de toda o cualquier parte de ellos.

En testimonio de lo cual, las partes de la primera parte sus partes y ellas, sus esposas y hijos el día y año expresados arriba escritos.
Placido, sellado y entregado en la Presencia de
Juan Ortega Jr. (Sello)
Luis V. Ortega (Sello)

ESTADO DE NUEVO MEXICO)
UNION DE CALIFORNIA)

Este día 5 de Diciembre 1933 comparecieron personalmente ante mí Juan Ortega Jr. y Luis V. Ortega en calidad de demandados por mí con las personas designadas en y asistencia al instrumento de compra y redención que he dicho en estas cláusulas como en este libro y volumenes.

En fe de lo cual he pasado aquí el nombre y apellido al sello oficial el día y año arriba escritos en este certificado.

(Sello)

Notary Public

My Commission Expires. Jan. 6th 1934

CONFIRMED
[Signature]

...
[Signature]

NOTA DE CALIFORNIA

2-1077

THE UNITED STATES OF AMERICA.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

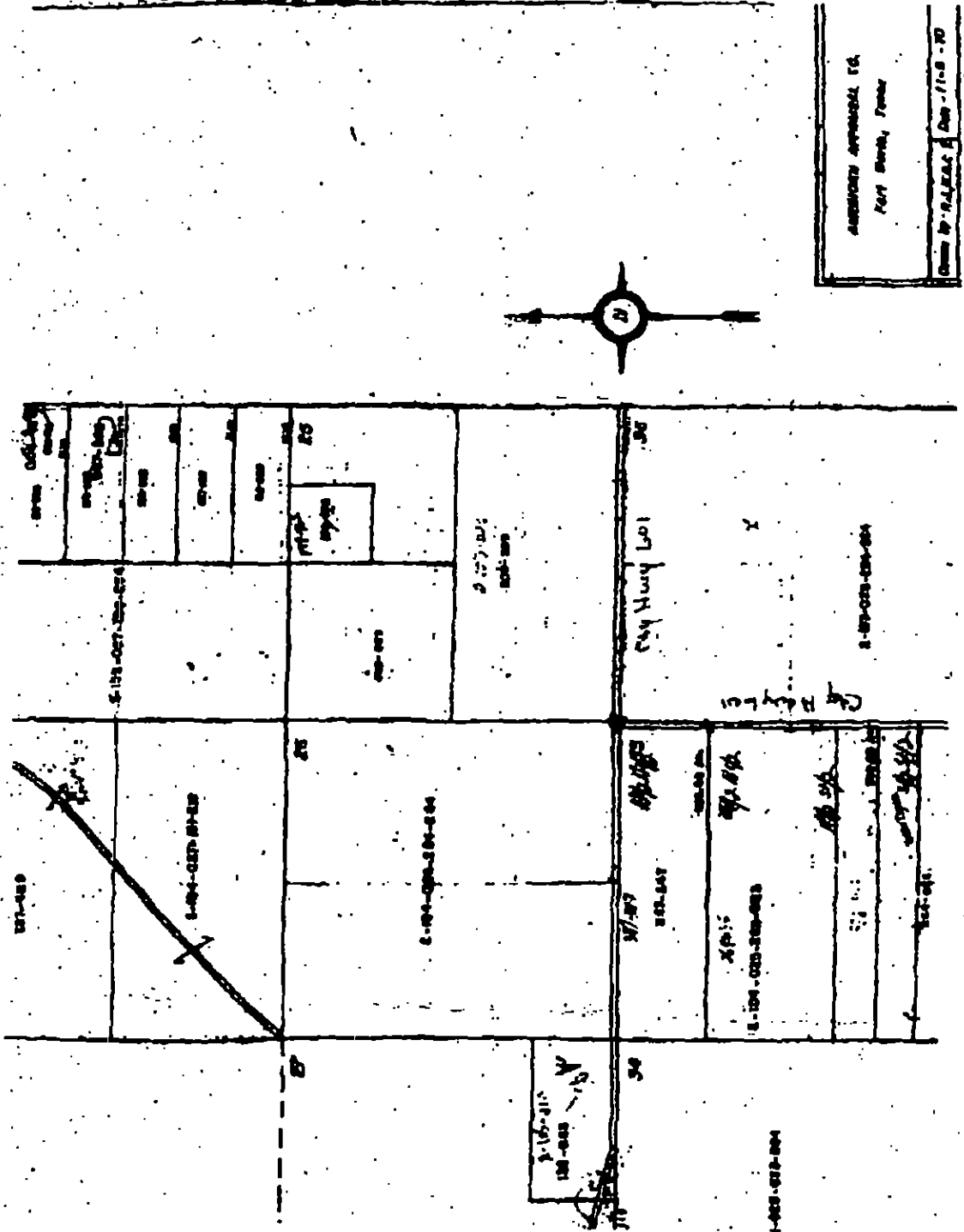
At Santa Fe, New Mexico has been deposited in the General Land Office...
...and the said supplemental survey, the said of Donald Lewis Hill, commonly known as Lewis Hill, has been established and duly confirmed, in conformity to law, for the service mentioned in paragraph five north of range eighteen west of the New Mexico Meridian, New Mexico containing six hundred forty acres, according to the official map of the Survey of the said land, on file in the GENERAL LAND OFFICE: Approved March 22, 1933.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the said claimant the tract of land here described:

TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and reserved water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so covered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 863).

Grant of Easement Exhibit C
 between Great Western Properties and John B. Davey

REC DATE: 04/10/2002 REC TIME: 04:12
 CIRCUIT COURT, NM, ELLEN M MARTINEZ - COUNTY CLERK DOC #: 2002 1087
 BOOK: 10 PAGE: 9665



APPROVED APPROVAL SD
 FORT BERTH, FORT
 COUNTY OF SAGUARO, AZ 85601-1108 - RD

005

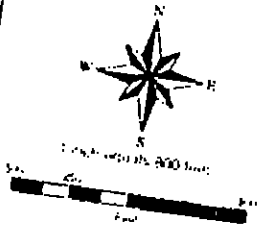
CORONADO TITLE CO.

12/16/2003 12:55 FAX 5052876809



LEGEND

- ⊙ Wet
- Tower
- ▭ Stake Point
- ▭ Sub-Area Boundary
- ▭ Section Boundary



Zuni River Basin
Hydrographic Survey

Sub-Area 10
Subfile Number: ZRB-2-0096
PLSS: S26, T05N, R18W
Sheet 1 of 1

December 2005



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.

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

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,) No. 01cv00072-BB
and)
ZUNI INDIAN TRIBE, NAVAJO NATION,) ZUNI RIVER BASIN
Plaintiffs in Intervention,) ADJUDICATION
v.)
A & R PRODUCTIONS, et al.,) Subfile No. ZRB-2-0096
Defendants.)

REQUEST FOR CONSULTATION

I hereby request consultation with the United States and the State of New Mexico ex rel. State Engineer concerning the Consent Order provided to LAWRENCE MARTIN & JANELL MARTIN for Subfile No. ZRB-2-0096 in the above-captioned lawsuit. I disagree with the proposed Consent Order because: (Be as specific as possible. Attach additional pages, if necessary.)

Defendant objects to plaintiff's consent offer on the following points: 1. Original homestead in the mid 1930's (Exhibit A Contract). 2. Homestead had a well drilled, which supplied water to the homestead, 2 stock ponds (1 measuring about 50 ft by 50 ft and 6 ft deep, the other one is about 70 feet long 3 ft deep and 15 feet wide see Exhibit B). 3. 80 acres cleared downslope of the homestead that was farmed, (see Exhibit B.) 4. Well was drilled in the 1930's, New Mexico Water Engineers office has it classified as an agricultural well and state the date of the well had to be prior to 1956 when records were being kept. 5. 320 acres with 64 animal Cow-calf pairs using about 40 gallons of water per day/pair would need 2,640 gallons per day or 887,600 gallons per year for survival not to mention the water use on the homestead itself when we re-build the house. 6. Old timers in the area, state the well had some of the best water in the region and families came from all over to fill their water containers for house cisterns. Additional attachments Exhibit C, recording of easement in 1970.

Signed: Lawrence S. Martin Janelle Martin Date: 02-27-00

Print or type name: LAWRENCE S. MARTIN JANELLE MARTIN

I can be reached at:

Address: 6075 PBL 502
MINNEAPOLIS, CO 81101

Daytime phone number: 719-589-2133 719-589-2503

Email address (if available): JNIMARTIN@COMCAST.NET

(Mail this form to "Attn: Zuni Adjudication, U.S. Department of Justice, 999 18th St., Suite 945N, Denver, CO 80202," or fax it to (303) 312-7379)