

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

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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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-2-0092

SUBFILE ANSWER

COMES NOW ROBERT J. WALLACE & ROBERT R. WALLACE and
answer(s) the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-2-0092	<input checked="" type="checkbox"/> RTW <input checked="" type="checkbox"/> RRW	<input type="checkbox"/>

(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.)

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I (We) object to the description of the water right(s) described by the proposed Consent Order for Subfile Number ZRB-2-0092 because:

(explain) We have obtained additional information which would increase the historical beneficial use of the well on the property. We have also been made aware of the existence of a second well on the property, for which no water right has been established.
(Attach additional pages if necessary)

I (We) made a good faith effort to resolve my (our) disagreement with the Consent Order proposed by the United States and the State by:

(describe) We participated in the consultation process, which resulted in an increase in the amount offered on the original consent order. We believe additional information we have obtained should result in another revision, closer to three acre feet. We believe any offer of less than three acre feet is contrary to
(Attach additional pages if necessary) statute, regulations and policy of the State Engineer.

I (We) claim no right for the water right(s) described by the proposed Consent Order for Subfile Number ZRB-2-0092 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) – ROBERT J. WALLACE & ROBERT R. WALLACE:

Robert J. Wallace

Robert R. Wallace

620 McKee

Gallup NM 87301

(Address: Print Clearly)

505 863-4334

(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