

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

UNITED STATES OF AMERICA,)	
and)	07CV00681-BB
ZUNI INDIAN TRIBE,)	
)	
Plaintiffs,)	ZUNI RIVER BASIN
)	ADJUDICATION
v.)	
)	Subproceeding 1
STATE OF NEW MEXICO, <i>ex rel.</i>)	Zuni Indian Claims
STATE ENGINEER, et al.)	
)	
Defendants.)	
_____)	

NAVAJO NATION’S ANSWER
TO THE UNITED STATES’ SUBPROCEEDING COMPLAINT AND
STATEMENT OF CLAIMS FOR WATER RIGHTS ON BEHALF OF, AND FOR
THE BENEFIT OF THE ZUNI INDIAN TRIBE AND ZUNI ALLOTTEES

Defendant Navajo Nation answers the *United States’ Subproceeding Complaint and Statement of Claims for Water Rights on Behalf of, and for the Benefit of, the Zuni Indian Tribe and Zuni Allottees* (Doc. 1).

1. The Navajo Nation admits the first sentence of paragraph 1. The Navajo Nation admits that the Zuni Indian Tribe and its members have lived on, cultivated, and occupied lands in the Zuni River Basin. The Navajo Nation lacks sufficient information or knowledge to admit or deny the remainder of the allegations contained in paragraph 1.

2. The Navajo Nation admits that the Zuni Indian Tribe’s occupancy and ownership of lands has been recognized by the Spanish Crown, the Republic of Mexico, the United States, and the State of New Mexico. The Nation also admits that the Zuni Indian Tribe and its members have used the waters of the Zuni River Basin in New Mexico for religious, municipal, domestic,

irrigation, livestock and wildlife watering, industrial, and recreational purposes. The Nation lacks sufficient information or knowledge to admit or deny the remainder of the allegations contained in paragraph 2.

3. Paragraph 3 contains legal conclusions to which no response is required.

4. Paragraph 4 contains legal conclusions to which no response is required.

5. Paragraph 5 contains a legal conclusion to which no response is required.

6. The Nation lacks sufficient information or knowledge to admit or deny the allegations contained in the first and second sentences of paragraph 6. Paragraph 6 also contains legal conclusions to which no response is required.

7. Paragraph 7 contains a legal conclusion to which no response is required.

8. The Nation lacks sufficient information or knowledge to admit or deny the allegations contained in paragraph 8. Paragraph 8 also contains legal conclusions to which no response is required.

9. Paragraph 9 contains legal conclusions to which no response is required.

10. The Nation lacks sufficient information or knowledge to admit or deny the allegations in paragraph 10.

Definitions and Explanation of References

11 - 13. The Navajo Nation admits to paragraph 11 through and including 13.

Impoundments (Other Than Reservoirs)

14. The Navajo Nation lacks sufficient information or knowledge to admit or deny the allegations in paragraph 14.

Reservoirs

15. The Navajo Nation lacks sufficient information or knowledge to admit or deny the

allegations in paragraph 15.

Wells and Springs

16. The Nation lacks sufficient information or knowledge to admit or deny the allegations contained in this paragraph. Paragraph 16 also contains legal conclusions to which no response is required.

17. The Navajo Nation lacks sufficient information or knowledge to admit or deny the allegations in paragraphs 17.

18 - 19. The Navajo Nation lacks sufficient information or knowledge to admit or deny the allegations in paragraphs 18 and 19.

Wells, including Past and Present Supplement Irrigation Wells

20 - 21. The Navajo Nation lacks sufficient information or knowledge to admit or deny the allegations in paragraphs 20 and 21.

Springs

22. The Navajo Nation lacks sufficient information or knowledge to admit or deny the allegations in paragraph 22.

Irrigation by Means of Permanent Works

Past and Present Surface Diversions

23. The Navajo Nation lacks sufficient information or knowledge to admit or deny the allegations in paragraph 23.

Practicably Irrigable Acreage

24. The Navajo Nation lacks sufficient information or knowledge to admit or deny the allegations in paragraph 24.

Irrigation by Means of Seasonal or Temporary Works

25. The Navajo Nation lacks sufficient information or knowledge to admit or deny the allegations in paragraph 25.

Special Claims for Zuni Allotments Outside the Exterior Boundaries of the Zuni Reservation

26 - 31. The Navajo Nation lacks sufficient information or knowledge to admit or deny the allegations in paragraphs 26 to and including 31.

32. The Navajo Nation denies any allegations that were not specifically addressed in the preceding paragraphs generally number 1 through 31.

Respectfully submitted,
NAVAJO NATION DEPARTMENT OF JUSTICE
Louis Denetsosie, Attorney General

/s/ Bidtah N. Becker
Stanley M. Pollack
Bidtah N. Becker
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, AZ 86515
(928) 871-7543

Certificate of Service

I hereby certify that on January 31, 2008, I filed the NAVAJO NATION'S ANSWER TO THE UNITED STATES' SUBPROCEEDING COMPLAINT AND STATEMENT OF CLAIMS FOR WATER RIGHTS ON BEHALF OF, AND FOR THE BENEFIT OF THE ZUNI INDIAN TRIBE AND ZUNI ALLOTTEES electronically through the CM/ECF system, which caused parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Bidtah N. Becker
Bidtah N. Becker