

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
)	Zuni Indian Claims
STATE OF NEW MEXICO, <i>ex rel.</i>)	
STATE ENGINEER, <i>et al.</i>)	
Defendants)	

ANSWER TO THE STATEMENT OF CLAIMS
OF ZUNI TRIBE OF INDIANS

John A. Yates, Yates Petroleum Corporation, and Trust Q Under the Last Will and Testament of Peggy A. Yates, Deceased, answer the SUPPLEMENTAL SUBPROCEEDING COMPLAINT of the Zuni Tribe of Indians as follows:

1. They incorporate by reference their 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 ("Subproceeding Complaint") (Dkt. 1; also Dkt. 1125 in No. 01CV00072 BB), filed May 11, 2007.

2. They admit and deny the allegations of paragraph 2 by reference to the paragraphs which follow.

3. They are without information sufficient to form a belief as to the truth of the allegations of the first sentence and the table contained in paragraph 3 and

therefore deny the same. They admit that the Tribe makes the claims set forth in the remainder of paragraph 3, but deny that the claims are valid.

4. They deny the allegations of paragraph 4 and affirmatively state that Zuni Tribe can acquire no water rights and has acquired no water rights in such natural ponds except by construction of works and the diversion of water therefrom by the use of such works.

5. They deny the allegations of paragraphs 5, 6.

6. They are without information sufficient to form a belief as to the truth of the allegations of paragraphs 7 and 8, and therefore deny the same and demand strict proof thereof.

7. They deny the allegations of paragraph 9.

WHEREFORE, these Defendants request that the Court adjudicate the water rights of the Zuni Tribe of Indians as they shall appear upon the trial hereof and, that they have such other and further relief to which they are entitled.

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By: S/Peter B. Shoenfeld (e-filed)
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Defendants

Certificate of Service

The foregoing motion was served on all parties by means of the Court's electronic service system this March 19, 2008.

S/Peter B. Shoenfeld (e-filed)