

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

OCT - 1 2007

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,

No. 01cv00072-BB-ACE

Plaintiffs,
and

ZUNI INDIAN TRIBE,
NAVAJO NATION,

ZUNI RIVER BASIN
ADJUDICATION

Plaintiffs in Intervention,

v.

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,
and
A & R PRODUCTIONS, et. al.,

Subfile No: ZRB-4-0168

Defendants.

SUBFILE ANSWER

COME(S) NOW CARY GRINOLD & LYNNE A. GRINOLD and
answer(s) the complaint as follows:

Subfile No: Object Claim No Right

ZRB-4-0168

by

(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.)

I (We) object to the description of the water right(s) described by the proposed Consent Order for Subfile Number ZRB-4-0168 because:

(explain) We sustained the risk and the cost to drill our well. We have and will continue to pay for its maintenance. As an artesian well with a flow of 3 gal./minute, our well has a possible output of 4.8 acre-ft. per year, which we believe we are entitled to use as the developers and owners of the well. We oppose the devaluation of our property inherent in the proposed 0.7 acre-ft. of the consent order. We currently irrigate 0.1 acres of vegetables and plan to increase that acreage.

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 have complied with all requests for information in a timely manner. We have filed all requested forms. We have granted permission for access to our property for the hydrographic survey and met with the field crew who conducted the survey.

I (We) claim no right for the water right(s) described by the proposed Consent Order for Subfile Number ZRB-4-0168 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) – CARY GRINOLD & LYNNE A. GRINOLD:

Cary Grinold 9/25/07
Lynne A. Grinold 9-25-07

P.O. Box 828

Ramah, NM 87321
(Address: Print Clearly)

(505) 783-4093
(Phone Number: Print Clearly)

IMPORTANT: Within 20 days of September 20, 2007, you must EITHER accept the last Consent Order offered by the United States and the State for Subfile ZRB-4-0168 OR file an answer in this Subfile with United States District Court for the District of New Mexico. 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 accept the proposed Consent Order or file an answer within 20 days of September 20, 2007. Answers may be mailed to the Clerk of Court at 106 S. Federal Place, Santa Fe, NM 87501. A copy of the answer filed with the district court must also be sent to counsel for the United States and counsel for the State at the following addresses:

BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

EDWARD BAGLEY
Office of the State Engineer, Legal Division
P.O. Box 25102
Santa Fe, NM 87504