

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)	
)	01-cv-00072-BB
STATE OF NEW MEXICO, ex rel.)	
STATE ENGINEER)	ZUNI RIVER BASIN
)	ADJUDICATION
Plaintiffs,)	
)	
And)	
)	
ZUNI INDIAN TRIBE,)	Subfile No. ZRB-4-0370
NAVAJO NATION,)	
)	
Plaintiffs in Intervention)	
)	
v.)	
)	
STATE OF NEW MEXICO)	
COMMISSIONER OF PUBLIC)	
LANDS,)	
)	
And)	
)	
A & R PRODUCTIONS, et al.)	
)	
DEFENDANTS.)	
_____)	

SUBFILE ANSWER

COMES NOW, Defendants Larry O. Smith, Jr. and Rosemary Smith and hereby answer the Complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-4-0370	X	

(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) and indicate what you have done to resolve your disagreement with the United States and the State, in the spaces provided below.)

We object to the description of the water right(s) described by the proposed Consent Order for Subfile Number ZRB-4-0370 because:

(explain) The Consent Order improperly requires an agreement that we are enjoined from any other uses of water in the Zuni Basin; the Consent Order imposes arbitrary limits on wells used for domestic and livestock purposes; the amounts offered are not adequate for past and future uses.

(Attach additional pages if necessary)

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

(describe) We have conferred in good faith through our attorney regarding the injunction language and the arbitrary limits on domestic/livestock wells and the specifics of the water rights offered.

(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- because:

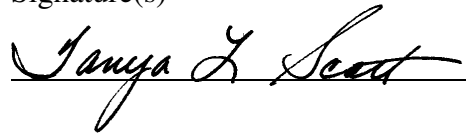
(explain) Not applicable

(Attach additional pages if necessary)

We understand that by making this claim and filing this document we are not waiving our rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses 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)



Attorney for Larry & Rosemary Smith

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(Phone number: Print clearly)