

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

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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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-2-0003

SUBFILE ANSWER

COMES NOW CHARLIE H. ALLEN & JANE C. MARTIN and
answer(s) the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-2-0003	<i>CHD JCM</i>	

(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-2-0003 because:

(explain) Defendant objects to Plaintiff's consent offer for a NMSA 1958

§ 72-12-1 well for amount of water less than three acre feet per year, based upon the existence of a priority or vested right for three acre feet per year as provided by statute and the rules and regulations of the State Engineer, and/or a priority or vested right in a permit allowing the diversion of up to three acre feet per year. The Defendant has used or intends to use up to three acre feet per year for the irrigation of not more than

one acre of noncommercial trees, lawn or garden; in household or other domestic uses and/or for livestock purposes.

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)

(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-2-0003 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) – CHARLIE H. ALLEN & JANE C. MARTIN:

Charlie H. Allen

Jane C. Martin (See attached for address)
P.O. Box 708 Force Lake, NM 87315

(Address: Print Clearly)

(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**

Jane C. Martin

6075 Del Sol Drive

Alamosa, CO 81101

Phone 719.589.2334