

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

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK - ALBUQUERQUE

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-2-0064

SUBFILE ANSWER

COMES NOW WILSON LINK and answer(s) the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-2-0064	<input type="checkbox"/> <i>E.S.L.</i>	<input type="checkbox"/>

(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

681

Order for Subfile Number ZRB-2-0064 because:

(explain) 1) water rights are property rights protected by state law, and they should not be diminished without compensation to owners

2) The powers of state govt should be limited to what's outlined by statute, which would not include the management of water

(Attach additional pages if necessary)

cont

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) Consultation

(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-2-0064 because:

(explain)

(Attach additional pages if necessary)

From top:

resources, but only the enforcement of priorities and quantified rights to use the water.

3) Public welfare is not an excuse for impairing water rights without "takings" compensation to owners

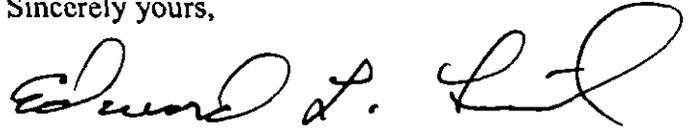
See also attached:

Cont From P92

TO WHOM IT MAY CONCERN:

The Link property (ranch-farm, Sections 3 & 18) is located in the Fence Lake, NM area and was homesteaded by Wilson Link in 1932. This property is still being operated as a ranch by the Link family. New Mexico law notes that all water is for public use and that water rights are appurtenant to the property for agricultural use and beneficial enjoyment of the property. I would warrant that due to my potential increase in cattle management on the property (currently 15 head of cattle, but potentially increasing to 60) and intent to reside on the property in the near future, that it would be an infringement to my water rights if there is *any* limitation put on my use of the ground water originating from the well on my property. New Mexico law is clear in that my use of the ground water originating from the well on my property should not be limited in any way as long as it is needed for agriculture and beneficial enjoyment of the property. I categorically reject the provisions of the lawsuit as a severe infringement on my property and a probably loss of economic value.

Sincerely yours,

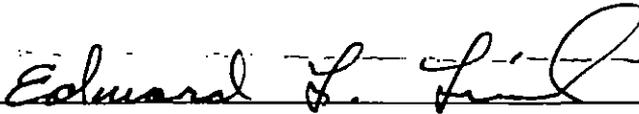
A handwritten signature in cursive script, appearing to read "Edward L. Link". The signature is written in dark ink and is positioned above the typed name and title.

Edward L. Link
Power of Attorney for Wilson Link

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) – WILSON LINK:



7319 Lew Wallace Dr. N.E.

Albuquerque, N.M. 87109
(Address: Print Clearly)

905 - 681-6097
(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**