

**FILED**

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

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

AUG 10 2008

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,

MATTHEW J. DYKMAN  
CLERK

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-3-0051

Defendants.

**SUBFILE ANSWER**

COME(S) NOW WILLIAM J. ELAM OR NORMA M. ELAM and  
answer(s) the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-3-0051	WJ&NJE	

(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-3-0051 because:

(explain) No attempt has been made by the plaintiffs to do a three dimensional ground water aquifer mapping. We were advised by our retained consultants, Dynamic Solutions LLC, WWW.DSLLC.COM that without a 3D mapping the plaintiffs would always be subject to further litigation.

(Attach additional pages if necessary)

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 discussed our position with The Federal and state counsel, the state Engineer and Mr Hadi of Fort Collins on 14th of June 2006 via teleconference. They were only interested in how much land & cows we now have, which at present is 30 times

(Attach additional pages if necessary) what we had when we first filled our request and we intend to expand!

I (We) claim no right for the water right(s) described by the proposed Consent Order for Subfile Number ZRB-3-0051 because:

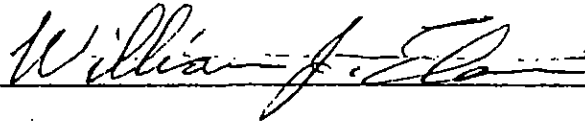
(explain) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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) – WILLIAM J. ELAM OR NORMA M. ELAM:



912 Hermosa Drive SE  
Albuquerque, NM 87108  
(Address: Print Clearly)

505 268 1847  
(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 August 12, 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 August 12, 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  
1961 Stout Street – 8<sup>th</sup> Floor  
Denver, CO 80294**