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
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

ZUNI RIVER BASIN ADJUDICATION

Subfile No: ZRB-4-0313

SUBFILE ANSWER

COME(S) NOW STEVEN H. PETTIT AND KAREN C. PETTIT, COTRUSTEES OF THE STEVEN AND KAREN PETTIT TRUST, DATED JULY 19, 2005 and answer(s) the complaint as follows:

Subfile No:	Object	Claim No Right
ZRB-4-0313	S.H.P. K.P.	

(**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-4-0313 because:
(explain) See attached Objection dated June 27, 2008.

(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) 1) Filing Request for Consultation with attachment dated January 8, 2007.
2) Phone Consultation on March 20, 2007.
3) Follow-up correspondence dated March 28, 2007.

(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-4-0313 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) – STEVEN H. PETTIT AND KAREN C. PETTIT, COTRUSTEES OF THE STEVEN AND KAREN PETTIT TRUST, DATED JULY 19, 2005:

Steven H. Pettit cotrustee

Karen C Pettit cotrustee

P.O. Box 273

Santa Ysabel, CA 92070

(Address: Print Clearly)

(760) 765-1580

(Phone Number: Print Clearly)

IMPORTANT: Within 20 days of June 12, 2008, you must EITHER accept the last Consent Order offered by the United States and the State for Subfile ZRB-4-0313 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 June 12, 2008. 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

Date: June 27, 2008

Re: Case No. 01cv00072-BB
Subfile No. ZRB-4-0313
Objection to proposed Consent Order

There are two reasons why we object. First, we appreciate you adding a provision for our new pond (3C-3-SP011), however it appears from the map that the one designated is not ours, but is actually one located on our neighbor's property. This fact is further supported by the description listing the purpose as "Livestock" and the source as "Runoff". Our new pond is actually located immediately in front of our house and will be used for both storage and recreational use. It comprises approximately 40,000 gallons and is kept full by the well designated as 3C-5-W003.

Secondly, this adjudication is occurring during a difficult transitional time for us. We have more than doubled the size of our house, added the pond, and are preparing to install new gardens and orchards on the south and west sides of the addition. When we permitted and drilled the new well to accommodate this usage, we did so with the understanding that we would have access to the three acre-feet granted on the permit.

Based upon these reasons, we respectfully request that you review our Consent Order and raise the Amount of Water for well 3C-5-W003 to at least 1.75 acre-feet per annum.

Sincerely,

Steve Pettit Karen Pettit
Co-Trustees