

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-3-0079

SUBFILE ANSWER

COME(S) NOW HOFFMAN LIVING TRUST DATED SEPTEMBER  
25, 2002 and answer(s) the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-3-0079	<input checked="" type="checkbox"/>	<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 Order for Subfile Number ZRB-3-0079 because:  
(explain) The well, noted on Map Label 7A-8-W08, has historically produced fully 3.0 acre-feet per annum. The Consent Order offer is not in accordance with historical use for the well.

(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) Defendant met in consultation with Plaintiffs and also met with Plaintiffs on location. Pursuant to consultation, Defendant agreed to a survey, which established an acceptable offer regarding the two stock ponds.

(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-3-0079 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) – HOFFMAN LIVING TRUST DATED SEPTEMBER 25, 2002:

By: *Tanya L. Scott*  
Tanya L. Scott

Attorney for Defendant Hoffman Living

Trust Dated September 25, 2002 (address: P.O. Box 707,  
201 Third Street NW, Suite 1750 Fence Lake, NM  
Albuquerque, N.M. 87102 87315)  
(505) 346-0998 / Fax: (505) 346-0997

**IMPORTANT: Within 20 days of January 21, 2009, you must EITHER accept the last Consent Order offered by the United States and the State for Subfile ZRB-3-0079 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 January 21, 2009. 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 – 8<sup>th</sup> Floor  
Denver, CO 80294

**EDWARD BAGLEY**  
Office of the State Engineer, Legal Division  
P.O. Box 25102  
Santa Fe, NM 87504