

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. )  
A & R PRODUCTIONS, et al., )  
Defendants. )

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO  
10 SEP -9 PM 1:11  
CLERK-ALBUQUERQUE

No. 01cv00072-BB  
ZUNI RIVER BASIN  
ADJUDICATION  
Subfile No. ZRB-4-0455

REQUEST FOR CONSULTATION

I hereby request consultation with the United States and the State of New Mexico ex rel. State Engineer concerning the Consent Order provided to ALAN AND JO MARIE BALOK for Subfile No. ZRB-4-0455 in the above-captioned lawsuit. I disagree with the proposed Consent Order because: (Be as specific as possible. Attach additional pages, if necessary.)

*Requesting a change of the well numbers to reflect the producing well as the well to be offered as the domestic household well for our residence from well NO G-01047 to well NO. G-02242.*

*Well NO G-01047 is not being used because it produces little to no water (Not enough to run a household). Please see the attached letter of explanation.*

Signed: *Alan F. Balok Jo Marie Balok* Date: *9/1/2010*

Print or type name: *Alan F. BALOK Jo Marie Balok*

I can be reached at:

Address: *PO BOX 5052  
Gallup N.M.  
87305*

Daytime phone number: *505-488-5747*

Email address (if available): \_\_\_\_\_

(Mail this form to "Attn: Zuni Adjudication, U.S. Department of Justice, 1961 Stout Street - 8<sup>th</sup> Floor, Denver, CO 80294," or fax it to (303) 844-1350)

August 31, 2010

Mr. Bradley Bridgewater  
U.S. Department of Justice  
1961 Stout Street-8<sup>th</sup> Floor  
Denver, CO 80294

Dear Mr. Bridgewater:

In reference to the Zuni River Basin Water Adjudication Consent Order Subfile No: ZRB-4-0455 for Alan & Jo Marie Balok.

We are returning to you the Consultation Form because as we read and understand it, we are being offered the use of one household well for domestic use at our residence and we would like to clarify the facts as they exist.

We have 2 wells located on our property, both of which were drilled following the domestic well permit process and those wells are recorded with the NM State Engineer's Office. Those well numbers are G-01047 drilled in 1999 and well number G-02242 drilled in 2004.

We are being offered water rights to well G-01047 which was drilled in 1999 and no rights for well G-2242.

As it was explained to the field representatives upon inspection of these wells a number of years ago (unsure of names and dates), well number G-02242 was drilled in 2004 to replace well number G-01047 because it was not producing enough water for home use (it had basically gone dry).

It appears in the documentation in subfile ZRB-4-0455 that we are being offered water rights for well G-01047 as a domestic well and no rights for well G-02242 which was drilled in 2004 as a replacement well for G-01047.

Well number G-01047 is not being used and we are hereby respectfully requesting that your records be changed to reflect we are being offered water rights to well number G-02242 as a domestic household well for our residence instead of well number G-01047 which is not being used.

Please consider this request for change to keep all records correct and give us the opportunity to continue to use the correct well in order to maintain our household.

Sincerely,

*Alan J. Balok*  
Alan & Jo Marie Balok

*Jo Marie Balok*