

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,
and
STATE OF NEW MEXICO, ex rel.
STATE ENGINEER,
Plaintiffs,

and

NO. CV 01-72 BB/WDS

ZUNI INDIAN TRIBE and
NAVAJO NATION,
Plaintiffs-in-Intervention,

vs.

ZUNI RIVER BASIN
ADJUDICATION

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS
and
A & R PRODUCTIONS, et. al.,
Defendants.

Subfile No.: ZRB-4-0115

SUBFILE ANSWER

NOW ENTERING COURT is William G. Stripp, Attorney at Law, on behalf of
Pamela Davis, who answers the complaint as follows:

1. Defendant Pamela Davis objects to the description of water rights contained in
the proposed Consent Order offered by the United States and the State of New Mexico
concerning Subfile Number **ZRB-4-0115**.

2. The objection to the description of the water rights described by the proposed
Consent Order for Subfile Number **ZRB-4-0115** is made because the offer of 1.61 acre
feet for per annum for well number 3C-6-W006 does not accurately reflect either

historical beneficial use or future needs. The well services a full section (640 acres) of land, which includes an orchard, a house with additional fruit trees, a garden which supplies several families and the local Farmer's Market, and livestock, including cattle and horses. Defendant believes that 3.0 acre feet per annum is an appropriate amount.

3. Defendant made a good faith effort to resolve her disagreement with the Consent Order proposed by the United States and the State by meeting with representatives of the Plaintiffs. While Defendant believes that the current offer presented in the Consent Order is unacceptable, Defendant is willing to continue negotiations in an attempt to resolve the parties' differences.

4. Defendant understands that by making this claim and filing this document she is not waiving her right to later raise in an Amended Answer, any jurisdictional or affirmative defenses she may have.

5. Defense counsel is using a slightly modified version of the Subfile Answer form presented with the Notice That the Consultation Period Has Ended rather than a customized pleading, because it appears that is what the Court wants.

Date: October 8, 2010

Respectfully submitted,
---signed electronically---
WILLIAM G. STRIPP
ATTORNEY AT LAW
P.O. BOX 159
RAMAH, NEW MEXICO 87321
Telephone: (505) 783-4138
Facsimile: (505) 783-4139

Certificate of Service

I HEREBY CERTIFY that on October 8, 2010, I filed the foregoing electronically through the CM/ECF system, which caused counsel and parties pro se who have entered an appearance to be served by electronic means. ---signed electronically---