

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-4-0203

SUBFILE ANSWER

NOW ENTERING COURT is William G. Stripp, Attorney at Law, on behalf of Defendant Lucy W. Kluckhohn Jones, Trustee, who answers the complaint as follows:

1. Defendant Lucy W. Kluckhohn Jones 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-4-0203**.

2. The objection to the description of the water rights described by the proposed Consent Order for Subfile Number **ZRB-4-0203** is made because the offers of 0.7 acre feet per annum for well number 3C-5-W005 and 0.067 acre feet for well number #C-5-

W006 do not accurately reflect either historical beneficial use or future needs. Well 3C-5-W005, which has a priority date of 10/7/2003, is used for both domestic purposes and livestock watering. The offer of 0.7 acre feet is insufficient. Defendant will accept 3 acre feet. Well 3C-5-W006, which has a priority date of 1/1/1950, has been used historically for livestock watering, agricultural purposes, and human consumption. The offer of 0.067 acre feet is insufficient. Defendant will accept 5.0 acre feet.

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
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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---