

FILED JR
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

10 OCT 12 AM 11:09

CLERK-SANTA FE

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-2-0091

SUBFILE ANSWER

COME(S) NOW EDWARD ALLEN WAGNER & DONNA MARIE
WAGNER and answer(s) the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-2-0091	<input type="checkbox"/> <i>EAU</i>	<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-2-0091 because:

(explain)

PLEASE SEE MY MESSAGE TO MR. BRIDGEWATER ON
MAY 16, 2010, ATTACHED.
I NEVER RECEIVED A RESPONSE. SAU
THIS WAS IN REGARD TO HIS APRIL 20, 2010, ^{CONSENT ORDER} LETTER.

(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)

WITH NO RESPONSE TO MY MESSAGE I RESENT
IT VIA CERTIFIED MAIL & HAVE ACKNOWLEDGEMENT
MR. BRIDGEWATER RECEIVED IT. SAU
STILL NO RESPONSE !!!

(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-2-0091 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.

MAIL

Water Adjudication, Your letter of April 20,2010

Sunday, May 16, 2010 9:08 AM

From: "Ed Wagner" <rancheredo@yahoo.com>
To: "Bradley Bridgewater" <bradley.s.bridgewater@usdoj.gov>
Cc: "Laura Boyett" <boyettlawfirm@yahoo.com>, "Charles Johnson" <cjohn34@cox.net>, "Ed Wagner" <rancheredo@yahoo.com>

Mr. Bridgewater,

Who is Doris Jean Clawson, addressed in this same letter?? I know of now such person.

Two issues:

(1) The number of cattle carrying capacity for the Rincon Ranch does not agree with the Bureau of Land Management (BLM) numbers. I lease 4,000 acres of BLM land within my ranch. BLM claims 269 cattle carrying capacity which I pay for annually. Ratioing 269 cattle per 4,000 acres with X cattle per 12,881 acres yields 866 cattle. Previously I reported that Bert Cox, the original Rincon Ranch owner, had over 800 head of cattle on this ranch at one time.
Please adjust from 305 head of cattle, the water allocation for the wells to supporting 866 head of cattle.

(2) Now that well 9C-6-W02 is claimed as within the defined Zuni basin, defacto it is linked to the two southern Zuni reservation wells. My geologist agrees with this as all 3 wells are in the Dakota, San Andres-Glorieta acqifer. I established this permitted Lodge well in December of 2004 with a depth of 1,100 feet and a well head of 600 foot of water.
During the summer of 2005 the Zunis pumped both their wells at 1,400 gallons per minute per their hydrologist to establish useage. This continued until the fall of 2005 when a Bureau of Indian Affairs judge told them to cease.
During this time my 1,100 foot well was totally drained. I expect restitution for the loss of this well. I have had to haul water to the lodge cistern to continue operation.

Thank you for recognizing these issue,

Edward A. Wagner

(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) – EDWARD ALLEN WAGNER & DONNA MARIE WAGNER:

Edward Allen Wagner 10/8/10
Donna M. Wagner 10/8/10

P.O. Box 779, FENCE LAKE, NM
(Address: Print Clearly) 87111

505-205-5706
(Phone Number: Print Clearly)

IMPORTANT: Within 20 days of September 13, 2010, you must EITHER accept the last Consent Order offered by the United States and the State for Subfile ZRB-2-0091 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 September 13, 2010. 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

*M. RECEIVED
SEPT. 21, 2010*

W

Mr. Ed Wagner
PO Box 779
Fence Lake, NM 87315

RECEIVED
AT SANTA FE

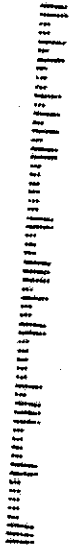
OCT 13 2010

MR

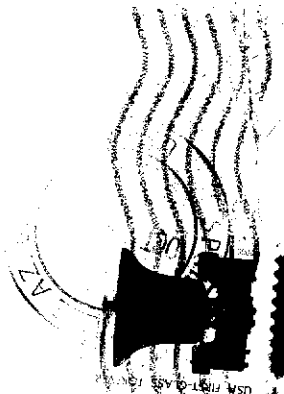
MATTHEW J. DYKMAN
CLERK

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