

**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 (ACE)

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

vs.

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

**RESPONSE OF PAUL DAVIS ET AL TO
MOTION TO CERTIFY QUESTIONS TO THE NEW MEXICO SUPREME COURT**

NOW ENTERING COURT is William G. Stripp, Attorney at Law, on behalf of Paul Davis; the Paul Davis Survivor's Trust; the JoAnn V. Davis Residual Trust; Pamela Kay Davis; Sage Grae Merrill; Kristi Davis; Anita Davis Schafer; Robert Schafer; Barbara Mallery; Lucy Kluckhohn Jones; Priscilla Schulte; Paul Enz; Carol Enz; and Paul Petranto, who respond to the Motion to Certify Questions to the New Mexico Supreme Court as follows:

1. Defendants Paul Davis et al. approve of and join in the Motion to Certify Questions to the New Mexico Supreme Court.

2. In addition, Defendants Paul Davis et al. believe that the following question should be presented to the New Mexico Supreme Court.

Whether, in light of NMSA 1978, § 72-12-1 (2003) et seq., the State of New Mexico should be estopped from offering owners of domestic wells less than 3 acre feet of water.

3. Defendants Paul Davis et al. previously briefed this issue in their Comments on Order to Show Cause (Document 384) filed on August 30, 2005.

Date: November 30, 2005

Respectfully submitted,

----signed electronically-----

**WILLIAM G. STRIPP
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Certificate of Mailing

This certifies that on 11/30/05 this pleading was mailed to counsel of record and parties pro se as listed on the Court's electronic docket by placing the pleading in envelopes with postage prepaid and placing the envelopes with the US Post office in Ramah, NM for delivery.

----signed electronically-----

William G. Stripp
Attorney at Law