

IN THE UNITED STATES DISTRICT COURT FILED *[Signature]*
FOR THE DISTRICT OF NEW MEXICO UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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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,

No. 01cv00072-BB/DWD/ACE

Plaintiffs,

and

ZUNI INDIAN TRIBE,
NAVAJO NATION,

ZUNI RIVER BASIN
ADJUDICATION

Plaintiffs in Intervention,

v.

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

Subfile No: ZRB-2-0014

Defendants.

SUBFILE ANSWER

~~COMES NOW EDWARD-BAWOLEK-&-SUZAN-BAWOLEK-TRUST~~
and answer(s) the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-2-0014	<div style="border: 1px solid black; padding: 2px; display: inline-block;">EJS SJB 4/9/2006</div>	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>

(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.)

623

I (We) object to the description of the water right(s) described by the proposed Consent Order for Subfile Number ZRB-2-0014 because:

(explain)

Defendants' objection is detailed in the Request for Consultation
timely filed on March 1, 2006 and incorporated herein by
reference, and upon inability to reach full agreement during a
consultation conducted April 4, 2006 as described infra.

(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)

Reference the attached Consultation Summary, incorporated
herein by reference.

(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-2-0014 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.

(**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 BAWOLEK & SUZAN BAWOLEK TRUST:

Edward J. Bawolek 4/9/2006 Edward J. Bawolek

Suzan J. Bawolek 4/9/2006 Suzan J. Bawolek

2200 West Sagebrush Court

Chandler, AZ 85224

(Address: Print Clearly)

480.899.7157 (residence)

602.376.1755 (mobile*)

(Phone Number: Print Clearly)

*calls from blocked numbers not answered

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you waived service of process, you must file an answer in this subfile with United States District Court for the District of New Mexico by April 10, 2006. 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 file an answer by April 10, 2006. The court's address is 333 Lomas NW, Suite 270, Albuquerque, NM 87102. A copy of the answer filed with the district court must also be sent to counsel for the United States at the following address:

**BRADLEY S. BRIDGEWATER
U.S. Department of Justice
999 Eighteenth St., Suite 945 N
Denver, CO 80202**

Consultation Summary

During the consultation of April 4, 2006, substantive progress was made with respect to the description of Defendants' water rights; however, the allotted time was insufficient to fully resolve all issues. In particular, after discussions with Mr. Edward Bagley, the Defendants' reached agreement in principle with revised values for water quantities of water retained by stock tanks, subject to final tabulation and review. Water usage by wells was discussed, but negotiations could not be completed. A revision to the water usage by livestock wells was negotiated, but full agreement could not be reached for domestic well usage. A requirement was discussed for the Defendants to provide for domestic well usage either of further documentation for actual volume pumped and historical evidence for past consumption in excess of the amounts referenced in the proposed Consent Decree.

~~The duration and agenda of the consultation did not permit discussion of Defendants' objections with respect to the additional issues raised in the Request for Consultation.~~

Defendants' would be favorably disposed to a second consultation with the intention of negotiating remaining issues in good faith to avoid litigation. Defendants propose the time of said second consultation to be agreed upon between parties to the litigation with consideration for Defendants' need for time to gather evidence of usage and a motivation for timely progress in the adjudication.