

Case 6:01-cv-00072-BB-WDS

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FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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

08 JAN 28 PM 2:18

UNITED STATES OF AMERICA
and
ZUNI INDIAN TRIBE,
Plaintiffs,

CLERK-ALBUQUERQUE

NO. 07CV00681 BB
Subproceeding 1
Zuni Indian Claims

vs

STATE ENGINEER OF NEW MEXICO, ex rel. STATE
ENGINEER, et. al.,
Defendants.

RESPONSE OF CARY GRINOLD AND LYNNE GRINOLD

To

UNITED STATES' SUBPROCEEDING COMPLAINT AND STATEMENT OF
CLAIMS FOR WATER RIGHTS ON BEHALF OF, AND FOR THE BENEFIT OF,
THE ZUNI INDIAN TRIBE AND ZUNI ALLOTTEES

1. We admit that the Zuni Indian Tribe is an Indian Pueblo residing on lands in the Zuni River Basin in New Mexico. We deny that the tribe's members have lived on, cultivated and occupied lands in the Zuni River Basin from time immemorial. We have insufficient information to admit or deny the remainder of the allegations in Claim 1.
2. We have insufficient information to admit or deny claims that occupancy and ownership were recognized by the Spanish Crown, Mexico, the United States, or New Mexico. We deny that from time immemorial the Zuni Indian Tribe and its members have used waters of the Zuni River Basin in New Mexico.
3. We have insufficient information to admit or deny these claims.
4. We deny the claim that the Zuni Indian Tribe has been granted prior and paramount right to use of waters in the Zuni River Basin in New Mexico.
5. We deny this claim.
6. We have insufficient information to admit or deny these claims.
7. We have insufficient information to admit or deny these claims.
8. We have insufficient information to admit or deny these claims. We deny the assertion of rights as those of time immemorial or aboriginal.
9. We have insufficient information to admit or deny these claims.
10. We deny this claim. We deny the claim of the Zuni Indian Tribe to use all sources and quantities of water otherwise claimed for religious and ceremonial purposes.

11. We admit to the definitions in this claim.
12. We admit this claim.
13. We admit this claim.
14. We admit the Zuni Indian tribes right to maintain water impoundments as described. We deny the claims of rights to fill each impoundment to its full capacity whenever the stated source of supply is available and use the impounded water for identified purposes. We deny the claim of rights by the Zuni Indian tribe to enlarge or deepen existing impoundments or to create new impoundments.
15. We admit to the location of reservoirs in Table 2. We have insufficient information to admit or deny the dimensions of these reservoirs. We deny the claim of rights to fill each reservoir to capacity whenever the stated source of supply is available and to use the impounded water for identified purposes. We deny the Zuni Indian Tribe claim of the right to deepen or enlarge existing reservoirs.
16. We have insufficient information to admit or deny these claims.
17. We have insufficient information to admit or deny these claims.
18. We have insufficient information to admit or deny these claims.
19. We have insufficient information to admit or deny the listed livestock carrying capacities. We deny the claim that the Zuni Indian Tribe has the right to allocate this right among wells as it deems necessary to meet the needs of a permanent Zuni homeland.
20. We have insufficient information to admit or deny the Zuni Indian Tribes current or past use of wells identified in table 3. We admit the right claimed that the listed wells may be maintained. We deny the right claimed that the listed wells may be deepened or that groundwater may be diverted by means of such wells for purposes chosen within the sole discretion of the Zuni Indian Tribe. We deny the claim of rights to create such new wells as may be necessary to meet the needs of a permanent Zuni homeland.
21. We have insufficient information to admit or deny these claims.
22. We have insufficient information to admit or deny these claims.
23. We have insufficient information to admit or deny these claims.
24. We deny this claim.
25. We have insufficient information to admit or deny these claims.
26. We have insufficient information to admit or deny these claims.
27. We have insufficient information to admit or deny these claims.
28. We have insufficient information to admit or deny these claims.
29. We have insufficient information to admit or deny these claims.
30. We have insufficient information to admit or deny these claims.
31. We have insufficient information to admit or deny these claims.

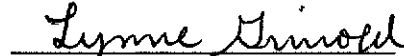
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January 24, 2008



Cary Grinold



Lynne Grinold

Cary and Lynne Grinold
Box 828
Ramah, N.M. 87321
505-783-4093