

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 2:13

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' SUPPLEMENTAL 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 incorporate and reference the entirety of our responses submitted in Response of Cary 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. We admit the right incorporating Definitions and Explanation of References set forth in the United States' Subproceeding Complaint.
2. We deny the claims of water rights and entitlements pursuant to federal law with a time immemorial or aboriginal priority.
3. We have insufficient information to admit or deny that the tribe has used or is presently using water from the impoundments listed. We admit the claim of rights to maintain the listed impoundments. We deny claims of rights to fill each impoundment to its capacity whenever the source of supply is available. We deny claims of rights to enlarge, deepen existing impoundments and to create any new impoundments that may be necessary to meet the livestock-watering, sewage treatment, irrigation, or other needs of a permanent Zuni homeland.
4. We have insufficient information to admit or deny that the tribe has used or is presently using water from the naturally occurring ponds listed in the attached Table A. We deny claims of rights to fill those ponds to full capacity free from interference whenever the source of supply is available, and to use the water from the ponds as may be necessary to meet the livestock-watering, irrigation, recreation, cultural, and other needs of a permanent Zuni homeland.

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5. We have insufficient information to admit or deny these claims.
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.
9. We have insufficient information to admit or deny these claims.

January 24, 2008


Cary Grinold


Lynne Grinold

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