

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

UNITED STATES OF AMERICA)	
and)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE)	
ENGINEER,)	
)	
Plaintiffs,)	
)	No. 01cv00072 MV/LFG
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	Subfile No. ZRB-3-0171
)	
v.)	
)	
A & R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

Order Granting Summary Judgment

This matter is before the Court upon the April 29, 2013 Unopposed Motion for Summary Judgment filed by the Plaintiffs United States of America (“United States”) and New Mexico *ex rel.* State Engineer (“State”) (No. 2878). The Court, being fully advised, finds that the Plaintiffs’ motion is well-taken and should be GRANTED. Upon the record, the Court finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. On October 22, 2012, Plaintiffs filed a Notice that the Consultation Period Has Ended for Subfile No. ZRB-3-0171 (No. 2807).

3. On October 26, 2012, Defendants SHIRLEY SWEET & MICHAEL SWEET filed a timely Subfile Answer for Subfile No. ZRB-3-0171 (No. 2810). The Defendants' Subfile Answer indicates that they make no claim as to the water right described in the Consent Order offered to them by Plaintiffs, and otherwise specifies no objection to the description of the water right included in said Consent Order.

4. The portions of the *Zuni River Basin Adjudication Hydrographic Survey Report for Subarea 7* (January 2006, as amended), prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of SHIRLEY SWEET & MICHAEL SWEET for Subfile No. ZRB-3-0171 have been introduced into the record, are not disputed by the Defendants, and the same are hereby incorporated as the evidentiary basis of the water rights described in this order.

5. The description of the water right included in the last Consent Order provided to Defendants SHIRLEY SWEET & MICHAEL SWEET was consistent with the description for Subfile ZRB-3-0171 included in the *Zuni River Basin Hydrographic Survey Report for Subarea 7*.

6. The Defendants' Subfile Answer raises no dispute as to any material fact concerning the Plaintiffs' description of the Defendants' water right in the Consent Order offered to Defendants or in the *Zuni River Basin Hydrographic Survey Report for Subarea 7*. Pursuant to NMSA 1978, Sections 72-4-15 through 72-4-19, Plaintiffs are entitled as a matter of law to judgment against the Defendants consistent

with the facts shown in the *Zuni River Basin Hydrographic Survey Report for Subarea 7*. Defendants have indicated that they concur in Plaintiffs' motion.

7. In accordance with the *Zuni River Basin Hydrographic Survey Report for Subarea 7*, as amended, the rights of SHIRLEY SWEET & MICHAEL SWEET to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

SHIRLEY SWEET & MICHAEL SWEET
Subfile No. ZRB-3-0171

WELL

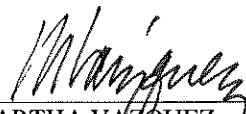
Map Label: 7B-3-W49
OSE File No: G 02385
Priority Date: 9/9/2005
Purpose of Use: 72-12-1 DOMESTIC ONE HOUSEHOLD
Well Location: As shown on Hydrographic Survey Map 7B-3
S. 24 T. 08N R. 16W 1/4, 1/16, 1/64: SW SW SE
X (ft): 2,528,732 Y (ft): 1,420,425
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: Historical beneficial use not to exceed 0.7 ac-ft per annum

WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the water rights of SHIRLEY SWEET & MICHAEL SWEET are as set forth herein, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that SHIRLEY SWEET & MICHAEL SWEET, and his or her successors, representatives, heirs and assigns, are HEREBY ENJOINED from any diversion or use of the waters of the Zuni River Stream System, except in strict accordance with this order or other orders of this Court in this civil action.

IT IS FURTHER ORDERED that the United States mail a copy of this order to the Defendants SHIRLEY SWEET & MICHAEL SWEET.

IT IS SO ORDERED.

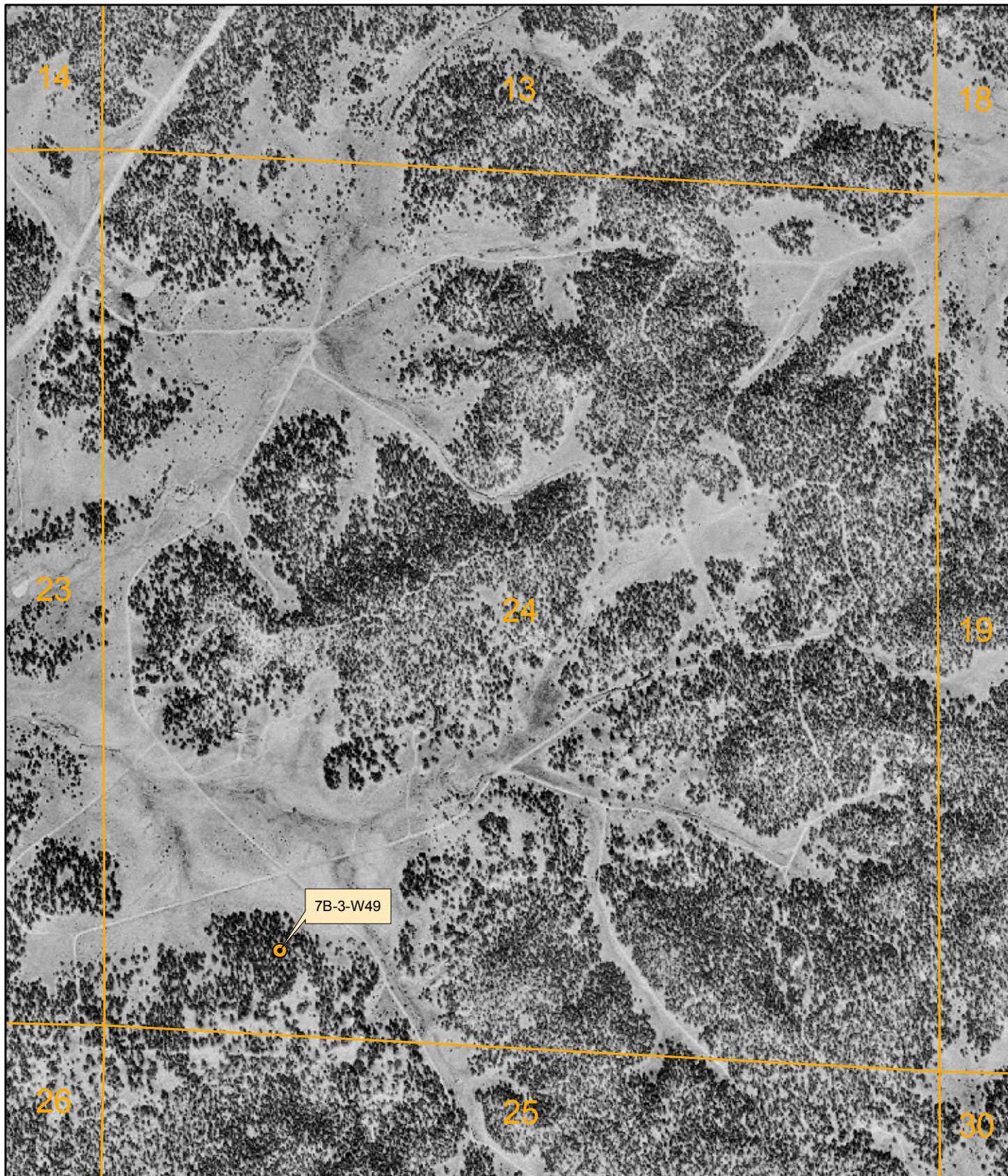


MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:







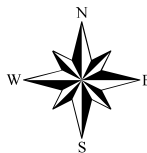
LORENZO F. GARCIA
UNITED STATES MAGISTRATE JUDGE



March 2006

LEGEND

-  Well
-  Stock Pond
-  Sub-Area Boundary
-  Section Boundary



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.

Sub-Area 7
Subfile Number: ZRB-3-0171
PLSS: S24, T08N, R16W
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