

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

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,

Plaintiffs,

and

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Plaintiffs in Intervention,

v.

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,

and

A & R PRODUCTIONS, et al.,

Defendants.

No. 01cv00072-BB/WDS/ACE

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 9 and 10

Subfile No: ZRB-2-0045

CONSENT ORDER

The Court, having considered the agreement between the Plaintiffs, the United States of America ("United States") and the State of New Mexico ex rel. State Engineer ("State"), and:

KATHLEEN LOUISE BOGART GIBSON

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, as set forth below FINDS:

1. The Court has jurisdiction over the United States, the State, the Defendant and the subject matter of this suit.

2. As evidenced by the parties' signatures below, the United States, the State, and the Defendant are in agreement concerning all elements of the right(s) of the Defendant set forth in paragraph 4 of this Consent Order to divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10. This Consent Order and the parties' respective signatures below evidence the entire agreement between the United States, the State, and the Defendant regarding the elements of the water right(s) adjudicated by this Consent Order.

3. There is no just reason to delay entry of this Consent Order as a final judgment as between the United States, the State, and the Defendant regarding the elements of the claims of the Defendant adjudicated by this Consent Order.

4. The right(s) of the Defendant to divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, is as set forth below:

WELL

Map Label: 10B-5-W23

OSE File No: G 1953

Priority Date: 12/31/1940

Purpose of Use: DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10B-5

S. 30 T. 05N R. 17W 1/4, 1/16, 1/64: NW NE SE

X (ft): 2,471,672 Y (ft): 1,324,186

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 2.490 acre-feet per annum;

STOCK POND

Map Label: 10B-5-SP32
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 57,111
Storage Impoundment Volume (ac-ft): 3.933

Pond Location: As shown on Hydrographic Survey Map 10B-5

S. 30 T. 05N R. 17W 1/4, 1/16, 1/64: NE NW NW

X(ft): 2,471,823 **Y(ft):** 1,324,859

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-5-SP33
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 8,675
Storage Impoundment Volume (ac-ft): 0.239

Pond Location: As shown on Hydrographic Survey Map 10B-5

S. 30 T. 05N R. 17W 1/4, 1/16, 1/64: NE SE NW

X(ft): 2,473,486 Y(ft): 1,323,404

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-5-SP34

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 9,527

Storage Impoundment Volume (ac-ft): 0.197

Pond Location: As shown on Hydrographic Survey Map 10B-5

S. 30 T. 05N R. 17W 1/4, 1/16, 1/64: NE SW SE

X(ft): 2,472,921 Y(ft): 1,322,865

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-5-SP35

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 9,705

Storage Impoundment Volume (ac-ft): 0.201

Pond Location: As shown on Hydrographic Survey Map 10B-5

S. 30 T. 05N R. 17W 1/4, 1/16, 1/64: NE SW SE

X(ft): 2,472,623 Y(ft): 1,322,936

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-5-SP36

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 7,223

Storage Impoundment Volume (ac-ft): 0.298

Pond Location: As shown on Hydrographic Survey Map 10B-5

S. 30 T. 05N R. 17W 1/4, 1/16, 1/64: NW SE SW

X(ft): 2,470,899 Y(ft): 1,322,836

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-5-SP37
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0
Surface Area (sq.ft): 2,621
Storage Impoundment Volume (ac-ft): 0.036

Pond Location: As shown on Hydrographic Survey Map 10B-5

S. 30 T. 05N R. 17W 1/4, 1/16, 1/64: SW NE NW

X(ft): 2,470,593 **Y(ft):** 1,322,210

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-5-SP38
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0
Surface Area (sq.ft): 2,867
Storage Impoundment Volume (ac-ft): 0.039

Pond Location: As shown on Hydrographic Survey Map 10B-5

S. 30 T. 05N R. 17W 1/4, 1/16, 1/64: SW NW SE

X(ft): 2,470,304 **Y(ft):** 1,321,584

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-5-SP39

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 11,473

Storage Impoundment Volume (ac-ft): 0.316

Pond Location: As shown on Hydrographic Survey Map 10B-5

S. 30 T. 05N R. 17W 1/4, 1/16, 1/64: SW SE NW

X(ft): 2,470,725 **Y(ft):** 1,320,915

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-5-SP40

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 7.0

Surface Area (sq.ft): 23,099

Storage Impoundment Volume (ac-ft): 2.227

Pond Location: As shown on Hydrographic Survey Map 10B-5

S. 30 T. 05N R. 17W 1/4, 1/16, 1/64: SW SW SE

X(ft): 2,470,516 **Y(ft):** 1,320,187

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, except as set forth in this Consent Order and other orders entered by this Court in this cause.

6. The Defendant, and Defendant's successors, representatives, heirs and assigns, should be enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 9 and 10, except in strict accordance with this Consent Order and other orders of the Court in this cause.

7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

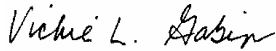
IT IS THEREFORE ORDERED that the right(s) of the Defendant to divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, are adjudicated as set forth herein, as between the United States, the State, and the Defendant. The Defendant, and Defendant's successors, representatives, heirs and

assigns, are hereby enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 9 and 10, except in strict accordance with this Consent Order and other orders of this Court in this cause. The Court enters this Consent Order as a partial final judgment, binding on the United States, the State, and the Defendant as to the elements of Defendant's water right(s) set forth herein, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree, and subject to the terms of the final decree in this proceeding.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN
SPECIAL MASTER

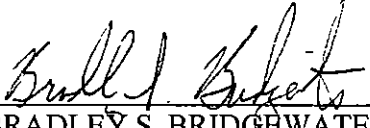
ACCEPTED: Kathleen Bogart Gibson 6/15/07
KATHLEEN LOUISE BOGART GIBSON DATE

ADDRESS: Box 683
Fence Lake NM 87315

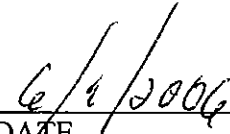
COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

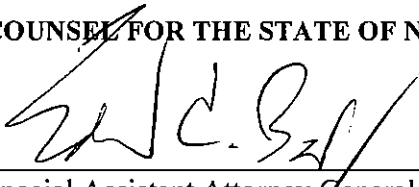


BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
(303) 844-1359

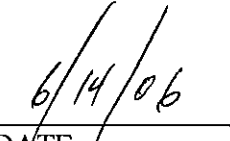


DATE

COUNSEL FOR THE STATE OF NEW MEXICO EX REL. STATE ENGINEER:



Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150







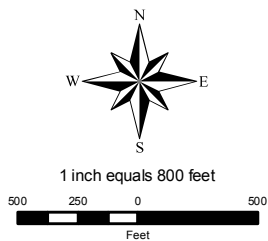
DATE



March 2006

LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 10
Subfile Number: ZRB-2-0045
PLSS: S30, T05N, R18W
Sheet 1 of 1



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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