



lands has been at all times recognized by the governments of Spain, the Republic of Mexico, and the United States of America.

4. By an Executive Order of March 16, 1877, the United States set aside additional lands for the benefit of the Tribe and established a reservation for the Zuni Indian Tribe. The Executive Order encompassed the original land grant area and additional lands. The Zuni Indian Reservation has been enlarged through numerous other executive orders and acts of Congress: the Executive Order of May 1, 1883 (1 Kappler 800); Executive Order of February 17, 1912 (III Kappler 670); Executive Order of 1917 (40 Stat. 1723); purchases pursuant to the Indian Reorganization Act of 1934 (48 Stat. 984); Act of June 20, 1935 (49 Stat. 393); Act of August 13, 1949 (63 Stat. 604-05); and the Act of March 16, 1962 (76 Stat. 33).

5. Throughout this entire period, dating from time immemorial, Zuni has engaged in irrigated agriculture on those lands, using waters from the Zuni River basin and, further, has taken and used water for religious, municipal, domestic, livestock watering, industrial, recreational, and other homeland needs.

6. Zuni claims the right to the use of the surface and underground waters within the Zuni River basin in amounts sufficient to foster, promote, and fulfill the current and future needs of the Tribe and fulfill the purposes for which the lands were set aside for the Tribe, which right dates from time immemorial or, at the latest, the date of creation of the reservation, and is prior and paramount to any other rights, claims, or uses by any other parties to this proceeding or other claimants to these waters.

7. Each of the other parties and interests herein claims rights in or to the use of the waters of the Zuni River basin, which claims are adverse to the claims of Zuni.

WHEREFORE, Plaintiff-Intervenor, Zuni Indian Tribe, prays for relief as follows:

1. That this Court require that each and every party, and all other claimants to the use of the surface and underground waters of the Zuni River basin, appear and set forth fully their claims to the use of the waters of the Zuni River basin.

2. That this Court determine the rights of each of the parties in and to the use of the surface and underground waters of the Zuni River basin, setting forth such rights with a date of priority for each right.

3. That this Court determine and decree that the Zuni Indian Tribe has the right to divert and use as much of the surface and underground waters of the Zuni River basin as is or may become necessary for any of the present or future needs and purposes of Zuni, and that such right be quantified and declared to have an immemorial priority date or, at the latest, the date of creation of the reservation, prior and paramount to any rights found on behalf of any other party or claimant in this adjudication.

4. That this Court enter its order enjoining all diversions and uses of the surface and underground waters from the Zuni River basin except in accordance with the rights and priorities as set forth in the Court's decree.

5. That the Court enter such further orders and decrees and grant such further and different relief as may be just and proper for a determination of the parties' rights to the use of the surface and underground waters of the Zuni River basin, or with respect to such other matters that the Court deems proper.

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I hereby certify that on the <sup>20<sup>th</sup></sup> day of April, 2001, a true and correct copy of the foregoing was served by United States Postal Service first class, postage pre-paid mail to the following:

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