

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

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 1, 2, and 3 excluding
Ramah

Subfile No: ZRB-4-0150

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

VERONICA FEAGIN, BEVERLY GONZALES, & CAROL BITTNER

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, 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 1, 2, and 3 excluding Ramah. 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 1, 2, and 3 excluding Ramah, is as set forth below:

POND

Map Label: 3B-1-SP032
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1927
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 10,342

Storage Impoundment Volume (ac-ft): 0.570

Pond Location: As shown on Hydrographic Survey Map 3B-1

S. 13 T. 13N R. 16W 1/4, 1/16, 1/64: SW SW NW

X(ft): 2,526,386 **Y(ft):** 1,584,222

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

Dam height (if greater than 9 ft):

POND

Map Label: 3B-1-SP033

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 4,353

Storage Impoundment Volume (ac-ft): 0.240

Pond Location: As shown on Hydrographic Survey Map 3B-1

S. 13 T. 13N R. 16W 1/4, 1/16, 1/64: SW SW SW

X(ft): 2,526,061 **Y(ft):** 1,583,980

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

Dam height (if greater than 9 ft):

POND

Map Label: 3B-1-SP037

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1978
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 1,832
Storage Impoundment Volume (ac-ft): 0.050

Pond Location: As shown on Hydrographic Survey Map 3B-1

S. 13 T. 13N R. 16W 1/4, 1/16, 1/64: SW NW NE
X(ft): 2,526,861 **Y(ft):** 1,585,461
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

POND

Map Label: 3B-1-SP038
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1927
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 10,068
Storage Impoundment Volume (ac-ft): 0.555

Pond Location: As shown on Hydrographic Survey Map 3B-1

S. 13 T. 13N R. 16W 1/4, 1/16, 1/64: SW SW NW
X(ft): 2,526,334 **Y(ft):** 1,584,391

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

Dam height (if greater than 9 ft):

POND

Map Label: 3B-1-SP039
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1927
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 1,069
Storage Impoundment Volume (ac-ft): 0.044

Pond Location: As shown on Hydrographic Survey Map 3B-1

S. 13 T. 13N R. 16W 1/4, 1/16, 1/64: SW NE NW

X(ft): 2,527,671 **Y(ft):** 1,585,465

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

Dam height (if greater than 9 ft):

POND

Map Label: 3B-1-SP040
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1978
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 3,804

Storage Impoundment Volume (ac-ft): 0.262

Pond Location: As shown on Hydrographic Survey Map 3B-1

S. 13 T. 13N R. 16W 1/4, 1/16, 1/64: NW SW SE

X(ft): 2,527,222 **Y(ft):** 1,586,296

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

Dam height (if greater than 9 ft):

POND

Map Label: 3B-1-SP042

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1928

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 95,919

Storage Impoundment Volume (ac-ft): 3.964

Pond Location: As shown on Hydrographic Survey Map 3B-1

S. 13 T. 13N R. 16W 1/4, 1/16, 1/64: NW NW NW

X(ft): 2,526,253 **Y(ft):** 1,588,395

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3B-1-W019

OSE File No: G 1734

Priority Date: 12/31/1963

Purpose of Use: Domestic & Livestock

Well Location: As shown on Hydrographic Survey Map 3B-1

S. 13 T. 13N R. 16W 1/4, 1/16, 1/64: NW SW NE

X (ft): 2,526,896 **Y (ft):** 1,587,194

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

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

WELL

Map Label: 3B-1-W020

OSE File No: G 1733

Priority Date: 12/31/1927

Purpose of Use: Domestic & Livestock

Well Location: As shown on Hydrographic Survey Map 3B-1

S. 13 T. 13N R. 16W 1/4, 1/16, 1/64: NW SE NE

X (ft): 2,528,042 **Y (ft):** 1,587,134

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

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

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, 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 1, 2, and 3 excluding Ramah, 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 1, 2, and 3 excluding Ramah, 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 1, 2, and 3 excluding Ramah, 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

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin

VICKIE L. GABIN
SPECIAL MASTER

ACCEPTED:

<i>Veronica Feagin</i>	<i>5/6/08</i>
VERONICA FEAGIN	DATE
<i>Beverly Gonzales</i>	<i>5/6/08</i>
BEVERLY GONZALES	DATE
<i>Carol Bittner</i>	<i>5/6/08</i>
CAROL BITTNER	DATE

ADDRESS:

17 Camino De Las Mananitas
Los Lunas, NM 87031

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

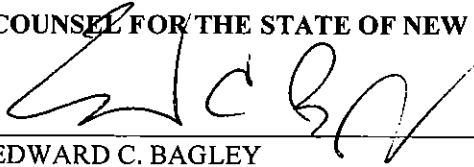
DATE

COUNSEL FOR THE UNITED STATES:

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

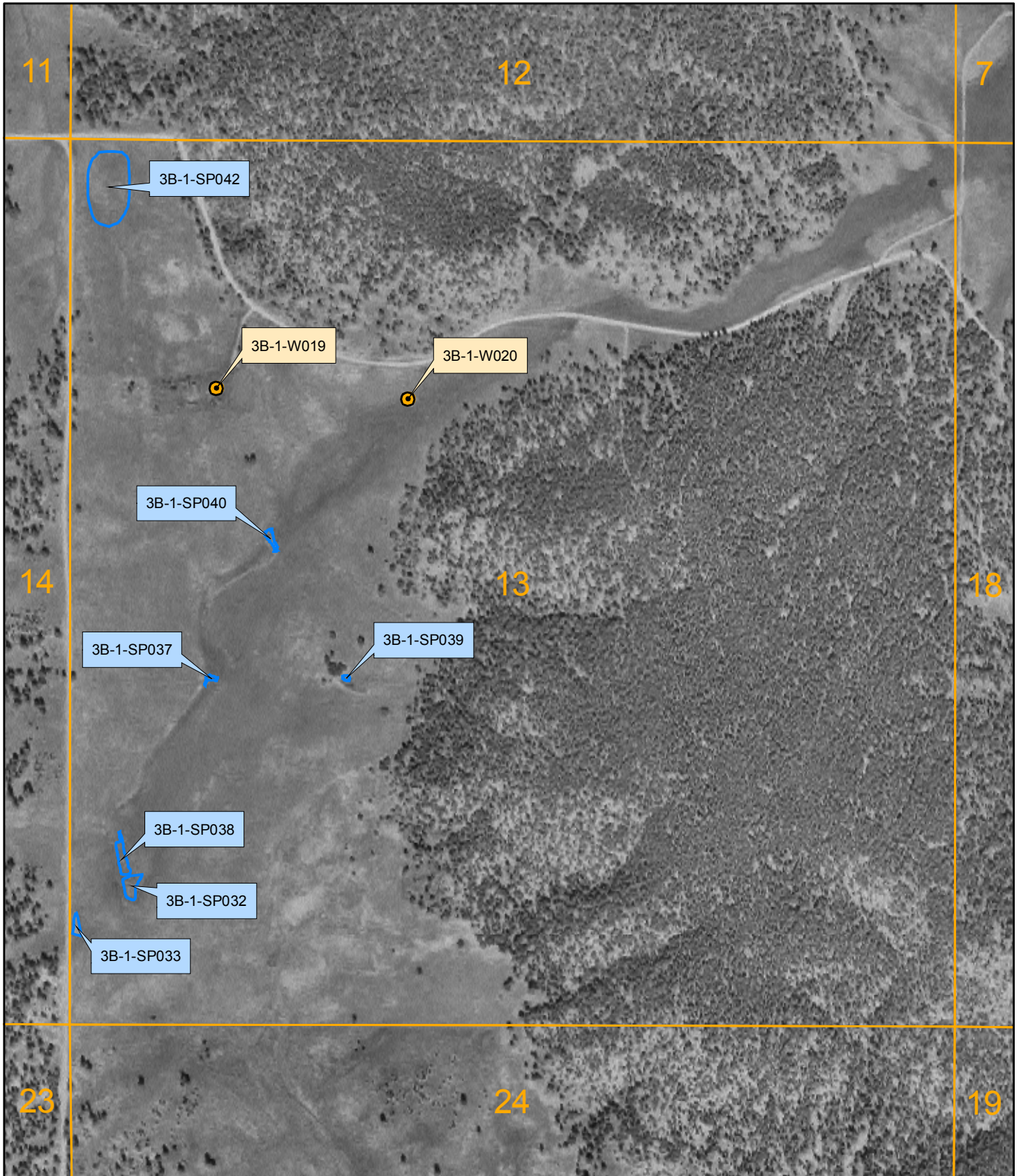
5/12/08
DATE

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







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

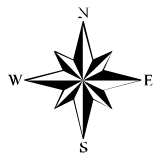
8/12/08
DATE



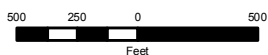
October 2006

LEGEND

-  Well
-  Town
-  Stock Pond
-  Basin Boundary
-  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 3
Subfile Number: ZRB-4-0150
PLSS: S13, T13N, R16W
Sheet 1 of 1