

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

UNITED STATES OF AMERICA, and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,

and

ZUNI INDIAN TRIBE, NAVAJO NATION,

Plaintiffs in Intervention,

v.

A & R PRODUCTIONS, et al.,

Defendants.

No. 01cv00072-BB/WDS

ZUNI RIVER BASIN
ADJUDICATION

Subfile No: ZRB-1-0040

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the following Motion for Default Judgment filed by Plaintiffs United States of America (“United States”) and State of New Mexico ex rel. State Engineer (“State”):

November 18, 2008 *Motion for Default Judgment*, Document No.1972

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. Each defendant named below has been legally served with process or has waived service of summons.
3. Each defendant named below has failed to comply with the applicable procedural and scheduling orders and to appear, answer, or otherwise defend in the

indicated subfile, and is adjudged to be in default.

4. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Subareas 4 and 8 (July 2004, as amended), prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of each defendant named herein have been introduced into the record and the same are hereby incorporated as the evidentiary basis of the water rights described in the order.

5. The water rights of each defendant named below in the above-styled and captioned civil action are as follows:

GRACE FAMILY, L.L.C.

Subfile No: ZRB-1-0040

STOCK POND

Map Label: 8B-2-SP15
Purpose of Use: LIVESTOCK
Priority date: 1/1/1965
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.5
Surface Area (sq.ft): 26,708
Storage Impoundment Volume (ac-ft): 0.920

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 12 **T.** 08N **R.** 14W **1/4, 1/16, 1/64:** NW SW NW

X(ft): 2,591,150 **Y(ft):** 1,433,712

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP16
Purpose of Use: LIVESTOCK
Priority date: 1/1/1967
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.5
Surface Area (sq.ft): 7,552
Storage Impoundment Volume (ac-ft): 0.364

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 7 T. 08N R. 13W 1/4, 1/16, 1/64: SW NW NE

X(ft): 2,597,335 **Y(ft):** 1,432,313

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP18
Purpose of Use: LIVESTOCK
Priority date: 1/1/1967
Source of Water: Well

Point of Diversion: Fills from well 8B-2-W11 (Location X(ft): 2,597,716; Y(ft): 1,435,920);

Amount of Water:

Depth (ft): 2.5

Surface Area (sq.ft): 4,849

Storage Impoundment Volume (ac-ft): 0.167

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 6 T. 08N R. 13W 1/4, 1/16, 1/64: SW SE SW

X(ft): 2,597,824 **Y(ft):** 1,435,755

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP21

Purpose of Use: LIVESTOCK

Priority date: 1/1/1967

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 15,291

Storage Impoundment Volume (ac-ft): 0.421

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 6 T. 08N R. 13W 1/4, 1/16, 1/64: SW SE NE

X(ft): 2,598,887 **Y(ft):** 1,436,260

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP28
Purpose of Use: LIVESTOCK
Priority date: 1/1/1967
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 2,354
Storage Impoundment Volume (ac-ft): 0.097

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 5 T. 08N R. 13W 1/4, 1/16, 1/64: SW SW NE

X(ft): 2,602,801 **Y(ft):** 1,436,152

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP31
Purpose of Use: LIVESTOCK
Priority date: 1/1/1967
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 6.0

Surface Area (sq.ft): 29,531

Storage Impoundment Volume (ac-ft): 2.441

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 9 T. 08N R. 13W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,609,330 **Y(ft):** 1,434,994

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP32

Purpose of Use: LIVESTOCK

Priority date: 1/1/1967

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 19,229

Storage Impoundment Volume (ac-ft): 1.324

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 9 T. 08N R. 13W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,609,126 **Y(ft):** 1,435,104

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP44
Purpose of Use: LIVESTOCK
Priority date: 1/1/1967
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 6,503
Storage Impoundment Volume (ac-ft): 0.269

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 6 T. 08N R. 13W 1/4, 1/16, 1/64: SW NE SE

X(ft): 2,598,767 Y(ft): 1,436,799

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP46
Purpose of Use: LIVESTOCK
Priority date: 1/1/1963
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 8,013

Storage Impoundment Volume (ac-ft): 0.552

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 7 T. 08N R. 13W 1/4, 1/16, 1/64: NW SW SE

X(ft): 2,597,192 **Y(ft):** 1,433,326

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP51

Purpose of Use: LIVESTOCK

Priority date: 1/1/1967

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 5,226

Storage Impoundment Volume (ac-ft): 0.288

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 7 T. 08N R. 13W 1/4, 1/16, 1/64: NE SE NW

X(ft): 2,600,511 **Y(ft):** 1,433,352

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP52

Purpose of Use: LIVESTOCK

Priority date: 1/1/1967

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 1,473

Storage Impoundment Volume (ac-ft): 0.030

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 7 T. 08N R. 13W 1/4, 1/16, 1/64: NE SE NW

X(ft): 2,600,418 **Y(ft):** 1,433,449

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-2-SP53

Purpose of Use: LIVESTOCK

Priority date: 1/1/1967

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 1,389

Storage Impoundment Volume (ac-ft): 0.029

Pond Location: As shown on Hydrographic Survey Map 8B-2

S. 7 T. 08N R. 13W 1/4, 1/16, 1/64: NE SE NW

X(ft): 2,600,458 Y(ft): 1,433,515

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-3-SP08

Purpose of Use: LIVESTOCK

Priority date: 1/1/1967

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 11,205

Storage Impoundment Volume (ac-ft): 0.772

Pond Location: As shown on Hydrographic Survey Map 8B-3

S. 18 T. 08N R. 13W 1/4, 1/16, 1/64: NW SE SW

X(ft): 2,598,047 Y(ft): 1,427,830

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-3-SP09

Purpose of Use: LIVESTOCK

Priority date: 1/1/1967

Source of Water: Well

Point of Diversion: Fills from well 8B-3-W03 (Location X(ft): 2,596,355; Y(ft): 1,428,214);

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 2,364

Storage Impoundment Volume (ac-ft): 0.065

Pond Location: As shown on Hydrographic Survey Map 8B-3

S. 18 T. 08N R. 13W 1/4, 1/16, 1/64: NW SW SW

X(ft): 2,596,424 **Y(ft):** 1,428,204

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-3-SP10

Purpose of Use: LIVESTOCK

Priority date: 1/1/1967

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 2,037

Storage Impoundment Volume (ac-ft): 0.056

Pond Location: As shown on Hydrographic Survey Map 8B-3

S. 18 T. 08N R. 13W 1/4, 1/16, 1/64: NW SW SW

X(ft): 2,596,454 **Y(ft):** 1,428,109

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-3-SP11
Purpose of Use: LIVESTOCK
Priority date: 1/1/1967
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 1,800
Storage Impoundment Volume (ac-ft): 0.050

Pond Location: As shown on Hydrographic Survey Map 8B-3

S. 18 T. 08N R. 13W 1/4, 1/16, 1/64: NW SW SW

X(ft): 2,596,433 **Y(ft):** 1,428,029

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-3-SP26
Purpose of Use: LIVESTOCK
Priority date: 1/1/1967
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.5

Surface Area (sq.ft): 4,907

Storage Impoundment Volume (ac-ft): 0.169

Pond Location: As shown on Hydrographic Survey Map 8B-3

S. 17 T. 08N R. 13W 1/4, 1/16, 1/64: NE NE SE

X(ft): 2,606,599 **Y(ft):** 1,429,170

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-3-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): 3.0

Surface Area (sq.ft): 6,622

Storage Impoundment Volume (ac-ft): 0.274

Pond Location: As shown on Hydrographic Survey Map 8B-3

S. 18 T. 08N R. 13W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,599,261 **Y(ft):** 1,427,042

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-3-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): 2.0
Surface Area (sq.ft): 2,777
Storage Impoundment Volume (ac-ft): 0.077

Pond Location: As shown on Hydrographic Survey Map 8B-3

S. 18 T. 08N R. 13W 1/4, 1/16, 1/64: NE SW SW

X(ft): 2,599,383 **Y(ft):** 1,427,714

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

Dam height (if greater than 9 ft):

WELL

Map Label: 8B-2-W02
OSE File No: None
Priority Date: 1/1/1967
Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8B-2

S. 6 T. 08N R. 13W 1/4, 1/16, 1/64: SW SW SE

X (ft): 2,597,640 **Y (ft):** 1,435,904

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

Amount of Water (ac-ft per annum): 0.234

WELL

Map Label: 8B-2-W04

OSE File No: G 2058

Priority Date: 12/31/1990

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8B-2

S. 4 T. 08N R. 13W 1/4, 1/16, 1/64: SW SE SW

X (ft): 2,608,181 **Y (ft):** 1,435,425

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

Amount of Water (ac-ft per annum): 0.234

WELL

Map Label: 8B-2-W05

OSE File No: G 2056

Priority Date: 12/31/1951

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8B-2

S. 6 T. 08N R. 13W 1/4, 1/16, 1/64: SW NW NW

X (ft): 2,596,365 **Y (ft):** 1,438,459

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

Amount of Water (ac-ft per annum): 0.234

WELL

Map Label: 8B-2-W06
OSE File No: G 2053 S-2
Priority Date: 12/31/1984
Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 8B-2
S. 6 T. 08N R. 13W 1/4, 1/16, 1/64: SW NW NW
X (ft): 2,596,566 **Y (ft):** 1,438,277
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7 acre-feet per annum;

WELL

Map Label: 8B-2-W07
OSE File No: G 2053
Priority Date: 12/31/1951
Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 8B-2
S. 6 T. 08N R. 13W 1/4, 1/16, 1/64: SW NW NW
X (ft): 2,596,696 **Y (ft):** 1,438,368
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7 acre-feet per annum;

WELL

Map Label: 8B-2-W08
OSE File No: G 2053 S

Priority Date: 12/31/1984

Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 8B-2

S. 7 T. 08N R. 13W 1/4, 1/16, 1/64: SW NW NE

X (ft): 2,597,032 **Y (ft):** 1,432,722

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7 acre-feet per annum;

WELL

Map Label: 8B-2-W09

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 8B-2

S. 7 T. 08N R. 13W 1/4, 1/16, 1/64: NW SW SE

X (ft): 2,597,199 **Y (ft):** 1,432,862

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7 acre-feet per annum;

WELL

Map Label: 8B-2-W10

OSE File No: G 2059

Priority Date: 12/31/1949

Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 8B-2
S. 9 T. 08N R. 13W 1/4, 1/16, 1/64: NW NW SE
X (ft): 2,607,776 **Y (ft):** 1,434,250
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7
acre-feet per annum;

WELL

Map Label: 8B-2-W11
OSE File No: G 2054
Priority Date: 12/31/1903
Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8B-2
S. 6 T. 08N R. 13W 1/4, 1/16, 1/64: SW SE SW
X (ft): 2,597,716 **Y (ft):** 1,435,920
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.234

WELL

Map Label: 8B-2-W12
OSE File No: G 2055
Priority Date: 12/31/1990
Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 8B-2
S. 6 T. 08N R. 13W 1/4, 1/16, 1/64: SE NE SE

X (ft): 2,601,414 **Y (ft):** 1,436,727

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7 acre-feet per annum;

WELL

Map Label: 8B-3-W03

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8B-3

S. 18 T. 08N R. 13W 1/4, 1/16, 1/64: NW SW NW

X (ft): 2,596,355 **Y (ft):** 1,428,214

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

Amount of Water (ac-ft per annum): 0.234

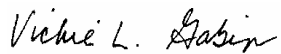
WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the water rights of each defendant named above are as set forth herein, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that each defendant named herein, 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.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN
SPECIAL MASTER