

**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-MV/LFG

ZUNI RIVER BASIN
ADJUDICATION

Sub-area Ramah

Subfile No. ZRB-5-0034

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:

**ROBERT W. IONTA & LINDA A. IONTA AS TRUSTEES OF THE
ROBERT W. IONTA AND LINDA A. IONTA REVOCABLE TRUST
DATED JANUARY 14, 2002**

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-area 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-area 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-area Ramah, is as set forth below:

POND

Map Label: 3B-5-SP029
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1970
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0
Surface Area (sq.ft): 831
Storage Impoundment Volume (ac-ft): 0.011

Pond Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: NE NE SW

X(ft): 2,521,520 Y(ft): 1,508,646

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

Dam height (if greater than 9 ft)

POND

Map Label: 3B-5-SP030

Purpose of Use: LIVESTOCK

Priority Date: 10/6/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 4,167

Storage Impoundment Volume (ac-ft): 0.230

Pond Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: NE NE SW

X(ft): 2,521,763 Y(ft): 1,508,791

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

Dam height (if greater than 9 ft)

POND

Map Label: 3B-5-SP031

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1970

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 1,319

Storage Impoundment Volume (ac-ft): 0.036

Pond Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: NE NE NW

X(ft): 2,521,565 Y(ft): 1,509,725

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

Dam height (if greater than 9 ft)

WELL

Map Label: 3B-5-W033

OSE File No: G 01108

Priority Date: 4/26/2000

Purpose of Use: 72-12-1 DOMESTIC ONE HOUSEHOLD

Well Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: NE NE SW

X (ft): 2,521,569 Y (ft): 1,508,780

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

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-area 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-area 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-area 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-area 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.



MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:



LORENZO F. GARCIA
UNITED STATES MAGISTRATE JUDGE

ACCEPTED: *Robert W. Ionta & Linda A. Ionta* *3-9-2013*
ROBERT W. IONTA & LINDA A. IONTA AS TRUSTEES OF THE ROBERT W. IONTA AND LINDA A. IONTA REVOCABLE TRUST DATED JANUARY 14, 2002

ADDRESS: PO Box 1059
 Gallup, N.M. 87305

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

Inaya L Scott *3-12-13*
DATE

COUNSEL FOR THE UNITED STATES:

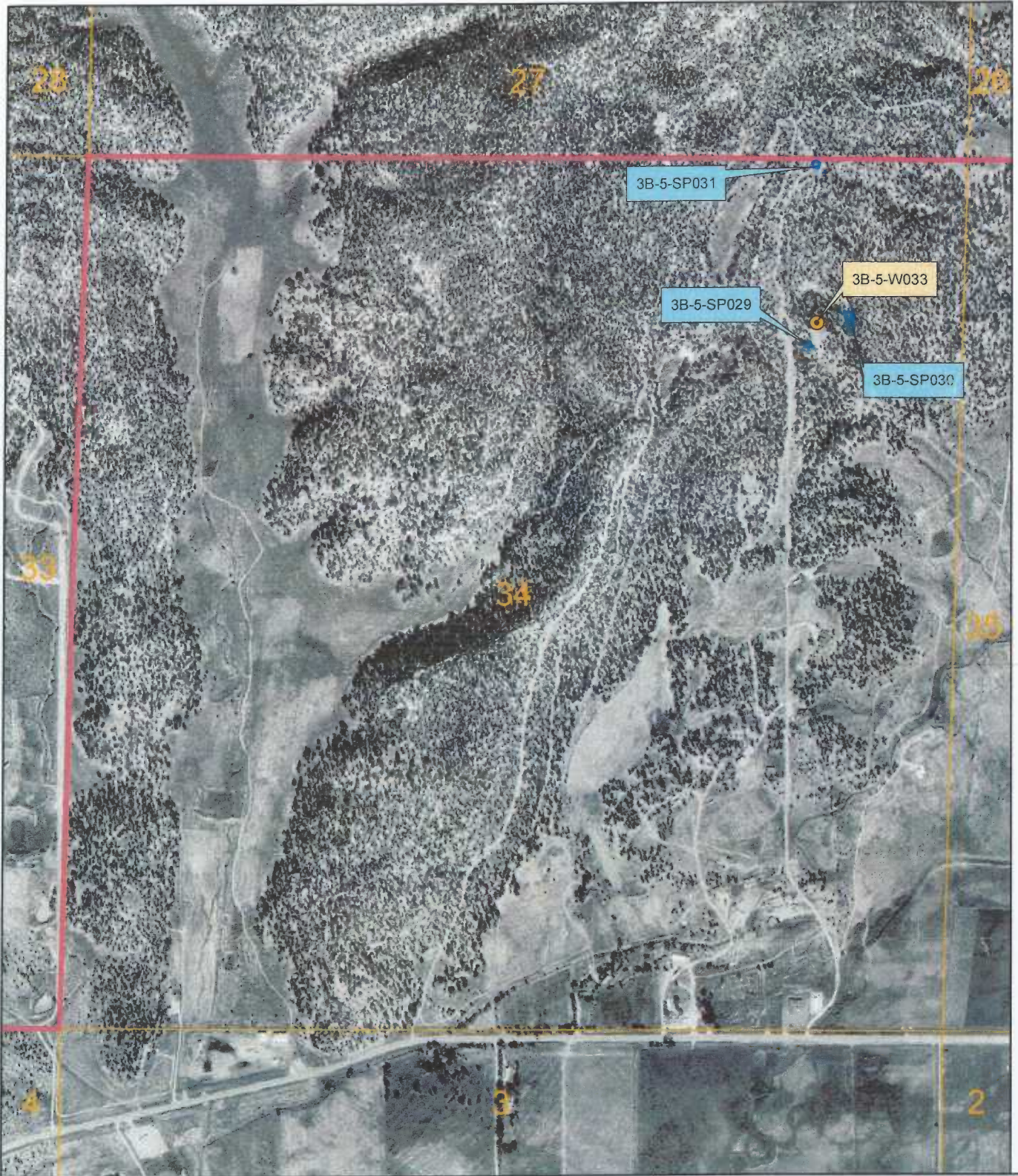
Bradley S. Bridgewater *3/1/2013*
DATE
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COUNSEL FOR THE STATE OF NEW MEXICO *EX REL.* STATE ENGINEER:








2/28/2013
DATE

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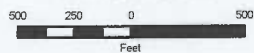


LEGEND

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



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area Ramah
Subfile Number: ZRB-5-0034
PLSS: S34, T11N, R16W
Sheet 1 of 1

May 2007



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA