

**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,

No. 01cv00072-MV/WPL

Plaintiffs,
and

ZUNI RIVER BASIN
ADJUDICATION

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Sub-area 7

Plaintiffs in Intervention,
v.

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,
and
A & R PRODUCTIONS, et al.,

Subfile No. ZRB-3-0017

Defendants.

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:

GREAT WESTERN RANCH, LLC

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-area 7, 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 7. 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 7, is as set forth below:

STOCK POND

Map Label: 7A-6-SP27

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Well

Point of Diversion: Fills from well 7A-6-W02 (Location X(ft): 2,517,093; Y(ft): 1,361,779);

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 4,531

Storage Impoundment Volume (ac-ft): 0.250

Pond Location: As shown on Hydrographic Survey Map 7A-6

S. 15 T. 06N R. 16W 1/4, 1/16, 1/64 SW SW SW

X(ft) 2,517,115 Y(ft): 1,361,706

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-6-SP05

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): 16,619

Storage Impoundment Volume (ac-ft): 1.373

Pond Location: As shown on Hydrographic Survey Map 7B-6

S. 6 T. 06N R. 15W 1/4, 1/16, 1/64 NW SW SW

X(ft) 2,532,894 Y(ft): 1,374,914

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-6-SP36

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): 142,143

Storage Impoundment Volume (ac-ft): 11.747

Pond Location: As shown on Hydrographic Survey Map 7B-6

S. 9 **T.** 06N **R.** 15W **1/4, 1/16, 1/64** SE SW NW

X(ft) 2,546,593 **Y(ft):** 1,367,696

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 7B-6-SP90

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Well

Point of Diversion: Fills from well 7B-6-W01 (Location X(ft): 2,548,117; Y(ft): 1,359,416);

Amount of Water:

Depth (ft) 3.0

Surface Area (sq.ft): 934

Storage Impoundment Volume (ac-ft): 0.039

Pond Location: As shown on Hydrographic Survey Map 7B-6

S. 21 **T.** 06N **R.** 15W **1/4, 1/16, 1/64** NE SE NE

X(ft) 2,548,132 **Y(ft):** 1,359,478

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-7-SP14
Purpose of Use: Livestock
Priority Date: 10/6/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 60,659
Storage Impoundment Volume (ac-ft): 2.507

Pond Location: As shown on Hydrographic Survey Map 7B-7

S. 25 **T.** 06N **R.** 16W **1/4, 1/16, 1/64** SE NW SW

X(ft) 2,530,202 **Y(ft):** 1,352,990

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-8-SP03
Purpose of Use: Livestock
Priority Date: 1/1/1967
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 10.0
Surface Area (sq.ft): 145,497
Storage Impoundment Volume (ac-ft): 20.041

Pond Location: As shown on Hydrographic Survey Map 7B-8

S. 14 **T.** 05N **R.** 16W **1/4, 1/16, 1/64** NW SE NW

X(ft) 2,523,872 **Y(ft):** 1,333,460

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-8-SP15

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 9,143

Storage Impoundment Volume (ac-ft): 0.378

Pond Location: As shown on Hydrographic Survey Map 7B-8

S. 23 **T.** 05N **R.** 16W **1/4, 1/16, 1/64** NW SE SE

X(ft) 2,523,936 **Y(ft):** 1,327,584

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

Dam height (if greater than 9 ft):

WELL

Map Label: 7A-6-W02

OSE File No: G 02108

Priority Date: 12/31/1965

Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 7A-6
S. 15 T. 06N R. 16W 1/4, 1/16, 1/64 SW SW SW
X (ft) 2,517,093 **Y (ft):** 1,361,779
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: 6.989 ac-ft per annum

WELL

Map Label: 7B-6-W01
OSE File No: G 02110
Priority Date: 12/31/1965
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING
Well Location: As shown on Hydrographic Survey Map 7B-6
S. 21 T. 06N R. 15W 1/4, 1/16, 1/64 NE SE SE
X (ft) 2,548,117 **Y (ft):** 1,359,416
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: 6.989 ac-ft per annum

WELL

Map Label: 7B-8-W01
OSE File No: G 02107
Priority Date: 12/31/1983
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING
Well Location: As shown on Hydrographic Survey Map 7B-8
S. 23 T. 05N R. 16W 1/4, 1/16, 1/64 SE NW NW
X (ft) 2,524,507 **Y (ft):** 1,326,753
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water: 6.989 ac-ft per annum


5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 7, 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 7, 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.

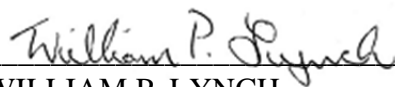
IT IS THEREFORE ORDERED that the right(s) of the Defendant to divert and use the public waters of the Zuni River Stream System, Sub-areas 7, are adjudicated as set forth herein, as between the United States, the State, and the Defendant. The Defendant, and Defendant's successors, representatives, heirs and assigns, are hereby enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 7, 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 YAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:



WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE


ACCEPTED:  V.P. 12/19/2013
GREAT WESTERN RANCH, LLC DATE

ADDRESS: 252 CLAYTON ST., 4TH FLOOR
DENVER, CO 80216

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

 1-13-14
DATE

COUNSEL FOR THE UNITED STATES:

 10/22/2013
BRADLEY S. BRIDGEWATER DATE
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10/18/2013
DATE