

**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	)	No. 01-cv-0072 MV/WPL
	)	
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ZUNI RIVER BASIN
	)	ADJUDICATION
Plaintiffs in Intervention,	)	
	)	
v.	)	<b>Subfile No. ZRB-4-0341</b>
	)	
A & R PRODUCTIONS, et al.,	)	
	)	
Defendants.	)	

**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS AND  
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition (PFRD), filed November 16, 2015. (Doc. 3129). The parties were notified that objections were due within fourteen days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. To this date, no objections have been filed.

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an order of the Court;
- 2) the Plaintiffs’ Joint Motion for Judgment on the Pleadings (Doc. 3106) is GRANTED;

3) the right of the Defendants, Larry and Dianne Zwigart, 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:

**WELL**

**Map Label:** 3C-5-W044

**OSE File No:** G 01678

**Priority Date:** 8/6/1990

**Purpose of Use:** NON 72-2-1 DOMESTIC

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

**S. 29 T. 11N R. 15W 1/4, 1/16, 1/64 NE NW NW**

**X (ft): 2,541,270 Y (ft): 1,514,645**

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


**Amount of Water:** 0.7 ac-ft per annum

4) The Defendants have 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 herein;

5) The Defendants, their successors, representatives, heirs, and assigns, are 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 Order and other orders of the Court in this cause; and

6) The water right described herein is adjudicated as between the United States, the State of New Mexico, and the Defendants, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree in this cause.

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE