

**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/WPL

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 4 and 8

Subfile No.ZRB-1-0103

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:

PATSY RUTH TURLEY

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, 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 4 and 8. 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 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 4 and 8, is as set forth below:

STOCK POND

Map Label: 4A-4-SP11
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1963
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable

Amount of Water:

Depth (ft) 8.0
Surface Area (sq.ft): 4,577
Storage Impoundment Volume (ac-ft): 0.504

Pond Location: As shown on Hydrographic Survey Map 4A-4

S. 18 T. 10N R. 14W 1/4, 1/16, 1/64 SE NW SW

X(ft) 2,567,270 Y(ft): 1,489,777

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-4-SP77

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1963

Source of Water: Well

Point of Diversion: Fills from well 4A-4-W04 (Location X(ft): 2,564,487; Y(ft): 1,489,070);

Amount of Water:

Depth (ft) 2.5

Surface Area (sq.ft): 1,372

Storage Impoundment Volume (ac-ft): 0.047

Pond Location: As shown on Hydrographic Survey Map 4A-4

S. 18 T. 10N R. 14W 1/4, 1/16, 1/64 SW SW SW

X(ft) 2,564,574 Y(ft): 1,489,057

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-4-SP78

Purpose of Use: LIVESTOCK
Priority Date: 1/1/1963
Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 2.0
Surface Area (sq.ft): 4,705
Storage Impoundment Volume (ac-ft): 0.130

Pond Location: As shown on Hydrographic Survey Map 4A-4

S. 18 T. 10N R. 14W 1/4, 1/16, 1/64 SW SW SW

X(ft) 2,564,790 **Y(ft):** 1,489,039

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP01
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1963

Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable

Amount of Water:

Depth (ft) 2.5
Surface Area (sq.ft): 9,649
Storage Impoundment Volume (ac-ft): 0.332

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 11 T. 09N R. 14W 1/4, 1/16, 1/64 NE SW SW

X(ft) 2,588,565 Y(ft): 1,464,704

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP02
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1963
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable

Amount of Water:

Depth (ft) 5.0

Surface Area (sq.ft): 7,323

Storage Impoundment Volume (ac-ft): 0.504

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 11 T. 09N R. 14W 1/4, 1/16, 1/64 SE NW NW

X(ft) 2,588,147 Y(ft): 1,463,958

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP03
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface
Runoff

Not
Point of Diversion: Applicable

Amount of Water:

Depth (ft) 2.5

Surface Area (sq.ft): 4,615

Storage Impoundment Volume (ac-ft): 0.159

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 14 T. 09N R. 14W 1/4, 1/16, 1/64 SE SE SE

X(ft) 2,590,340 **Y(ft):** 1,456,949

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP35

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1963

Source of Water: Well

Point of Diversion: Fills from well 8A-1-W03 (Location X(ft): 2,589,122; Y(ft): 1,461,275);

Amount of Water:

Depth (ft) 2.0

Surface Area (sq.ft): 1,414

Storage Impoundment Volume (ac-ft): 0.039

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 14 T. 09N R. 14W 1/4, 1/16, 1/64 NE NE NW

X(ft) 2,589,225 **Y(ft):** 1,461,389

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-1-SP02
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1963
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable
Amount of Water:

Depth (ft) 6.0

Surface Area (sq.ft): 8,546

Storage Impoundment Volume (ac-ft): 0.706

Pond Location: As shown on Hydrographic Survey Map 8B-1

S. 13 T. 09N R. 14W 1/4, 1/16, 1/64 SW SW SE

X(ft) 2,591,490 **Y(ft):** 1,457,284

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-1-SP03
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1963
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable
Amount of Water:

Depth (ft) 2.0

Surface Area (sq.ft): 3,868

Storage Impoundment Volume (ac-ft): 0.107

Pond Location: As shown on Hydrographic Survey Map 8B-1

S. 13 T. 09N R. 14W 1/4, 1/16, 1/64 NW NE SW

X(ft) 2,592,291 **Y(ft):** 1,460,757

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-1-SP04
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1963
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable
Amount of Water:

Depth (ft) 2.0

Surface Area (sq.ft): 8,086

Storage Impoundment Volume (ac-ft): 0.223

Pond Location: As shown on Hydrographic Survey Map 8B-1

S. 13 T. 09N R. 14W 1/4, 1/16, 1/64 NW NE SW

X(ft) 2,592,417 **Y(ft):** 1,460,627

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

Dam height (if greater than 9 ft):

WELL

Map Label: 4A-4-W04
OSE File No: G 01671
Priority Date: 12/31/1930
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 4A-4

S. 18 T. 10N R. 14W 1/4, 1/16, 1/64: SW SW SW

X (ft): 2,564,487 Y (ft): 1,489,070

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

Amount of Water: 2.744 ac-ft per annum

WELL

Map Label: 8A-1-W01
OSE File No: G 01668
Priority Date: 12/31/1988
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8A-1

S. 14 T. 09N R. 14W 1/4, 1/16, 1/64: SE SE SE

X (ft): 2,590,281 Y (ft): 1,457,017

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

0.943 ac-ft per annum

Amount of Water:

8A-1-W02

WELL

OSE File No: G 01670
Map Label: 12/31/1940

OSE File No: NON 72-12-1 DOMESTIC & LIVESTOCK

Priority Date:

Purpose of Use:

Well Location: As shown on Hydrographic Survey Map 8A-1

S. 14 T. 09N R. 14W 1/4, 1/16, 1/64: SE SE SE

X (ft): 2,590,255 Y (ft): 1,456,944

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

Amount of Water: 0.943 ac-ft per annum

WELL

Map Label: 8A-1-W03

OSE File No: G 01669

Priority Date: 12/31/1920

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

Well Location: As shown on Hydrographic Survey Map 8A-1

S. 14 T. 09N R. 14W 1/4, 1/16, 1/64: NE NW SE

X (ft): 2,589,122 Y (ft): 1,461,275

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

0.476 ac-ft per annum

Amount of Water:

WELL

Map Label: 8A-1-W16

OSE File No: G 01667

Priority Date: 1/11/1992

Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8A-1

S. 14 T. 09N R. 14W 1/4, 1/16, 1/64: SE SE SE

X (ft): 2,590,525 Y (ft): 1,456,780


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

Amount of Water: 0.943 ac-ft per annum

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, 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 4 and 8, 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.

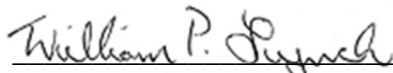
IT IS THEREFORE ORDERED that the right(s) of the Defendant to divert and use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, are adjudicated as set forth herein, as between the United States, the State, and the Defendant. The Defendant, and Defendant's successors, representatives, heirs and assigns, are hereby enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 4 and 8, 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 WAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:



WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE

ACCEPTED:

Patsy Ruth Turley 12/15/15
PATSY RUTH TURLEY DATE

ADDRESS:

HC 61 BOX 63
RAMAH NM 87321

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

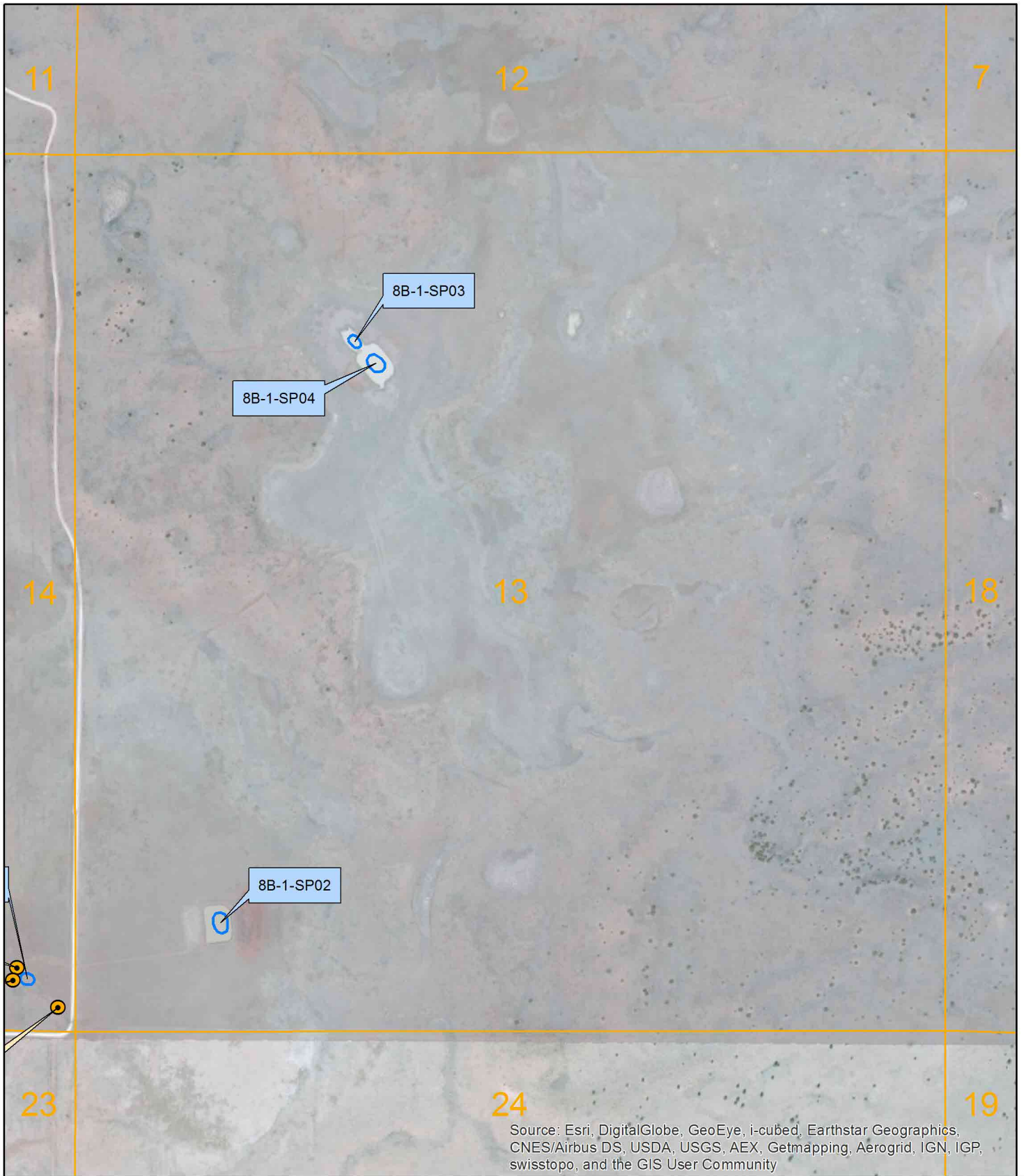
Angela L Scott 1-19-16
DATE

COUNSEL FOR THE UNITED STATES:

AG 1-26-16
DATE
ANDREW "GUSS" GUARINO
U.S. Department of Justice
South Terrace, Suite 370
999 18th Street
Denver, CO 80202
(303) 844-1343




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

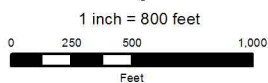
E C Bagley 1/26/2016
DATE
EDWARD C. BAGLEY
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150



September 2014

LEGEND

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



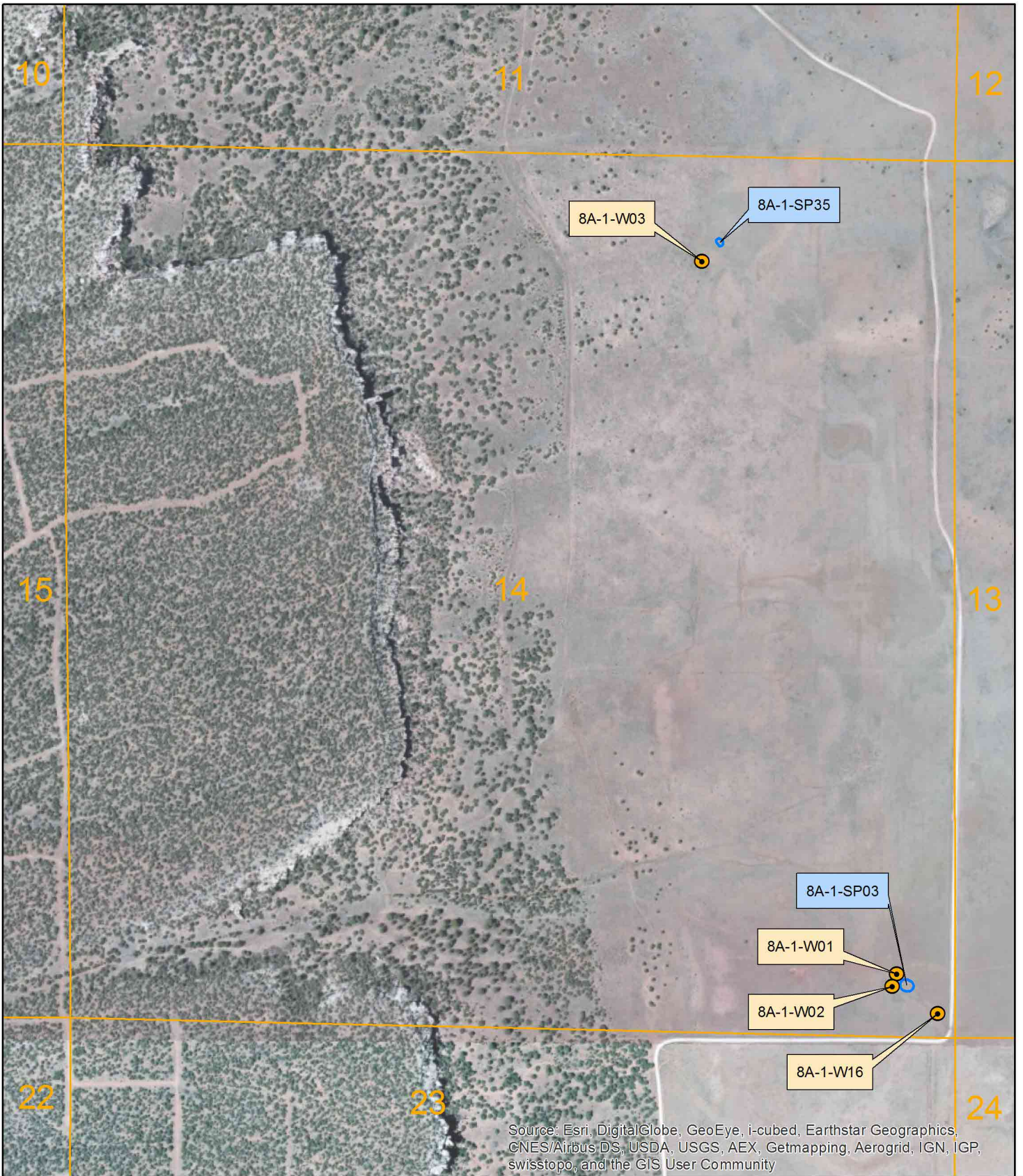
Zuni River Basin
Hydrographic Survey

Sub-Area 8
Subfile Number: ZRB-1-0103
PLSS: S13, T09N, R14W
Sheet 4 of 4



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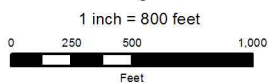


Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

September 2014

LEGEND

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-  Section Boundary



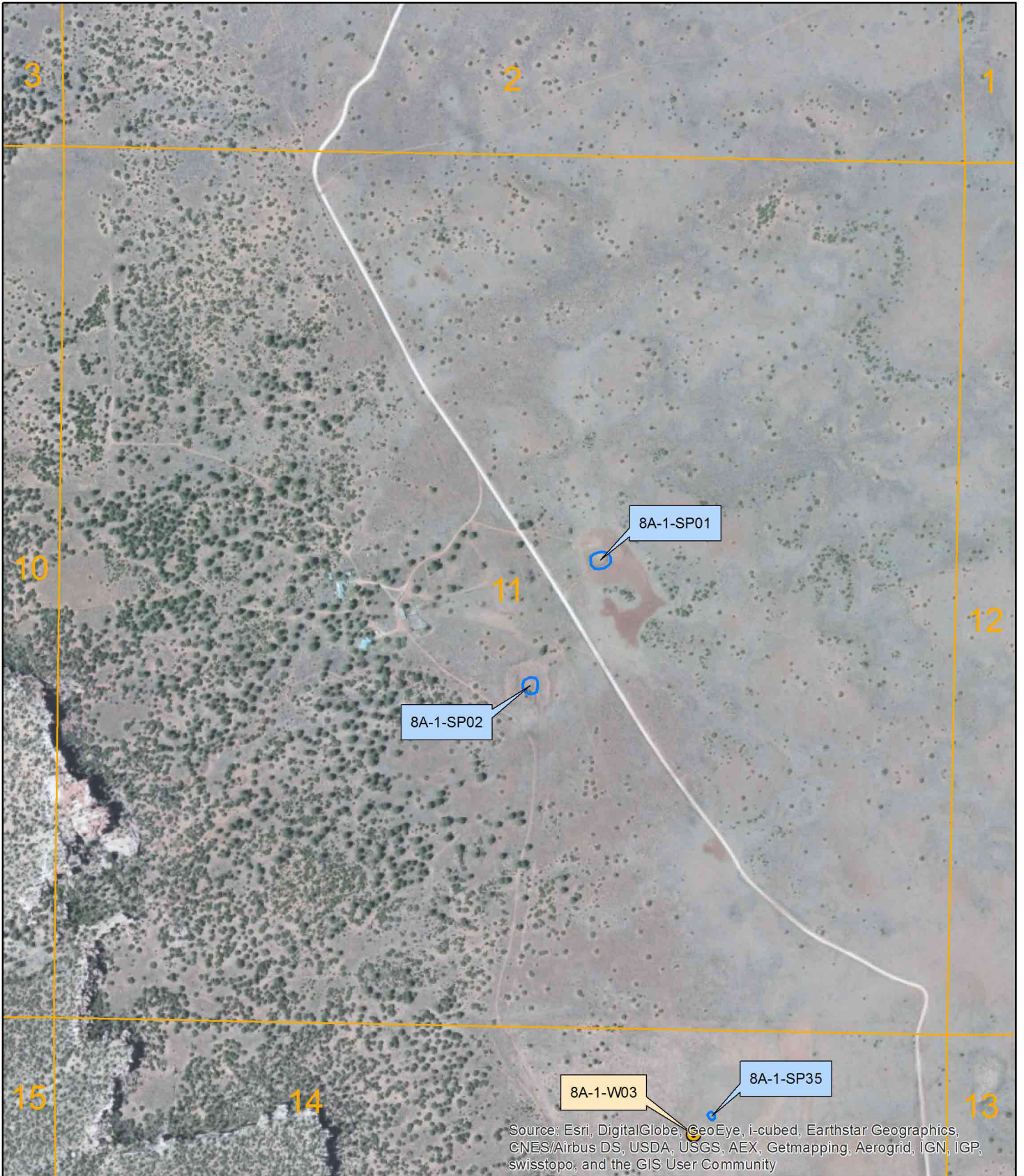
**Zuni River Basin
Hydrographic Survey**

Sub-Area 8
Subfile Number: ZRB-1-0103
PLSS: S14, T09N, R14W
Sheet 3 of 4



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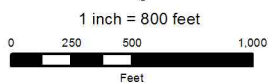


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September 2014

LEGEND

-  Well
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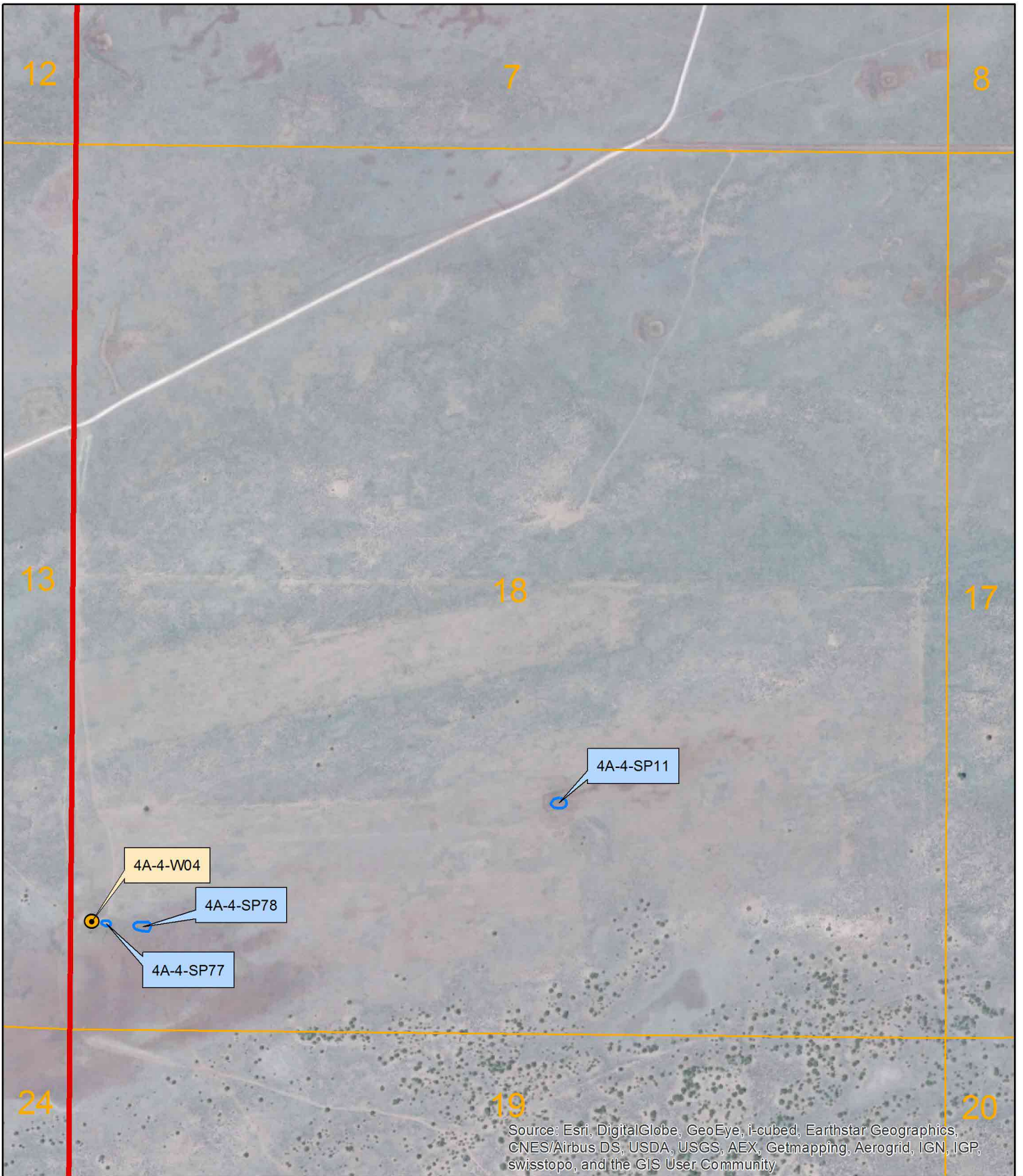
**Zuni River Basin
Hydrographic Survey**

Sub-Area 8
Subfile Number: ZRB-1-0103
PLSS: S11, T09N, R14W
Sheet 2 of 4



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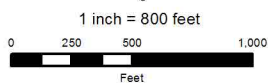


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September 2014

LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 4
Subfile Number: ZRB-1-0103
PLSS: S18, T10N, R14W
Sheet 1 of 4



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