

**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-area 7

**Subfile No. ZRB-3-0031**

**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:

**L.B. TARRY, WAYNE CHILDERS, BARBARA O'BRYON, WINONA  
WALTON, OLIVIA CARNEY, CYNTHIA LEWIS, ROBERTA HAY, FRANK  
TARRY, & UNKNOWN HEIRS OF DORIS CHICK**

("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-8-SP01  
**Purpose of Use:** Livestock  
**Priority Date:** 1/1/1972  
**Source of Water:** Surface  
Runoff  
Not  
**Point of Diversion:** Applicable

**Amount of Water:**

**Depth (ft)** 6.0  
**Surface Area (sq.ft):** 23,370  
**Storage Impoundment Volume (ac-ft):** 1.931

**Pond Location:** As shown on Hydrographic Survey Map 7A-8  
S. 17 T. 05N R. 16W 1/4, 1/16, 1/64 NW SE NE

X(ft) 2,508,505 Y(ft): 1,333,524

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

**Dam height (if greater than 9 ft)**

**STOCK POND**

**Map Label:** 7A-8-SP02

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1972

**Source of Water:** Well

**Point of Diversion:** Fills from well 7A-8-W02 (Location X(ft): 2,507,662;  
Y(ft): 1,330,491);

**Amount of Water:**

Depth (ft) 3.0

Surface Area (sq.ft): 1,046

Storage Impoundment Volume (ac-ft): 0.043

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

S. 17 T. 05N R. 16W 1/4, 1/16, 1/64 SW SE SW

X(ft) 2,507,650 Y(ft): 1,330,478

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

**Dam height (if greater than 9 ft)**

**WELL**

**Map Label:** 7A-8-W01

**OSE File No:** None

**Priority Date:** 1/1/1971

**Purpose of Use:** NON 72-12-1 DOMESTIC

**Well Location:** As shown on Hydrographic Survey Map 7A-8

**S. 18 T. 05N R. 16W 1/4, 1/16, 1/64 SW SW NW**

**X (ft) 2,501,206 Y (ft): 1,330,933**

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

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

**WELL**

**Map Label: 7A-8-W02**

**OSE File No: None**

**Priority Date: 1/1/1940**

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

**Well Location: As shown on Hydrographic Survey Map 7A-8**

**S. 17 T. 05N R. 16W 1/4, 1/16, 1/64 SW SE SW**

**X (ft) 2,507,662 Y (ft): 1,330,491**


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

**Amount of Water: 0.672 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 VAZQUEZ  
UNITED STATES DISTRICT JUDGE

Approved:

  
\_\_\_\_\_  
WILLIAM P. LYNCH  
UNITED STATES MAGISTRATE JUDGE

ACCEPTED: L.B. Tarry 6/18/15  
L.B. TARRY DATE

ADDRESS: 611 LAGUNA ST.  
Belen, NM 87002

U.S. Department of Justice  
South Terrace, Suite 370  
999 18th Street  
Denver, CO 80202  
(303) 844-1343

ACCEPTED: Wayne Childers JUNE 13, 2015  
WAYNE CHILDERS DATE

ADDRESS: P.O. Box 121  
BELEN, NM 87002

ACCEPTED: Barbara O'Bryon 6/11/15  
BARBARA O'BRYON DATE

ADDRESS: 296 Northwood Terrace  
Williamstown, WV 26187



ACCEPTED:

Winona Walton 4-24-15  
WINONA WALTON DATE

ADDRESS:

1523 12th ave  
Safford, AZ 85546

ACCEPTED: Olivia Carney 7-28-2015  
OLIVIA CARNEY DATE

ADDRESS: P.O. Box 761  
Fence Lake NM 87315

ACCEPTED: Cynthia Lewis 3.2.16  
CYNTHIA LEWIS DATE

ADDRESS: Box 711  
Ramah NM 87321

ACCEPTED: Roberta Hay 6-23-15  
ROBERTA HAY DATE

ADDRESS: P.O. Box 163  
Adrian, on. 97901

ACCEPTED: Frank Tarry 1-5-2016  
FRANK TARRY DATE

ADDRESS: #6 YUCCA PL  
BELEN, N.M. 87002

**COUNSEL FOR THE DEFENDANT (IF REPRESENTED):**

\_\_\_\_\_

DATE

**COUNSEL FOR THE UNITED STATES:**



ANDREW "GUSS" GUARINO  
U.S. Department of Justice  
South Terrace, Suite 370  
999 13th Street  
Denver, CO 80202  
(303) 844-1343

6.8.16

DATE

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



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

6/8/2016





DATE



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Geomatics, AeroGRID, IGN, IGP, Swisstopo, and the GIS User Community.

June 2015

**LEGEND**

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



1 inch = 800 feet



Zuni River Basin  
Hydrographic Survey

**Sub-Area 7**  
**Subfile Number: ZRB-3-0031**  
**PLSS: S17, T06N, R16W**  
**Sheet 1 of 2**



**Natural Resources Consulting Engineers, Inc.**




Fort Collins, CO    Oakland, CA    Asmara, ERITREA



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, Swisstopo, and the GIS User Community

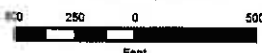
June 2015

**LEGEND**

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-  Sub-Area Boundary
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1 inch = 800 feet



**Zuni River Basin  
Hydrographic Survey**

**Sub-Area 7  
Subfile Number: ZRB-3-0031  
PLSS: S18, T06N, R16W  
Sheet 2 of 2**



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