

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.

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WDS

No. 01cv00072-BB/DWB/ACE

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 4 and 8

Subfile No: ZRB-1-0016

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:

DAVID CANDELARIA TRUSTEE & JANET N. O'CONNOR CO-TRUSTEE

("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: 8C-1-SP30

Purpose of Use: LIVESTOCK

Priority date: 1/1/1945

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 33,500

Storage Impoundment Volume (ac-ft): 0.923

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

S. 15 T. 09N R. 12W 1/4, 1/16, 1/64: SE NW SW

X(ft): 2,646,407 **Y(ft):** 1,457,959

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8C-1-SP40

Purpose of Use: LIVESTOCK

Priority date: 1/1/1994

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 477

Storage Impoundment Volume (ac-ft): 0.007

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

S. 15 T. 09N R. 12W 1/4, 1/16, 1/64: SE NW SW

X(ft): 2,646,017 **Y(ft):** 1,457,673

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

Dam height (if greater than 9 ft):

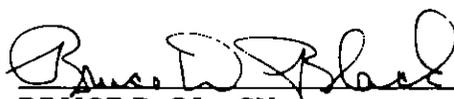
5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, except as set forth in this Consent Order and other orders entered by this Court in this cause.

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.

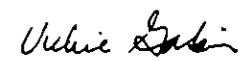
7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

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.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN
SPECIAL MASTER

Janet N. O'Connor
ACCEPTED: *David Candelaria* *3-7-06*
DAVID CANDELARIA TRUSTEE & JANET N. O'CONNOR CO-TRUSTEE DATE
ADDRESS: *12000 Elu Caves Rd.*
Aranta, New Mexico 87020

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

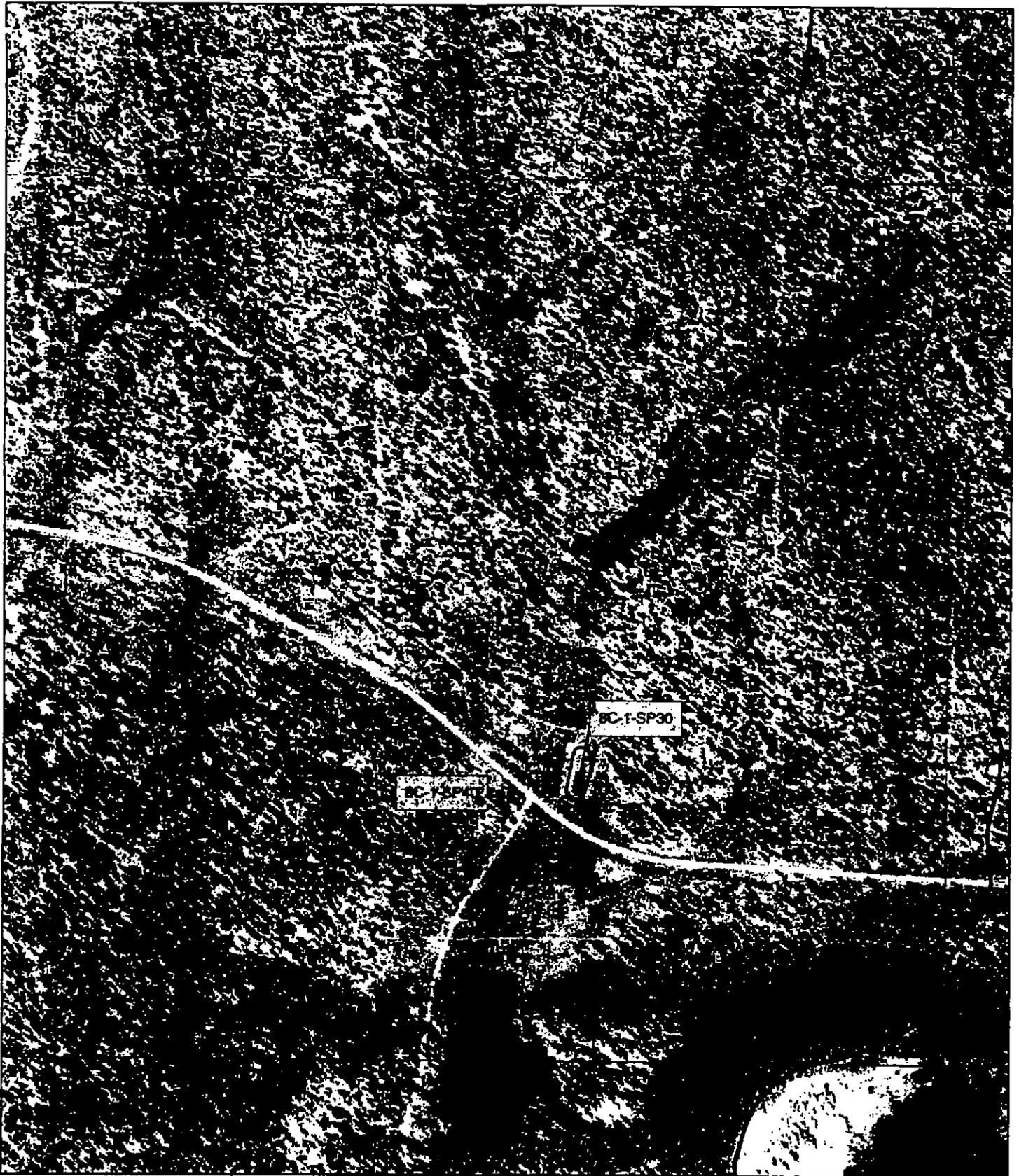
DATE

COUNSEL FOR THE UNITED STATES:

Bradley S. Bridgewater *1/9/06*
BRADLEY S. BRIDGEWATER DATE
U.S. Department of Justice
999 18th St., Suite 945 North
Denver, CO 80202
(303) 312-7318

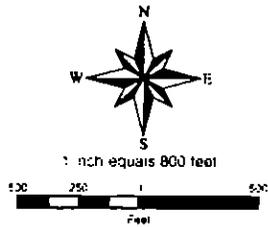
COUNSEL FOR THE STATE OF NEW MEXICO EX REL. STATE ENGINEER:

[Signature] *1/4/06*
Special Assistant Attorney General DATE
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150



LEGEND

- ⊕ Well
- Town
- Stock Pond
- ▭ Sub-Area Boundary
- ⋯ Section Boundary



Zuni River Basin
Hydrographic Survey

Sub-Area 8
Subfile Number: ZRB-1-0016
PLSS: S15, T09N, R12W
Sheet 1 of 1

November 2005



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.