

AUG 14 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

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-BB/DWD/ACE

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 9 and 10

Subfile No: ZRB-2-0106

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:

LEIGH ANN MAREZ, LORI BELL, JOHN BELL, & MICHAEL LEE BELL II

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River
Stream System, Sub-areas 9 and 10, as set forth below FINDS:

803

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 9 and 10. 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-areas 9 and 10, is as set forth below:

WELL

Map Label: 10C-5-W09

OSE File No: G 1661

Priority Date: 12/31/1950

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10C-5

S. 22 T. 05N R. 17W 1/4, 1/16, 1/64: NW NW SE

X (ft): 2,485,626 Y (ft): 1,329,343

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

Amount of Water (ac-ft): 0.336

STOCK POND

Map Label: 10C-5-SP27
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 31,793
Storage Impoundment Volume (ac-ft): 2.190

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 22 T. 05N R. 17W 1/4, 1/16, 1/64: NW SW NE

X(ft): 2,485,913 Y(ft): 1,328,776

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP28
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 46,620
Storage Impoundment Volume (ac-ft): 2.569

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 22 T. 05N R. 17W 1/4, 1/16, 1/64: NE NW SW

X(ft): 2,487,992 Y(ft): 1,328,862

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP29

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 12,602

Storage Impoundment Volume (ac-ft): 0.521

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 22 T. 05N R. 17W 1/4, 1/16, 1/64: SW NW NE

X(ft): 2,485,829 Y(ft): 1,326,879

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP30

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 2,614

Storage Impoundment Volume (ac-ft): 0.072

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 22 T. 05N R. 17W 1/4, 1/16, 1/64: SE SE SW

X(ft): 2,489,002 Y(ft): 1,325,460

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP31

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 8,537

Storage Impoundment Volume (ac-ft): 0.470

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 22 T. 05N R. 17W 1/4, 1/16, 1/64: SE SE SE

X(ft): 2,489,979 Y(ft): 1,324,949

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

Dam height (if greater than 9 ft): 10.0

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, 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 9 and 10, 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 9 and 10, 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 9 and 10, 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
BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin
VICKIE L. GABIN
SPECIAL MASTER

Lori Bell
John Bell
Michael Lee Bell II
ACCEPTED: Leigh Ann Marez John Bell Michael Lee Bell II 6-15-06
LEIGH ANN MAREZ, LORI BELL, JOHN BELL, & DATE
MICHAEL LEE BELL II

ADDRESS: 2010 James Rd.
James, NM 87023

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

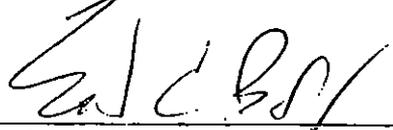
DATE

COUNSEL FOR THE UNITED STATES:

Bradley S. Bridgewater
BRADLEY S. BRIDGEWATER
U.S. Dept. Of Justice
Env. & Natural Resources Division
1961 Stout Street - 8th Floor
Denver, CO 80294

5/24/2006
DATE

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



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

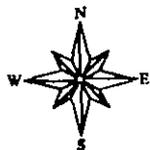
2/27/06
DATE



January 2006

LEGEND

- ⊙ Well
- Town
- ▭ Stock Pond
- ▭ Sub-Area Boundary
- ▭ Section Boundary



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 10
Subfile Number: ZRB-2-0106
PLSS: S22, T05N, R17W
Sheet 1 of 1



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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