

FILED
UNITED STATES DISTRICT COURT

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

DEC 28 2006

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-ACE

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 1, 2, and 3 excluding
Ramah

Subfile No: ZRB-4-0230

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:

LINDA FAYE LEJIMAN

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 1, 2 and 3 excluding Ramah, as set forth below FINDS:

931

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 1, 2, and 3 excluding Ramah. 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 1, 2, and 3 excluding Ramah, is as set forth below:

WELL

Map Label: 3B-4-W153
OSE File No: G 1655
Priority Date: 9/22/2003
Purpose of Use: 72-12-1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 3B-4
S. 12 T. 11N R. 16W 1/4, 1/16, 1/64: SW NW NW
X (ft): 2,527,931 **Y (ft):** 1,528,119
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7 ac-ft per annum;

5. Defendant has 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 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 1, 2, and 3 excluding Ramah, 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 1, 2, and 3 excluding Ramah, 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 1, 2, and 3 excluding Ramah, 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

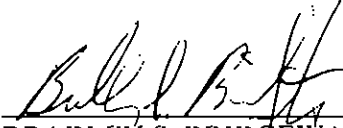
ACCEPTED: Linda Faye Lehman Leg. Brenda Kay Lehman
LINDA FAYE LEHMAN DATE November 29, 2006

ADDRESS: 109 Montana Wells Rd NE
Riv Rancho NM 87124

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

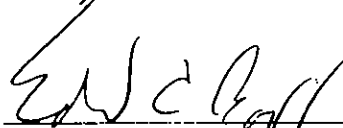


BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294
(303) 844-1359

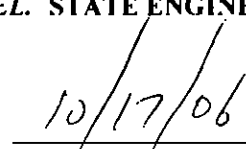


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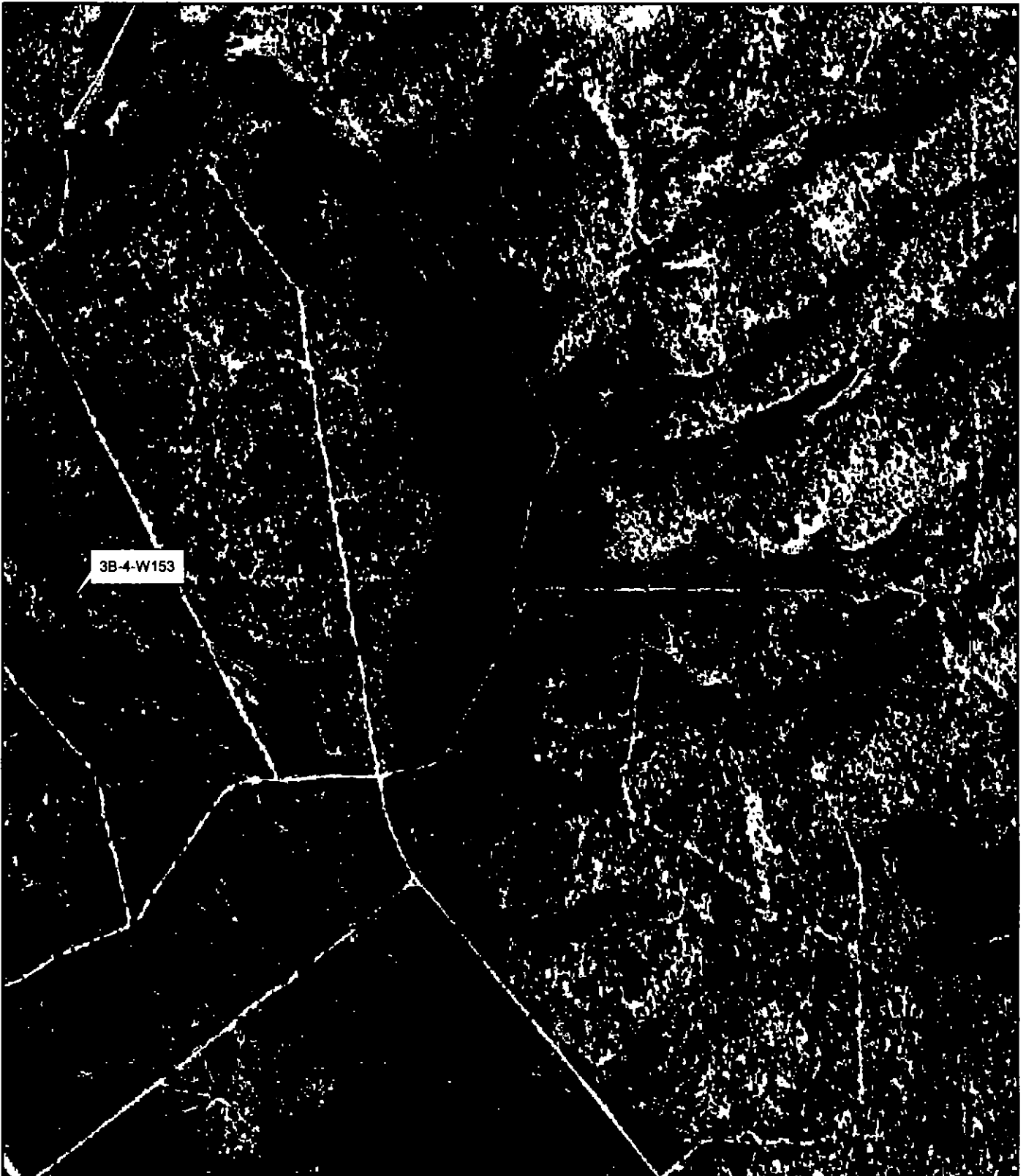
COUNSEL FOR THE STATE OF NEW MEXICO EX REL. STATE ENGINEER:



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



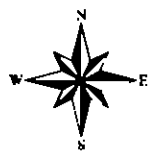
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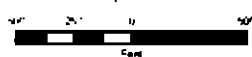
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LEGEND

- Well
- Town
- ▭ Sink Pond
- ▭ Basin Boundary
- ▭ Sub-Area Boundary
- ▭ Section Boundary



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 3
 Subfile Number: ZRB-4-0230
 PLSS: S12, T11N, R16W
 Sheet 1 of 1

October 2006



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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

**DURABLE POWER OF ATTORNEY
TO SELL REAL PROPERTY**

STATE OF TEXAS)
)
COUNTY OF BELL)

That I, LINDA LEHMAN, of Bell County, Texas, as of this date and by this document, do nominate, constitute, and appoint, my sister, BRENDA FLAYE LEHMAN DAVIDSON, of Rio Rancho, New Mexico, my true and lawful Attorney in Fact, for me and in my name, place and stead, and for my use and benefit, and as my act and deed, to do and execute, or concur with persons jointly interested with me in the doing or executing of every act, deed, or thing I could do or execute, in connection with the exercise of the power granted herein including all or any of the following acts, deeds and things:

1. To sell, assign, convey or otherwise dispose of, to such persons, on such terms and for such consideration as my said agent shall deem proper, the hereinafter described real property (hereinafter referred to as the "Property") together with all improvements and personal property situated thereon, to-wit:

Lot 5, Block 14, Bellaire North, Section 3, Bell County, Texas.

Lot 21, Block 10, Timberlake Ranch, Unit 5, McKinley County, New Mexico.

2. To pay all costs, expenses or other claims; to sign and deliver any and all contracts of sale, deeds, releases, closing statements, affidavits, waivers, designations, receipts, agreements and other documents or instruments required by any title company;

3. To take, hold, possess, lease, let, or otherwise manage any or all of my real, personal, or mixed property, or any interest in it or pertaining to it; to eject, remove, or relieve tenants or other persons from, and recover possession of the Property by all lawful means; and to maintain, protect, preserve, insure, remove, store, transport, repair, rebuild, modify, or improve the same or any part of it;

4. To make, endorse, guarantee, accept, receive, sign, seal, execute, acknowledge, and deliver deeds, assignments, bills of sale, agreements, certificates, hypothecations, checks, notes, mortgages, bonds, vouchers, receipts, releases, and other such instruments in writing of whatever kind or nature, as may be proper;

5. To make deposits, or investments in or withdrawals from any account, holding, or interest which I may now or in the future have, or be entitled to, in any banking, trust, or investment institution, including postal savings depository offices, credit unions, savings and loan associations, and similar institutions; to

VOL. 2823 PAGE 228

exercise any right, option, or privilege pertaining to it or them; and to open or establish accounts, holdings, or interest of whatever kind or nature, with any of these institutions, in my name or in the name of my attorney-in-fact or in our names jointly, either with or without right of survivorship;

6. To engage and dismiss agents, counsels, attorneys, accountants, and employees, and to appoint and remove at pleasure any substitute for, or any agent of, my attorney-in-fact in respect to all or any of the matters or things mentioned in this document and upon any terms that my attorney-in-fact shall think fit, in connection with the Property;

7. To prepare, execute, and file income, ad valorem, gift, estate, and other tax returns and other governmental reports, declarations, applications, requests, and documents, in connection with the Property;

GIVING AND GRANTING to this Attorney-in-Fact full power and authority to do and perform every act, deed, matter and thing whatever in and about my estate, property and affairs, as fully as I might or could do if personally present, the above especially enumerated powers being in aid and exemplification of the full, complete, and general power granted in this document, and not in limitation or definition of those powers; and by this document ratifying all that my Attorney-in-Fact shall lawfully do and cause to be done.

This Power of Attorney shall not terminate on disability of the principal and shall survive and continue in full force and effect, should I for any reason be declared insane, or should I be physically unable to take any such actions, or incompetent, hereby ratifying and confirming all acts performed by my Attorney-in-Fact irrespective of my future mental condition. The Attorney-in-Fact is hereby authorized to indemnify and hold harmless any third party who accepts and acts under this Power of Attorney.

The rights, powers, and authority of my Attorney-in-Fact to exercise any and all of the rights and powers herein granted shall commence and be in full force and effect on the date of execution of this instrument, and all such rights, powers and authority shall remain in full force and effect thereafter until this Power of Attorney is revoked or terminated by me in writing duly filed with the County Clerk of Bell County, Texas.

IN WITNESS WHEREOF I sign my name on this the 3rd day of April, 1992.

PRINCIPAL:

Linda Lehman

LINDA LEHMAN

Printed Name: LINDA LEHMAN

VOL. 2823 PAGE 229

Sidney Kacik

WITNESS

Printed Name: *SIDNEY KACIK*

Donna K. McEntire

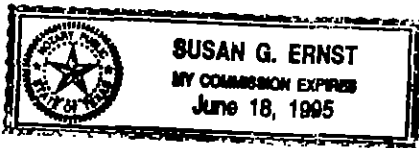
WITNESS

Printed Name: *DONNA K. MCENTIRE*

STATE OF TEXAS

COUNTY OF DALLAS

The foregoing instrument was acknowledged before me on this the 3rd day of April, 1992, by LINDA LEHMAN, who declared this document to be her granting of a Durable Power of Attorney, and by Sidney Kacik, and Donna McEntire, who declared that they are 18 years of age or older, and witnessed the execution of the Power of Attorney at the request of LINDA LEHMAN.



Susan G. Ernst
NOTARY PUBLIC, STATE OF TEXAS
Printed Name:
Commission Expires:

VOL. 2823 PAGE 230

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RECORD
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