

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,

No. 01cv00072-BB-ACE

Plaintiffs,
and

ZUNI RIVER BASIN
ADJUDICATION

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Sub-areas 9 and 10

Plaintiffs in Intervention,
v.

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,
and
A & R PRODUCTIONS, et al.,

Subfile No: ZRB-2-0110

Defendants.

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:

DONNIE RAY BOGART LAMBDEN

("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:

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: 10B-5-W22
OSE File No: G 2031
Priority Date: 12/31/1943
Purpose of Use: DOMESTIC & LIVESTOCK

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

S. 25 T. 05N R. 18W 1/4, 1/16, 1/64: NE NE SE

X (ft): 2,468,903 **Y (ft):** 1,323,981

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 2.423 acre-feet per annum;

STOCK POND

Map Label: 10B-5-SP24
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 0.5
Surface Area (sq.ft): 6,717
Storage Impoundment Volume (ac-ft): 0.046

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

S. 25 T. 05N R. 18W 1/4, 1/16, 1/64: NE NE SE

X(ft): 2,468,506 **Y(ft):** 1,324,258

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-5-SP25
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): 35,722
Storage Impoundment Volume (ac-ft): 1.476

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

S. 25 T. 05N R. 18W 1/4, 1/16, 1/64: NE SW SE

X(ft): 2,467,811 **Y(ft):** 1,322,828

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-5-SP26

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 10,453

Storage Impoundment Volume (ac-ft): 0.144

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

S. 25 T. 05N R. 18W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,466,752 **Y(ft):** 1,322,355

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-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): 4.0

Surface Area (sq.ft): 28,376

Storage Impoundment Volume (ac-ft): 1.563

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

S. 25 T. 05N R. 18W 1/4, 1/16, 1/64: SW NE NE

X(ft): 2,465,914 **Y(ft):** 1,322,142

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-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): 1.0

Surface Area (sq.ft): 1,875

Storage Impoundment Volume (ac-ft): 0.026

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

S. 25 T. 05N R. 18W 1/4, 1/16, 1/64: SW NE SW

X(ft): 2,465,476 **Y(ft):** 1,321,562

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-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): 2.0
Surface Area (sq.ft): 21,332
Storage Impoundment Volume (ac-ft): 0.588

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

S. 25 T. 05N R. 18W 1/4, 1/16, 1/64: SE NW SE

X(ft): 2,467,447 Y(ft): 1,321,471

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-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): 13,343
Storage Impoundment Volume (ac-ft): 0.368

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

S. 25 T. 05N R. 18W 1/4, 1/16, 1/64: SE NW SE

X(ft): 2,467,694 Y(ft): 1,321,325

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-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): 3.0

Surface Area (sq.ft): 19,355

Storage Impoundment Volume (ac-ft): 0.800

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

S. 25 T. 05N R. 18W 1/4, 1/16, 1/64: SE SE SE

X(ft): 2,468,967 Y(ft): 1,320,030

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 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.

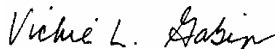
7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

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
UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN
SPECIAL MASTER

ACCEPTED: Kathleen Bogart Gibson 6/13/07
POA for DONNIE RAY BOGART LAMB DEN DATE

ADDRESS: 1357 43rd Ave # 20
Greeley CO 80634

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

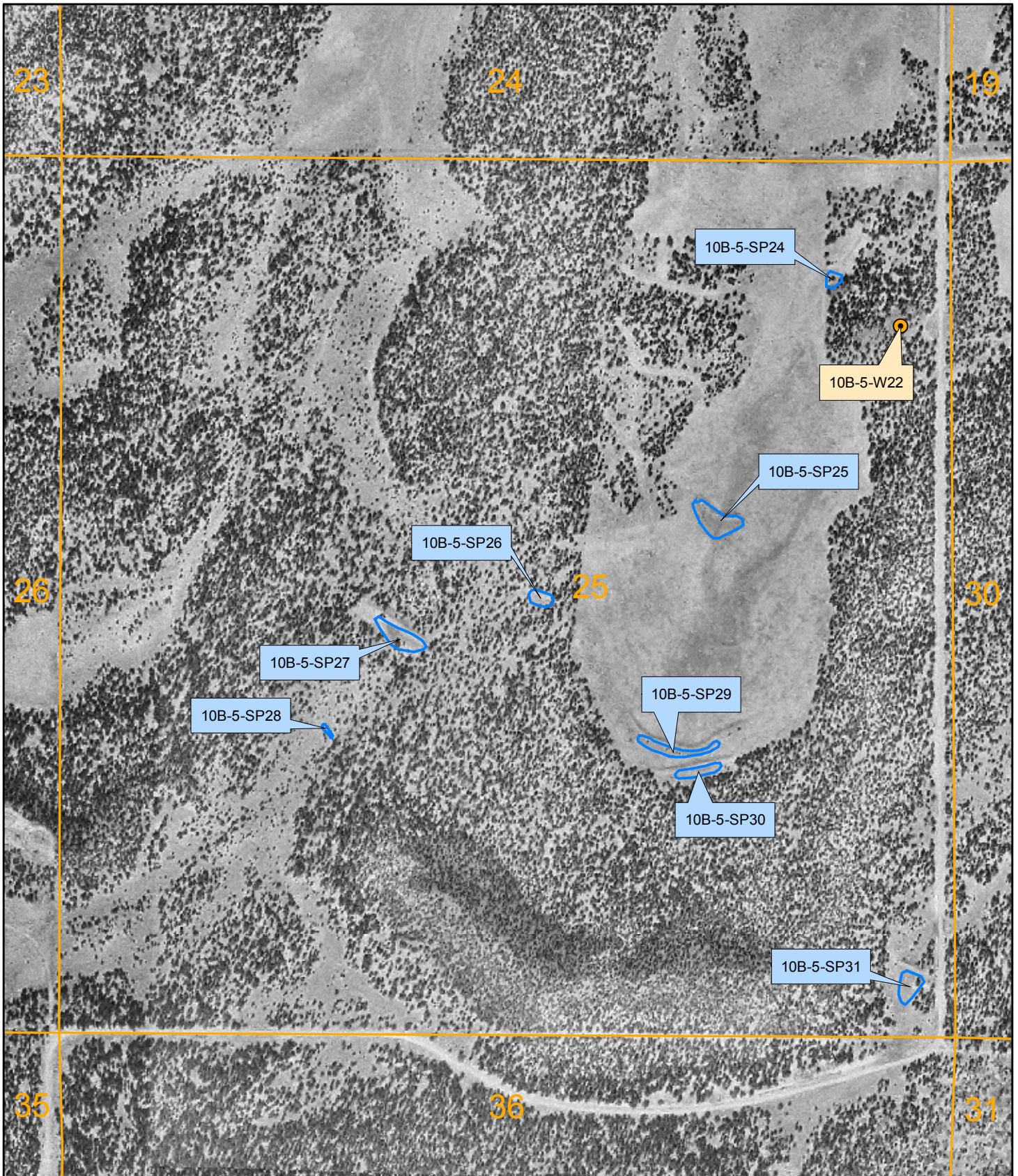
DATE

COUNSEL FOR THE UNITED STATES:





Bradley S. Bridgewater 3/20/2007
BRADLEY S. BRIDGEWATER DATE
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
(303) 844-1359

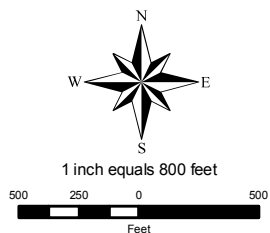
COUNSEL FOR THE STATE OF NEW MEXICO EX REL. STATE ENGINEER:

[Signature] 3/20/07
Special Assistant Attorney General DATE
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150



LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 10
Subfile Number: ZRB-2-0110
PLSS: S25, T05N, R18W
Sheet 1 of 1

March 2006



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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

SPECIAL POWER OF ATTORNEY

I, Donnie Ray Bogart Lambden, residing at 1357 43rd Ave., Unit 20, Greeley, Colorado 80634, hereby appoint Kathleen Bogart Gibson of P.O. Box 683, Fence Lake, New Mexico 87315, as my Attorney-in-Fact ("Agent").

My Agent shall have full power and authority to act on my behalf but only to the extent permitted by this Special Power of Attorney. My Agent's powers shall include the power to:

1. Manage, insure, improve, repair, collect rents, execute leases, or take any other action that a landlord might take, with respect to any interest of mine in real estate located at:

S.25 T.05N R.18W 1/4,1/16,1/64:NE NE SE
New Mexico State Plane coordinate System, West Zone, NAD 1983A, NM

and legally described on the attached Exhibit.

2. Prepare, sign, and file documents with any governmental body or agency, including, but not limited to, authorization to:

- a. Obtain information or documents from any government or its agencies, and negotiate, compromise, or settle any matter with such government or agency (including tax matters).

I hereby grant to my Agent the full right, power, and authority to do every act, deed, and thing necessary or advisable to be done regarding the above powers, as fully as I could do if personally present and acting.

Any power or authority granted to my Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing: (i) my income to be taxable to my Agent, (ii) my assets to be subject to a general power of appointment by my Agent, and (iii) my Agent to have any incidents of ownership with respect to any life insurance policies that I may own on the life of my Agent.

My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney.

I authorize my Agent to indemnify and hold harmless any third party who accepts and acts under this document.

My Agent shall not be entitled to any compensation, during my lifetime or upon my death, for any services provided as my Agent. My Agent shall be entitled to reimbursement of all reasonable expenses incurred in connection with this Power of Attorney.

My Agent shall provide an accounting for all funds handled and all acts performed as my Agent, if I so request or if such a request is made by any authorized personal representative or fiduciary acting on my behalf.

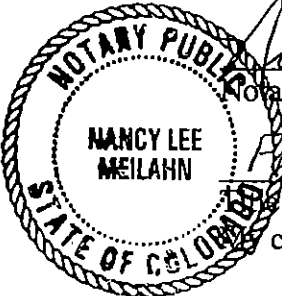
This Power of Attorney shall become effective immediately, and shall not be affected by my disability or lack of mental competence, except as may be provided otherwise by an applicable state statute. This is a Durable Power of Attorney. This Power of Attorney shall continue effective until my death. This Power of Attorney may be revoked by me at any time by providing written notice to my Agent.

Dated OCTOBER 12, ~~19~~2006, at Greeley, Colorado.

Donnie Ray Bogart Lambden
Donnie Ray Bogart Lambden

STATE OF COLORADO, COUNTY OF Weld, ss:

This instrument was acknowledged before me on this 12 day of October, 19~~2006~~ by Donnie Ray Bogart Lambden.

 Nancy Lee Meilahn
Notary Public
Financial Officer
(and Rank)
commission expires 9-24-2010