

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-BB/WDS/ACE

ZUNI RIVER BASIN
ADJUDICATION

Sub-area 7

Subfile No: ZRB-3-0096

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:

GARLAND G. LEWIS & DEE ANN LEWIS

("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: 7C-1-SP25
Purpose of Use: Livestock
Priority Date: 1/1/1978
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0
Surface Area (sq.ft): 36,227
Storage Impoundment Volume (ac-ft): 0.499

Pond Location: As shown on Hydrographic Survey Map 7C-1

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

X(ft): 2,559,486 **Y(ft):** 1,463,073

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7C-1-SP27

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 1,039

Storage Impoundment Volume (ac-ft): 0.014

Pond Location: As shown on Hydrographic Survey Map 7C-1

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

X(ft): 2,562,011 **Y(ft):** 1,464,176

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7C-1-SP28

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 1,158

Storage Impoundment Volume (ac-ft): 0.016

Pond Location: As shown on Hydrographic Survey Map 7C-1

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

X(ft): 2,562,840 Y(ft): 1,463,510

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7C-1-SP29

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 813

Storage Impoundment Volume (ac-ft): 0.011

Pond Location: As shown on Hydrographic Survey Map 7C-1

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

X(ft): 2,563,912 Y(ft): 1,463,459

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

Dam height (if greater than 9 ft):

WELL

Map Label: 7C-1-W27

OSE File No: G 1697

Priority Date: 1/1/1950

Purpose of Use: DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 7C-1

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

X (ft): 2,563,471 Y (ft): 1,463,567

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

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

WELL

Map Label: 7C-1-W28

OSE File No: G 1696

Priority Date: 9/12/1992

Purpose of Use: DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 7C-1

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

X (ft): 2,563,530 Y (ft): 1,463,028

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

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

Bruce D Black

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin

VICKIE L. GABIN
SPECIAL MASTER

ACCEPTED: *Garland G Lewis* 6/13/07
GARLAND G. LEWIS DATE

Dee Ann Lewis 6/13/07
DEE ANN LEWIS DATE

ADDRESS: *P.O Box 397*
Ramah, N.M. 87321

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

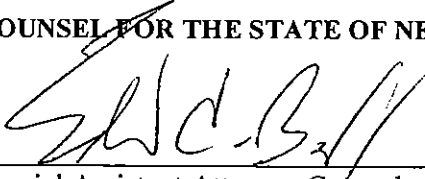
COUNSEL FOR THE UNITED STATES:

Bradley S. Bridgewater
BRADLEY S. BRIDGEWATER
U.S. Department of Justice

3/29/06 1526
DATE

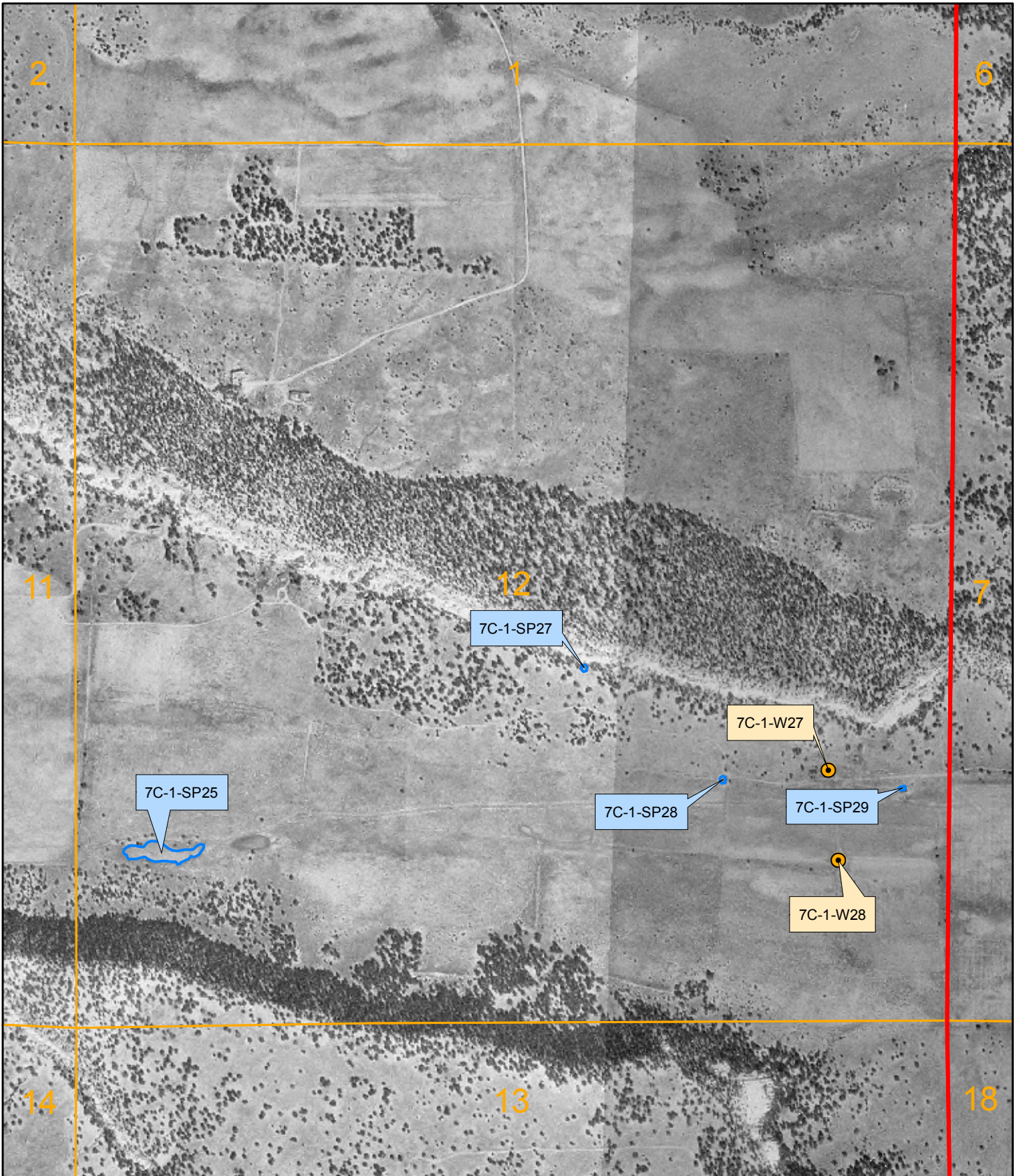
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(303) 844-1359

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

5/2/06
DATE



March 2006

LEGEND

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



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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

Sub-Area 7
Subfile Number: ZRB-3-0096
PLSS: S12, T09N, R15W
Sheet 1 of 1