

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

UNITED STATES OF AMERICA and)	
STATE OF NEW MEXICO, ex rel. STATE)	
ENGINEER,)	
Plaintiffs,)	
)	
and)	No. 01cv00072 BB/WDS
ZUNI INDIAN TRIBE and NAVAJO NATION,)	
Plaintiffs-in-Intervention)	
)	
)	ZUNI RIVER BASIN
v.)	ADJUDICATION
)	
A & R PRODUCTIONS, et al.,)	

[PROPOSED] ORDER

This matter is before the Court upon the Plaintiff United States’ November 14, 2008 *Motion For An Order (1) Defining The Temporal Scope Of This Adjudication And (2) Clarifying The Effect Of Consent Orders Entered Herein* (Doc. No. ____). Upon consideration of the United States’ motion, the comments and objections submitted by other parties, and for good cause shown, the Court finds that the United States’ motion is well-taken. Accordingly,

IT IS HEREBY ORDERED that the scope of this adjudication is to determine the elements of water rights of the surface and groundwater of the Zuni River Stream System having priority dates senior to the date of this Order. Applicable law may allow defendants and non-parties to establish rights to use water in the Zuni River Stream System that are junior to the date of this Order, but such rights shall not be adjudicated in this civil action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the terms of all Subfile Consent Orders approved by the Court herein do not prohibit defendants named in such Subfile Consent Orders, or the successors, representatives, heirs and assigns of such named

defendants, from exercising any right under applicable law to establish rights to use water in the Zuni River Stream System that are junior to the date of this Order.

IT IS FURTHER ORDERED, that this Order shall not be construed to prejudice the ability of any party to seek protection of a senior water right against junior appropriations.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

VICKIE L. GABIN
SPECIAL MASTER