

**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

ZUNI INDIAN TRIBE, NAVAJO NATION,

Plaintiffs in Intervention,

v.

A & R PRODUCTIONS, et al.,

Defendants.

**No. 01cv00072-BB/WDS**

ZUNI RIVER BASIN  
ADJUDICATION

**Subfile No: ZRB-1-0100**

**ORDER GRANTING DEFAULT JUDGMENT**

THIS MATTER is before the Court upon the following Motion for Default Judgment filed by Plaintiffs United States of America (“United States”) and State of New Mexico ex rel. State Engineer (“State”):

February 4, 2009

*Motion for Default Judgment or, in the Alternative, Summary Judgment*

Document No. 2095

The Court, being fully advised, finds that the Plaintiffs’ motion is well-taken and DEFAULT JUDGMENT should be GRANTED. Upon the record, the Court finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. Each defendant named below has been legally served with process or has waived service of summons.
3. Each defendant named below has failed to comply with the applicable procedural and scheduling orders and to appear, answer, or otherwise defend in the

indicated subfile, and is adjudged to be in default.

4. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Subareas 4 and 8 (July 2004, as amended), prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of each defendant named herein have been introduced into the record and the same are hereby incorporated as the evidentiary basis of the water rights described in the order.

5. The water rights of each defendant named below in the above-styled and captioned civil action are as follows:

**JOANN STRICKLAND TRUST**

**Subfile No: ZRB-1-0100**

**STOCK POND**

**Map Label:** 8A-2-SP01  
**Purpose of Use:** LIVESTOCK  
**Priority date:** 1/1/1940  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 4.0  
**Surface Area (sq.ft):** 4,960  
**Storage Impoundment Volume (ac-ft):** 0.273

**Pond Location:** As shown on Hydrographic Survey Map 8A-2

**S.** 35 **T.** 09N **R.** 14W **1/4, 1/16, 1/64:** SE NW SW  
**X(ft):** 2,588,005 **Y(ft):** 1,442,231

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8A-2-SP27  
**Purpose of Use:** LIVESTOCK  
**Priority date:** 1/1/1930  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 3.0  
**Surface Area (sq.ft):** 7,611  
**Storage Impoundment Volume (ac-ft):** 0.315

**Pond Location:** As shown on Hydrographic Survey Map 8A-2

**S. 35 T. 09N R. 14W 1/4, 1/16, 1/64: SW SW SW**

**X(ft):** 2,585,362 **Y(ft):** 1,441,211

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8A-2-SP32  
**Purpose of Use:** LIVESTOCK  
**Priority date:** 1/1/1940  
**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 2.0

**Surface Area (sq.ft):** 9,434

**Storage Impoundment Volume (ac-ft):** 0.260

**Pond Location:** As shown on Hydrographic Survey Map 8A-2

**S. 35 T. 09N R. 14W 1/4, 1/16, 1/64:** NE SW NE

**X(ft):** 2,589,058 **Y(ft):** 1,444,161

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8A-2-SP33

**Purpose of Use:** LIVESTOCK

**Priority date:** 1/1/1940

**Source of Water:** Well

**Point of Diversion:** Fills from well 8A-2-W06 (Location X(ft): 2,589,619; Y(ft): 1,448,532);

**Amount of Water:**

**Depth (ft):** 3.5

**Surface Area (sq.ft):** 8,250

**Storage Impoundment Volume (ac-ft):** 0.398

**Pond Location:** As shown on Hydrographic Survey Map 8A-2

**S. 26 T. 09N R. 14W 1/4, 1/16, 1/64:** SE NE NW

**X(ft):** 2,589,660 **Y(ft):** 1,448,584

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8A-2-SP34  
**Purpose of Use:** LIVESTOCK  
**Priority date:** 1/1/1940  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 2.5  
**Surface Area (sq.ft):** 7,158  
**Storage Impoundment Volume (ac-ft):** 0.246

**Pond Location:** As shown on Hydrographic Survey Map 8A-2

**S. 26 T. 09N R. 14W 1/4, 1/16, 1/64: NE SE SW**

**X(ft):** 2,589,768 **Y(ft):** 1,449,007

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8B-1-SP17  
**Purpose of Use:** LIVESTOCK  
**Priority date:** 1/1/1940  
**Source of Water:** Well  
**Point of Diversion:** Fills from well 8B-1-W03 (Location X(ft): 2,591,396; Y(ft): 1,453,778);  
**Amount of Water:**

**Depth (ft):** 6.0

**Surface Area (sq.ft):** 8,017

**Storage Impoundment Volume (ac-ft):** 0.663

**Pond Location:** As shown on Hydrographic Survey Map 8B-1

**S. 24 T. 09N R. 14W 1/4, 1/16, 1/64:** SW NW NE

**X(ft):** 2,591,426 **Y(ft):** 1,453,660

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8B-1-SP18

**Purpose of Use:** LIVESTOCK

**Priority date:** 1/1/1940

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 1.5

**Surface Area (sq.ft):** 3,984

**Storage Impoundment Volume (ac-ft):** 0.082

**Pond Location:** As shown on Hydrographic Survey Map 8B-1

**S. 24 T. 09N R. 14W 1/4, 1/16, 1/64:** NW NW SW

**X(ft):** 2,590,927 **Y(ft):** 1,455,446

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8B-1-SP19  
**Purpose of Use:** LIVESTOCK  
**Priority date:** 1/1/1940  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 2.5  
**Surface Area (sq.ft):** 5,121  
**Storage Impoundment Volume (ac-ft):** 0.176

**Pond Location:** As shown on Hydrographic Survey Map 8B-1

**S. 24 T. 09N R. 14W 1/4, 1/16, 1/64:** NW NW NW

**X(ft):** 2,590,758 **Y(ft):** 1,456,605

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8B-1-SP27  
**Purpose of Use:** LIVESTOCK  
**Priority date:** 1/1/1940  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 1.5  
**Surface Area (sq.ft):** 1,766

**Storage Impoundment Volume (ac-ft):** 0.036

**Pond Location:** As shown on Hydrographic Survey Map 8B-1

**S. 20 T. 09N R. 13W 1/4, 1/16, 1/64:** NW SW NW

**X(ft):** 2,601,386 **Y(ft):** 1,454,653

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8B-2-SP02

**Purpose of Use:** LIVESTOCK

**Priority date:** 1/1/1940

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 4.0

**Surface Area (sq.ft):** 1,890

**Storage Impoundment Volume (ac-ft):** 0.104

**Pond Location:** As shown on Hydrographic Survey Map 8B-2

**S. 30 T. 09N R. 13W 1/4, 1/16, 1/64:** NW SW NE

**X(ft):** 2,596,478 **Y(ft):** 1,449,314

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

**Dam height (if greater than 9 ft):** 10.0

**STOCK POND**

**Map Label:** 8B-2-SP03



**Purpose of Use:** LIVESTOCK

**Priority date:** 1/1/1940

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 2.0

**Surface Area (sq.ft):** 14,913

**Storage Impoundment Volume (ac-ft):** 0.411

**Pond Location:** As shown on Hydrographic Survey Map 8B-2

**S. 30 T. 09N R. 13W 1/4, 1/16, 1/64:** SW NW SE

**X(ft):** 2,596,639 **Y(ft):** 1,447,430

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8B-2-SP36

**Purpose of Use:** LIVESTOCK

**Priority date:** 1/1/1940

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 2.5

**Surface Area (sq.ft):** 1,310

**Storage Impoundment Volume (ac-ft):** 0.045

**Pond Location:** As shown on Hydrographic Survey Map 8B-2

S. 33 T. 09N R. 13W 1/4, 1/16, 1/64: NW SE SW

X(ft): 2,607,789 Y(ft): 1,443,321

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8B-2-SP40

**Purpose of Use:** LIVESTOCK

**Priority date:** 1/1/1940

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 3.5

**Surface Area (sq.ft):** 5,834

**Storage Impoundment Volume (ac-ft):** 0.281

**Pond Location:** As shown on Hydrographic Survey Map 8B-2

S. 33 T. 09N R. 13W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,609,435 Y(ft): 1,443,072

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8B-2-SP56

**Purpose of Use:** LIVESTOCK

**Priority date:** 1/1/1940

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 1.5

**Surface Area (sq.ft):** 1,256

**Storage Impoundment Volume (ac-ft):** 0.026

**Pond Location:** As shown on Hydrographic Survey Map 8B-2

**S. 29 T. 09N R. 13W 1/4, 1/16, 1/64:** NW SE SW

**X(ft):** 2,602,516 **Y(ft):** 1,448,788

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8B-2-SP57

**Purpose of Use:** LIVESTOCK

**Priority date:** 1/1/1940

**Source of Water:** Well

**Point of Diversion:** Fills from well 8B-2-W03 (Location X(ft): 2,603,858;  
Y(ft):1,446,586);

**Amount of Water:**

**Depth (ft):** 1.5

**Surface Area (sq.ft):** 3,430

**Storage Impoundment Volume (ac-ft):** 0.071

**Pond Location:** As shown on Hydrographic Survey Map 8B-2

**S. 29 T. 09N R. 13W 1/4, 1/16, 1/64:** SW SE NE

**X(ft):** 2,603,727 **Y(ft):** 1,446,598

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 8B-2-SP58  
**Purpose of Use:** LIVESTOCK  
**Priority date:** 1/1/1940  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 3.0  
**Surface Area (sq.ft):** 5,448  
**Storage Impoundment Volume (ac-ft):** 0.225

**Pond Location:** As shown on Hydrographic Survey Map 8B-2

**S. 29 T. 09N R. 13W 1/4, 1/16, 1/64: SW SE SE**  
**X(ft):** 2,603,685 **Y(ft):** 1,446,028  
New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Dam height (if greater than 9 ft):**

**WELL**

**Map Label:** 8A-2-W06  
**OSE File No:** G 1985/75  
**Priority Date:** 12/31/1930  
**Purpose of Use:** NON 72-12-1 LIVESTOCK WATERING

**Well Location:** As shown on Hydrographic Survey Map 8A-2

**S. 26 T. 09N R. 14W 1/4, 1/16, 1/64: SE NE NW**  
**X (ft):** 2,589,619 **Y (ft):** 1,448,532

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

**Amount of Water (ac-ft per annum):** 0.574

**WELL**

**Map Label:** 8B-1-W03  
**OSE File No:** G 1976  
**Priority Date:** 12/31/1928  
**Purpose of Use:** NON 72-12-1 LIVESTOCK WATERING

**Well Location:** As shown on Hydrographic Survey Map 8B-1  
**S. 24 T. 09N R. 14W 1/4, 1/16, 1/64:** SW NW NE  
**X (ft):** 2,591,396 **Y (ft):** 1,453,778  
New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Amount of Water (ac-ft per annum):** 0.574

**WELL**

**Map Label:** 8B-1-W05  
**OSE File No:** G 1974  
**Priority Date:** 12/31/1928  
**Purpose of Use:** NON 72-12-1 LIVESTOCK WATERING

**Well Location:** As shown on Hydrographic Survey Map 8B-1  
**S. 24 T. 09N R. 14W 1/4, 1/16, 1/64:** NW SW NW  
**X (ft):** 2,590,873 **Y (ft):** 1,455,010  
New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Amount of Water (ac-ft per annum):** 0.574

**WELL**

**Map Label:** 8B-1-W07

**OSE File No:** G 2006

**Priority Date:** 1/4/1961

**Purpose of Use:** NON 72-12-1 LIVESTOCK WATERING

**Well Location:** As shown on Hydrographic Survey Map 8B-1

**S. 1 T. 09N R. 14W 1/4, 1/16, 1/64:** NE SW NW

**X (ft):** 2,593,627 **Y (ft):** 1,470,603

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

**Amount of Water (ac-ft per annum):** 0.574

**WELL**

**Map Label:** 8B-2-W01

**OSE File No:** G 0751

**Priority Date:** 10/4/1996

**Purpose of Use:** 72-12-1 DOMESTIC ONE HOUSEHOLD

**Well Location:** As shown on Hydrographic Survey Map 8B-2

**S. 31 T. 09N R. 13W 1/4, 1/16, 1/64:** SE SE SE

**X (ft):** 2,600,898 **Y (ft):** 1,440,977

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 acre-feet per annum;

**WELL**

**Map Label:** 8B-2-W03  
**OSE File No:** G 2008  
**Priority Date:** 8/1/1978  
**Purpose of Use:** NON 72-12-1 LIVESTOCK WATERING

**Well Location:** As shown on Hydrographic Survey Map 8B-2  
**S. 29 T. 09N R. 13W 1/4, 1/16, 1/64:** SE SW NW  
**X (ft):** 2,603,858 **Y (ft):** 1,446,586  
New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Amount of Water (ac-ft per annum):** 0.574

WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the water rights of each defendant named above are as set forth herein, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that each defendant named herein, and his or her successors, representatives, heirs and assigns, are HEREBY ENJOINED from any diversion or use of the waters of the Zuni River Stream System, except in strict accordance with this order or other orders of this Court in this civil action.



BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

*Vickie L. Gabin*

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VICKIE L. GABIN  
SPECIAL MASTER