

**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/MDS

**ZUNI RIVER BASIN
ADJUDICATION**

Subfile No: ZRB-1-0096

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”):

August 31, 2009 Motion for Default Judgment, Document No.2401

The Court, being fully advised, finds that the Plaintiffs’ motion is well-taken and 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:

BYRON SOUTH & IRENE P. SOUTH

Subfile No: ZRB-1-0096

STOCK POND

Map Label: 4A-3-SP07
Purpose of Use: LIVESTOCK
Priority date: 1/1/1955
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5
Surface Area (sq.ft): 1,517
Storage Impoundment Volume (ac-ft): 0.031

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW NE NW
X(ft): 2,576,574 Y(ft): 1,501,366

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP13
Purpose of Use: LIVESTOCK
Priority date: 1/1/1963
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5
Surface Area (sq.ft): 12,661
Storage Impoundment Volume (ac-ft): 0.262

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW NW NE

X(ft): 2,575,899 **Y(ft):** 1,501,361

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP14
Purpose of Use: LIVESTOCK
Priority date: 1/1/1963
Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 2,466

Storage Impoundment Volume (ac-ft): 0.051

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW NE NW

X(ft): 2,576,633 **Y(ft):** 1,500,832

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP15

Purpose of Use: LIVESTOCK

Priority date: 1/1/1955

Source of Water: Well

Point of Diversion: Fills from well 4A-3-W08 (Location X(ft): 2,576,344; Y(ft): 1,500,654);

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 4,549

Storage Impoundment Volume (ac-ft): 0.188

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW NE SW

X(ft): 2,576,258 **Y(ft):** 1,500,698

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP16
Purpose of Use: LIVESTOCK
Priority date: 1/1/1955
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 9,068
Storage Impoundment Volume (ac-ft): 0.250

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW NE SW

X(ft): 2,576,538 Y(ft): 1,500,645

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP18
Purpose of Use: LIVESTOCK
Priority date: 1/1/1963
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 16,656

Storage Impoundment Volume (ac-ft): 0.688

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,577,549 **Y(ft):** 1,501,357

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP19

Purpose of Use: LIVESTOCK

Priority date: 1/1/1955

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 28,311

Storage Impoundment Volume (ac-ft): 0.780

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW SW NW

X(ft): 2,575,001 **Y(ft):** 1,499,833

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP20
Purpose of Use: LIVESTOCK
Priority date: 1/1/1955
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5
Surface Area (sq.ft): 4,025
Storage Impoundment Volume (ac-ft): 0.083

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW SW NE

X(ft): 2,575,953 **Y(ft):** 1,499,935

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP21
Purpose of Use: LIVESTOCK
Priority date: 1/1/1955
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5
Surface Area (sq.ft): 5,018

Storage Impoundment Volume (ac-ft): 0.104

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW SW NE

X(ft): 2,575,966 **Y(ft):** 1,499,773

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP35

Purpose of Use: LIVESTOCK

Priority date: 1/1/1955

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 2,059

Storage Impoundment Volume (ac-ft): 0.113

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW SW NW

X(ft): 2,574,837 **Y(ft):** 1,499,797

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

Dam height (if greater than 9 ft):

WELL

Map Label: 4A-3-W08
OSE File No: None
Priority Date: 1/1/1975
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 4A-3
S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW NE SW
X (ft): 2,576,344 **Y (ft):** 1,500,654
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.924 acre-feet per annum;

WELL

Map Label: 4A-3-W20
OSE File No: None
Priority Date: 1/1/1975
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 4A-3
S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW SW SW
X (ft): 2,575,210 **Y (ft):** 1,499,189
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.924 acre-feet per annum;

WELL

Map Label: 4A-3-W21

OSE File No: None
Priority Date: 12/31/1899
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 4A-3
S. 4 T. 10N R. 14W 1/4, 1/16, 1/64: SW SW NW
X (ft): 2,574,859 **Y (ft):** 1,499,837
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.924 acre-feet per annum;

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.

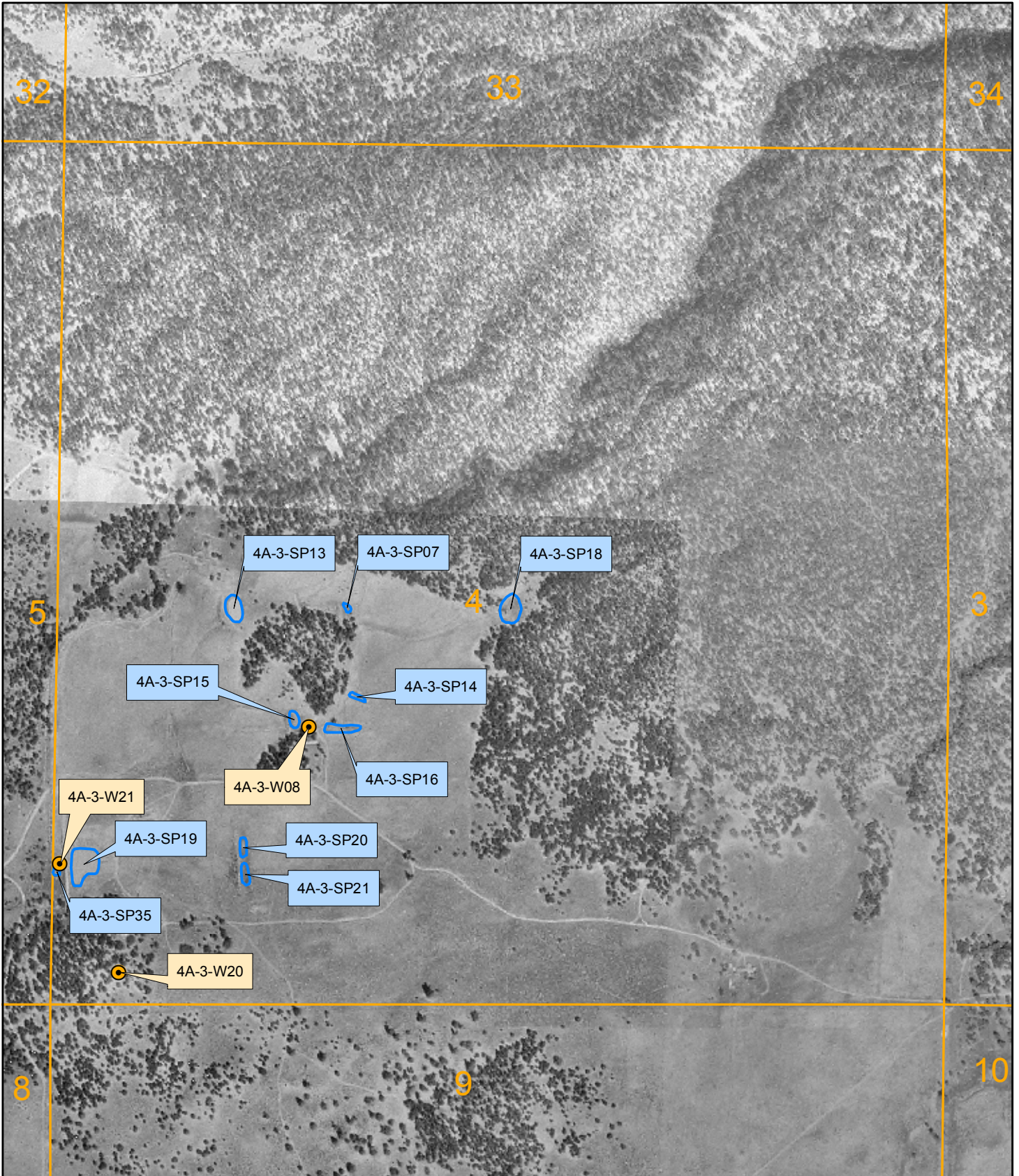


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin

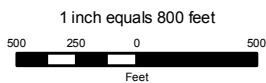
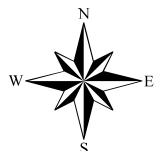
VICKIE L. GABIN
SPECIAL MASTER



June 2006

LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 4
Subfile Number: ZRB-1-0096
PLSS: S04, T10N, R14W
Sheet 1 of 1



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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