

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

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 4 and 8

Subfile No: ZRB-1-0100

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:

JOANN STRICKLAND TRUST

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, 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 4 and 8. 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 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 4 and 8, is as set forth below:

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 8B-1-W03 (Location X(ft): 2,591,396; Y(ft): 1,453,778);

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: 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): 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

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: NO RIGHT

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): 0.0

WELL

Map Label: 8B-1-W03

OSE File No: G 01976

Priority Date: 12/31/1928
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK

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): Historical beneficial use not to exceed 4.659 acre-feet per annum;

WELL

Map Label: 8B-1-W05
OSE File No: G 01974
Priority Date: 12/31/1928
Purpose of Use: NO RIGHT

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): 0.0

WELL

Map Label: 8B-1-W07
OSE File No: G 02006
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): 0.500

WELL

Map Label: 8B-2-W01

OSE File No: G 00751

Priority Date: 10/4/1996

Purpose of Use: NO RIGHT

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): 0.0

WELL

Map Label: 8B-2-W03

OSE File No: G 02008

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): 1.834

WELL

Map Label: 8B-2-W16

OSE File No: G 02742

Priority Date: 9/12/2008

Purpose of Use: NO RIGHT

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): 2,600,735 Y (ft): 1,441,120

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

Amount of Water (ac-ft per annum): 0.0

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, 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 4 and 8, except in strict accordance with this Consent Order and other orders of the Court in this cause.

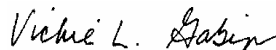
7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

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 4 and 8, 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 4 and 8, 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: John Strickland 12-6-10
JOANN STRICKLAND TRUST Trustee DATE

ADDRESS: P.O. Box 2554
Milan, N.M. 87021

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

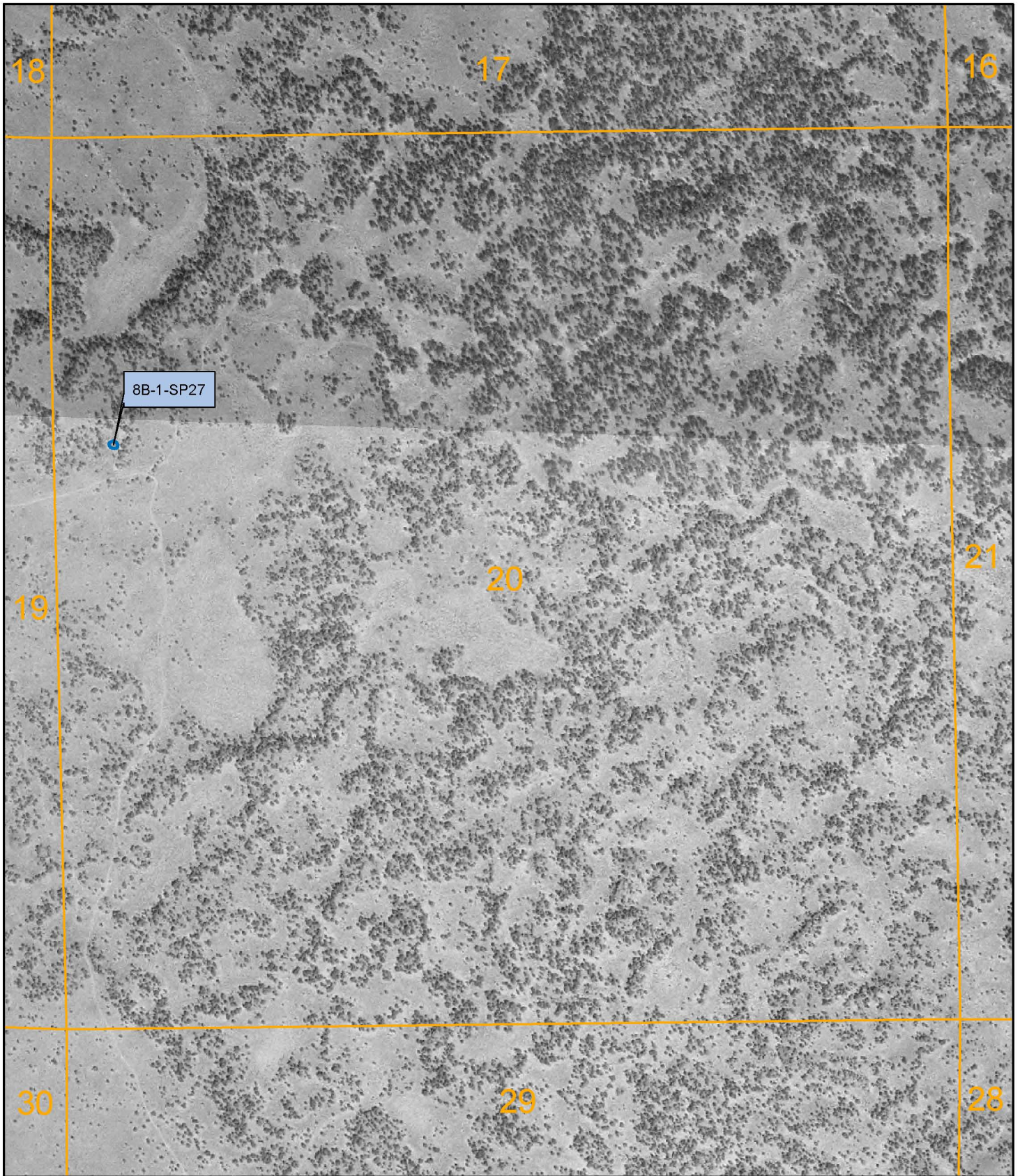
DATE

COUNSEL FOR THE UNITED STATES:






Bradley S. Bridgewater 10/21/2010
BRADLEY S. BRIDGEWATER DATE
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
(303) 844-1359

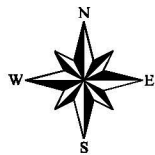
COUNSEL FOR THE STATE OF NEW MEXICO EX REL. STATE ENGINEER:

W.C. B... OCT. 21, 2010
Special Assistant Attorney General DATE
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150



LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 8
Subfile Number: ZRB-1-0100
PLSS: S20, T09N, R13W
Sheet 1 of 9

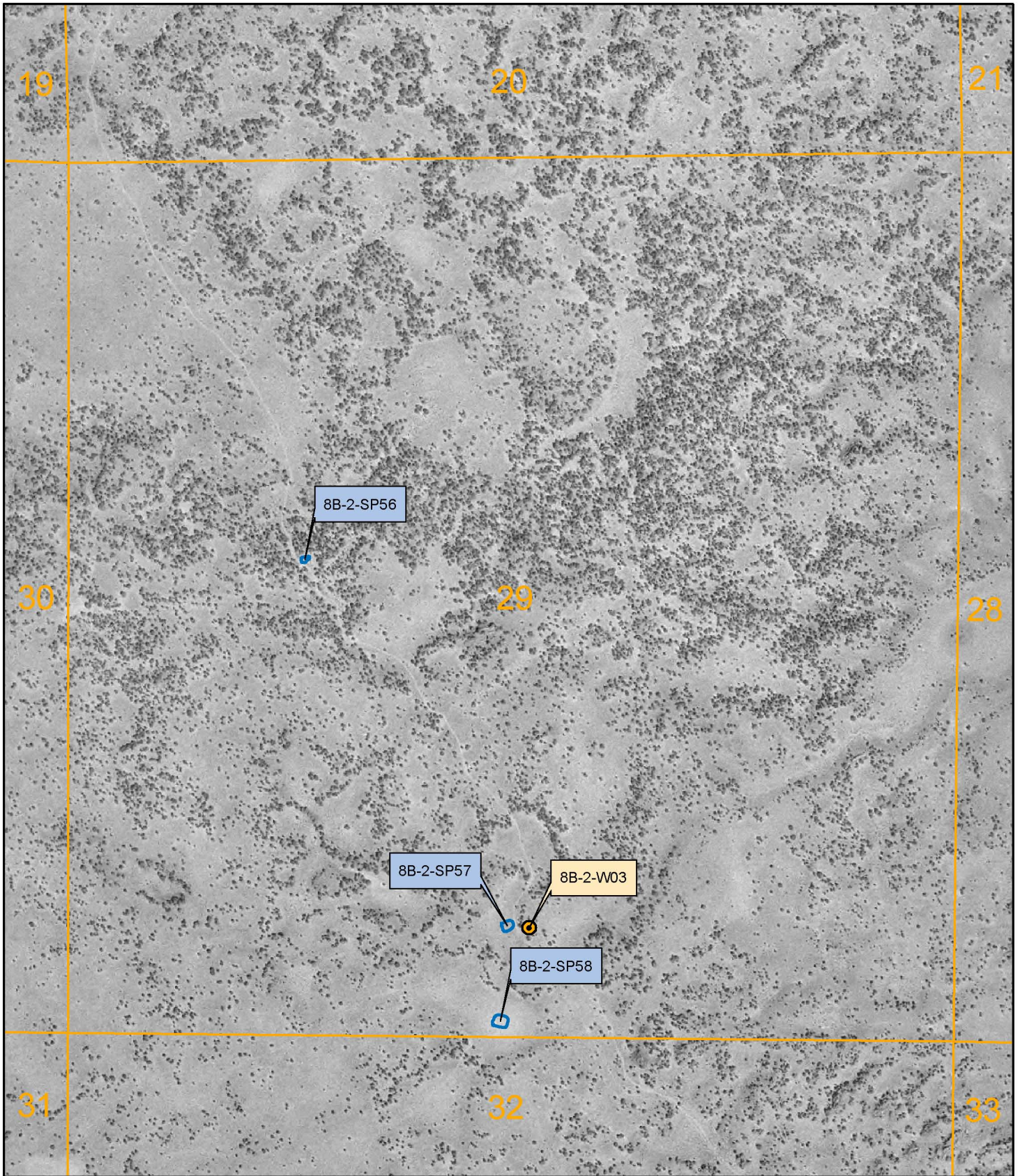
January 2005








Natural Resources Consulting Engineers, Inc.

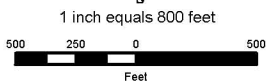
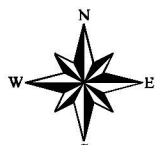
Fort Collins, CO Oakland, CA Asmara, ERITREA

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



LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 8
Subfile Number: ZRB-1-0100
PLSS: S29, T09N, R13W
Sheet 2 of 9

January 2005



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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