

**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-1-0091

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:

JOSEPH WILLIAM SCHEPPS

("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: 4A-3-SP09
Purpose of Use: LIVESTOCK
Priority date: 1/1/1970
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 2,877
Storage Impoundment Volume (ac-ft): 0.198

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

S. 7 T. 10N R. 14W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,566,544 Y(ft): 1,498,753

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP10

Purpose of Use: LIVESTOCK

Priority date: 1/1/1970

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 7,786

Storage Impoundment Volume (ac-ft): 0.322

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

S. 7 T. 10N R. 14W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,566,973 Y(ft): 1,498,599

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP11

Purpose of Use: RECREATION

Priority date: 1/1/1920

Source of Water: Well

Point of Diversion: Fills from well 4A-3-W03 (Location X(ft): 2,571,396; Y(ft): 1,500,846);

Amount of Water:

Depth (ft): 14.7

Surface Area (sq.ft): 13,503

Storage Impoundment Volume (ac-ft): 2.190

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

S. 5 T. 10N R. 14W 1/4, 1/16, 1/64: SW NE SW

X(ft): 2,571,149 **Y(ft):** 1,500,842

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP23

Purpose of Use: LIVESTOCK

Priority date: 1/1/1970

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 21,903

Storage Impoundment Volume (ac-ft): 1.508

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

S. 7 T. 10N R. 14W 1/4, 1/16, 1/64: SW NW NW

X(ft): 2,564,593 **Y(ft):** 1,496,090

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP28
Purpose of Use: LIVESTOCK
Priority date: 1/1/1970
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 9.0
Surface Area (sq.ft): 35,505
Storage Impoundment Volume (ac-ft): 4.401

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

S. 7 T. 10N R. 14W 1/4, 1/16, 1/64: NW NW NW

X(ft): 2,564,588 **Y(ft):** 1,498,819

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-3-SP29
Purpose of Use: LIVESTOCK
Priority date: 1/1/1970
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 17,041

Storage Impoundment Volume (ac-ft): 0.939

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

S. 7 T. 10N R. 14W 1/4, 1/16, 1/64: SW NW NW

X(ft): 2,564,875 **Y(ft):** 1,496,024

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-4-SP07

Purpose of Use: LIVESTOCK

Priority date: 1/1/1970

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 8,552

Storage Impoundment Volume (ac-ft): 0.589

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

S. 7 T. 10N R. 14W 1/4, 1/16, 1/64: SW SW SW

X(ft): 2,564,566 **Y(ft):** 1,494,309

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-4-SP08

Purpose of Use: LIVESTOCK

Priority date: 1/1/1963
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 7.0
Surface Area (sq.ft): 6,471
Storage Impoundment Volume (ac-ft): 0.624

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

S. 7 T. 10N R. 14W 1/4, 1/16, 1/64: SE SE SE
X(ft): 2,569,253 **Y(ft):** 1,494,087
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-4-SP19
Purpose of Use: LIVESTOCK
Priority date: 1/1/1970
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 9.0
Surface Area (sq.ft): 4,361
Storage Impoundment Volume (ac-ft): 0.541

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

S. 8 T. 10N R. 14W 1/4, 1/16, 1/64: SW SW SE
X(ft): 2,570,709 **Y(ft):** 1,493,800

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 4A-4-SP64
Purpose of Use: LIVESTOCK
Priority date: 1/1/1970
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 3,285
Storage Impoundment Volume (ac-ft): 0.136

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

S. 7 T. 10N R. 14W 1/4, 1/16, 1/64: SE SE SE
X(ft): 2,569,561 **Y(ft):** 1,494,207

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

Dam height (if greater than 9 ft):

WELL

Map Label: 4A-3-W03
OSE File No: G 01470
Priority Date: 4/14/2003
Purpose of Use: 72-12-1 DOMESTIC ONE HOUSEHOLD

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

S. 5 T. 10N R. 14W 1/4, 1/16, 1/64: SW NE NW

X (ft): 2,571,396 **Y (ft):** 1,500,846

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: 4A-3-W06
OSE File No: G 01918
Priority Date: 12/31/1976
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

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

S. 6 T. 10N R. 14W 1/4, 1/16, 1/64: SE SE NE

X (ft): 2,569,020 **Y (ft):** 1,500,170

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

Amount of Water (ac-ft per annum): 0.15

WELL

Map Label: 4A-3-W22
OSE File No: G 02537
Priority Date: 6/28/2006
Purpose of Use: 72-12-1 DOMESTIC ONE HOUSEHOLD

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

S. 5 T. 10N R. 14W 1/4, 1/16, 1/64: SW NW SE

X (ft): 2,570,815 **Y (ft):** 1,500,358

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;

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

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

(not required)

VICKIE L. GABIN
SPECIAL MASTER

ACCEPTED: *Joseph William Schepps* 6/15/11
JOSEPH WILLIAM SCHEPPS DATE

ADDRESS: *PO Box 1629*
Santa Fe, NM 87504-1629

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

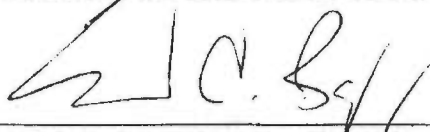
DATE

COUNSEL FOR THE UNITED STATES:

Bradley S. Bridgewater
BRADLEY S. BRIDGEWATER
U.S. Department of Justice
999 18th Street - South Terrace Suite 370
Denver, CO 80202
(303) 844-1359

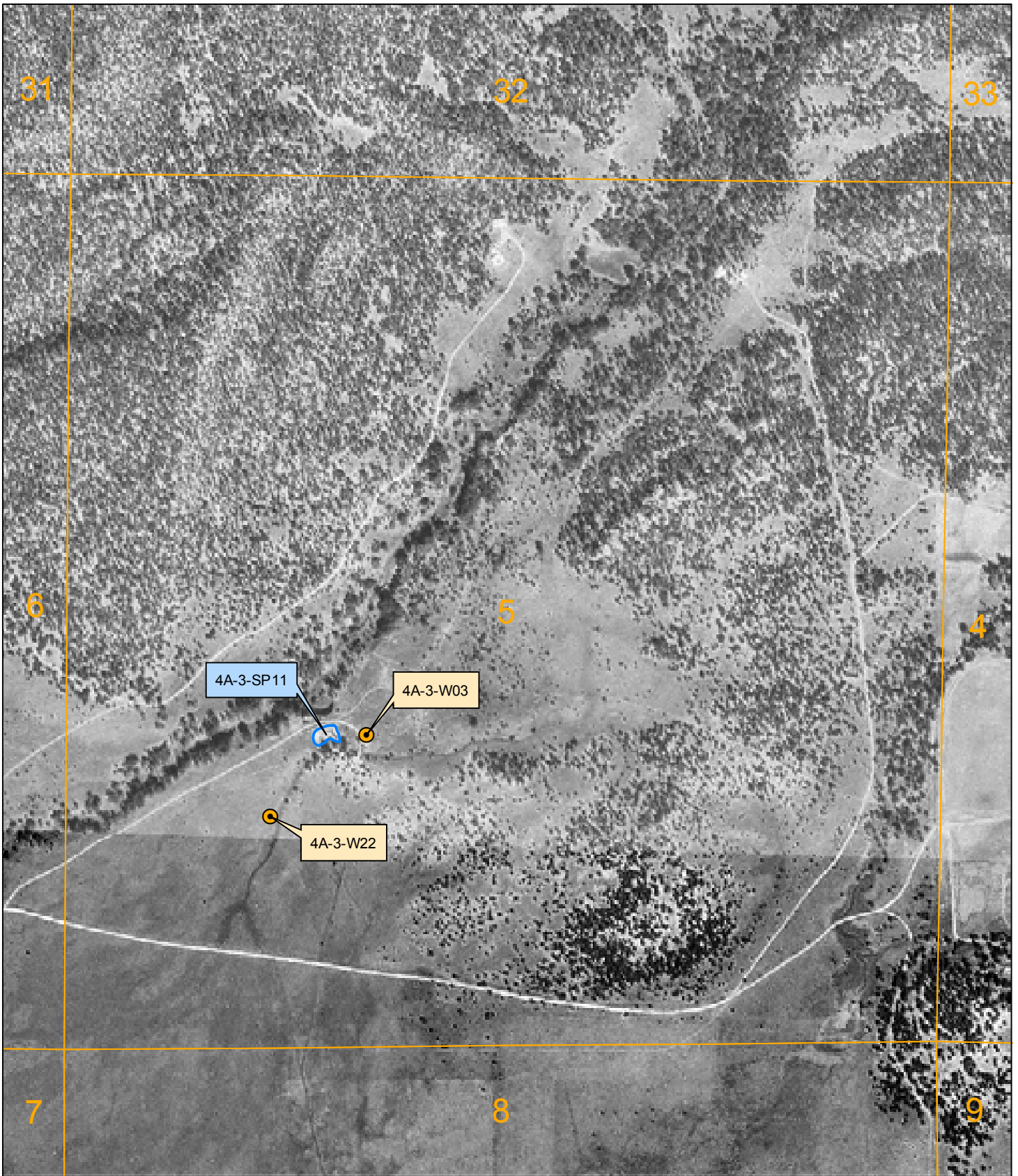
5/11/2011
DATE

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



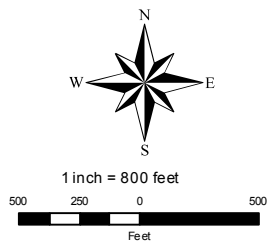
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150

5/10/2011
DATE



LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 4
Subfile Number: ZRB-1-0091
PLSS: S05, T10N, R14W
Sheet 1 of 4

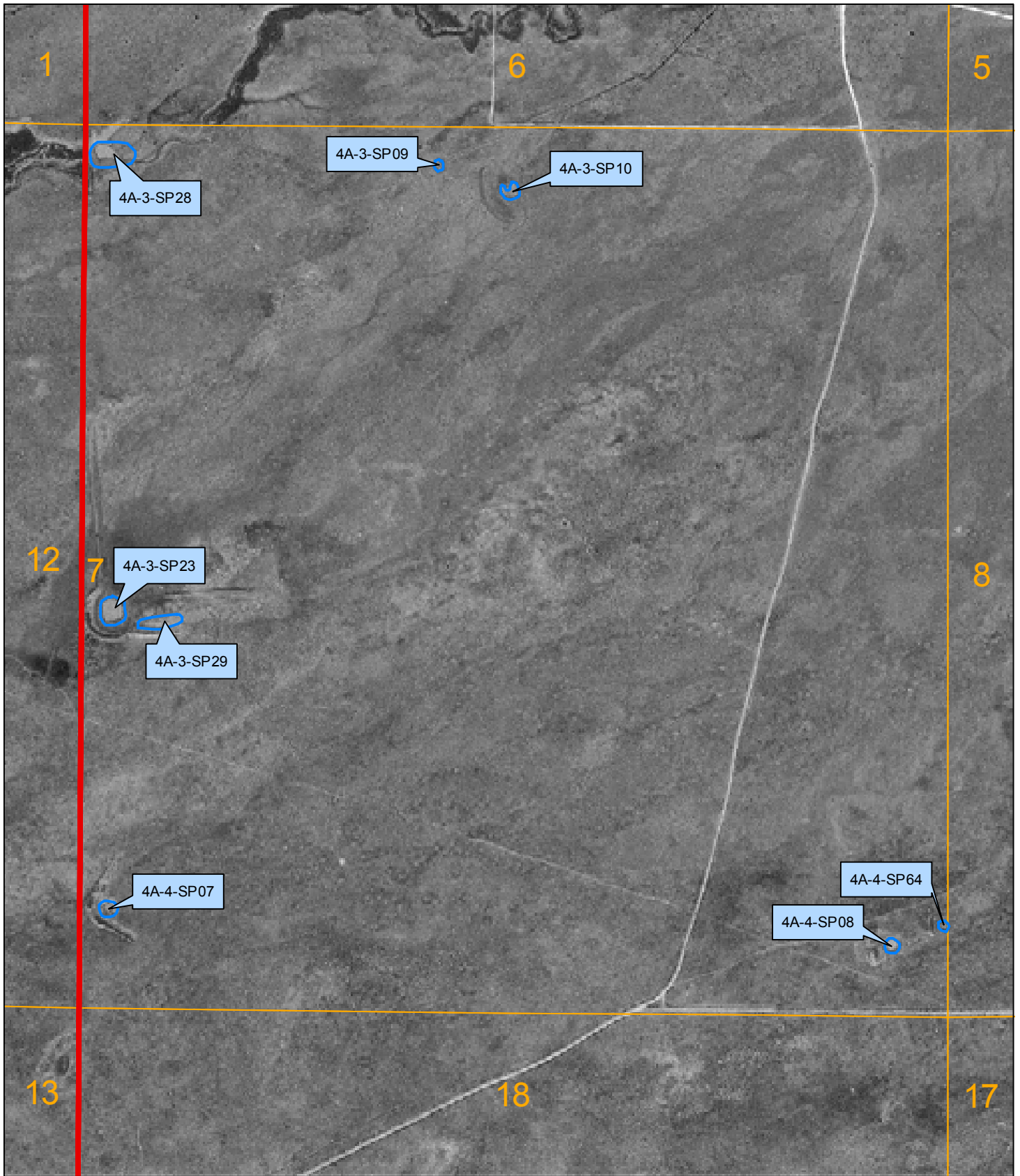
September 2009








Natural Resources Consulting Engineers, Inc.

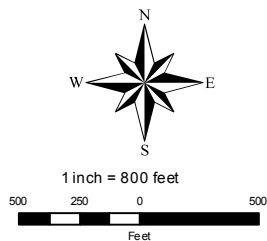
Fort Collins, CO Oakland, CA Asmara, ERITREA

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 4
Subfile Number: ZRB-1-0091
PLSS: S07, T10N, R14W
Sheet 2 of 4

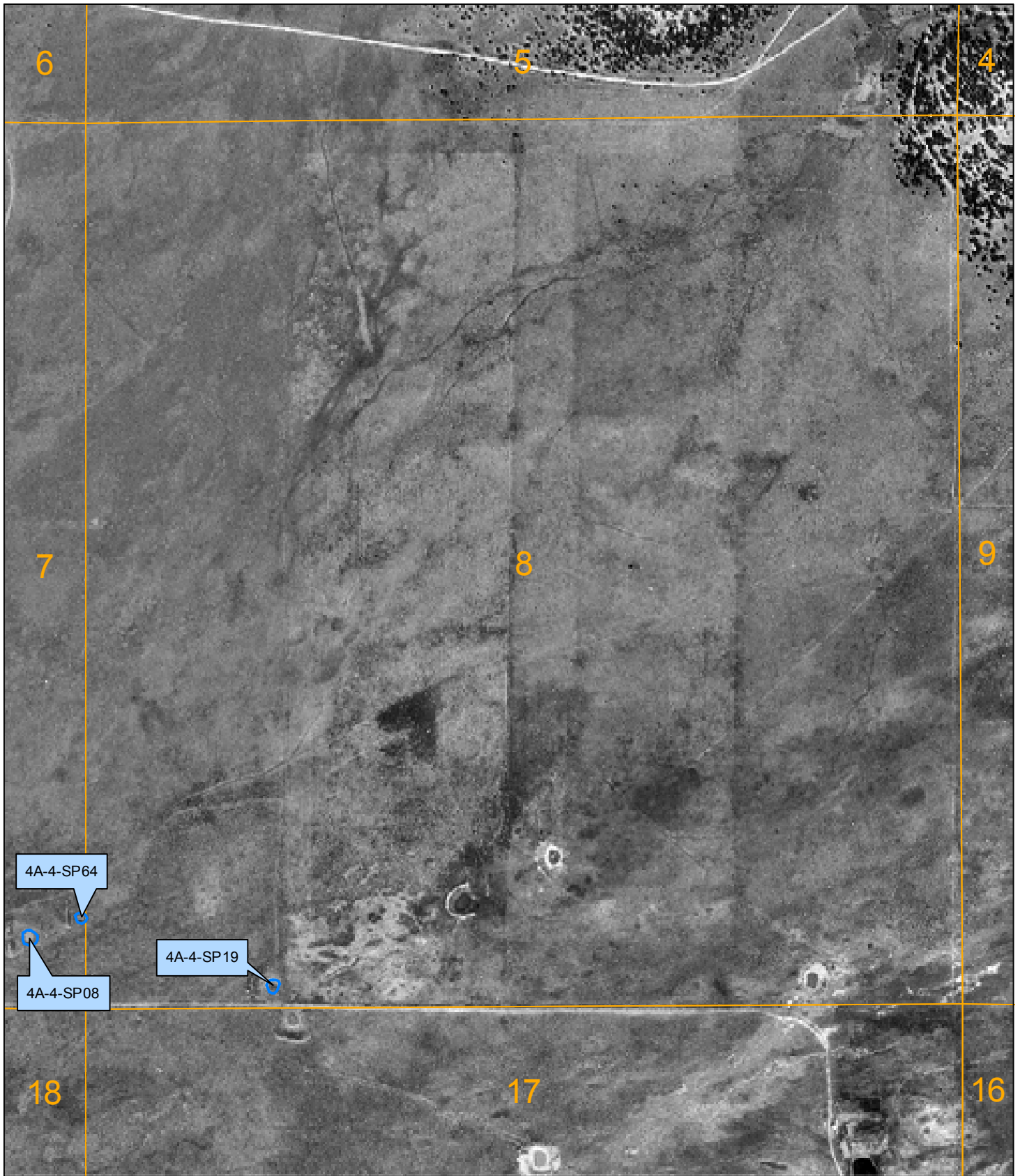
September 2009



Natural Resources Consulting Engineers, Inc.






Fort Collins, CO Oakland, CA Asmara, ERITREA

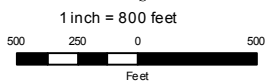
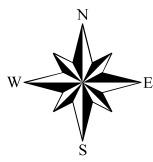
Project Manager: L. Niel Allen, P.E., Ph.D.



September 2009

LEGEND

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



Zuni River Basin
Hydrographic Survey

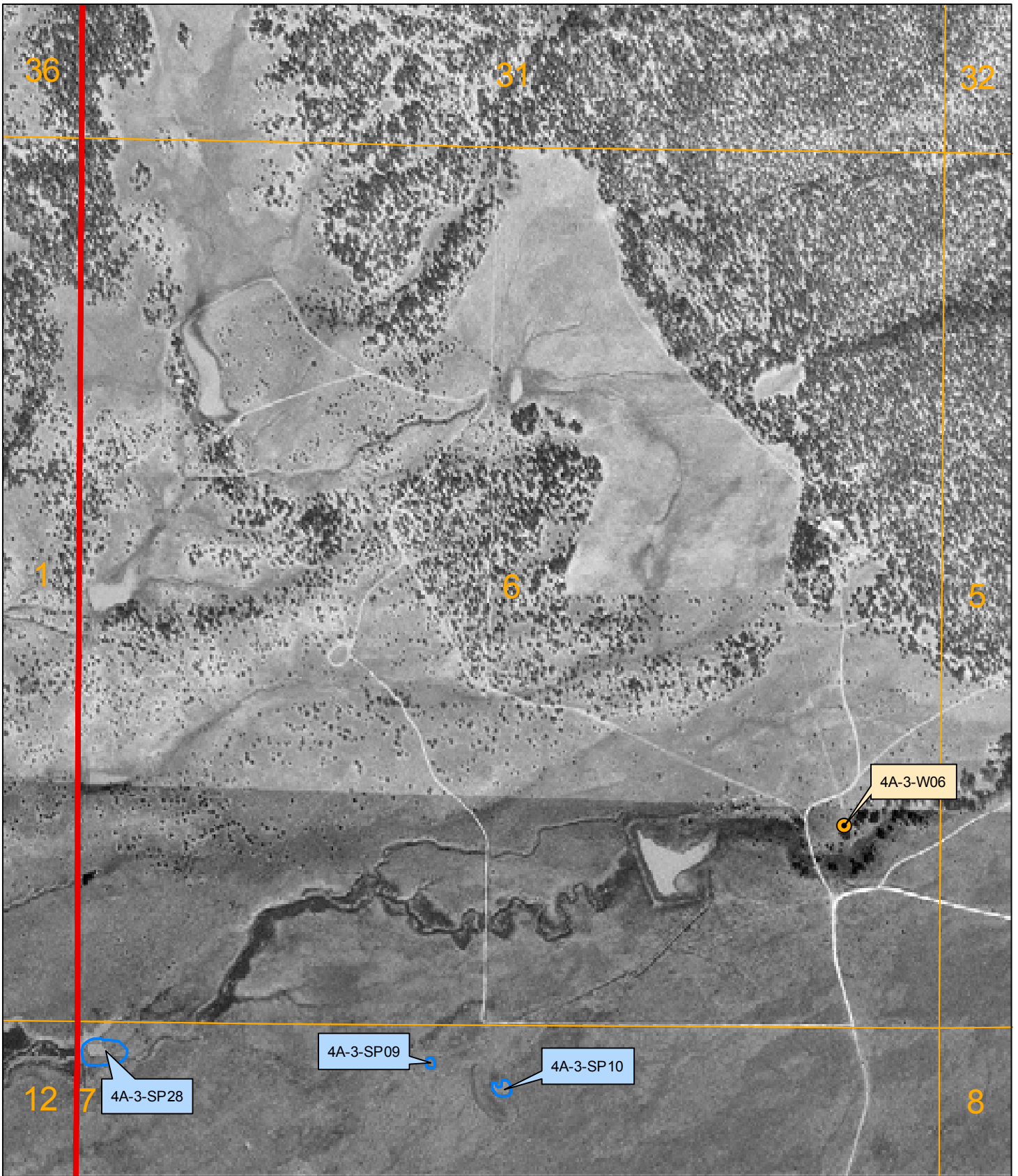
Sub-Area 4
Subfile Number: ZRB-1-0091
PLSS: S08, T10N, R14W
Sheet 3 of 4








Natural Resources Consulting Engineers, Inc.

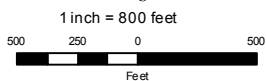
Fort Collins, CO Oakland, CA Asmara, ERITREA

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 4
Subfile Number: ZRB-1-0091
PLSS: S06, T10N, R14W
Sheet 4 of 4

September 2009



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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