

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-MV/LFG

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 9 and 10

Subfile No. ZRB-2-0044

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:

LEONARD GARCIA, MARVIN GARCIA, ELENA BOWERS & HILDA KENDALL

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, 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 9 and 10. 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 as 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 9 and 10, is as set forth below:

WELL

Map Label: 10B-4-W29

OSE File No: G 01783

Priority Date: 12/31/1953

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

Well Location: As shown on Hydrographic Survey Map 10B-4

S. 4 T. 05N R. 17W 1/4, 1/16, 1/64 NE SE SW

X (ft) 2,483,956 Y (ft): 1,343,909

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

Amount of Water: 0.896 ac-ft per annum

STOCK POND

Map Label: 10B-4-SP65
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1953
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 2.0
Surface Area (sq.ft): 46,122
Storage Impoundment Volume (ac-ft): 1.271

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 4 T. 05N R. 17W 1/4, 1/16, 1/64 NE SW NW

X(ft) 2,482,647 Y(ft): 1,344,603

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 10B-4-SP69
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1953
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 4.0
Surface Area (sq.ft): 20,360
Storage Impoundment Volume (ac-ft): 1.122

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 4 T. 05N R. 17W 1/4, 1/16, 1/64 SE NW NW

X(ft) 2,482,576 Y(ft): 1,343,262

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 10B-4-SP70

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1953

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 2.0

Surface Area (sq.ft): 3,061

Storage Impoundment Volume (ac-ft): 0.084

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 4 T. 05N R. 17W 1/4, 1/16, 1/64 SW NE NE

X(ft) 2,482,361 Y(ft): 1,343,192

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 10B-4-SP71

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1953

Source of Water: Well

Point of Diversion: Fills from well 10B-4-W29 (Location X(ft): 2,483,956; Y(ft): 1,343,909);

Amount of Water:

Depth (ft) 4.0

Surface Area (sq.ft): 4,592

Storage Impoundment Volume (ac-ft): 0.253

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 4 T. 05N R. 17W 1/4, 1/16, 1/64 NE SE SW

X(ft) 2,483,923 Y(ft): 1,343,815

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 10B-4-SP72

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1953

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 2.0

Surface Area (sq.ft): 11,342

Storage Impoundment Volume (ac-ft): 0.312

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 4 T. 05N R. 17W 1/4, 1/16, 1/64 SE NE NE

X(ft) 2,484,474 Y(ft): 1,343,082

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 10B-4-SP73
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1953
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 2.0
Surface Area (sq.ft): 783
Storage Impoundment Volume (ac-ft): 0.022

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 4 T. 05N R. 17W 1/4, 1/16, 1/64 SE SE SW

X(ft) 2,483,971 Y(ft): 1,341,333

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

Dam height (if greater than 9 ft)

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, 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 9 and 10, 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 9 and 10, 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 9 and 10, 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.



MARTHA VAZQUEZ
UNITED STATES DISTRICT
JUDGE

ACCEPTED: Leonard Garcia
LEONARD GARCIA

7/25/2013
DATE

ADDRESS: 707 W. Green Ave
Hallsp, NM 87301

ACCEPTED: Marvin Garcia 7/25/2013
MARVIN GARCIA DATE

ADDRESS: 207 W. Green
Gallup NM 87301

ACCEPTED: Elena Bowers 7/26/13
ELENA BOWERS DATE

ADDRESS: PO Box 458
Vanderwagen, NM
87326

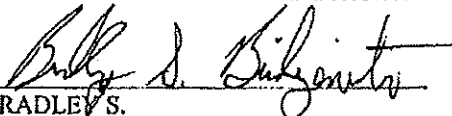
ACCEPTED: Hilda Kendall 7/26/13
HILDA KENDALL DATE

ADDRESS: PO Box 218
Vanderwagen, NM 87326

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

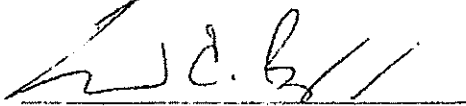
COUNSEL FOR THE UNITED STATES:



5/2/2013
DATE

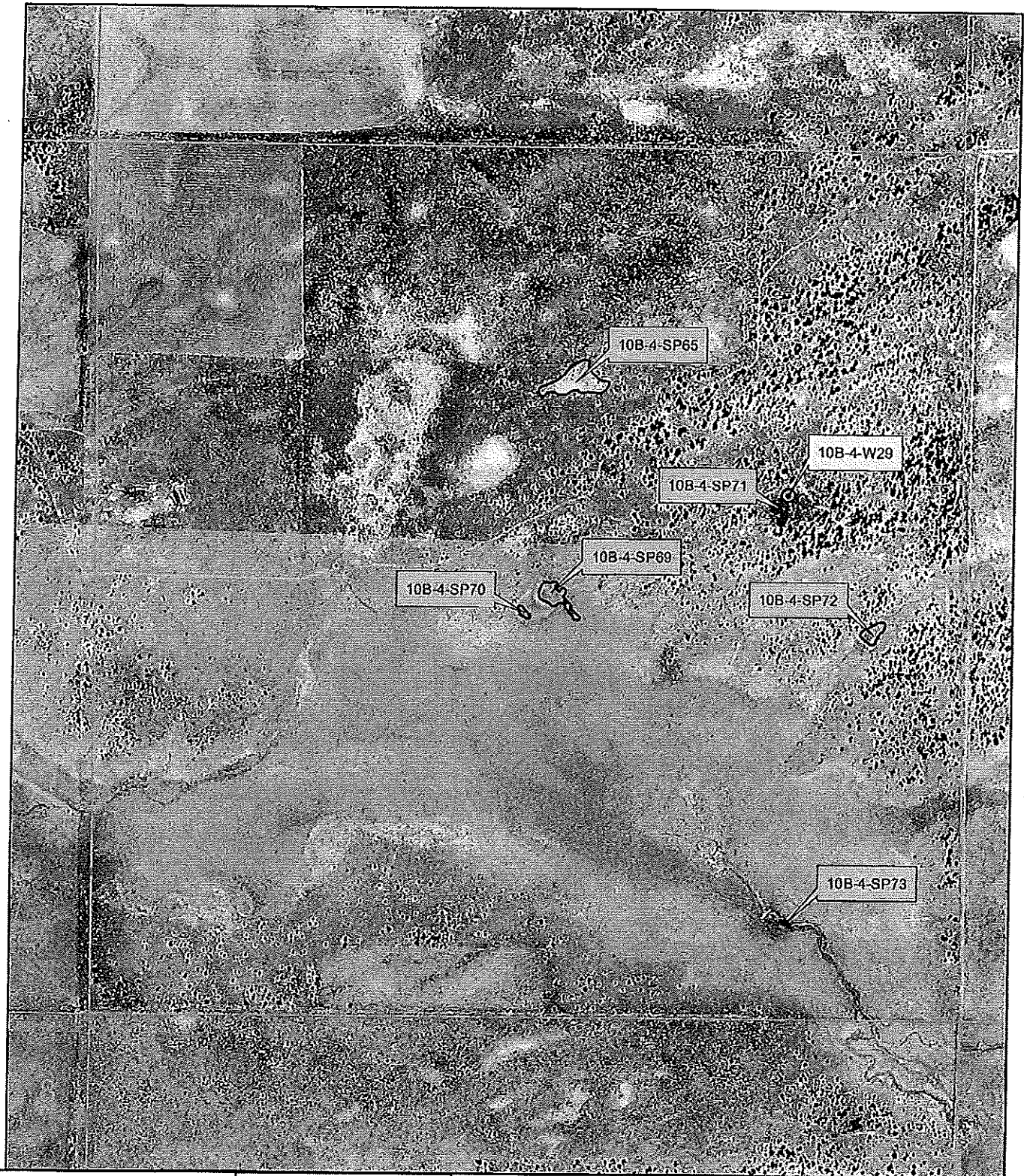
BRADLEY S.
BRIDGEWATER
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999 18th Street
Denver, CO 80202
(303) 844-1359

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



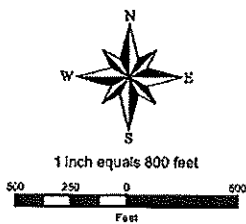
5/2/2013
DATE

EDWARD C. BAGLEY
Special Assistant Attorney General
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 10
Subfile Number: ZRB-2-0044
PLSS: S04, T05N, R17W
Sheet 1 of 1

October 2005



Natural Resources Consulting Engineers, Inc.
Fort Collins, CO Oakland, CA Asmara, ERITREA