

**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/WPL

ZUNI RIVER BASIN
ADJUDICATION

Sub-area 7

Subfile No. ZRB-3-0122

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 F. NEAS & SUSAN S. NEAS REVOCABLE TRUST

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-area 7, 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-area 7. 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-area 7, is as set forth below:

STOCK POND

Map Label: 7B-2-SP67
Purpose of Use: Livestock
Priority Date: 1/1/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 7.0
Surface Area (sq.ft): 126,644
Storage Impoundment Volume (ac-ft): 12.211

Pond Location: As shown on Hydrographic Survey Map 7B-2

S. 35 T. 09N R. 16W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,525,167 Y(ft): 1,443,567

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 7B-2-SP69

Purpose of Use: Livestock

Priority Date: 1/1/1961

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 4.0

Surface Area (sq.ft): 13,497

Storage Impoundment Volume (ac-ft): 0.744

Pond Location: As shown on Hydrographic Survey Map 7B-2

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

X(ft): 2,524,918 Y(ft): 1,441,227

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 7B-2-SP74

Purpose of Use: Livestock

Priority Date: 1/1/1961

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 4.0

Surface Area (sq.ft): 48,074

Storage Impoundment Volume (ac-ft): 2.649

Pond Location: As shown on Hydrographic Survey Map 7B-2

S. 35 T. 09N R. 16W 1/4, 1/16, 1/64: NW SE NE

X(ft): 2,524,727 **Y(ft):** 1,444,571

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 7B-2-SP75

Purpose of Use: Livestock

Priority Date: 1/1/1982

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 4.0

Surface Area (sq.ft): 59,919

Storage Impoundment Volume (ac-ft): 3.301

Pond Location: As shown on Hydrographic Survey Map 7B-2

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

X(ft): 2,524,800 **Y(ft):** 1,444,105

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

Dam height (if greater than 9 ft)

WELL

Map Label: 7B-2-W05
OSE File No: None
Priority Date: 1/1/1982
Purpose of Use: NON 72-12-1 MULTIPLE HOUSEHOLD USE
Well Location: As shown on Hydrographic Survey Map 7B-2
S. 35 T. 09N R. 16W 1/4, 1/16, 1/64: SW NW SE
X (ft): 2,523,229 **Y (ft):** 1,443,113
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: Historical beneficial use not to exceed 3.0 ac-ft per annum

WELL

Map Label: 7B-2-W06
OSE File No: None
Priority Date: 1/1/1930
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK
Well Location: As shown on Hydrographic Survey Map 7B-2
S. 35 T. 09N R. 16W 1/4, 1/16, 1/64: NW NW SW
X (ft): 2,522,058 **Y (ft):** 1,445,633
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: Historical beneficial use not to exceed 1.922 ac-ft per annum

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 7, 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 7, 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.

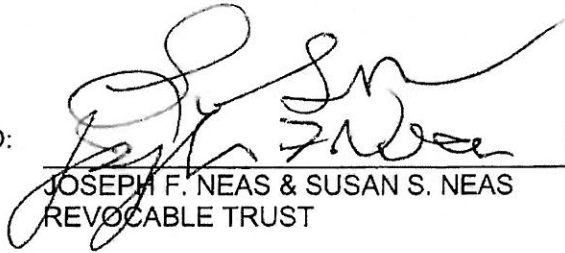
IT IS THEREFORE ORDERED that the right(s) of the Defendant to divert and use the public waters of the Zuni River Stream System, Sub-areas 7, are adjudicated as set forth herein, as between the United States, the State, and the Defendant. The Defendant, and Defendant's successors, representatives, heirs and assigns, are hereby enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 7, 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.

Approved:


WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE


MARTHA VALQUEZ
UNITED STATES DISTRICT JUDGE

ACCEPTED:


 _____ 3-4-14
 JOSEPH F. NEAS & SUSAN S. NEAS DATE
 REVOCABLE TRUST

ADDRESS:

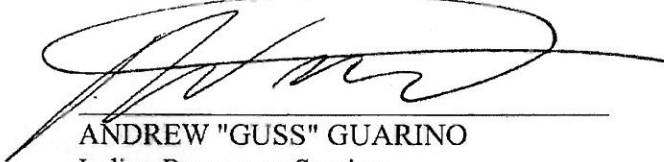
 566 Hwy 165

 PLACITAS, NM 87043

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

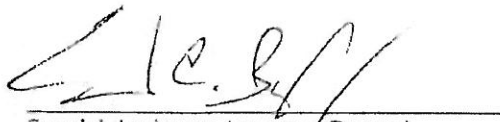


 ANDREW "GUSS" GUARINO

 2-14-14
 DATE

Indian Resources Section
 Environment and Natural Resources Division
 999 18th Street, South Terrace, Suite 370
 Denver, Colorado 80202
 Office: 303-844-1343
 Cell: 303-229-7256
 Fax: 303-844-1350
 E-mail: guss.guarino@usdoj.gov

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







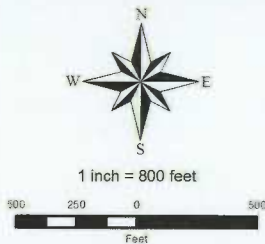
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150

3/24/2014
DATE



LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 7
Subfile Number: ZRB-3-0122
PLSS: S35, T09N, R16W
Sheet 1 of 1

June 2012



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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