

**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-3-0002

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:

KURT ANDERSON & CYNTHIA ANDERSON

("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: 7A-3-SP01
Purpose of Use: Livestock
Priority Date: 10/6/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 1.0
Surface Area (sq.ft): 5,907
Storage Impoundment Volume (ac-ft): 0.081

Pond Location: As shown on Hydrographic Survey Map 7A-3

S. 3 T. 08N R. 16W 1/4, 1/16, 1/64 NW NE NE

X(ft) 2,519,696 Y(ft): 1,441,078

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 7A-3-SP02

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 4.0

Surface Area (sq.ft): 24,668

Storage Impoundment Volume (ac-ft): 1.359

Pond Location: As shown on Hydrographic Survey Map 7A-3

S. 3 T. 08N R. 16W 1/4, 1/16, 1/64 NE NW NW

X(ft) 2,519,865 Y(ft): 1,440,998

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

Dam height (if greater than 9 ft)

WELL

Map Label: 7A-3-W03

OSE File No: None

Priority Date: 4/1/1984

Purpose of Use: NON 72-12-1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 7A-3

S. 3 T. 08N R. 16W 1/4, 1/16, 1/64 NE NW SE

X (ft) 2,520,982 Y (ft): 1,440,034

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

Amount of Water: 0.7 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.

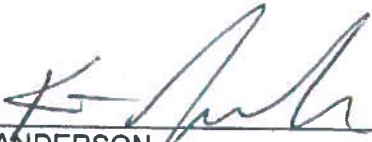
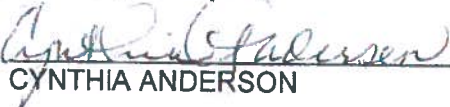


MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:



WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE


ACCEPTED:  9-28-15
 KURT ANDERSON DATE
 9/28/15
 CYNTHIA ANDERSON DATE

ADDRESS: To Bx 160
RAMAH NM 87321

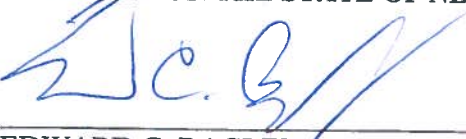
COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

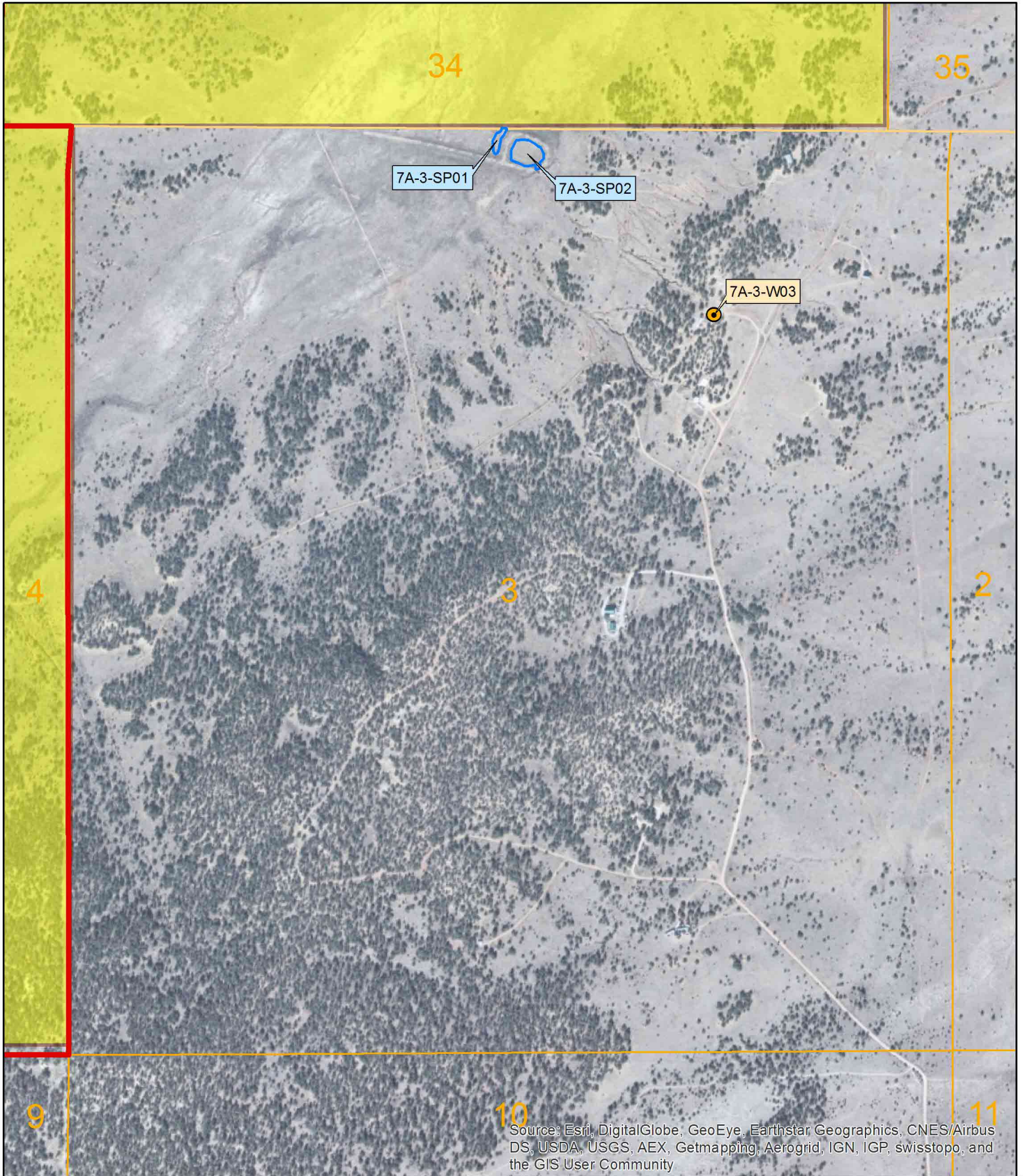
 DATE

COUNSEL FOR THE UNITED STATES:

 for 10/1/2015
 ANDREW "GUSS" GUARINO DATE
 U.S. Department of Justice
 South Terrace, Suite 370
 999 18th Street
 Denver, CO 80202
 (303) 844-1343

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

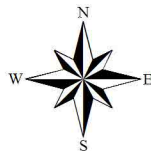
 10/1/2015
 EDWARD C. BAGLEY DATE
 Special Assistant Attorney General
 Office of the State Engineer
 P.O. Box 25102
 Santa Fe, NM 87504
 (505) 827-6150



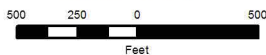
June 2015

LEGEND

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



1 inch = 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 7
Subfile Number: ZRB-3-0002
PLSS: S03, T08N, R16W
Sheet 1 of 1



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA