

**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-areas 1, 2, and 3 excluding
Ramah

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:

BILLIE IONE NAVARRE REVOCABLE TRUST

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, 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 1, 2, and 3 excluding Ramah. 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 1, 2, and 3 excluding Ramah, is as set forth below:

STOCK POND

Map Label: 3B-2-SP016
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1955
Source of Water: Spring
Point of Diversion: Fills from spring 3B-2-SPR001 (Location X(ft): 2,538,161;
Y(ft): 1,575,186);
Amount of Water:
Depth (ft): 8.0
Surface Area (sq.ft): 23,092
Storage Impoundment Volume (ac-ft): 2.545

Pond Location: As shown on Hydrographic Survey Map 3B-2

S. 29 T. 13N R. 15W 1/4, 1/16, 1/64 SW NE NW

X(ft): 2,538,053 Y(ft): 1,574,955

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3B-2-SP017

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Spring

Point of Diversion: Fills from spring 3B-2-SPR001 (Location X(ft): 2,538,161;
Y(ft): 1,575,186);

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 1,580

Storage Impoundment Volume (ac-ft): 0.087

Pond Location: As shown on Hydrographic Survey Map 3B-2

S. 29 T. 13N R. 15W 1/4, 1/16, 1/64 SW NE NW

X(ft): 2,538,149 Y(ft): 1,575,157

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP001
LIVESTOCK

Purpose of Use: 1/1/1950

Priority Date: Surface

Source of Water: Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 54,734

Storage Impoundment Volume (ac-ft): 3.770

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 3 T. 12N R. 15W 1/4, 1/16, 1/64 NE NE NW

X(ft): 2,553,192 **Y(ft):** 1,566,955

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP002

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Spring

Point of Diversion: Fills from spring 3C-2-SPR003 (Location X(ft): 2,553,411;
Y(ft): 1,566,236);

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 5,236

Storage Impoundment Volume (ac-ft): 0.361

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 3 T. 12N R. 15W 1/4, 1/16, 1/64 NE NE SW

X(ft): 2,553,367 **Y(ft):** 1,566,230

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP003
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable
Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 146,142

Storage Impoundment Volume (ac-ft): 10.065

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 2 T. 12N R. 15W 1/4, 1/16, 1/64 NW SW SW

X(ft): 2,554,044 **Y(ft):** 1,564,956

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP004
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable
Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 22,483

Storage Impoundment Volume (ac-ft): 1.239

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 2 T. 12N R. 15W 1/4, 1/16, 1/64 NW NE SW

X(ft): 2,555,977 Y(ft): 1,566,471

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP005
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable
Amount of Water:

Depth (ft): 8.0

Surface Area (sq.ft): 36,929

Storage Impoundment Volume (ac-ft): 4.069

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 2 T. 12N R. 15W 1/4, 1/16, 1/64 NE NE SW

X(ft): 2,558,522 Y(ft): 1,566,538

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3B-2-W007
OSE File No: G 00634
Priority Date: 6/1/1952
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 3B-2
S. 29 T. 13N R. 15W 1/4, 1/16, 1/64 SW SW NE
X (ft): 2,537,418 Y (ft): 1,573,813
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: 1.820 ac-ft per annum

WELL


Map Label: 3C-2-W001
OSE File No: G 00635
Priority Date: 6/30/1963
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING;
IRRIGATION
Well Location: As shown on Hydrographic Survey Map 3C-2
S. 2 T. 12N R. 15W 1/4, 1/16, 1/64 SW SW SE
X (ft): 2,554,767 Y (ft): 1,562,547
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: 6.815 ac-ft per annum

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, 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 1, 2, and 3 excluding Ramah, except in strict accordance with this Consent Order and other orders of the Court in this cause.

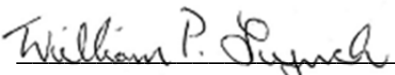
7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

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 1, 2, and 3 excluding Ramah, 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 1, 2, and 3 excluding Ramah, 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: Brad Latham 10/27/15
BILLIE IONE NAVARRE REV. TRUST DATE

ADDRESS: P.O. Box 174
GRANTS N.M. 87020

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

Andrew Guss

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

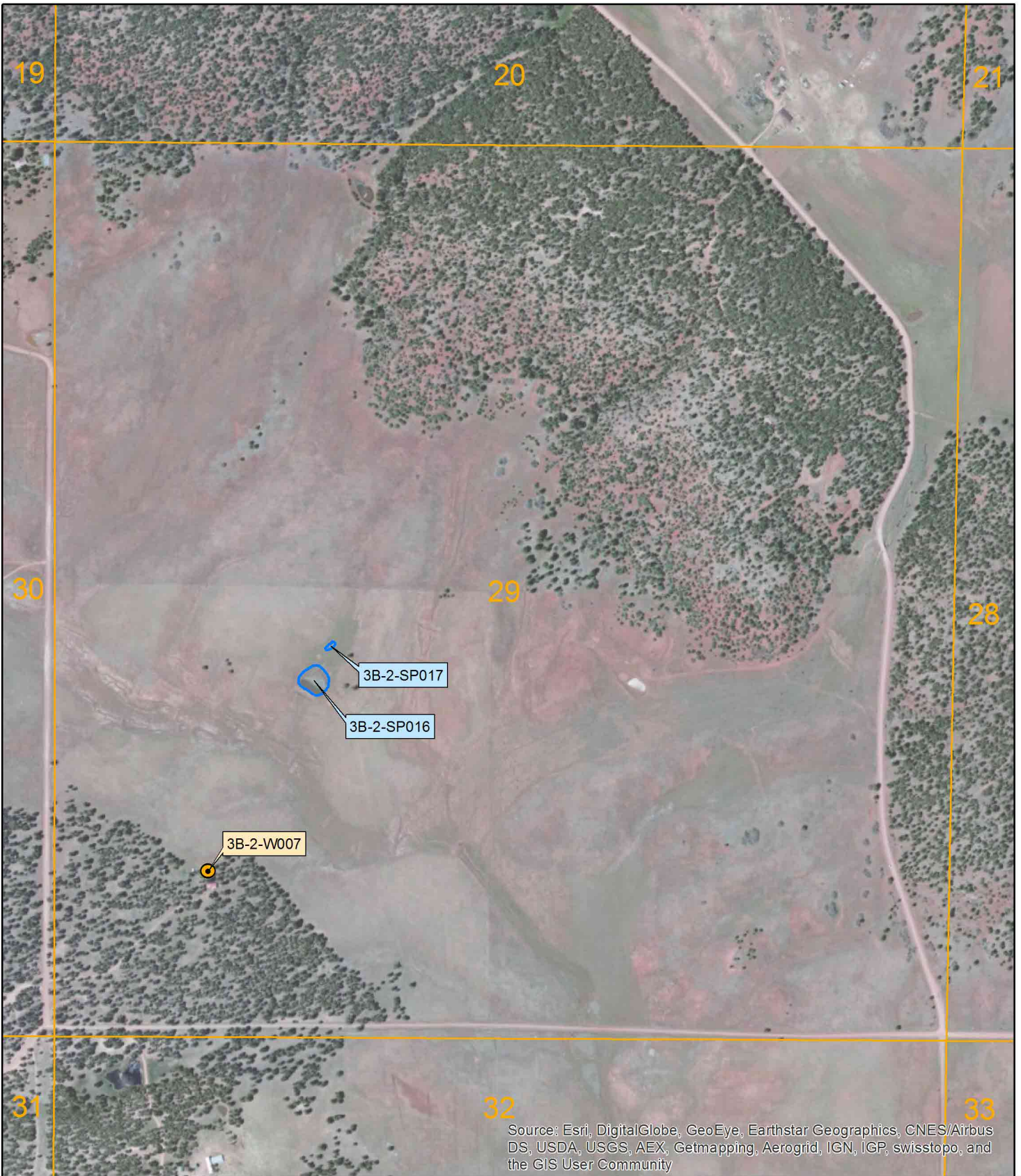
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DATE

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

Edward C. Bagley

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





11/5/2015
DATE

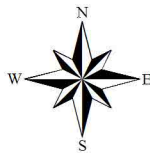


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

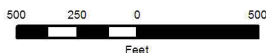
June 2015

LEGEND

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



1 inch = 800 feet



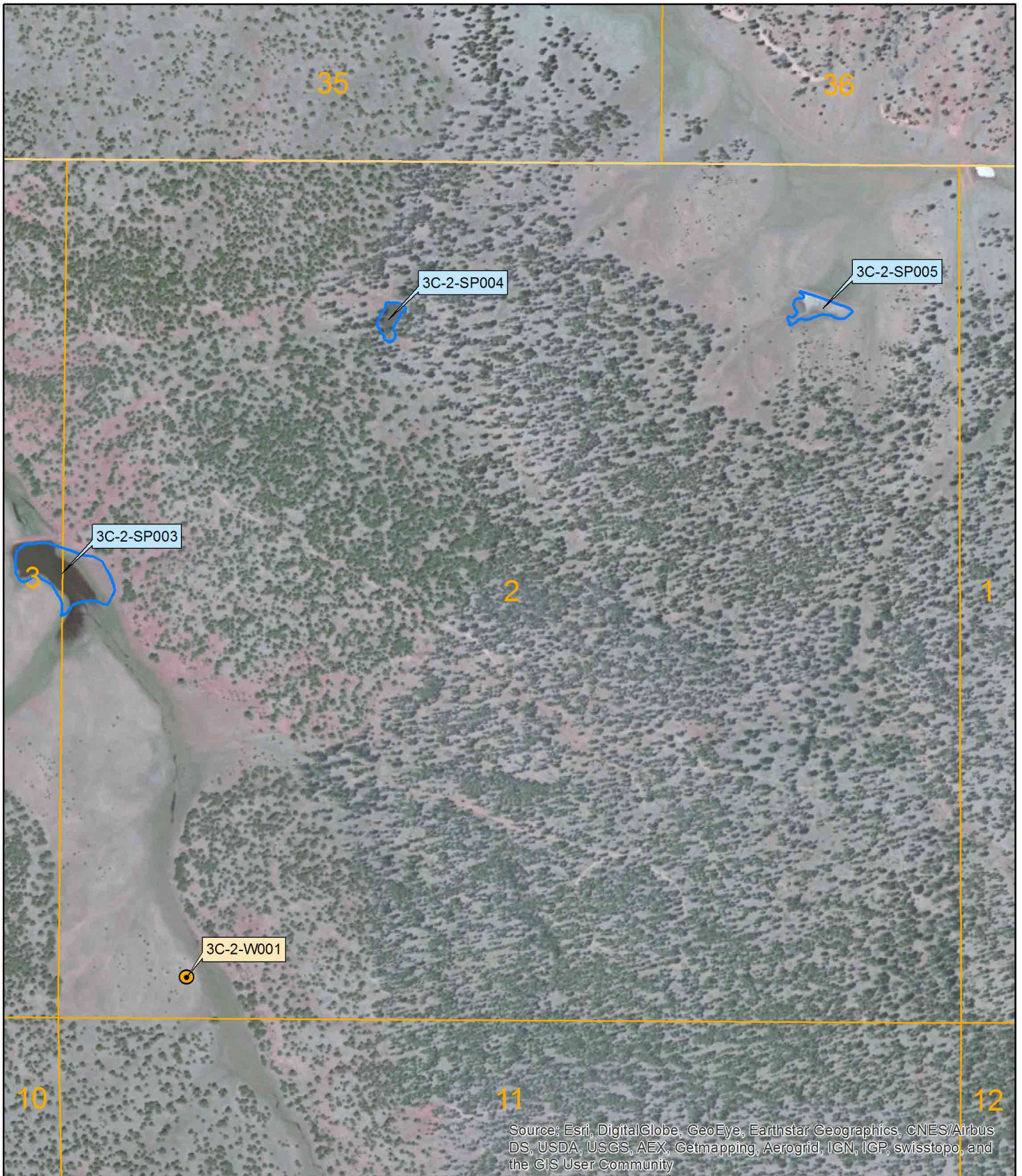
Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0293
PLSS: S29, T13N, R15W
Sheet 1 of 3







Natural Resources Consulting Engineers, Inc.

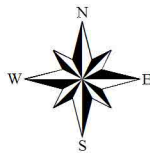
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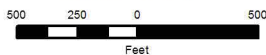
June 2015

LEGEND

-  Well
-  Stock Pond
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-  Sub-Area Boundary



1 inch = 800 feet



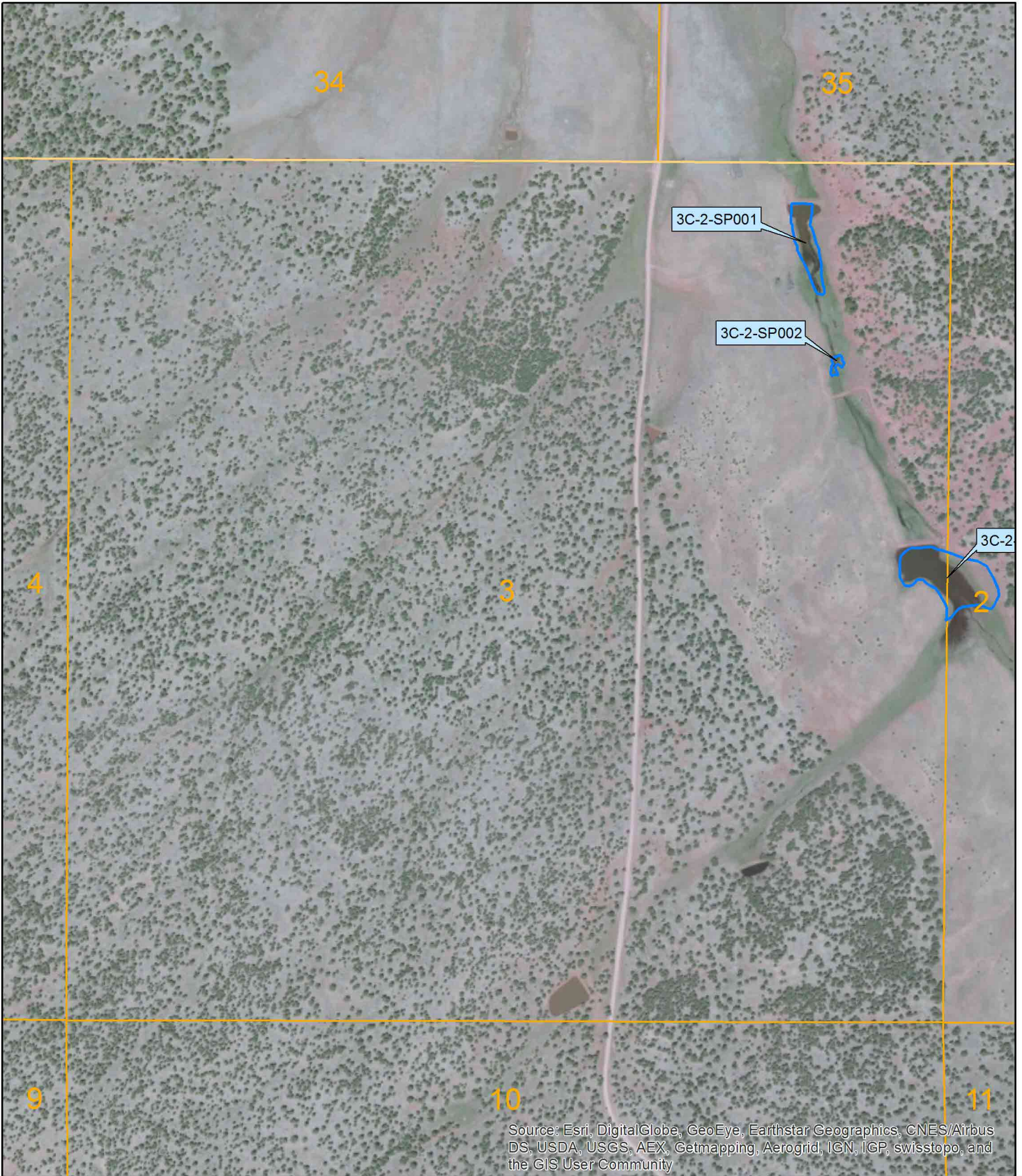
Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0293
PLSS: S02, T12N, R15W
Sheet 2 of 3






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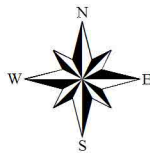
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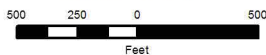
June 2015

LEGEND

-  Stock Pond
-  Section Boundary
-  Sub-Area Boundary



1 inch = 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0293
PLSS: S03, T12N, R15W
Sheet 3 of 3



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