

**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

Subfile No. ZRB-4-0064

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 DEAN BOND &/OR BILLIE ETHNA BOND

("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: 3C-4-SP004
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1961
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable
Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 11,666

Storage Impoundment Volume (ac-ft): 0.482

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

S. 4 T. 11N R. 15W 1/4, 1/16, 1/64 NW NE NW

X(ft): 2,545,279 Y(ft): 1,535,991

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-4-SP005

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1961

Source of Water: Well

Point of Diversion: Fills from well 3C-4-W03 (Location X(ft): 2,540,033; Y(ft): 1,535,222);

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 2,561

Storage Impoundment Volume (ac-ft): 0.071

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

S. 5 T. 11N R. 15W 1/4, 1/16, 1/64 NW NE SW

X(ft): 2,540,058 Y(ft): 1,535,146

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-4-SP007

LIVESTOCK

Purpose of Use: 10/6/1997

Priority Date: Surface

Source of Water: Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 1,957

Storage Impoundment Volume (ac-ft): 0.054

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

S. 4 T. 11N R. 15W 1/4, 1/16, 1/64 NW NE SW

X(ft): 2,545,292 **Y(ft):** 1,534,821

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-4-SP008

Purpose of Use: LIVESTOCK

Priority Date: 10/6/1997

Source of Water: Surface
Runoff
Not

Point of Diversion: Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 431

Storage Impoundment Volume (ac-ft): 0.012

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

S. 4 T. 11N R. 15W 1/4, 1/16, 1/64 NW NE SE

X(ft): 2,545,432 **Y(ft):** 1,534,801

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-4-SP009
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable
Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 1,080

Storage Impoundment Volume (ac-ft): 0.022

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

S. 4 T. 11N R. 15W 1/4, 1/16, 1/64 NE SW NW

X(ft): 2,546,163 **Y(ft):** 1,534,689

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-4-SP010
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Surface
Runoff
Not
Point of Diversion: Applicable
Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 7,530

Storage Impoundment Volume (ac-ft): 0.207

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

S. 3 T. 11N R. 15W 1/4, 1/16, 1/64 NW NW SW

X(ft): 2,548,779 **Y(ft):** 1,534,944

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3B-4-W006

OSE File No: G 01546

Priority Date: 12/31/1950

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

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

S. 19 T. 11N R. 15W 1/4, 1/16, 1/64 NW NE SE

X (ft): 2,535,794 **Y (ft):** 1,519,342

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

Amount of Water: 0.963 ac-ft per annum

WELL

Map Label: 3C-4-W003

OSE File No: G 01502

Priority Date: 12/31/1961

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

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

S. 5 T. 11N R. 15W 1/4, 1/16, 1/64 NW NE SW

X (ft): 2,540,033 **Y (ft):** 1,535,222

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

Amount of Water: 0.963 ac-ft per annum

WELL

Map Label: 3C-4-W004

OSE File No: None

Priority Date: 12/31/1961

Purpose of Use: NO RIGHT

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

S. 5 T. 11N R. 15W 1/4, 1/16, 1/64 NW NE SW

X (ft): 2,540,029 Y (ft): 1,535,185

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

Amount of Water: 0.0 ac-ft per annum

WELL

Map Label: 3C-4-W005

OSE File No: G 01478

Priority Date: 6/23/2003

Purpose of Use: 72-12-1 LIVESTOCK WATERING

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

S. 4 T. 11N R. 15W 1/4, 1/16, 1/64 NW NW SE

X (ft): 2,544,632 Y (ft): 1,534,903

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

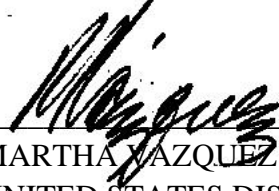
Amount of Water: 0.963 ac-ft per annum

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.

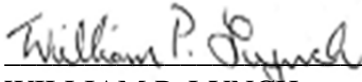
7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

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 YAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:

A handwritten signature in cursive script that reads "William P. Lynch". The signature is written in black ink and is positioned above a horizontal line.

WILLIAM P. LYNCH

UNITED STATES MAGISTRATE JUDGE

ACCEPTED: Joseph Dean Bond Feb. 26 2016
JOSEPH DEAN BOND DATE

Billie Ethna Bond Feb. 26, 2016
BILLIE ETHNA BOND DATE

ADDRESS: P.O. Box 802
Ramah New Mex

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

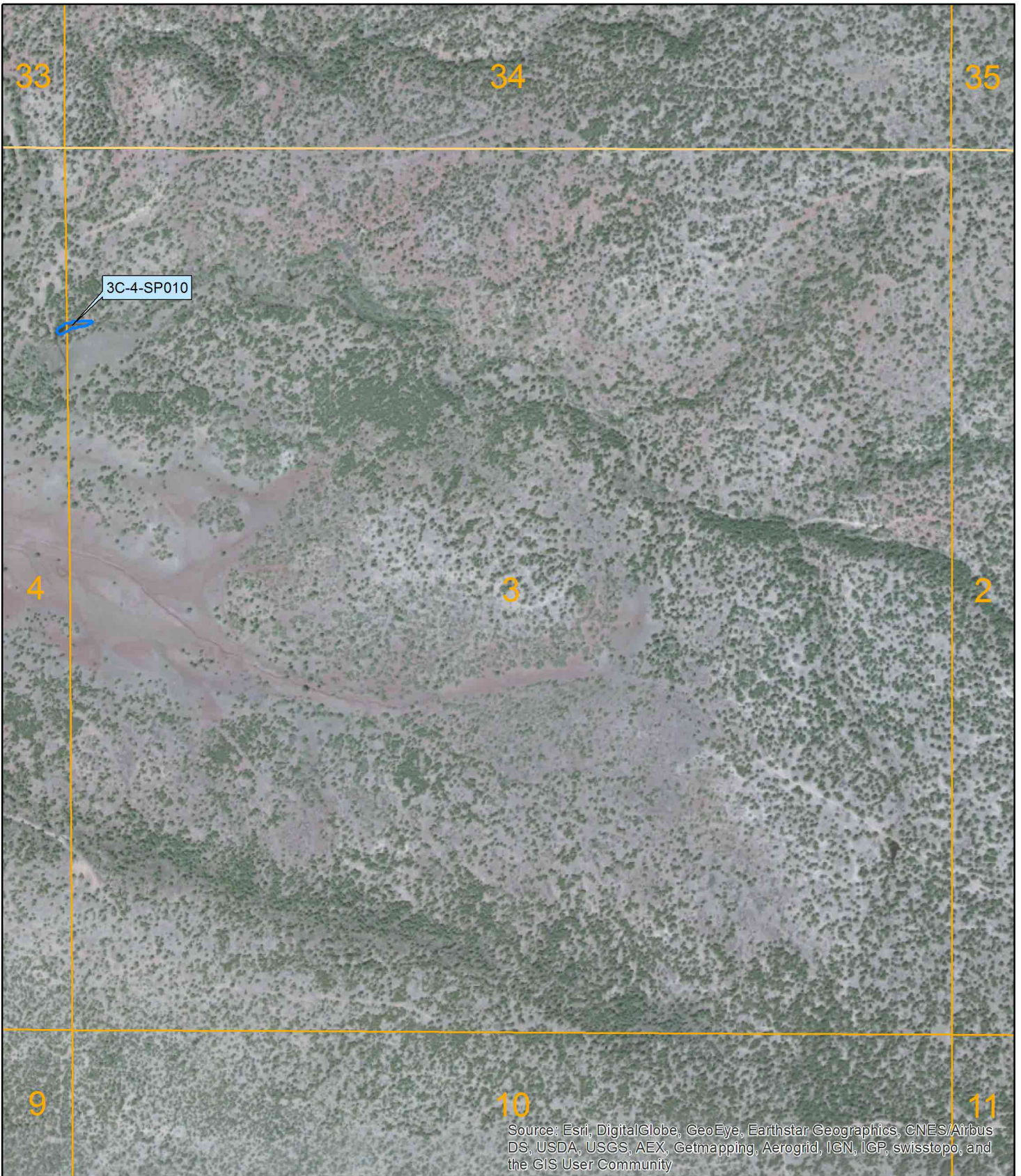
Marshall Ray 2/29/2016
DATE

COUNSEL FOR THE UNITED STATES:

[Signature] 3/3/2016
DATE
ANDREW "GUSS" GUARINO
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:

[Signature] 2/29/2016
DATE
EDWARD C. BAGLEY
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150






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

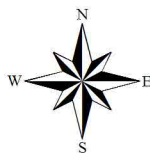
June 2015

Zuni River Basin
Hydrographic Survey

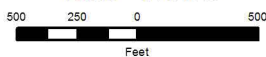
Sub-Area 3
Subfile Number: ZRB-4-0064
PLSS: S03, T11N, R15W
Sheet 1 of 4

LEGEND

-  Stock Pond
-  Sub-Area Boundary
-  Section Boundary

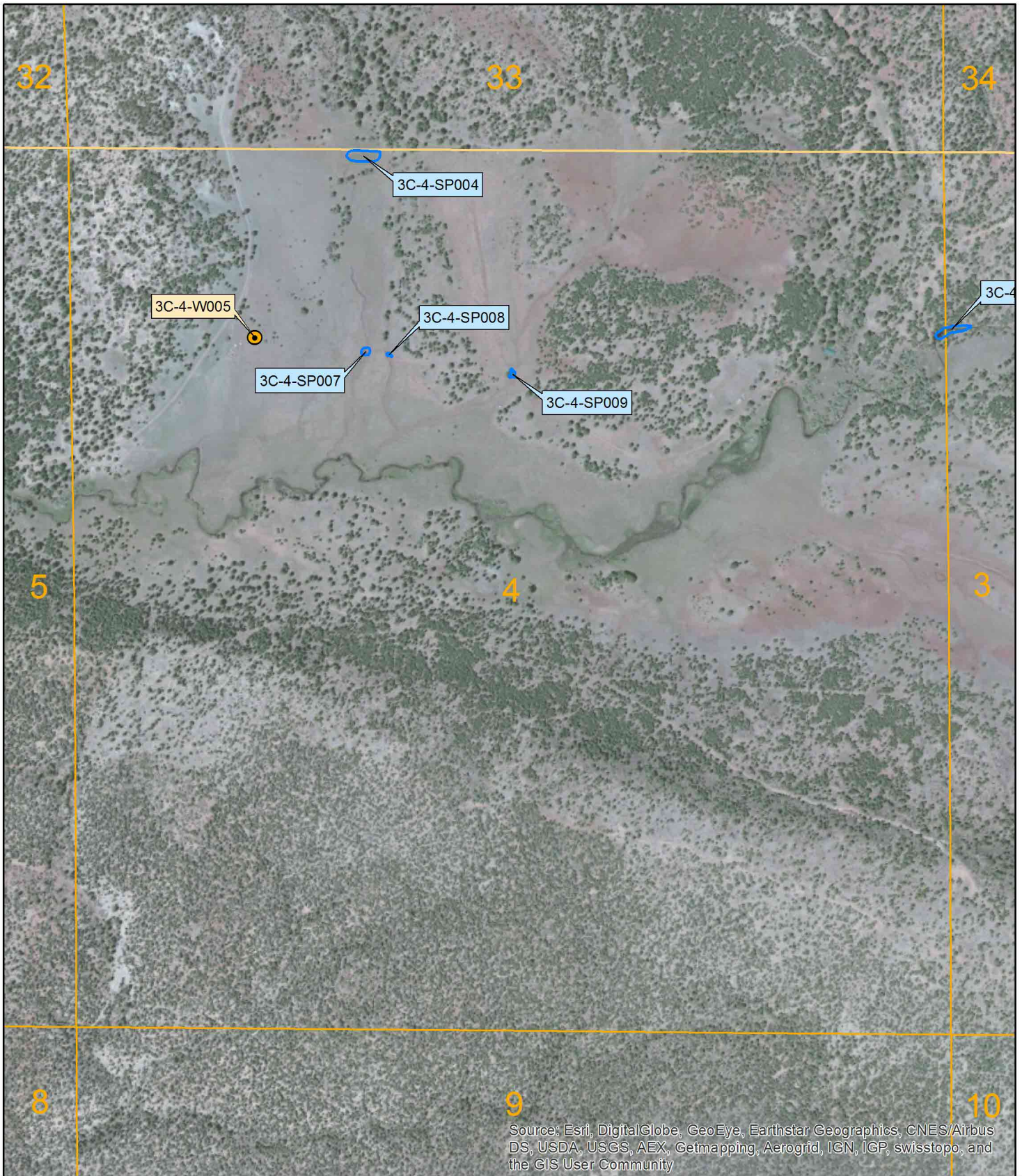


1 inch = 800 feet



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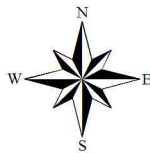


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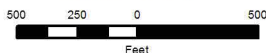
June 2015

LEGEND

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



1 inch = 800 feet



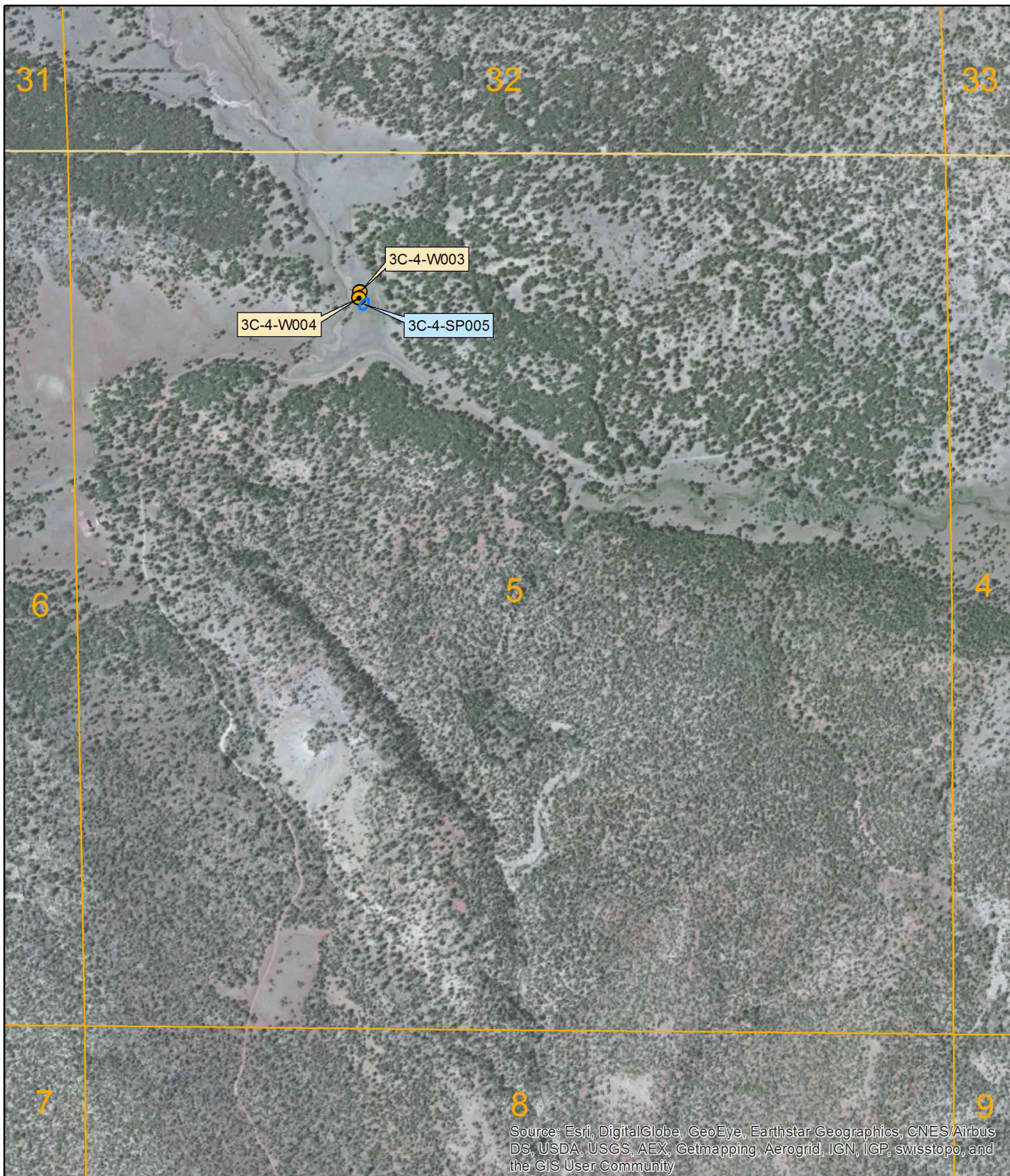
Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0064
PLSS: S04, T11N, R15W
Sheet 2 of 4







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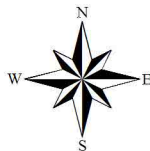
Fort Collins, CO Oakland, CA Asmara, ERITREA



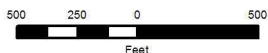
June 2015

LEGEND

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



1 inch = 800 feet



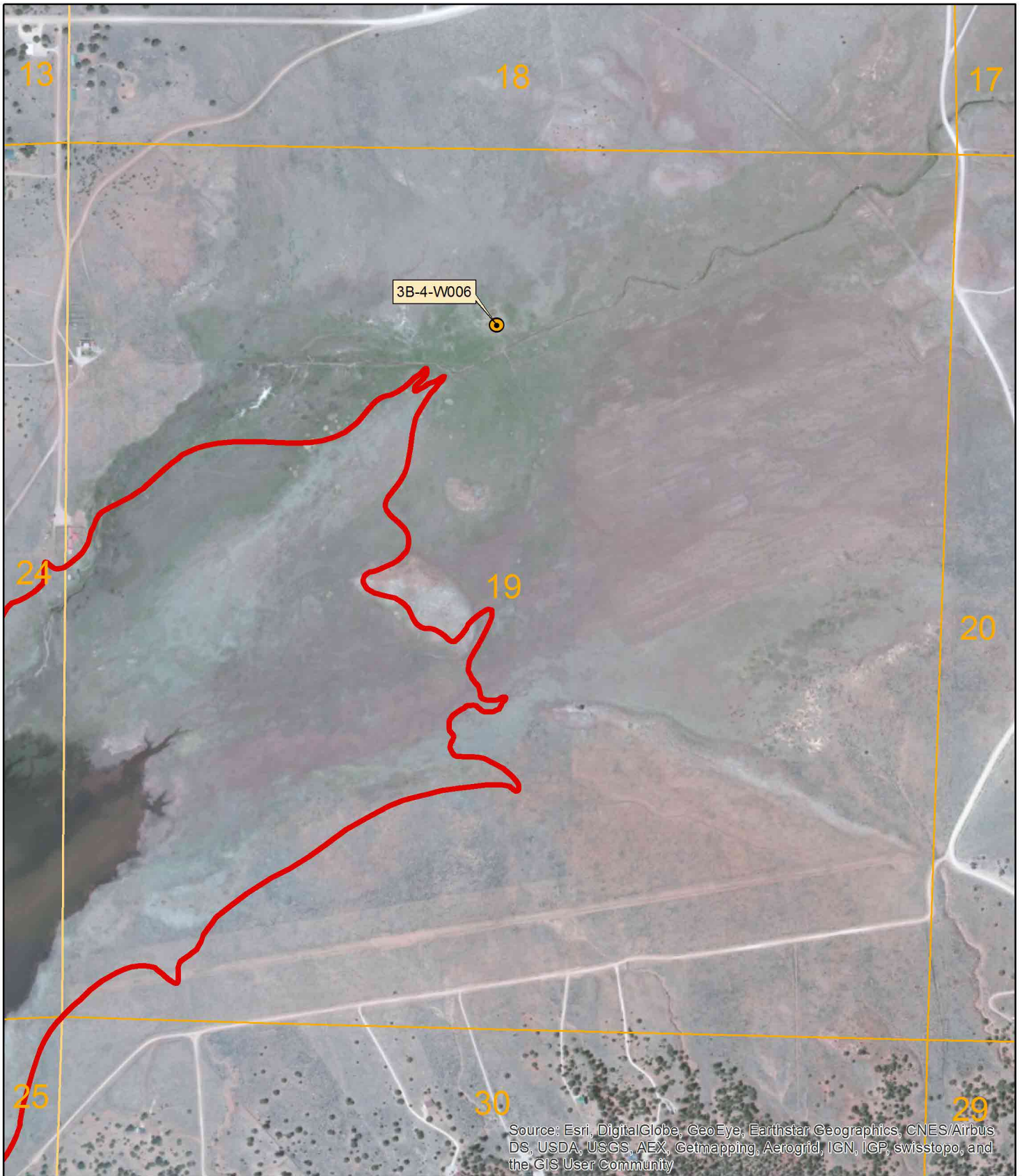
Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0064
PLSS: S05, T11N, R15W
Sheet 3 of 4



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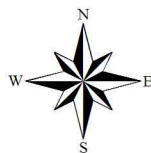


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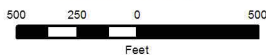
June 2015

LEGEND

-  Well
-  Sub-Area Boundary
-  Section Boundary



1 inch = 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0064
PLSS: S19, T11N, R15W
Sheet 4 of 4



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