

**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-3-0031

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:

**L.B. TARRY, WAYNE CHILDERS, BARBARA O'BRYON, WINONA
WALTON, OLIVIA CARNEY, CYNTHIA LEWIS, ROBERTA HAY, FRANK
TARRY, & UNKNOWN HEIRS OF DORIS CHICK**

("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-8-SP01
Purpose of Use: Livestock
Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 6.0
Surface Area (sq.ft): 23,370
Storage Impoundment Volume (ac-ft): 1.931

Pond Location: As shown on Hydrographic Survey Map 7A-8

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

X(ft) 2,508,505 Y(ft): 1,333,524

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

Dam height (if greater than 9 ft)

STOCK POND

Map Label: 7A-8-SP02

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Well

Point of Diversion: Fills from well 7A-8-W02 (Location X(ft): 2,507,662; Y(ft): 1,330,491);

Amount of Water:

Depth (ft) 3.0

Surface Area (sq.ft): 1,046

Storage Impoundment Volume (ac-ft): 0.043

Pond Location: As shown on Hydrographic Survey Map 7A-8

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

X(ft) 2,507,650 Y(ft): 1,330,478

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

Dam height (if greater than 9 ft)

WELL

Map Label: 7A-8-W01

OSE File No: None

Priority Date: 1/1/1971

Purpose of Use: NON 72-12-1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 7A-8

S. 18 T. 05N R. 16W 1/4, 1/16, 1/64 SW SW NW

X (ft) 2,501,206 Y (ft): 1,330,933

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

Amount of Water: 0.7 ac-ft per annum

WELL

Map Label: 7A-8-W02

OSE File No: None

Priority Date: 1/1/1940

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

Well Location: As shown on Hydrographic Survey Map 7A-8

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

X (ft) 2,507,662 Y (ft): 1,330,491

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

Amount of Water: 0.672 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: L.B. Tarry 6/18/15
L.B. TARRY DATE

ADDRESS: 611 LAGUNA ST.
Belen, NM 87002

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

ACCEPTED:

Wayne Childers JUNE 13, 2015
WAYNE CHILDERS DATE

ADDRESS:

P.O. Box 121
BELEN, NM 87002

ACCEPTED: Barbara O'Bryon 6/11/15
BARBARA O'BRYON DATE

ADDRESS: 296 Northwood Terrace
Williamstown, WV 26187

ACCEPTED: Winona Walton 6-24-15
WINONA WALTON DATE

ADDRESS: 1523 12th ave
Safford, AZ 85546

ACCEPTED: Olivia Carney 7-28-2015
OLIVIA CARNEY DATE

ADDRESS: P.O. Box 761
Fence Lake, NM 87315

ACCEPTED: Cynthia Lewis 3.2.16
CYNTHIA LEWIS DATE

ADDRESS: Box 711
Ramah NM 87321

ACCEPTED: Roberta Hay 6-23-15
ROBERTA HAY DATE

ADDRESS: P.O. Box 163
Adrian, Or. 97901

ACCEPTED: Frank Tarry 1-5-2016
FRANK TARRY DATE

ADDRESS: #6 Yucca PL
BELEN, N.M. 87002

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:



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

6.8.16

DATE

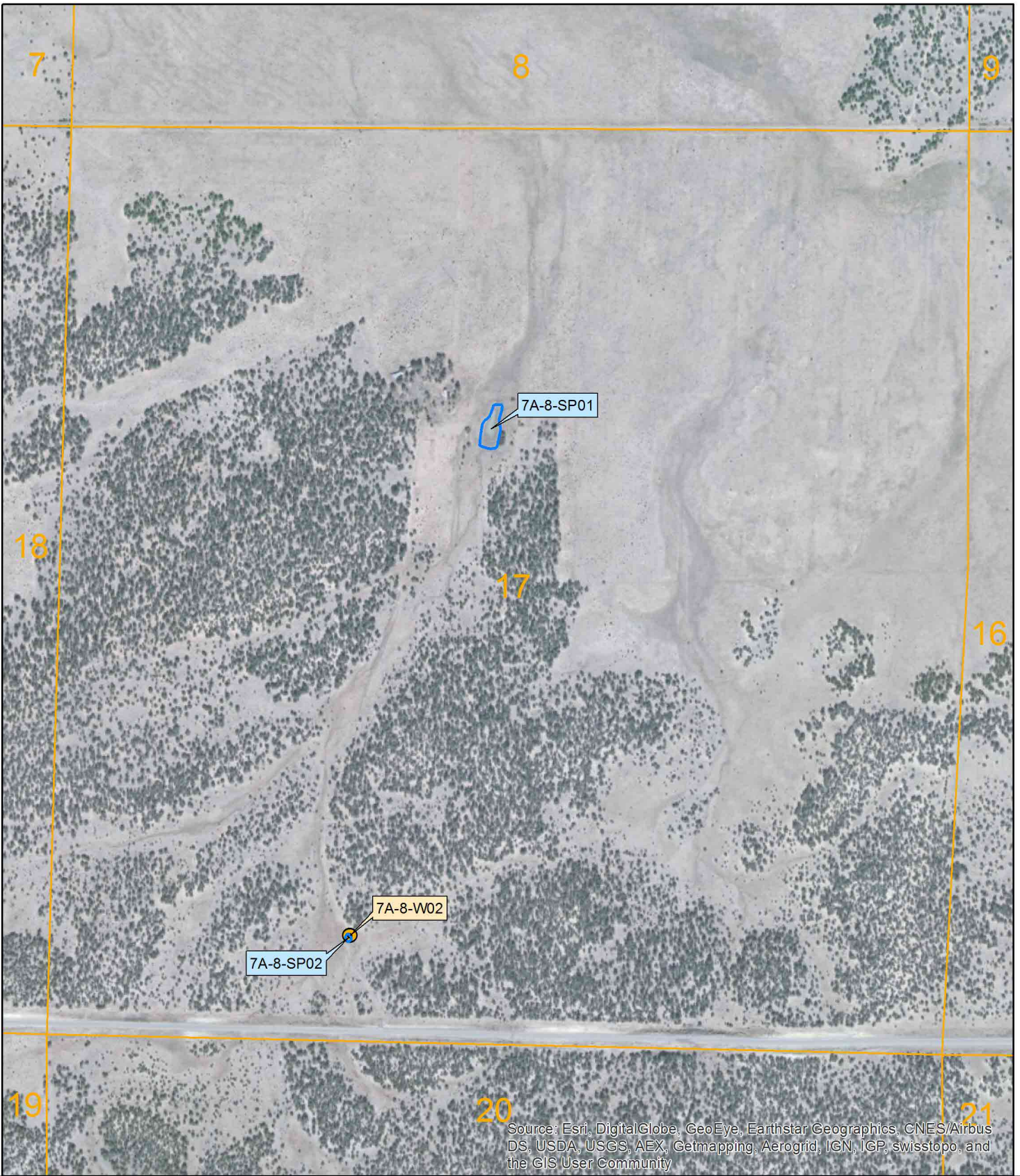
COUNSEL FOR THE STATE OF NEW MEXICO *EX REL.* STATE ENGINEER:



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





6/8/2016

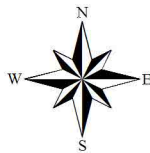
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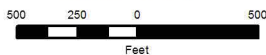
June 2015

LEGEND

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



1 inch = 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 7
Subfile Number: ZRB-3-0031
PLSS: S17, T05N, R16W
Sheet 1 of 2



Natural Resources Consulting Engineers, Inc.




Fort Collins, CO Oakland, CA Asmara, ERITREA

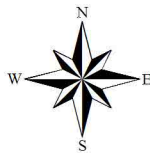


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

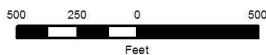
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