

**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/JHR

ZUNI RIVER BASIN
ADJUDICATION

Sub-area 7

Subfile No. ZRB-3-0046

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:

PAMELA KAY DAVIS, KRISTI DAVIS, ANITA DAVIS SCHAFER, SAGE
GRAE MERRILL, AND THE PAUL DAVIS SURVIVOR'S TRUST DATED JULY
28, 2003

("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:

POND

Map Label: 7C-1-SP23

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Well

Point of Diversion: Fills from well 7C-1-W14 (Location X(ft): 2,554,957; Y(ft): 1,465,711);

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 2,139

Storage Impoundment Volume (ac-ft): 0.044

Pond Location: As shown on Hydrographic Survey Map 7C-1

S. 11 T. 09N R. 15W 1/4, 1/16, 1/64: NW SW NE
X(ft): 2,555,045 **Y(ft):** 1,465,642

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

Dam height (if greater than 9 ft):

WELL

Map Label: 7C-1-W08
OSE File No: None
Priority Date: 12/31/1976
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING
Well Location: As shown on Hydrographic Survey Map 7C-1

S. 1 T. 09N R. 15W 1/4, 1/16, 1/64: SW NW NW
X(ft): 2,559,007 **Y(ft):** 1,469,592

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

Amount of Water: 0.112 ac-ft per annum

WELL

Map Label: 7C-1-W10
OSE File No: G 00631
Priority Date: 8/13/1975
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK
Well Location: As shown on Hydrographic Survey Map 7C-1

S. 1 T. 09N R. 15W 1/4, 1/16, 1/64: SW NE SW
X(ft): 2,560,449 **Y(ft):** 1,469,154

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

Amount of Water: 1.656 ac-ft per annum

WELL

Map Label: 7C-1-W14

OSE File No: G 00624

Priority Date: 1/3/1968

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

Well Location: As shown on Hydrographic Survey Map 7C-1

S. 11 **T.** 09N **R.** 15W **1/4, 1/16, 1/64:** NW SW NE

X(ft): 2,554,957 **Y(ft):** 1,465,711

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

Amount of Water: 0.262 ac-ft per annum

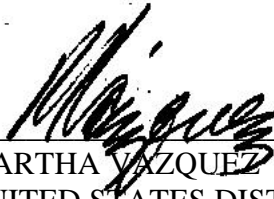
5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 7, except as set forth in this Consent Order and other orders entered by this Court in this cause.

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:



JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE

ACCEPTED: *Pamela Davis* 1/18/18
 PAMELA KAY DAVIS DATE

Kristen Davis 1/18/18
 KRISTI DAVIS DATE

Anita D. Schaefer 1/18/18
 ANITA DAVIS SCHAEFER DATE

Sage Merrill 1/24/2018
 SAGE GRAE MERRILL DATE

Pamela Davis, Trustee 1/18/18
 THE PAUL DAVIS SURVIVOR'S TRUST DATED JULY 28, 2003 DATE

ADDRESS: _____

COUNSEL FOR THE DEFENDANT:

William G. Stripp 1/24/2018
 WILLIAM G. STRIPP DATE
 Attorney at Law
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 3279 State Highway 53
 Ramah, New Mexico 87321
 505-783-413

COUNSEL FOR THE UNITED STATES:



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(303) 844-1343

1-24-18
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




1/17/2018
DATE

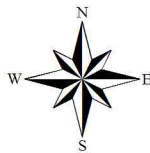


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

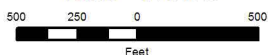
June 2015

LEGEND

-  Well
-  Sub-Area Boundary
-  Section Boundary



1 inch = 800 feet



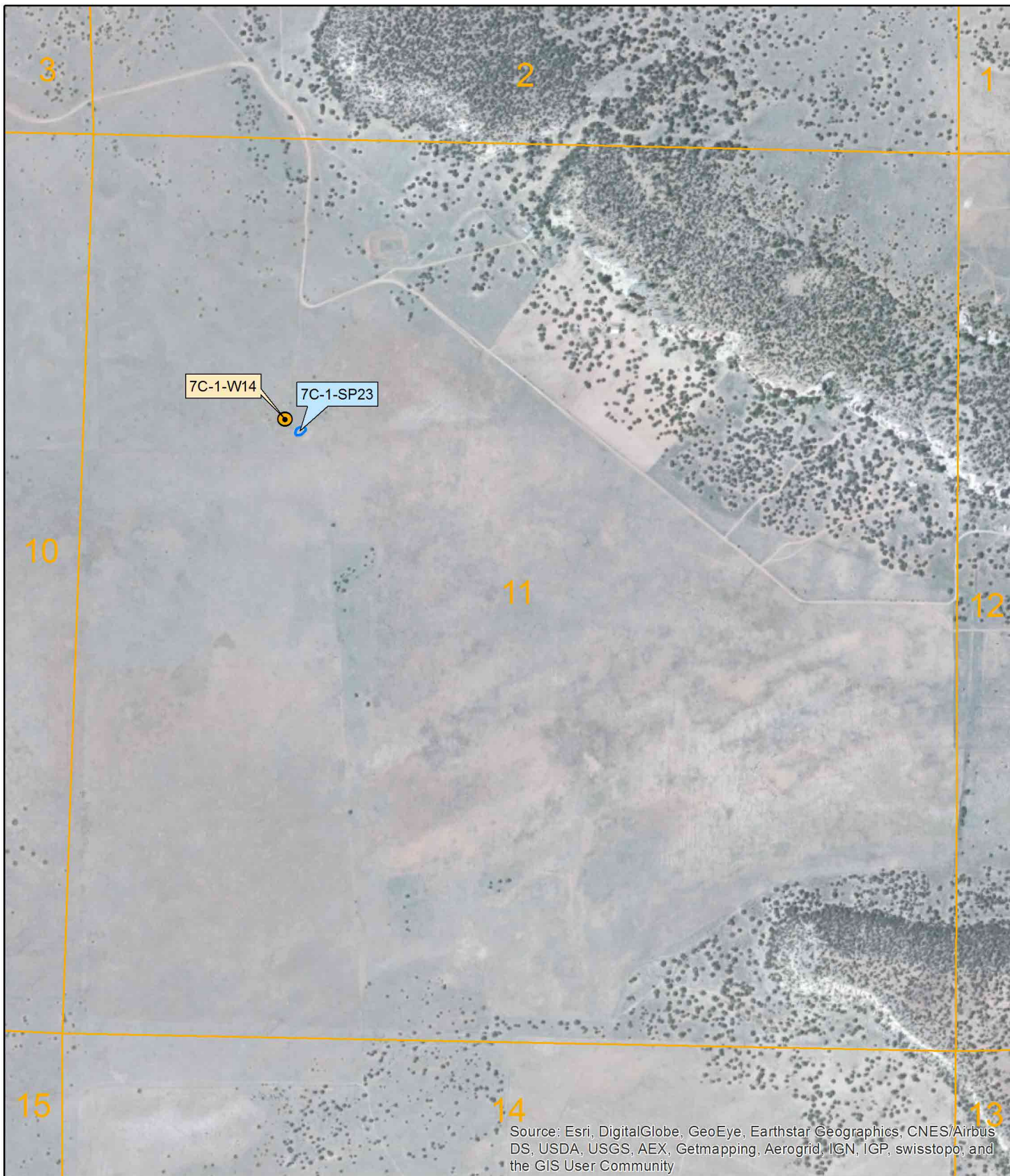
Zuni River Basin
Hydrographic Survey

Sub-Area 7
Subfile Number: ZRB-3-0046
PLSS: S01, T09N, R15W
Sheet 1 of 2



Natural Resources Consulting Engineers, Inc.





Fort Collins, CO Oakland, CA Asmara, ERITREA

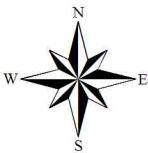


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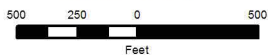
June 2015

LEGEND

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



1 inch = 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 7
Subfile Number: ZRB-3-0046
PLSS: S11, T09N, R15W
Sheet 2 of 2



Natural Resources Consulting Engineers, Inc.

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