

**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-3-0047**

**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:

**PAUL DAVIS SURVIVOR'S TRUST DATED 7/28/03**

("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-SP02

**Purpose of Use:** Livestock

**Priority Date:** 10/6/1997

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 3.0

**Surface Area (sq.ft):** 40,302

**Storage Impoundment Volume (ac-ft):** 1.665

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

**S. 3 T. 09N R. 15W 1/4, 1/16, 1/64: SE SE NW**

**X(ft): 2,552,605 Y(ft): 1,468,703**

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

**Dam height (if greater than 9 ft):**

**POND**

**Map Label:** 7C-1-SP03

**Purpose of Use:** Livestock

**Priority Date:** 12/31/1961

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft): 3.0**

**Surface Area (sq.ft): 5,155**

**Storage Impoundment Volume (ac-ft): 0.213**

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

**S. 3 T. 09N R. 15W 1/4, 1/16, 1/64: SE SE SW**

**X(ft): 2,553,157 Y(ft): 1,467,818**

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

**Dam height (if greater than 9 ft):**

**POND**

**Map Label:** 7C-1-SP16

**Purpose of Use:** Livestock

**Priority Date:** 12/31/1961

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 3.5

**Surface Area (sq.ft):** 8,789

**Storage Impoundment Volume (ac-ft):** 0.424

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

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

**X(ft):** 2,561,673 **Y(ft):** 1,469,457

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

**Dam height (if greater than 9 ft):**

**WELL**

**Map Label:** 7C-1-W02

**OSE File No:** G 00898

**Priority Date:** 8/22/1988

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

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

**S. 3 T. 09N R. 15W 1/4, 1/16, 1/64:** SE SW NW

**X ft):** 2,551,323 **Y(ft):** 1,468,341

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

**Amount of Water:** 0.303 ac-ft per annum

**WELL**

**Map Label:** 7C-1-W03

**OSE File No:** G 01615

**Priority Date:** 8/15/2003

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

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

**S. 3 T. 09N R. 15W 1/4, 1/16, 1/64:** SE NE SE

**X(ft):** 2,553,163      **Y(ft):** 1,469,247

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

**Amount of Water:** 0.213 ac-ft per annum

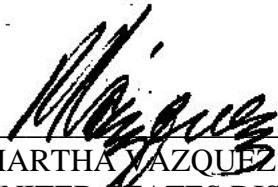
5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 7, except as set forth in this Consent Order and other orders entered by this Court in this cause.

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 YAZQUEZ  
UNITED STATES DISTRICT JUDGE

Approved:

  
\_\_\_\_\_  
JERRY H. RITTER  
UNITED STATES MAGISTRATE JUDGE

ACCEPTED:

Damela Davis, Trustee 1/18/18  
PAUL DAVIS SURVIVOR'S TRUST DATE  
DATED 7/28/03

ADDRESS:

P.O. Box 159  
Ramah, NM 87321

**COUNSEL FOR THE DEFENDANT:**

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WILLIAM G. STRIPP  
Attorney at Law  
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505-783-413

1/24/2018  
DATE

**COUNSEL FOR THE UNITED STATES:**



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

1-24-18  
DATE

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

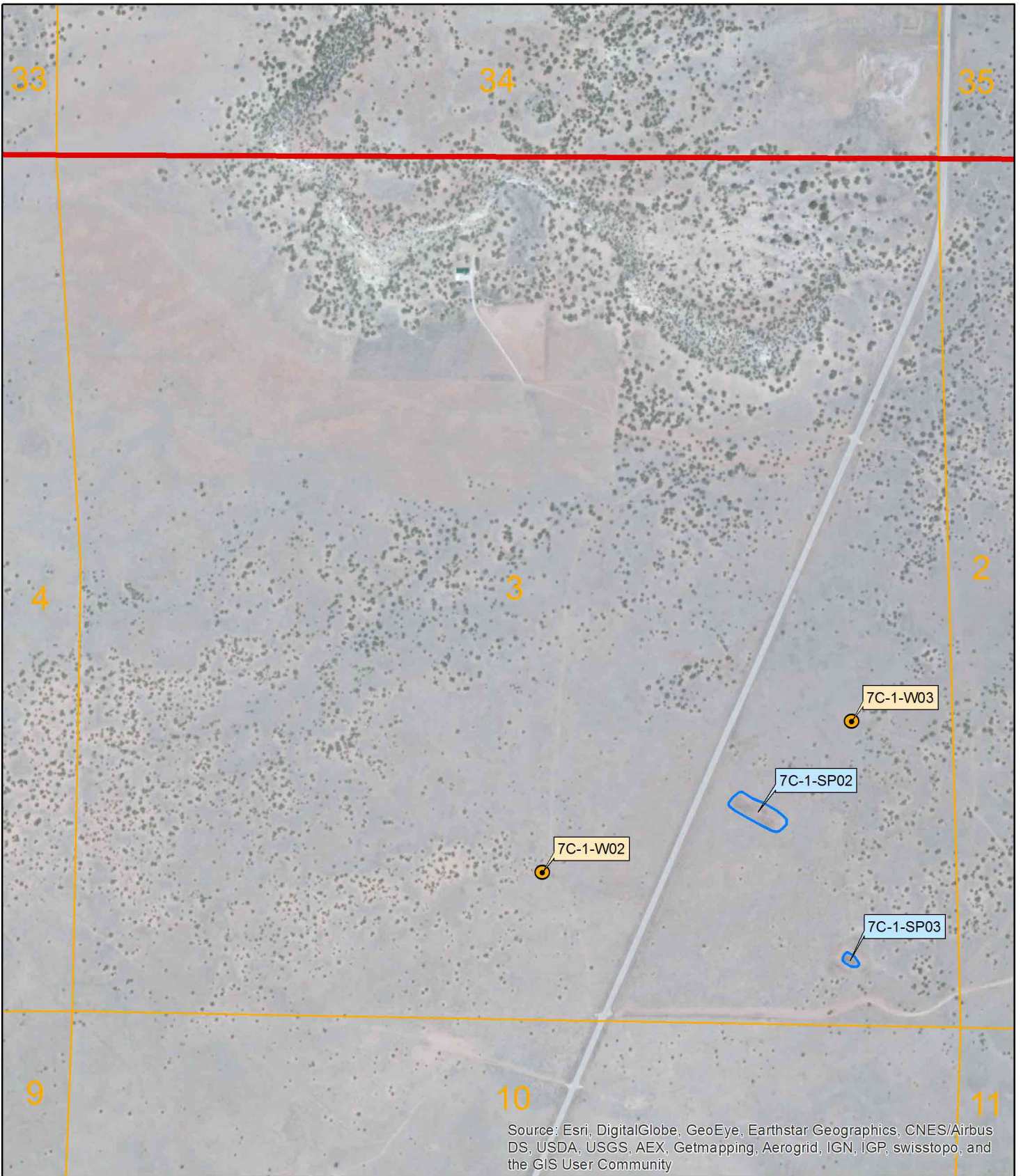


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EDWARD C. BAGLEY  
Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504  
(505) 827-6150

1/17/2018  
DATE







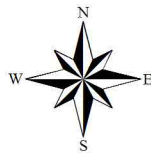


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

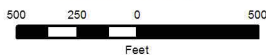
June 2015

**LEGEND**

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



1 inch = 800 feet



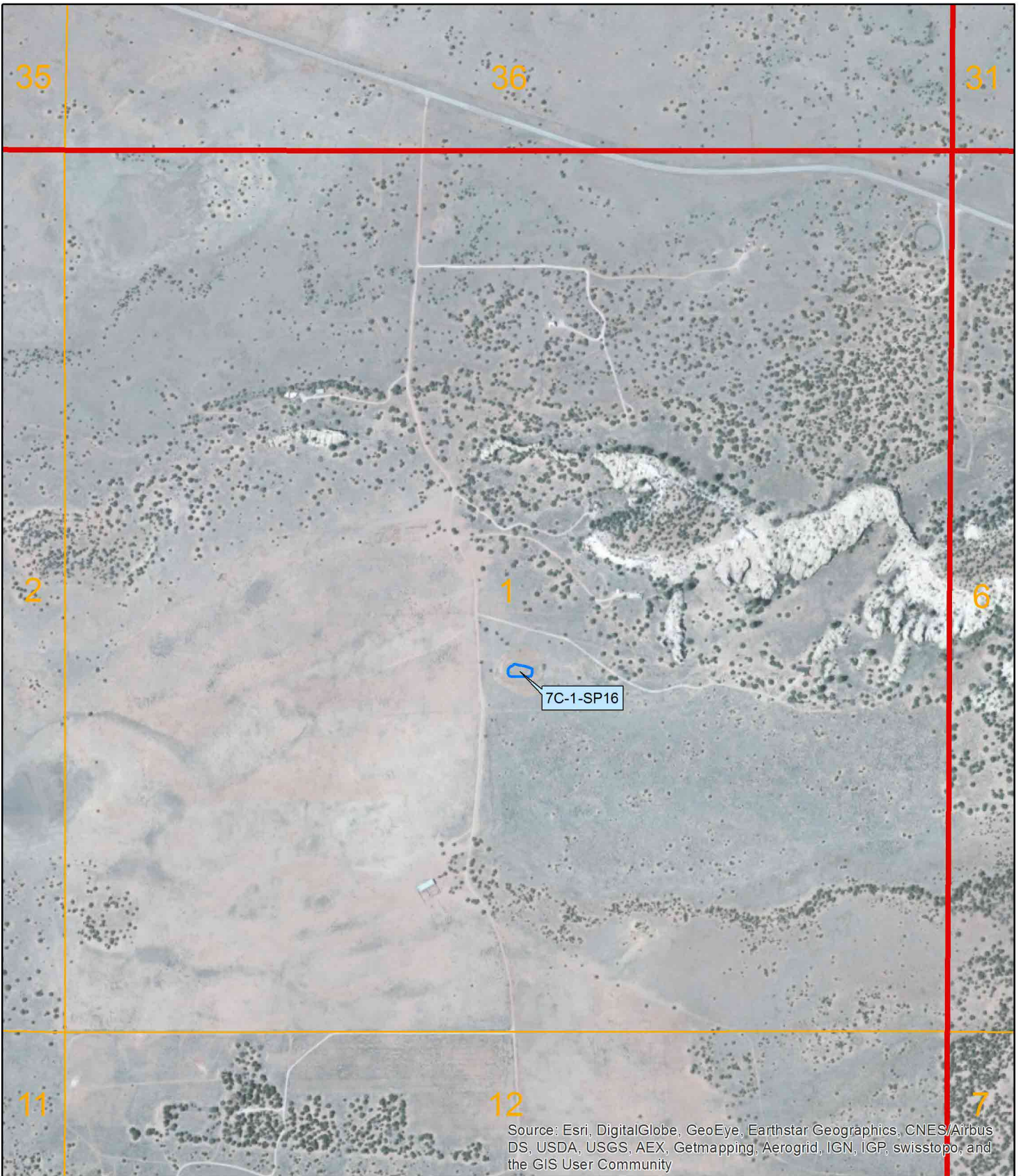
Zuni River Basin  
Hydrographic Survey

Sub-Area 7  
Subfile Number: ZRB-3-0047  
PLSS: S03, T09N, R15W  
Sheet 1 of 2



**Natural Resources Consulting Engineers, Inc.**




Fort Collins, CO    Oakland, CA    Asmara, ERITREA

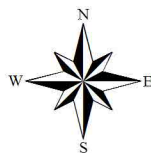


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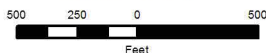
June 2015

**LEGEND**

-  Stock Pond
-  Sub-Area Boundary
-  Section Boundary



1 inch = 800 feet



Zuni River Basin  
Hydrographic Survey

**Sub-Area 7**  
Subfile Number: ZRB-3-0047  
PLSS: S01, T09N, R15W  
Sheet 2 of 2



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