

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

Subfile No. ZRB-4-0118

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:

JOANN V. DAVIS RESIDUAL TRUST DATED JULY 28, 2003

("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:

POND

Map Label: 3B-5-SP012B
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable
Amount of Water:
Depth (ft): 5.0
Surface Area (sq.ft): 5,446
Storage Impoundment Volume (ac-ft): 0.375

Pond Location: As shown on Hydrographic Survey Map 3B-5

S. 1 T. 10N R. 16W 1/4, 1/16, 1/64: SW NE SE

X(ft): 2,530,153 **Y(ft):** 1,500,694

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

Dam height (if greater than 9 ft):

POND

Map Label: 3B-5-SP013

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): 2,413

Storage Impoundment Volume (ac-ft): 0.100

Pond Location: As shown on Hydrographic Survey Map 3B-5

S. 1 T. 10N R. 16W 1/4, 1/16, 1/64: SE SW NW

X(ft): 2,530,262 **Y(ft):** 1,500,061

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

Dam height (if greater than 9 ft):

POND

Map Label: 3B-5-SP022

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1914

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 6.0

Surface Area (sq.ft): 24,816

Storage Impoundment Volume (ac-ft): 2.051

Pond Location: As shown on Hydrographic Survey Map 3B-5

S. 1 T. 10N R. 16W 1/4, 1/16, 1/64: SE NE SE

X(ft): 2,532,545 **Y(ft):** 1,501,086

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP006

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 233,344

Storage Impoundment Volume (ac-ft): 6.428

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 9 T. 10N R. 15W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,545,654 **Y(ft):** 1,498,923

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP009

Purpose of Use: LIVESTOCK
Priority Date: 12/31/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable
Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 10,912

Storage Impoundment Volume (ac-ft): 0.751

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 11 T. 10N R. 15W 1/4, 1/16, 1/64: NE SW SE

X(ft): 2,557,283 **Y(ft):** 1,496,895

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP010
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable
Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 5,055

Storage Impoundment Volume (ac-ft): 0.070

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 11 T. 10N R. 15W 1/4, 1/16, 1/64: SW NE SE

X(ft): 2,555,945 **Y(ft):** 1,495,615

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP042
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable
Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 55,882

Storage Impoundment Volume (ac-ft): 3.849

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 9 T. 10N R. 15W 1/4, 1/16, 1/64: NW NW NW

X(ft): 2,543,682 **Y(ft):** 1,498,914

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP030
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): 8,652

Storage Impoundment Volume (ac-ft): 0.358

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 13 T. 10N R. 15W 1/4, 1/16, 1/64: SE SE SW

X(ft): 2,563,568 **Y(ft):** 1,488,605

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP033

Purpose of Use: LIVESTOCK

Priority Date: 9/10/1952

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 56,233

Storage Impoundment Volume (ac-ft): 3.098

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 27 T. 10N R. 15W 1/4, 1/16, 1/64: NW SE NW

X(ft): 2,550,435 **Y(ft):** 1,481,534

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP034

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1961

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 12,670

Storage Impoundment Volume (ac-ft): 0.873

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 27 T. 10N R. 15W 1/4, 1/16, 1/64: NE SE SW

X(ft): 2,552,881 **Y(ft):** 1,480,526

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP035

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1961

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 2,977

Storage Impoundment Volume (ac-ft): 0.062

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 23 T. 10N R. 15W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,556,474 **Y(ft):** 1,485,442

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP036
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1952
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 6.0
Surface Area (sq.ft): 90,262
Storage Impoundment Volume (ac-ft): 7.460

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 23 T. 10N R. 15W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,556,814 **Y(ft):** 1,485,430

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP049
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1948
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 7.0
Surface Area (sq.ft): 16,820
Storage Impoundment Volume (ac-ft): 1.622

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 13 T. 10N R. 15W 1/4, 1/16, 1/64: NE SE NE

X(ft): 2,564,199 **Y(ft):** 1,492,115

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP080

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 25,117

Storage Impoundment Volume (ac-ft): 1.730

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 15 T. 10N R. 15W 1/4, 1/16, 1/64: NW SE NW

X(ft): 2,550,011 **Y(ft):** 1,492,018

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3B-5-W006

OSE File No: None

Priority Date: 12/31/1950

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

Well Location: As shown on Hydrographic Survey Map 3B-5

S. 1 T. 10N R. 16W 1/4, 1/16, 1/64: NE SW SW

X(ft): 2,530,780 **Y(ft):** 1,502,001

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

Amount of Water: 0.544 ac-ft per annum

WELL

Map Label: 3C-5-W007

OSE File No: G 00954

Priority Date: 1/21/1999

Purpose of Use: 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 3C-5

S. 11 T. 10N R. 15W 1/4, 1/16, 1/64: NE SE NW

X(ft): 2,558,334 Y(ft): 1,497,287

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

Amount of Water: 0.358 ac-ft per annum

WELL

Map Label: 3C-6-W004

OSE File No: G 01948

Priority Date: 8/15/2003

Purpose of Use: 72-12-1 DOMESTIC & LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 3C-6

S. 23 T. 10N R. 15W 1/4, 1/16, 1/64: SW NE NE

X(ft): 2,556,160 Y(ft): 1,485,764

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

Amount of Water: 1.058 ac-ft per annum

WELL

Map Label: 3C-6-W005

OSE File No: G 00650

Priority Date: 8/28/1959
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING
Well Location: As shown on Hydrographic Survey Map 3C-6
S. 13 T. 10N R. 15W 1/4, 1/16, 1/64: SW NW SE
X(ft): 2,559,849 Y(ft): 1,490,369
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: 0.358 ac-ft per annum

WELL


Map Label: 3C-6-W008
OSE File No: G 00655
Priority Date: 12/31/1961
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING
Well Location: As shown on Hydrographic Survey Map 3C-6
S. 33 T. 10N R. 15W 1/4, 1/16, 1/64: SW NW NW
X(ft): 2,543,299 Y(ft): 1,474,727
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: 0.358 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 NAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:



JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE

ACCEPTED: Pamela Davis, Executor 1/13/18
JOANN V. DAVIS RESIDUAL TRUST DATE
DATED JULY 28, 2003

ADDRESS: P.O. Box 159
Ramah, n.m.

COUNSEL FOR THE DEFENDANT:

William G. Stripp
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Attorney at Law
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505-783-4138

1/24/2018
DATE

COUNSEL FOR THE UNITED STATES:

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Denver, CO 80202
(303) 844-1343

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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

DATE

ACCEPTED:

JOANN V. DAVIS RESIDUAL TRUST DATE
DATED JULY 28, 2003

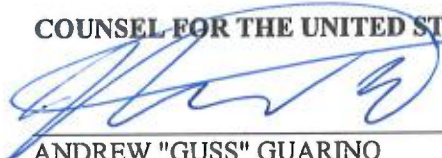
ADDRESS:

COUNSEL FOR THE DEFENDANT:

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3279 State Highway 53
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DATE

COUNSEL FOR THE UNITED STATES:



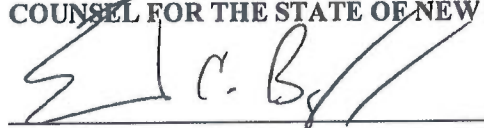
ANDREW "GUSS" GUARINO

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1-24-18

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

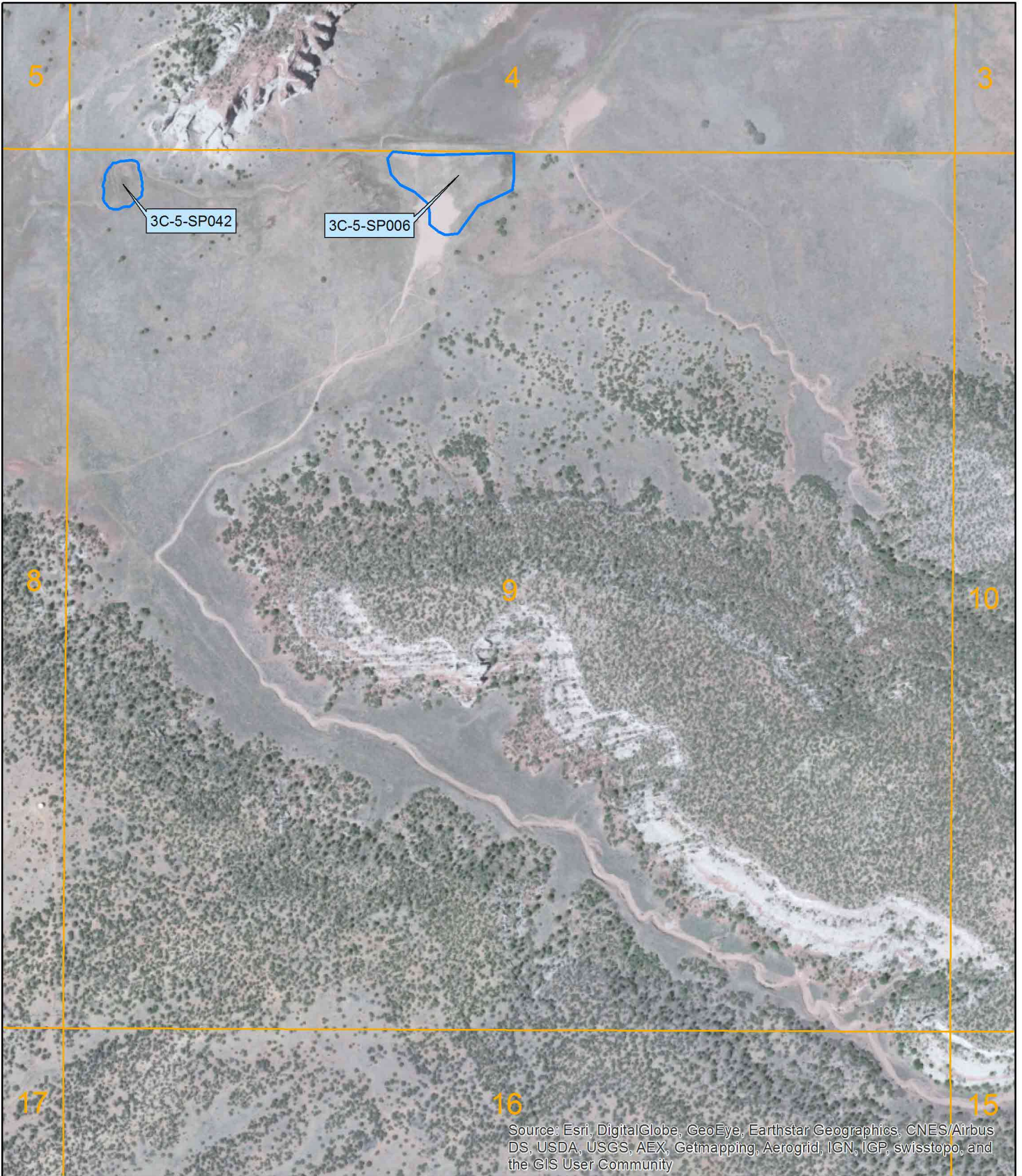


EDWARD C. BAGLEY

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1/17/2018

DATE






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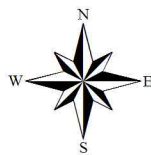
June 2015

Zuni River Basin
Hydrographic Survey

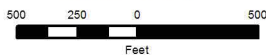
Sub-Area 3
Subfile Number: ZRB-4-0118
PLSS: S09, T10N, R15W
Sheet 1 of 8

LEGEND

-  Stock Pond
-  Sub-Area Boundary
-  Section Boundary

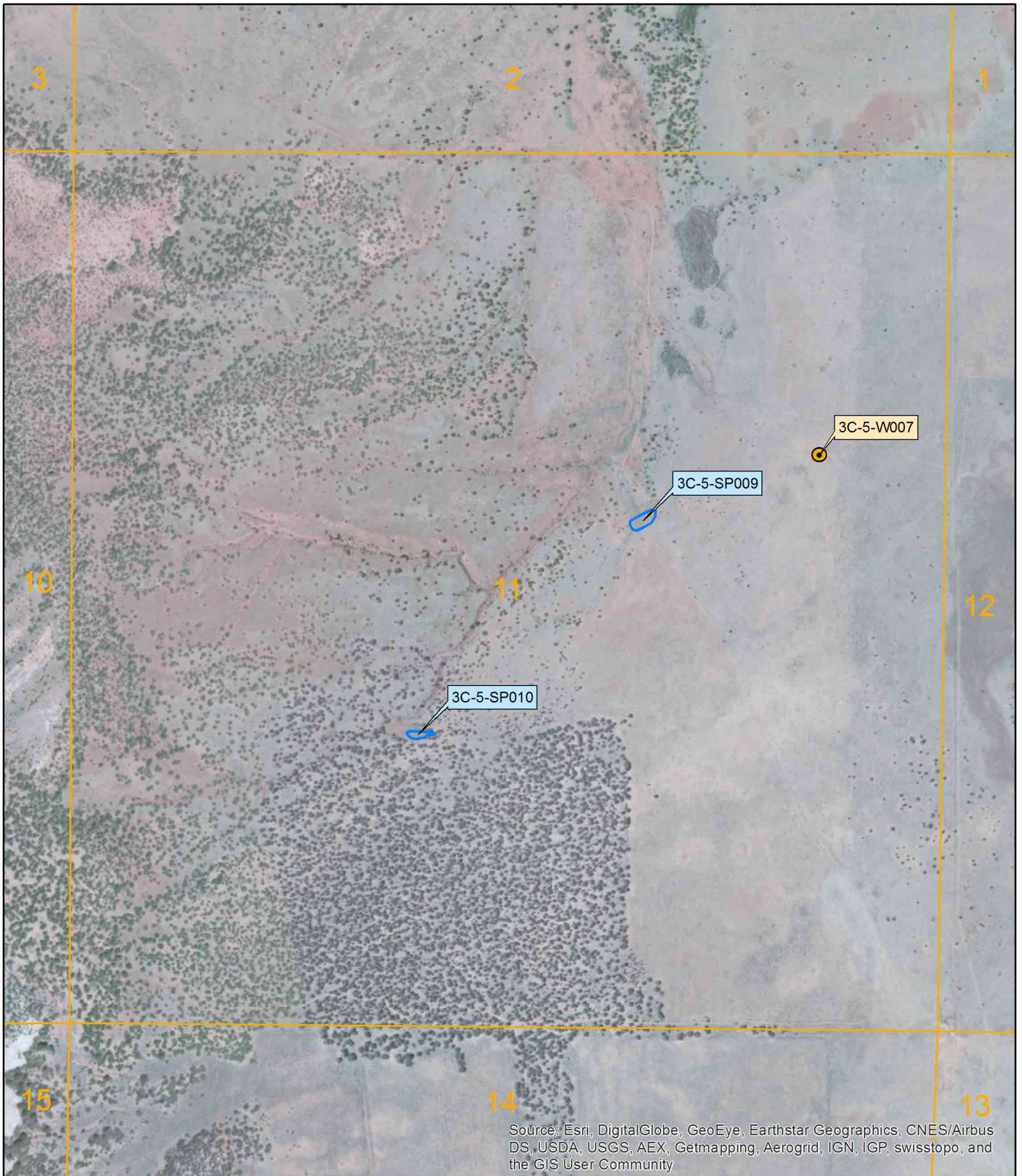


1 inch = 800 feet



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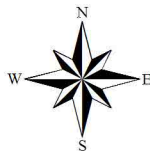


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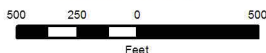
June 2015

LEGEND

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



1 inch = 800 feet



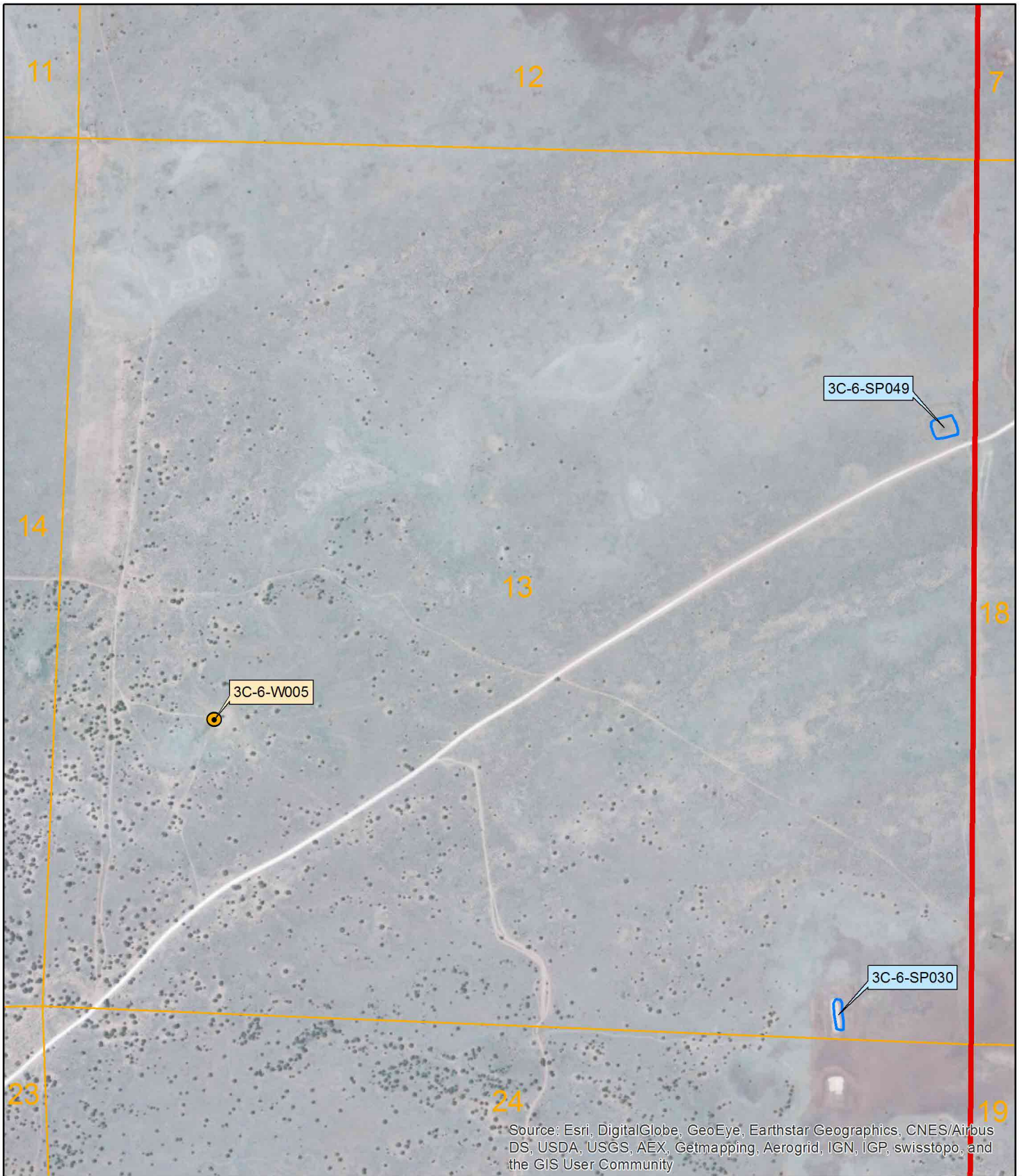
Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0118
PLSS: S11, T10N, R15W
Sheet 2 of 8



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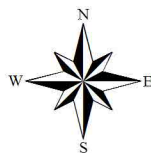


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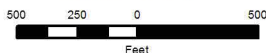
June 2015

LEGEND

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



1 inch = 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0118
PLSS: S13, T10N, R15W
Sheet 3 of 8



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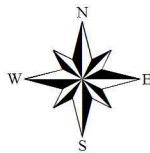


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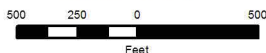
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LEGEND

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



1 inch = 800 feet



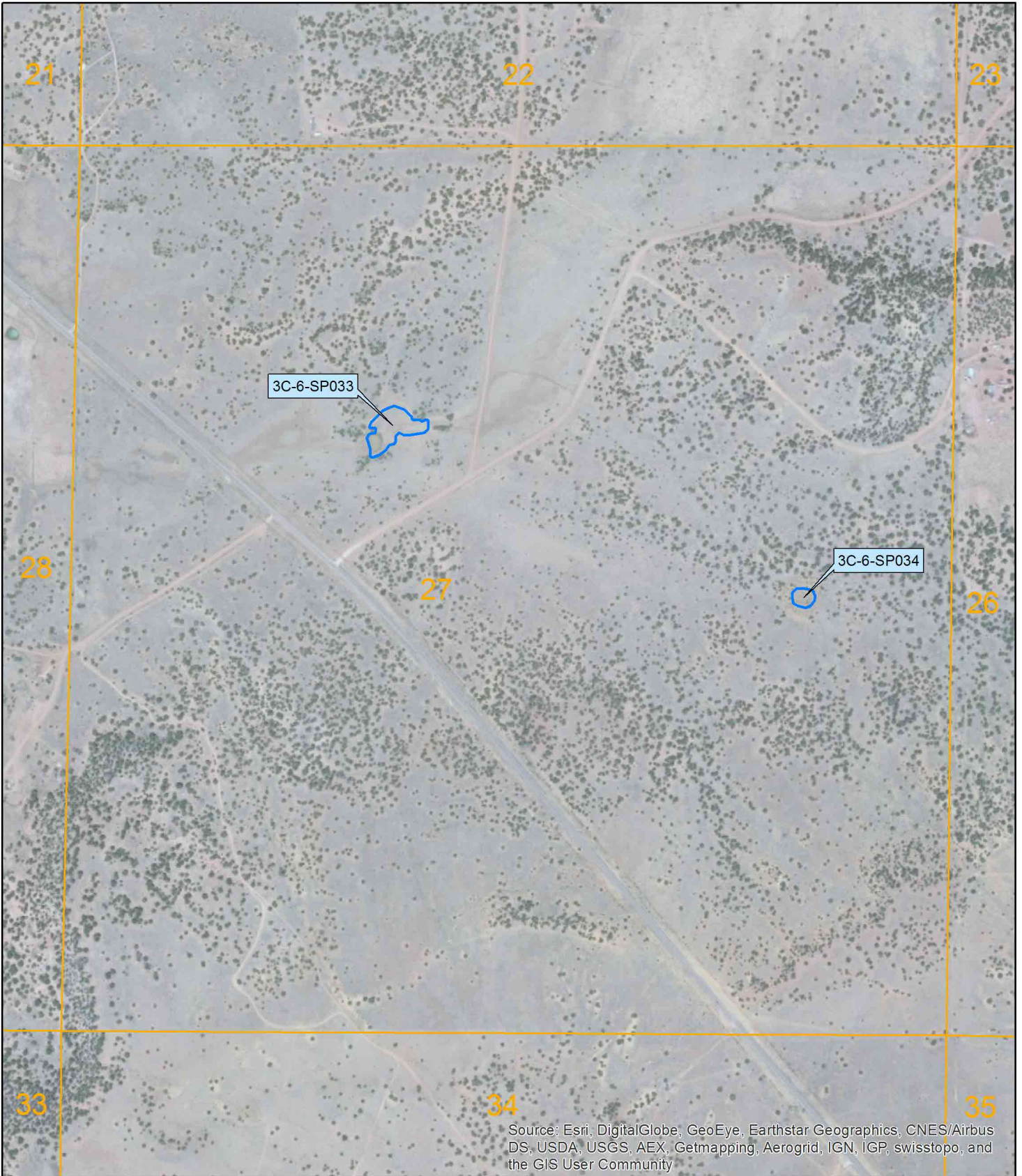
Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0118
PLSS: S23, T10N, R15W
Sheet 4 of 8



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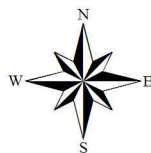


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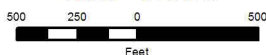
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LEGEND

-  Stock Pond
-  Sub-Area Boundary
-  Section Boundary



1 inch = 800 feet



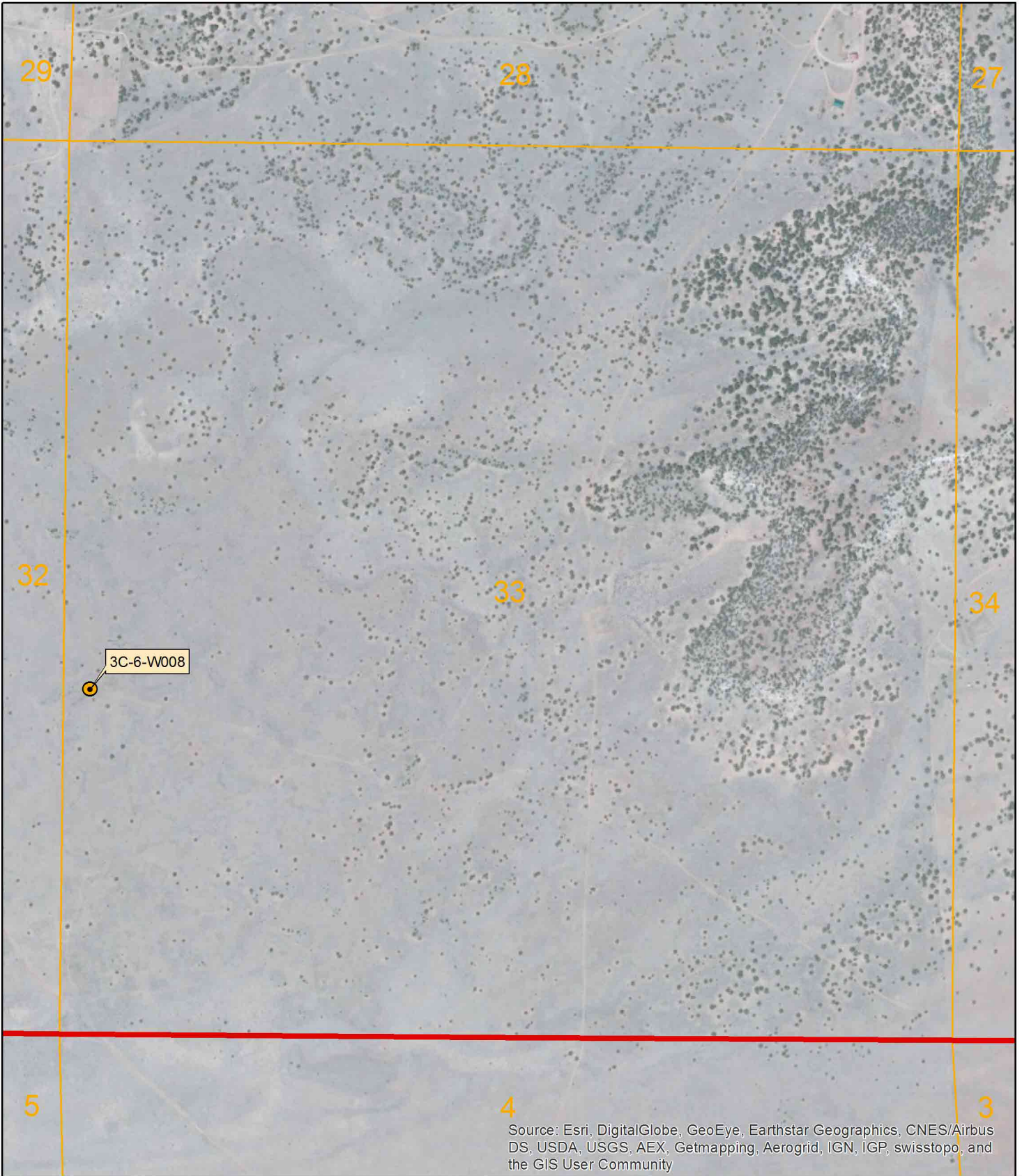
Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0118
PLSS: S27, T10N, R15W
Sheet 5 of 8



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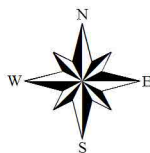
June 2015

Zuni River Basin
Hydrographic Survey

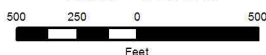
Sub-Area 3
Subfile Number: ZRB-4-0118
PLSS: S33, T10N, R15W
Sheet 6 of 8

LEGEND

-  Well
-  Sub-Area Boundary
-  Section Boundary

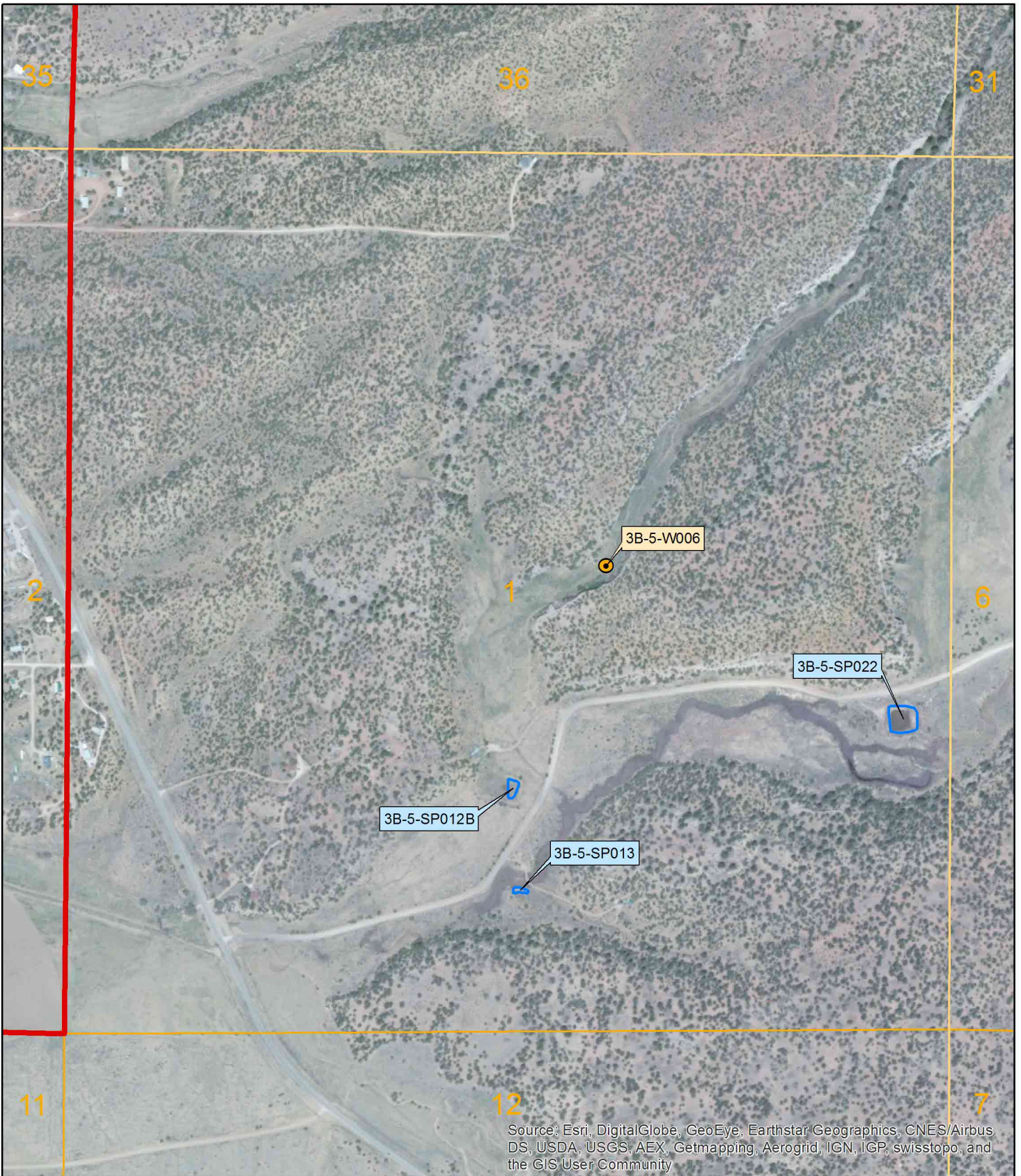


1 inch = 800 feet







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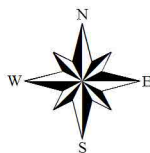
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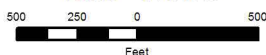
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1 inch = 800 feet



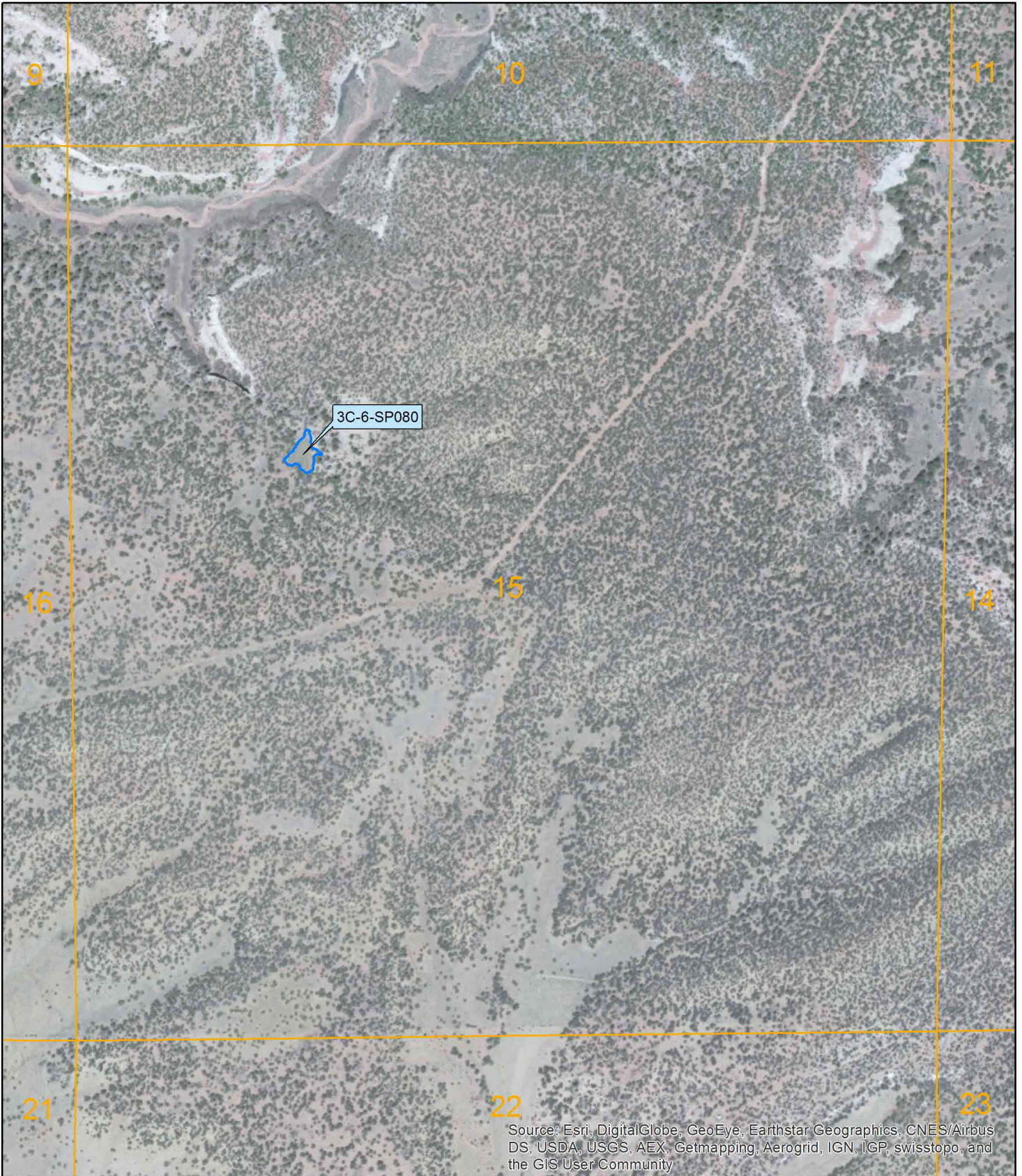
Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0118
PLSS: S01, T10N, R16W
Sheet 7 of 8



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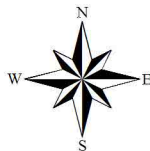


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

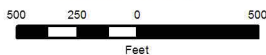
June 2015

LEGEND

-  Stock Pond
-  Sub-Area Boundary
-  Section Boundary



1 inch = 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0118
PLSS: S15, T10N, R15W
Sheet 8 of 8



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