

**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-DHR/JHR

ZUNI RIVER BASIN
ADJUDICATION

Sub-area 7

Subfile No. ZRB-3-0204

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:

MELISSA L. ELKINS & MARK A. LAMBSON

("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-2-SP44

Purpose of Use: Livestock

Priority Date: 9/1/1988

Source of Water: Well

Point of Diversion: Fills from well 7C-2-W09 (Location X(ft): 2,559,113; Y(ft): 1,456,548);

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 1,348

Storage Impoundment Volume (ac-ft): 0.056

Pond Location: As shown on Hydrographic Survey Map 7C-2

S. 24 T. 09N R. 15W 1/4, 1/16, 1/64: NW NW NW

X(ft): 2,559,117 Y(ft): 1,456,591

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

Dam height (if greater than 9 ft):

WELL

Map Label: 7C-2-W09

OSE File No: G 01989

Priority Date: 9/1/1988

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

Well Location: As shown on Hydrographic Survey Map 7C-2

S. 24 T. 09N R. 15W 1/4, 1/16, 1/64: NW NW NW

X (ft): 2,559,113 Y (ft): 1,456,548

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

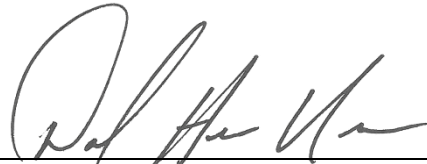
Amount of Water: 0.158 acre-feet per annum

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.

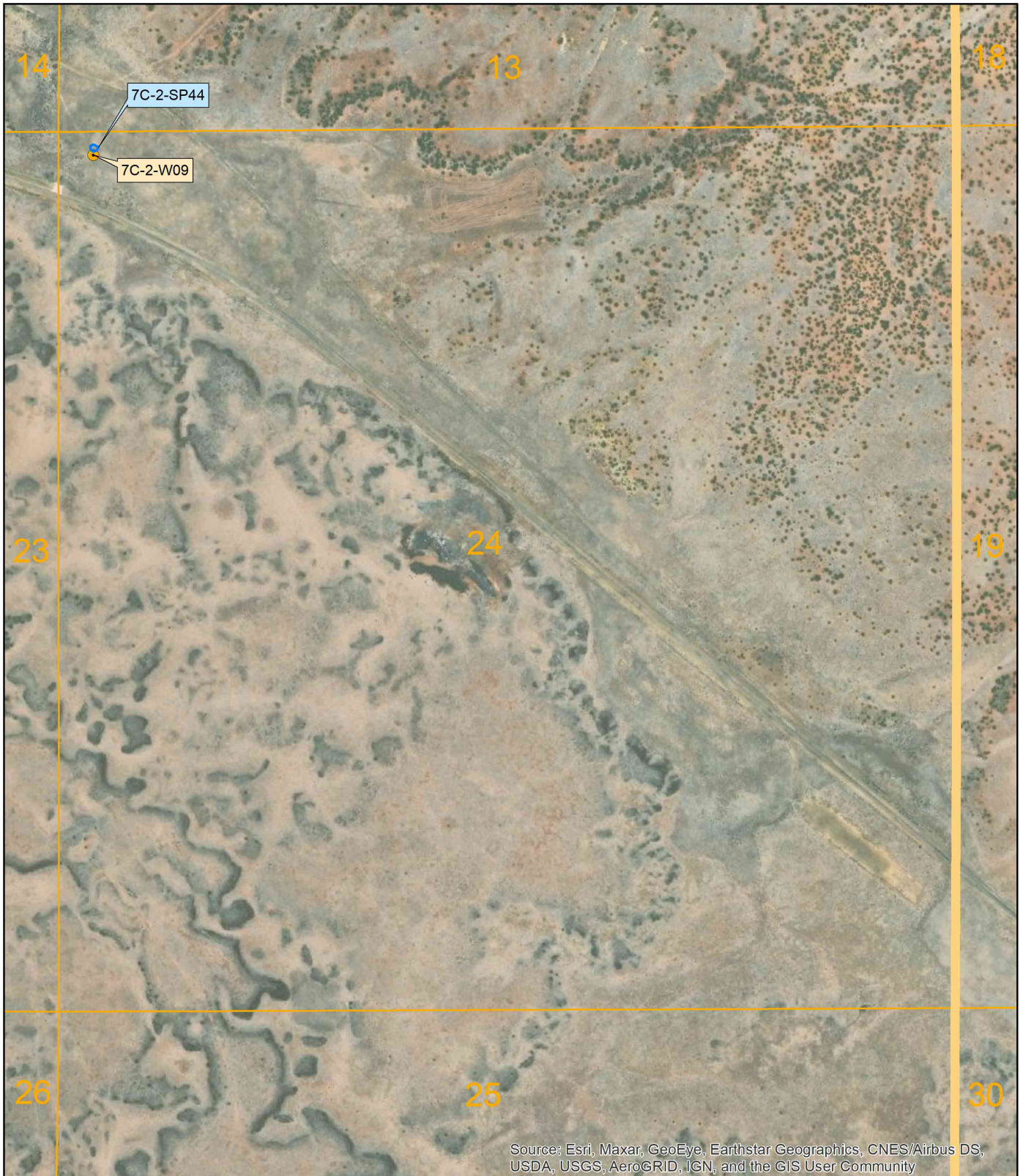


DAVID H. URIAS
UNITED STATES DISTRICT JUDGE

Approved:




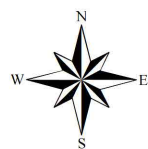
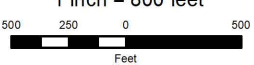



JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

August 2021

<p>LEGEND</p> <ul style="list-style-type: none">  Well  Stock Pond  Section Boundary 	 <p>1 inch = 800 feet</p> 	<p>Zuni River Basin Hydrographic Survey</p>	<p>Sub-Area 7 Subfile Number: ZRB-3-0204 PLSS: S24, T09N, R15W Sheet 1 of 1</p>
		<p>Natural Resources Consulting Engineers, Inc.</p> <p>Fort Collins, CO Oakland, CA Asmara, ERITREA</p>	

ACCEPTED: Melissa L. Elkins Oct. 4, 2021
MELISSA L. ELKINS DATE

Mark A. Lambson Oct 9, 2021
MARK A. LAMBSON DATE

ADDRESS: P.O. Box 577 Ramah, N.M 87321
BOX 548 Ramah NM 87321

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

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6/15/2022
DATE

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6/17/2022
DATE