

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

MAR 24 2006

MATTHEW J. DYKMAN
CLERK

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,

No. 01cv00072-BB/DWD/ACE

Plaintiffs,
and

ZUNI RIVER BASIN
ADJUDICATION

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Sub-areas 4 and 8

Plaintiffs in Intervention,

v.

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,
and
A & R PRODUCTIONS, et al.,

Subfile No: ZRB-1-0012

Defendants.

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:

JOSEPH DEAN BOND AND BILLIE ETHNA BOND

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, as set forth below FINDS:

007

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 4 and 8. 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 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 4 and 8, is as set forth below:

STOCK POND

Map Label: 8A-1-SP06
Purpose of Use: LIVESTOCK
Priority date: 1/1/1967
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 47,085
Storage Impoundment Volume (ac-ft): 3.243

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 19 T. 09N R. 14W 1/4, 1/16, 1/64: SE NW NE

X(ft): 2,567,932 Y(ft): 1,453,541

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP16
Purpose of Use: LIVESTOCK
Priority date: 1/1/1963
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 6.0
Surface Area (sq.ft): 18.945
Storage Impoundment Volume (ac-ft): 1.566

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 9 T. 09N R. 14W 1/4, 1/16, 1/64: SE SW NW

X(ft): 2,577,622 Y(ft): 1,462,965

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

Dam height (if greater than 9 ft): 10.0

STOCK POND

Map Label: 8A-1-SP25
Purpose of Use: LIVESTOCK
Priority date: 1/1/1970
Source of Water: Well

Point of Diversion: Fills from well 8A-1-W05 (Location X(ft): 2,571,209; Y(ft): 1,460,099);

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 1,063

Storage Impoundment Volume (ac-ft): 0.022

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 17 T. 09N R. 14W 1/4, 1/16, 1/64: NW SE NW

X(ft): 2,571,237 **Y(ft):** 1,460,105

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP27

Purpose of Use: LIVESTOCK

Priority date: 1/1/1963

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 14,803

Storage Impoundment Volume (ac-ft): 1.019

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 17 T. 09N R. 14W 1/4, 1/16, 1/64: SE NW SW

X(ft): 2,572,725 **Y(ft):** 1,458,425

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP37
Purpose of Use: LIVESTOCK
Priority date: 1/1/1963
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 21,454
Storage Impoundment Volume (ac-ft): 1.182

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 17 T. 09N R. 14W 1/4, 1/16, 1/64: NE NW SE

X(ft): 2,572,848 Y(ft): 1,460,953

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP38
Purpose of Use: LIVESTOCK
Priority date: 1/1/1963
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 7,599

Storage Impoundment Volume (ac-ft): 0.314

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 17 T. 09N R. 14W 1/4, 1/16, 1/64: NE NW SE

X(ft): 2,572,979 **Y(ft):** 1,460,897

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP39

Purpose of Use: LIVESTOCK

Priority date: 1/1/1970

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 1,160

Storage Impoundment Volume (ac-ft): 0.016

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 17 T. 09N R. 14W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,571,504 **Y(ft):** 1,461,297

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP40

Purpose of Use: LIVESTOCK

Priority date: 1/1/1970
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 1,567
Storage Impoundment Volume (ac-ft): 0.043

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 17 T. 09N R. 14W 1/4, 1/16, 1/64: NW NW SE
X(ft): 2,573,267 **Y(ft):** 1,460,726
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-1-SP41
Purpose of Use: LIVESTOCK
Priority date: 1/1/1970
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 884
Storage Impoundment Volume (ac-ft): 0.024

Pond Location: As shown on Hydrographic Survey Map 8A-1

S. 17 T. 09N R. 14W 1/4, 1/16, 1/64: NE SE NW
X(ft): 2,574,002 **Y(ft):** 1,460,421

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-2-SP06
Purpose of Use: LIVESTOCK
Priority date: 1/1/1966
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 10,719
Storage Impoundment Volume (ac-ft): 0.295

Pond Location: As shown on Hydrographic Survey Map 8A-2

S. 29 T. 09N R. 14W 1/4, 1/16, 1/64: SW SW SE

X(ft): 2,570.757 **Y(ft):** 1,446.641

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8A-2-SP12
Purpose of Use: LIVESTOCK
Priority date: 1/1/1967
Source of Water: Well
Point of Diversion: Fills from well 8A-2-W08 (Location X(ft): 2,565,654; Y(ft): 1,445,724);
Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 22,077

Storage Impoundment Volume (ac-ft): 0.912

Pond Location: As shown on Hydrographic Survey Map 8A-2

S. 31 T. 09N R. 14W 1/4, 1/16, 1/64: NW NE NW

X(ft): 2,565,777 **Y(ft):** 1,445,799

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-3-SP19

Purpose of Use: LIVESTOCK

Priority date: 1/1/1967

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 7,373

Storage Impoundment Volume (ac-ft): 0.152

Pond Location: As shown on Hydrographic Survey Map 8B-3

S. 19 T. 08N R. 13W 1/4, 1/16, 1/64: NW SE SE

X(ft): 2,598,526 **Y(ft):** 1,422,537

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 8B-3-SP20
Purpose of Use: LIVESTOCK
Priority date: 1/1/1967
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 4,114
Storage Impoundment Volume (ac-ft): 0.113

Pond Location: As shown on Hydrographic Survey Map 8B-3

S. 19 T. 08N R. 13W 1/4, 1/16, 1/64: NE SW SE

X(ft): 2,599.664 **Y(ft):** 1,422.320

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

Dam height (if greater than 9 ft):

WELL

Map Label: 8A-1-W04
OSE File No: None
Priority Date: 1/1/1963
Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8A-1

S. 17 T. 09N R. 14W 1/4, 1/16, 1/64: NW SE SW

X (ft): 2,571.292 **Y (ft):** 1,459.828

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

Amount of Water (ac-ft): 1.120

WELL

Map Label: 8A-1-W05

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8A-1

S. 17 T. 09N R. 14W 1/4, 1/16, 1/64: NW SE NW

X (ft): 2,571,209 Y (ft): 1,460,099

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

Amount of Water (ac-ft): 1.120

WELL

Map Label: 8A-1-W18

OSE File No: G 1545

Priority Date: 12/31/1960

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8A-1

S. 17 T. 09N R. 14W 1/4, 1/16, 1/64: NW NE NE

X (ft): 2,571,644 Y (ft): 1,461,912

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

Amount of Water (ac-ft): 1.120

WELL

Map Label: 8A-2-W07

OSE File No: G 1527

Priority Date: 1/1/1948

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8A-2

S. 29 T. 09N R. 14W 1/4, 1/16, 1/64: SW NW NE

X (ft): 2,570,566 **Y (ft):** 1,448,243

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

Amount of Water (ac-ft): 1.120

WELL

Map Label: 8A-2-W08

OSE File No: G 1526

Priority Date: 1/1/1950

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8A-2

S. 31 T. 09N R. 14W 1/4, 1/16, 1/64: NW NE NW

X (ft): 2,565,654 **Y (ft):** 1,445,724

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

Amount of Water (ac-ft): 1.120

WELL

Map Label: 8A-2-W09

OSE File No: G 1547

Priority Date: 12/31/1948

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 8A-2

S. 19 T. 09N R. 14W 1/4, 1/16, 1/64: SE NW SW

X (ft): 2,567.605 Y (ft): 1,452.191

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

Amount of Water (ac-ft): 1.120

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, 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 4 and 8, 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.


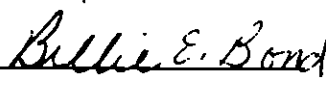
IT IS THEREFORE ORDERED that the right(s) of the Defendant to divert and use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, are adjudicated as set forth herein, as between the United States, the State, and the Defendant. The Defendant, and Defendant's successors, representatives, heirs and assigns, are hereby enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 4 and 8, 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.


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:


VICKIE L. GABIN
SPECIAL MASTER

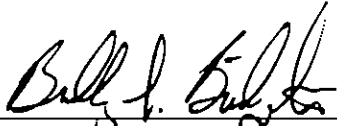
ACCEPTED:   Feb 7, 2006
JOSEPH DEAN BOND AND BILLIE ETHNA BOND DATE

ADDRESS: P.O. Box 802
Ramoth, N Mex 87321

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

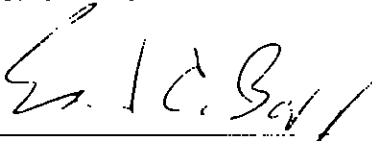
COUNSEL FOR THE UNITED STATES:



BRADLEY S. BRIDGEWATER
U.S. Department of Justice
999 18th St., Suite 945 North
Denver, CO 80202
(303) 312-7318

2/7/2006
DATE

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



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

2/7/06
DATE



8B-3-SP19

8B-3-SP20

December 2005

LEGEND

- Wall
- Town
- Stock Pond
- Sub-Area Boundary
- Section Boundary



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 8
Subfile Number: ZRB-1-0012
PLSS: S19, T08N, R13W
Sheet 1 of 6



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.

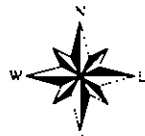


8A-1-SP16

December 2005

LEGEND

- Wall
- Town
- Stock Pond
- Sub-Area Boundary
- Section Boundary



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey

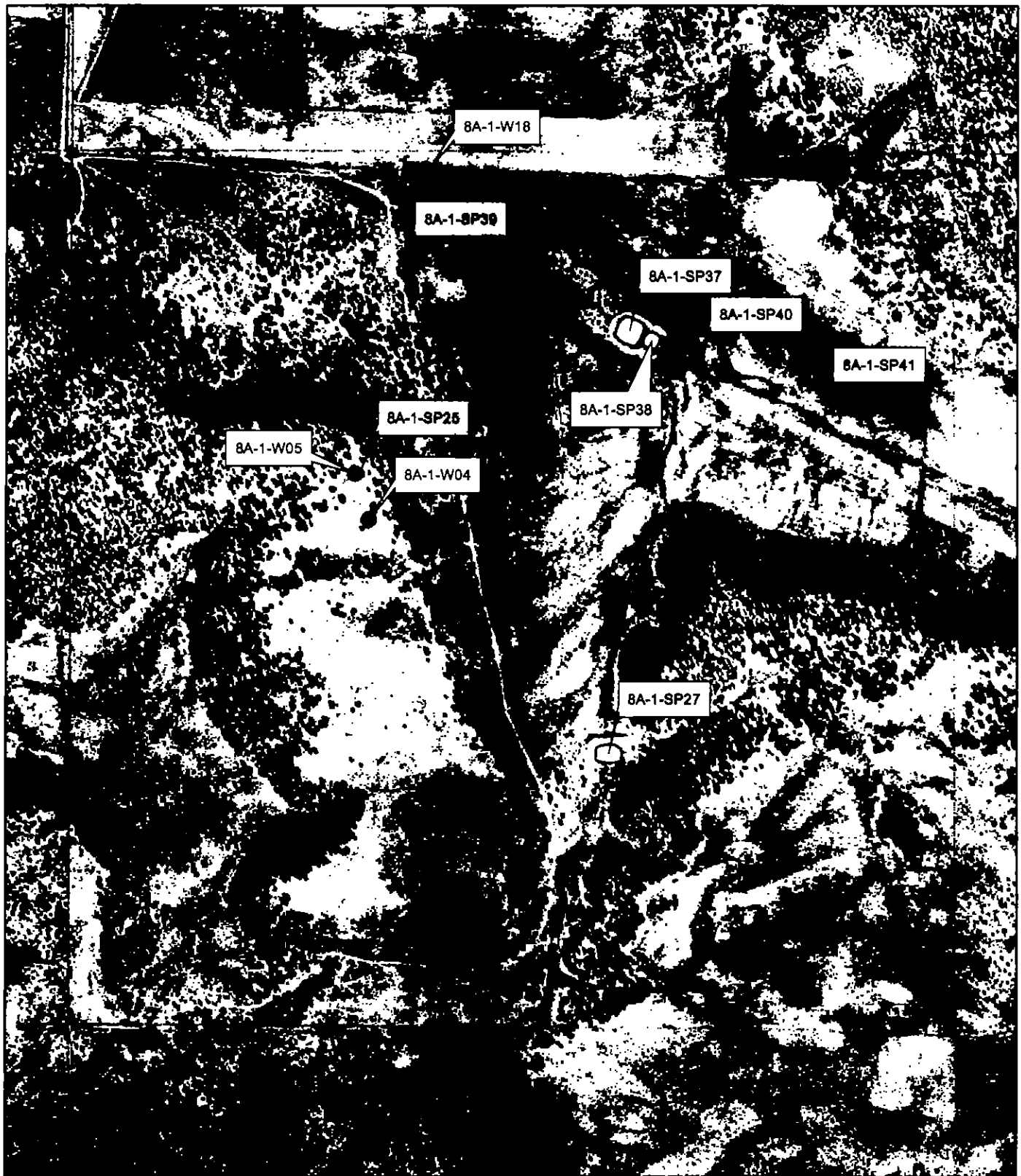
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PLSS: S09, T09N, R14W
Sheet 2 of 6



Natural Resources Consulting Engineers, Inc.

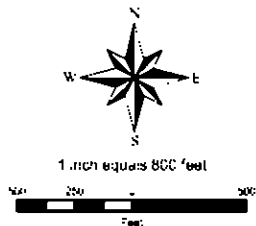
Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.



LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 8
Subfile Number: ZRB-1-0012
PLSS: S17, T09N, R14W
Sheet 3 of 6

December 2005



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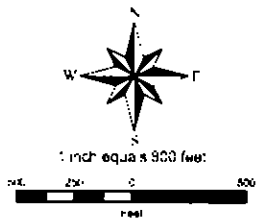
Project Manager: L. Niel Allen, P.E., Ph.D.



December 2005

LEGEND

- Weir
- Town
- Stock Pond
- Sub-Area Boundary
- Section Boundary



Zuni River Basin
Hydrographic Survey

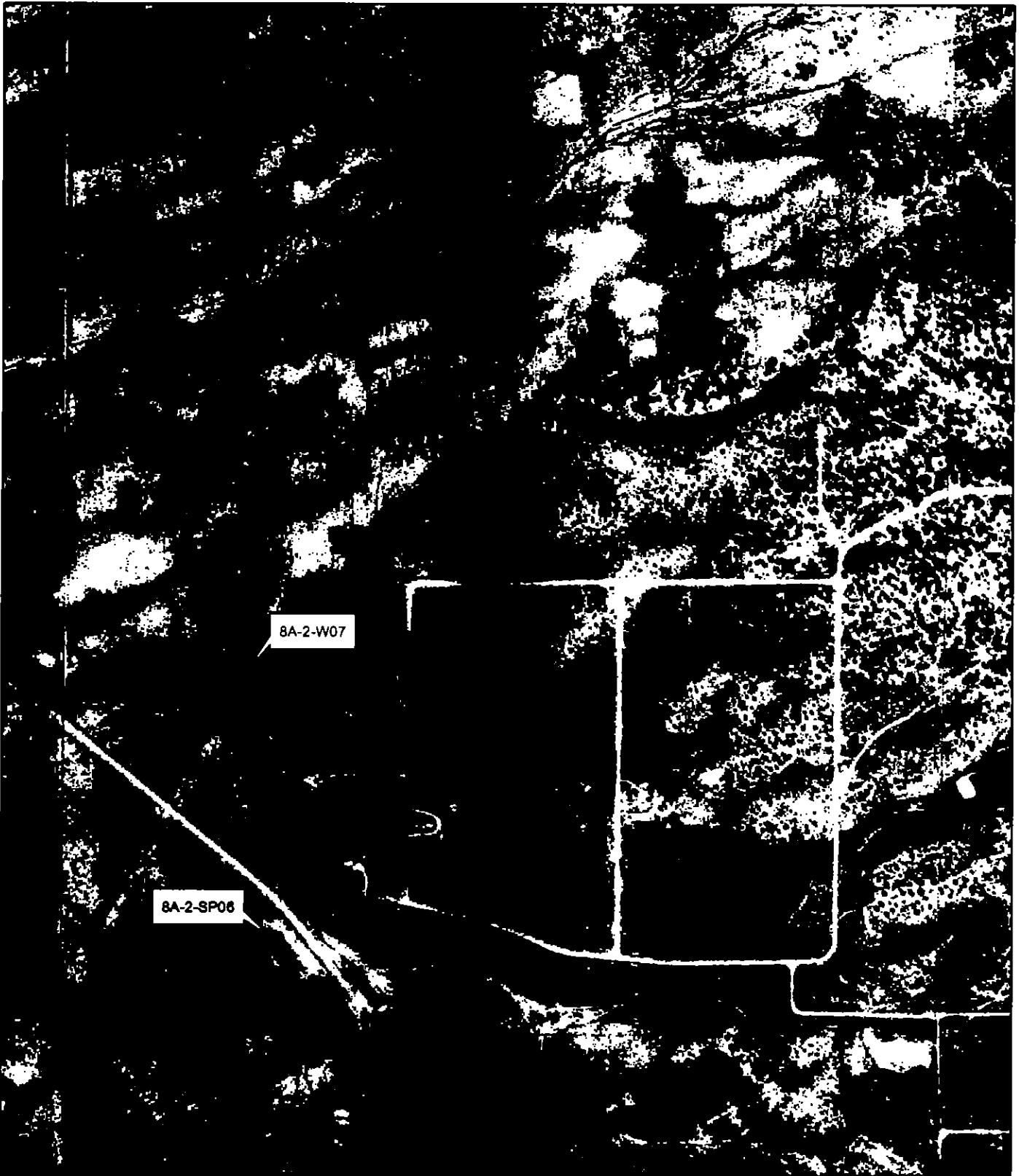
Sub-Area 8
Subfile Number: ZRB-1-0012
PLSS: S19, T09N, R14W
Sheet 4 of 6



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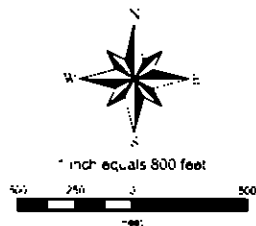
Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.



LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 8
Subfile Number: ZRB-1-0012
PLSS: S29, T09N, R14W
Sheet 5 of 6

December 2005



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Project Manager: L. Niel Allen, P.E., Ph.D.

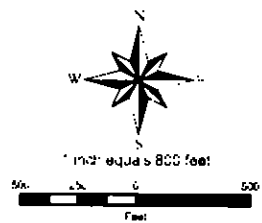


8A-2-W08

8A-2-SP12

LEGEND

- Well
- Town
- Stuck Point
- Sub-Area Boundary
- Sector boundary



Zuni River Basin
Hydrographic Survey

Sub-Area 8
Subfile Number: ZRB-1-0012
PLSS: S31, T09N, R14W
Sheet 6 of 6

December 2005



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