

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

FILED
UNITED STATES DISTRICT COURT
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,

06 JUL 31 PM 3:47

CLERK-ALBUQUERQUE

No. 01cv00072-BB/DWD/ACE

YAKA

Plaintiffs,

ZUNI RIVER BASIN
ADJUDICATION

and

Sub-area 7

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Subfile No: ZRB-3-0029

Plaintiffs in Intervention,

v.

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

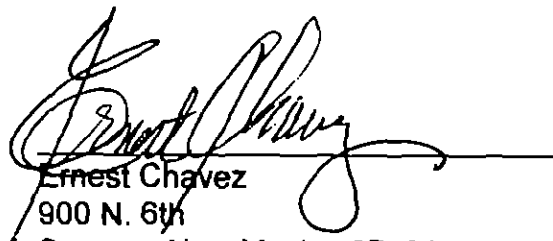
Defendants.

OBJECTION OF ERNEST CHAVEZ TO CONSENT ORDER

Defendant Ernest Chavez objects to Plaintiff's consent offer as follows:

1. With regard to Domestic Well 17A-4-W22 (File Number: G-1568), Defendant objects to Plaintiff's Consent offer for a NMSA 1978, § 72-12-1 well (see memorandum)
2. With regard to Stock Ponds as Map Labeled on proposed consent judgment together with an additional stock pond not located or shown on the survey but shown in its appropriate location on Map as attached hereto, Defendant objects to Plaintiff's priority dates as shown by the proposed Consent Order as it does not adequately represent the correct priority dates.

780

A handwritten signature in black ink, appearing to read 'Ernest Chavez', written over a horizontal line.


Ernest Chavez
900 N. 6th
Socorro, New Mexico 87801
(505) 835-1696

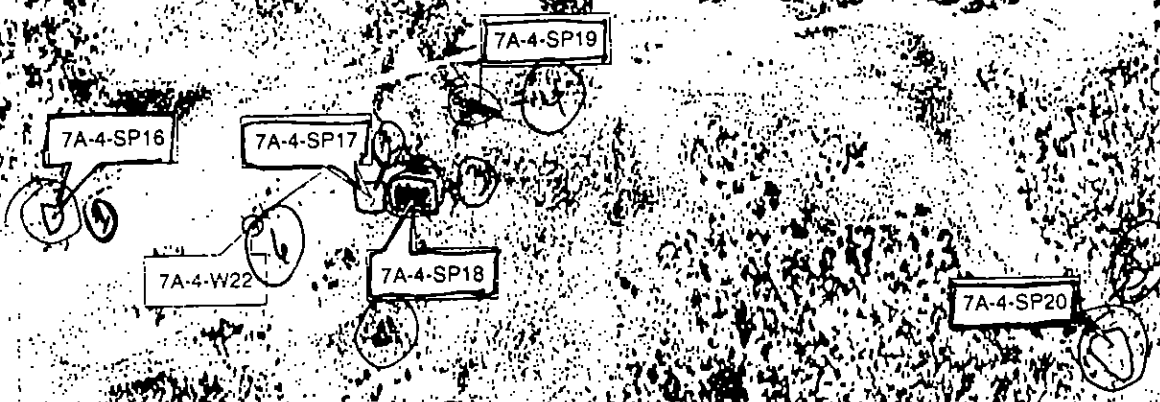
EXHIBIT A

The Defendant objects to Plaintiff's consent offer as follows:

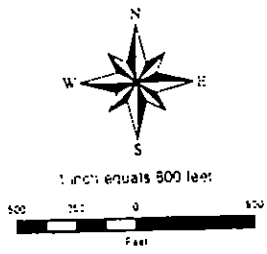
1. With regard to Domestic and Livestock Well identified as 7A-4-222 (File Number: G-1568) on the proposed Consent Order, Defendant objects to Plaintiff's Consent offer for a NMSA 1978, § 72-12-1 well for any amount of water less than three (3) acre feet per year for domestic use and for any amount of water less than three (3) acre feet per year for livestock watering purposes, based upon the existence of a property or vested right for three (3) acre feet per year for each as provided by statute and the rules and regulations of the State Engineer, and/or a property or vested right in a permit allowing the diversion of up to three (3) acre feet per year. The Defendant have used or intend to use up to three (3) acre feet per year for the irrigation of not more than one (1) acre of noncommercial trees, lawn or garden; in household or other domestic uses and /or for livestock purposes. Further, such well is also permitted and utilized as a livestock well.

2. With regard to stock ponds as identified as Map Labeled 7A-4-SP16, 7A-4-S17, 7A-4-SP18, 7A-4-SP19 and 7A-4-SP20 on the proposed Consent offer together with an additional stock pond not located or shown on the survey but shown in its approximate location on map as attached hereto, Defendant objects to Plaintiff's consent offer as to the storage dates for those stock ponds as identified and shown by the proposed Consent Order as the Order does not adequately represent the correct priority dates of pre-1941. Further, such proposed Consent Order does not recognize the existence of an additional stock pond as referenced above with a similar priority date and measuring 220 feet by 180 feet with a depth of 20 feet.

Handwritten note:  - tank
NOT shown



LEGEND
● Well
● Town
□ Stock Pond
- - - Sub-Area Boundary
- - - Section Boundary



Zuni River Basin
Hydrographic Survey

Sub-Area 7
Subfile Number: ZRB-3-0029
PLSS: S06, T07N, R16W
Sheet 1 of 1



Natural Resources Consulting Engineers, Inc.
Fort Collins, CO Oakland, CA Asmara, ERITREA
Project Manager: L. Neil Allen, PE, Ph.D.