

**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,

No. 01cv00072-BB-ACE

Plaintiffs,
and

ZUNI RIVER BASIN
ADJUDICATION

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Sub-areas 1, 2, and 3 excluding
Ramah

Plaintiffs in Intervention,

v.

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

Subfile No: ZRB-4-0161

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:

MAX GARCIA

("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: 2C-2-SP001
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1970
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 9,702

Storage Impoundment Volume (ac-ft): 0.401

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

S. 26 T. 13N R. 17W 1/4, 1/16, 1/64: NE NE SE

X(ft): 2,493,997 **Y(ft):** 1,577,672

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

Dam height (if greater than 9 ft):

POND

Map Label: 2C-2-SP003

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1929

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 147,984

Storage Impoundment Volume (ac-ft): 10.192

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

S. 26 T. 13N R. 17W 1/4, 1/16, 1/64: NE SW SE

X(ft): 2,492,363 **Y(ft):** 1,576,127

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

Dam height (if greater than 9 ft):

POND

Map Label: 2C-2-SP005

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1930
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 7,397
Storage Impoundment Volume (ac-ft): 0.306

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

S. 26 T. 13N R. 17W 1/4, 1/16, 1/64: NE NE NW
X(ft): 2,493,353 **Y(ft):** 1,577,922
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

WELL

Map Label: 2C-2-W002
OSE File No: G 1767
Priority Date: 1/1/1895
Purpose of Use: DOMESTIC & LIVESTOCK

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

S. 26 T. 13N R. 17W 1/4, 1/16, 1/64: NE NE SW
X (ft): 2,493,495 **Y (ft):** 1,577,706
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 1.930 ac-ft per annum;

WELL

Map Label: 2C-2-W003
OSE File No: G 1764

Priority Date: 7/10/1975

Purpose of Use: DOMESTIC & LIVESTOCK

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

S. 26 T. 13N R. 17W 1/4, 1/16, 1/64: NE NE SE

X (ft): 2,493,830 **Y (ft):** 1,577,689

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 1.930 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.

Bruce D Black
BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin
VICKIE L. GABIN
SPECIAL MASTER

ACCEPTED:

Max E. Garcia
MAX GARCIA DATE

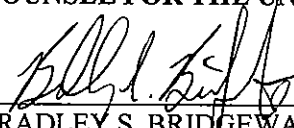
ADDRESS:

707 West Green Street
Gallup, NM 87301

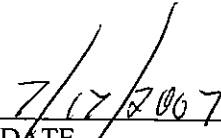
COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

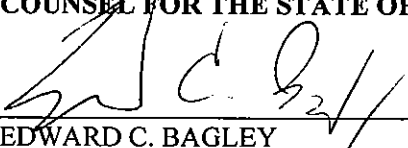


BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294
(303) 844-1359

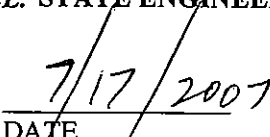


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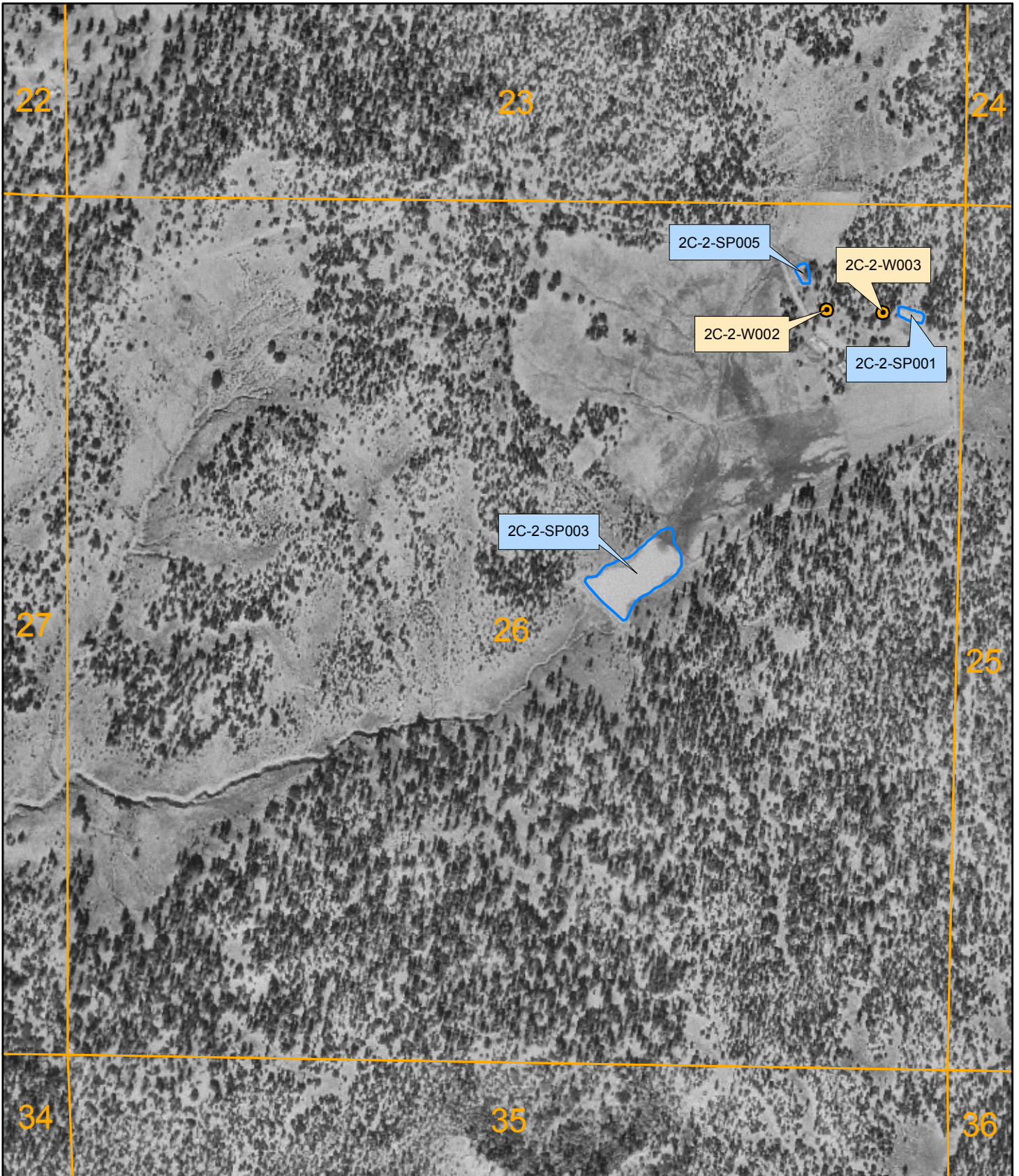
COUNSEL FOR THE STATE OF NEW MEXICO EX REL. STATE ENGINEER:



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






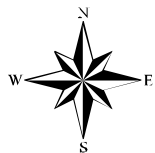
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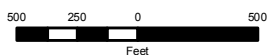
October 2006

LEGEND

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



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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

Sub-Area 2
Subfile Number: ZRB-4-0161
PLSS: S26, T13N, R17W
Sheet 1 of 1