

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-BB

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 9 and 10

Subfile No: ZRB-2-0054

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:

H.C. JOHNSON & BARBARA JOHNSON

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, 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 9 and 10. 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 9 and 10, is as set forth below:

WELL

Map Label: 10A-5-W08

OSE File No: None

Priority Date: 1/1/1981

Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 10A-5

S. 22 T. 05N R. 18W 1/4, 1/16, 1/64: SW SW SW

X (ft): 2,458,086 **Y (ft):** 1,325,364

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7 acre-feet per annum;

WELL

Map Label: 10A-5-W09
OSE File No: None
Priority Date: 1/1/1980
Purpose of Use: DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10A-5
S. 22 T. 05N R. 18W 1/4, 1/16, 1/64: SW SW SW
X (ft): 2,458,150 **Y (ft):** 1,325,262
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 1.148 acre-feet per annum;

WELL

Map Label: 10A-5-W11
OSE File No: None
Priority Date: 1/1/1940
Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10A-5
S. 28 T. 05N R. 18W 1/4, 1/16, 1/64: NW NE NW
X (ft): 2,449,794 **Y (ft):** 1,324,787
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.448

WELL

Map Label: 10A-5-W12
OSE File No: None
Priority Date: 1/1/1960

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10A-5

S. 28 T. 05N R. 18W 1/4, 1/16, 1/64: NE SW SE

X (ft): 2,451,563 **Y (ft):** 1,322,976

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

Amount of Water (ac-ft per annum): 0.448

WELL

Map Label: 10A-5-W13

OSE File No: None

Priority Date: 1/1/1944

Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 10A-5

S. 27 T. 05N R. 18W 1/4, 1/16, 1/64: NE NE NE

X (ft): 2,458,277 **Y (ft):** 1,324,917

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7 acre-feet per annum;

STOCK POND

Map Label: 10A-5-SP13

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1949

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 12,385

Storage Impoundment Volume (ac-ft): 0.341

Pond Location: As shown on Hydrographic Survey Map 10A-5

S. 21 T. 05N R. 18W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,450,233 **Y(ft):** 1,330,357

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10A-5-SP14

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1949

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 28,203

Storage Impoundment Volume (ac-ft): 1.942

Pond Location: As shown on Hydrographic Survey Map 10A-5

S. 22 T. 05N R. 18W 1/4, 1/16, 1/64: NW SW NW

X(ft): 2,453,863 **Y(ft):** 1,328,996

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10A-5-SP15

Purpose of Use: LIVESTOCK
Priority Date: 1/1/1944
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 12,662
Storage Impoundment Volume (ac-ft): 0.349

Pond Location: As shown on Hydrographic Survey Map 10A-5

S. 22 T. 05N R. 18W 1/4, 1/16, 1/64: NW NE NE
X(ft): 2,455,876 **Y(ft):** 1,330,347
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10A-5-SP16
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1949
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 23,353
Storage Impoundment Volume (ac-ft): 1.287

Pond Location: As shown on Hydrographic Survey Map 10A-5

S. 22 T. 05N R. 18W 1/4, 1/16, 1/64: SE NE NW
X(ft): 2,457,796 **Y(ft):** 1,327,158

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10A-5-SP17
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1949
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 5,862
Storage Impoundment Volume (ac-ft): 0.323

Pond Location: As shown on Hydrographic Survey Map 10A-5

S. 22 T. 05N R. 18W 1/4, 1/16, 1/64: SE NE SW

X(ft): 2,457,535 **Y(ft):** 1,326,738

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10A-5-SP19
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1949
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 7.0

Surface Area (sq.ft): 4,035

Storage Impoundment Volume (ac-ft): 0.389

Pond Location: As shown on Hydrographic Survey Map 10A-5

S. 28 T. 05N R. 18W 1/4, 1/16, 1/64: NW SE NE

X(ft): 2,450,552 Y(ft): 1,323,274

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

Dam height (if greater than 9 ft): 10.0

STOCK POND

Map Label: 10A-5-SP20

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1940

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 6.0

Surface Area (sq.ft): 33,479

Storage Impoundment Volume (ac-ft): 2.767

Pond Location: As shown on Hydrographic Survey Map 10A-5

S. 27 T. 05N R. 18W 1/4, 1/16, 1/64: SW NE SE

X(ft): 2,455,453 Y(ft): 1,321,307

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

Dam height (if greater than 9 ft):

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, 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 9 and 10, 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 9 and 10, 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 9 and 10, 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: *H.C. Johnson and Barbara Johnson (H.C. Johnson P.O.A.)*
H.C. JOHNSON & BARBARA JOHNSON _____ DATE _____

ADDRESS: _____

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

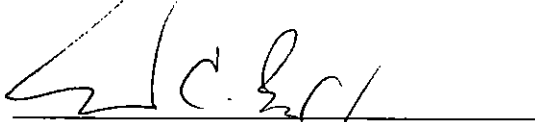
DATE _____

COUNSEL FOR THE UNITED STATES:

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(303) 844-1359

3/13/2008
DATE _____

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



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Santa Fe, NM 87504
(505) 827-6150

3/13/08
DATE