

**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 1, 2, and 3 excluding
Ramah

Subfile No: ZRB-4-0296

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

MARK D. BRINTON FAMILY TRUST, DATED 1998

("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: 3C-4-SP017
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1963
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 8.0
Surface Area (sq.ft): 12,874

Storage Impoundment Volume (ac-ft): 1.421

Pond Location: As shown on Hydrographic Survey Map 3C-4

S. 10 T. 11N R. 15W 1/4, 1/16, 1/64: SW SW SW

X(ft): 2,549,066 **Y(ft):** 1,525,539

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-4-SP018

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1920

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 1,114

Storage Impoundment Volume (ac-ft): 0.077

Pond Location: As shown on Hydrographic Survey Map 3C-4

S. 11 T. 11N R. 15W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,555,908 **Y(ft):** 1,530,567

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-4-SP019

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1920
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 898
Storage Impoundment Volume (ac-ft): 0.050

Pond Location: As shown on Hydrographic Survey Map 3C-4

S. 2 T. 11N R. 15W 1/4, 1/16, 1/64: SW SE SW

X(ft): 2,555,377 **Y(ft):** 1,530,844

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-4-SP020
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1920
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 6.0
Surface Area (sq.ft): 4,902
Storage Impoundment Volume (ac-ft): 0.405

Pond Location: As shown on Hydrographic Survey Map 3C-4

S. 15 T. 11N R. 15W 1/4, 1/16, 1/64: SE SW SE

X(ft): 2,552,526 **Y(ft):** 1,520,332

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-4-SP021
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1920
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 6.0
Surface Area (sq.ft): 13,975
Storage Impoundment Volume (ac-ft): 1.155

Pond Location: As shown on Hydrographic Survey Map 3C-4

S. 14 T. 11N R. 15W 1/4, 1/16, 1/64: SW SW SW

X(ft): 2,554,575 **Y(ft):** 1,520,660

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-4-SP022
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1920
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 10.0

Surface Area (sq.ft): 9,315

Storage Impoundment Volume (ac-ft): 1.286

Pond Location: As shown on Hydrographic Survey Map 3C-4

S. 14 T. 11N R. 15W 1/4, 1/16, 1/64: SW SW SW

X(ft): 2,554,063 **Y(ft):** 1,520,566

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

Dam height (if greater than 9 ft): 10.0

WELL

Map Label: 3C-4-W001

OSE File No: G 0860

Priority Date: 4/8/1998

Purpose of Use: 72-12-1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 3C-4

S. 15 T. 11N R. 15W 1/4, 1/16, 1/64: SE SW SE

X (ft): 2,552,208 **Y (ft):** 1,520,627

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 ac-ft per annum;

WELL

Map Label: 3C-4-W002

OSE File No: G 1361

Priority Date: 4/1/2002

Purpose of Use: 72-12-1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 3C-4

S. 15 T. 11N R. 15W 1/4, 1/16, 1/64: SE SW NW

X (ft): 2,551,651 **Y (ft):** 1,521,137

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 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:

Mark D. Brinton Trustee

MARK D. BRINTON FAMILY TRUST, DATED 1998

3-29-08

DATE

ADDRESS:


P.O. Box 145

Valley Farms, AZ 85291

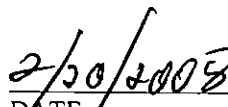
COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

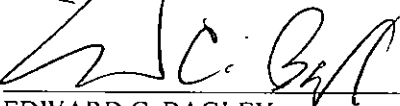


BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294
(303) 844-1359




DATE

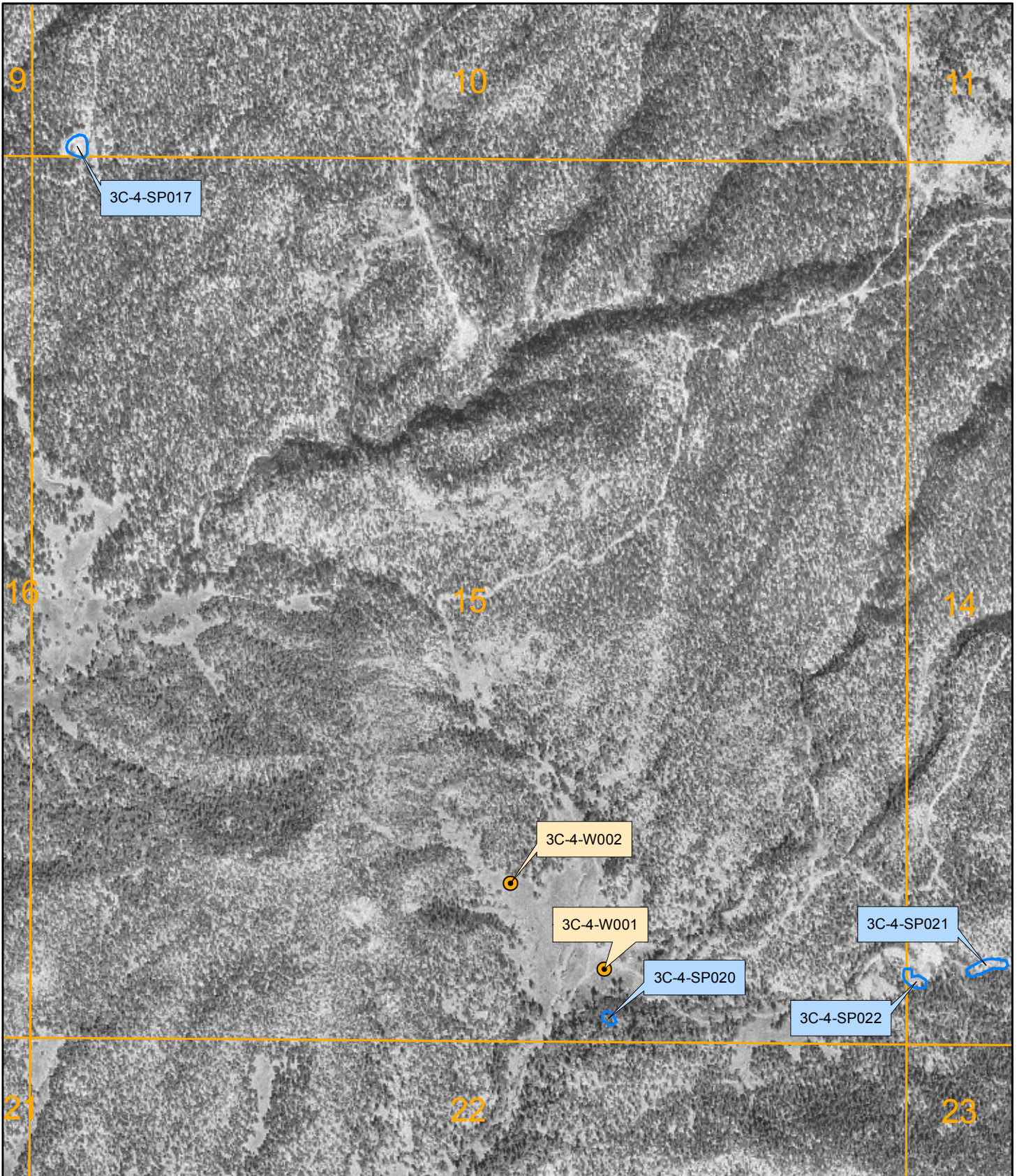
COUNSEL FOR THE STATE OF NEW MEXICO EX REL. STATE ENGINEER:



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




DATE



February 2008

LEGEND

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



1 inch equals 800 feet



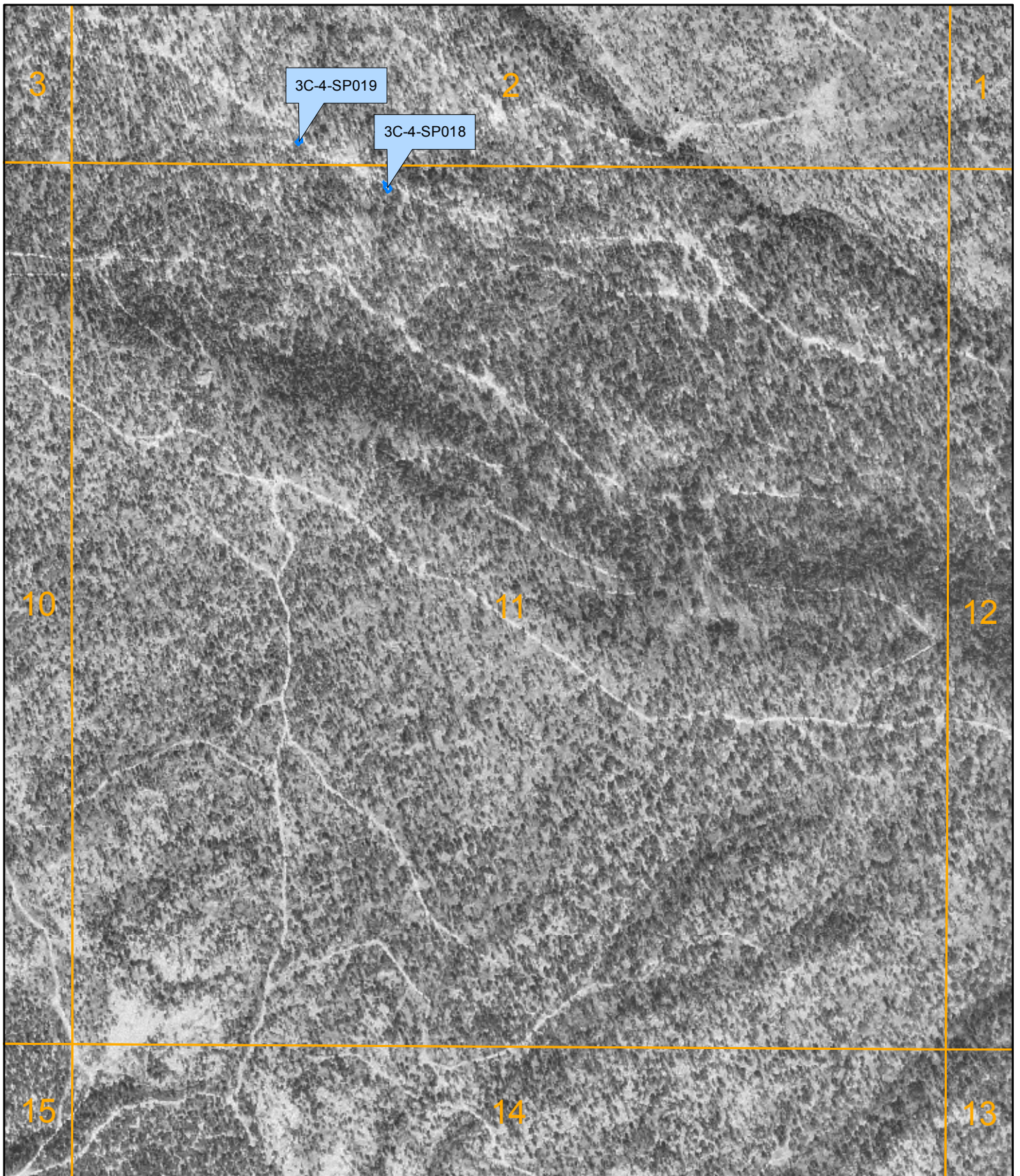
Zuni River Basin
Hydrographic Survey





Sub-Area 3
Subfile Number: ZRB-4-0296
PLSS: S15, T11N, R15W
Sheet 1 of 2

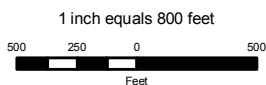
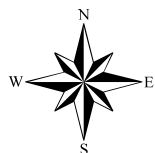
Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA
Project Manager: L. Niel Allen, P.E., Ph.D.



LEGEND

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



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 3
Subfile Number: ZRB-4-0296
PLSS: S11, T11N, R15W
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