

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

UNITED STATES OF AMERICA, and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,
and

ZUNI INDIAN TRIBE, NAVAJO NATION,

Plaintiffs in Intervention,
v.

A & R PRODUCTIONS, et al.,

Defendants.

No. 01cv00072-BB/WDS

ZUNI RIVER BASIN
ADJUDICATION

Subfile No: ZRB-3-0112

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the following Motion for Default Judgment filed by Plaintiffs United States of America (“United States”) and State of New Mexico ex rel. State Engineer (“State”):

April 14, 2008 *Motion for Default Judgment*, Document No.1715

The Court, being fully advised, finds that the Plaintiffs’ motion is well-taken and should be GRANTED. Upon the record, the Court finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. Each defendant named below has been legally served with process or has waived service of summons.
3. Each defendant named below has failed to comply with the applicable procedural and scheduling orders and to appear, answer, or otherwise defend in the

indicated subfile, and is adjudged to be in default.

4. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Subarea 7 (January 2006, as amended), prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of each defendant named herein have been introduced into the record and the same are hereby incorporated as the evidentiary basis of the water rights described in the order.

5. The water rights of each defendant named below in the above-styled and captioned civil action are as follows:

MARTIN L. MYERS & BONNIE I. MYERS

Subfile No: ZRB-3-0112

STOCK POND

Map Label: 7A-2-SP05
Purpose of Use: Livestock
Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 2,879
Storage Impoundment Volume (ac-ft): 0.079

Pond Location: As shown on Hydrographic Survey Map 7A-2

S. 15 T. 09N R. 16W 1/4, 1/16, 1/64: NE NW NE

X(ft): 2,519,872 **Y(ft):** 1,462,665

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7A-2-SP06
Purpose of Use: Livestock
Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 9,368
Storage Impoundment Volume (ac-ft): 0.258

Pond Location: As shown on Hydrographic Survey Map 7A-2

S. 15 T. 09N R. 16W 1/4, 1/16, 1/64: NE NE NE

X(ft): 2,521,054 **Y(ft):** 1,462,448

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7A-2-SP07
Purpose of Use: Livestock
Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 20,024

Storage Impoundment Volume (ac-ft): 1.103

Pond Location: As shown on Hydrographic Survey Map 7A-2

S. 15 T. 09N R. 16W 1/4, 1/16, 1/64: NE NE NE

X(ft): 2,521,421 **Y(ft):** 1,462,751

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7A-2-SP08

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 15,696

Storage Impoundment Volume (ac-ft): 0.649

Pond Location: As shown on Hydrographic Survey Map 7A-2

S. 15 T. 09N R. 16W 1/4, 1/16, 1/64: NE SE SE

X(ft): 2,521,567 **Y(ft):** 1,460,740

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7A-2-SP09

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Well

Point of Diversion: Fills from well 7A-2-W01 (Location X(ft): 2,517,139; Y(ft): 1,459,040);

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 3,548

Storage Impoundment Volume (ac-ft): 0.147

Pond Location: As shown on Hydrographic Survey Map 7A-2

S. 15 T. 09N R. 16W 1/4, 1/16, 1/64: SW NW SE

X(ft): 2,517,204 **Y(ft):** 1,459,010

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7A-2-SP10

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 4,429

Storage Impoundment Volume (ac-ft): 0.122

Pond Location: As shown on Hydrographic Survey Map 7A-2

S. 15 T. 09N R. 16W 1/4, 1/16, 1/64: SW SW NW

X(ft): 2,516,641 Y(ft): 1,458,472

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7A-2-SP11

Purpose of Use: Livestock

Priority Date: 1/1/1972

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 7A-2

S. 15 T. 09N R. 16W 1/4, 1/16, 1/64: SW SE NW

X(ft): 2,518,202 Y(ft): 1,458,490

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

Dam height (if greater than 9 ft):

WELL

Map Label: 7A-2-W01

OSE File No: G 1577

Priority Date: 12/31/1920

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 7A-2
S. 15 T. 09N R. 16W 1/4, 1/16, 1/64: SW NW SE
X (ft): 2,517,139 **Y (ft):** 1,459,040
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water (ac-ft per annum): 0.336

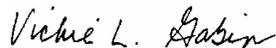
WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the water rights of each defendant named above are as set forth herein, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that each defendant named herein, and his or her successors, representatives, heirs and assigns, are HEREBY ENJOINED from any diversion or use of the waters of the Zuni River Stream System, except in strict accordance with this order or other orders of this Court in this civil action.

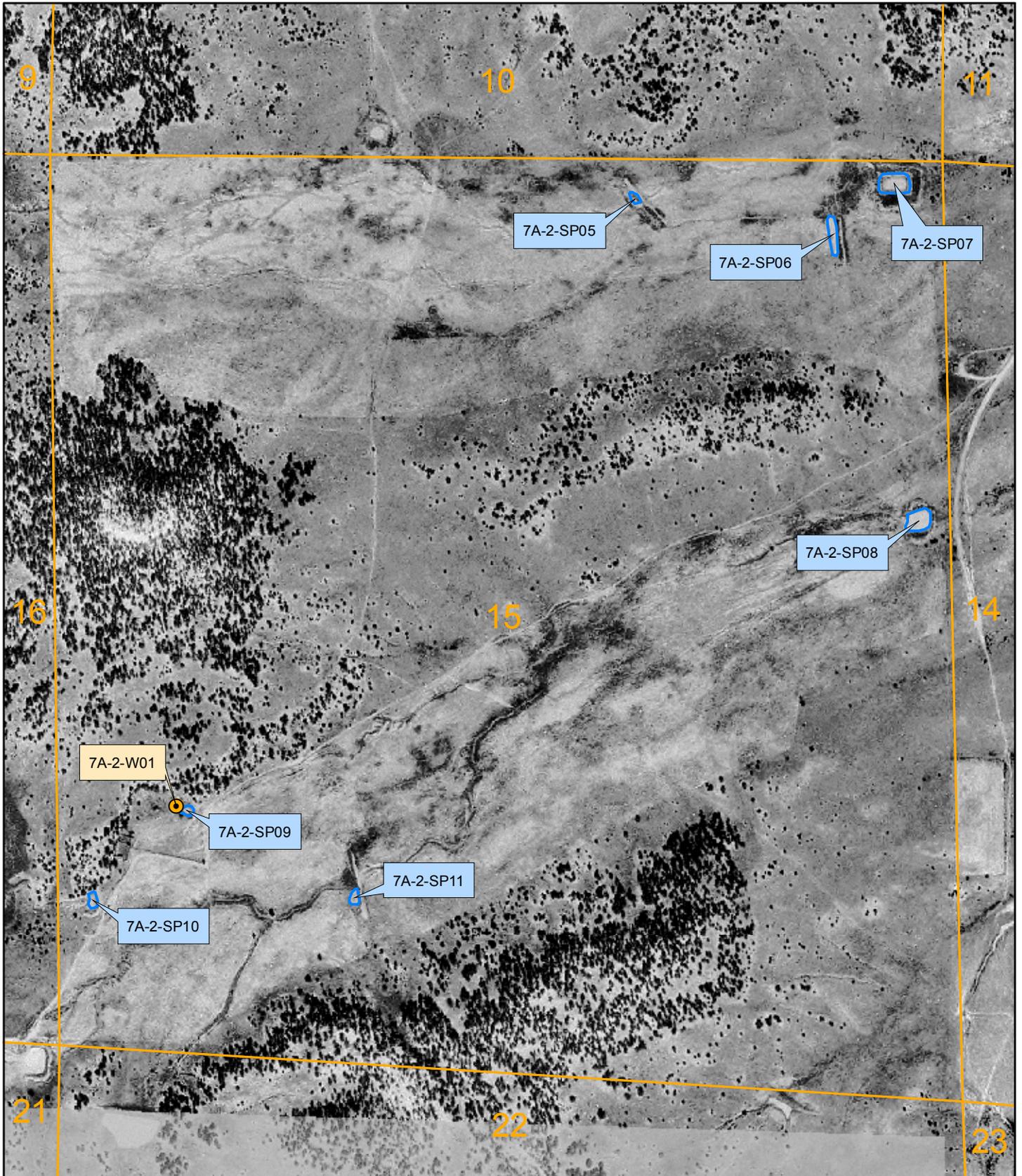


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



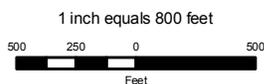
VICKIE L. GABIN
SPECIAL MASTER



March 2006

LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 7
Subfile Number: ZRB-3-0112
PLSS: S15, T09N, R16W
Sheet 1 of 1



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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