

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)	No. 01cv00072 BB/WDS
ZUNI INDIAN TRIBE and NAVAJO NATION,)	
Plaintiffs in Intervention)	
)	
)	ZUNI RIVER BASIN
v.)	ADJUDICATION
)	
A & R PRODUCTIONS, et al.,)	

ORDER GRANTING MOTION TO DEFINE TEMPORAL SCOPE
OF ADJUDICATION AND CLARIFYING EFFECT OF CONSENT ORDERS

THIS MATTER is before the Court upon the Plaintiff United States of America's November 14, 2008, Motion For An Order (1) Defining the Temporal Scope of This Adjudication and (2) Clarifying the Effect of Consent Orders Entered Herein (Doc. No. 1957). No responses to the Motion have been filed. Upon consideration of the United States' Motion, and for good cause shown, the Court finds that the Motion is well-taken should be GRANTED. Accordingly,

IT IS HEREBY ORDERED that the scope of this adjudication is to determine the elements of surface water and groundwater rights of the Zuni River Stream System having priority dates senior to the date of the entry of this Order. Applicable law may allow defendants and non-parties to establish rights to use water in the Zuni River Stream System that are junior to the date of this Order, but such rights shall not be adjudicated in this civil action.

IT IS FURTHER ORDERED that the terms of all subfile consent orders, default orders or decrees approved by the Court herein shall be construed so as not to prohibit the defendants named in such orders or decrees, or the successors, representatives, heirs and assigns of such named

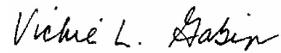
defendants, from exercising any rights under applicable law to establish rights to use water in the Zuni River Stream System that are junior to the date of this Order.

IT IS FURTHER ORDERED that this Order shall not be construed to prejudice the ability of any party to seek protection of a senior water right against junior appropriations.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for entry:



VICKIE L. GABIN
SPECIAL MASTER