

**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-4-0333

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

RAMAH LAND & CATTLE CO., INC.

("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-SP003
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 7.0
Surface Area (sq.ft): 21,075

Storage Impoundment Volume (ac-ft): 2.032

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

S. 23 T. 11N R. 15W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,556,310 **Y(ft):** 1,519,795

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-4-SP013

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1961

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 42,767

Storage Impoundment Volume (ac-ft): 0.589

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

S. 21 T. 11N R. 15W 1/4, 1/16, 1/64: NW NW NW

X(ft): 2,543,642 **Y(ft):** 1,520,033

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP013

Purpose of Use: LIVESTOCK

Priority Date: 1/1/2002
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 8.0
Surface Area (sq.ft): 24,844
Storage Impoundment Volume (ac-ft): 2.738

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 26 T. 11N R. 15W 1/4, 1/16, 1/64: NW SW NE
X(ft): 2,554,992 **Y(ft):** 1,513,260
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP014
Purpose of Use: LIVESTOCK
Priority Date: 1/1/2002
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 13,237
Storage Impoundment Volume (ac-ft): 0.912

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 26 T. 11N R. 15W 1/4, 1/16, 1/64: SW NW SE
X(ft): 2,554,731 **Y(ft):** 1,511,162

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP015
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1975
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 8.0
Surface Area (sq.ft): 24,827
Storage Impoundment Volume (ac-ft): 2.736

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 26 T. 11N R. 15W 1/4, 1/16, 1/64: SE NE NE

X(ft): 2,558,826 **Y(ft):** 1,511,627

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP016
Purpose of Use: LIVESTOCK
Priority Date: 1/1/2002
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 10.0
Surface Area (sq.ft): 10,688
Storage Impoundment Volume (ac-ft): 1.472

Pond Location: As shown on Hydrographic Survey Map 3C-5
S. 25 T. 11N R. 15W 1/4, 1/16, 1/64: SE SE SW
X(ft): 2,563,168 **Y(ft):** 1,509,618
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP017
Purpose of Use: LIVESTOCK
Priority Date: 1/1/2002
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:
Depth (ft): 3.0
Surface Area (sq.ft): 461
Storage Impoundment Volume (ac-ft): 0.019

Pond Location: As shown on Hydrographic Survey Map 3C-5
S. 25 T. 11N R. 15W 1/4, 1/16, 1/64: SE SE SW
X(ft): 2,563,669 **Y(ft):** 1,510,150
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP018

Purpose of Use: LIVESTOCK
Priority Date: 1/1/2002
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 23,558
Storage Impoundment Volume (ac-ft): 1.622

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 25 T. 11N R. 15W 1/4, 1/16, 1/64: SE NE NE

X(ft): 2,564,300 **Y(ft):** 1,512,026

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP019
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 70,700
Storage Impoundment Volume (ac-ft): 3.895

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 34 T. 11N R. 15W 1/4, 1/16, 1/64: SE SE NW

X(ft): 2,552,799 **Y(ft):** 1,505,101

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP020
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 33,277
Storage Impoundment Volume (ac-ft): 2.292

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 35 T. 11N R. 15W 1/4, 1/16, 1/64: NW SE SW

X(ft): 2,555,230 **Y(ft):** 1,507,051

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP021
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 36,160

Storage Impoundment Volume (ac-ft): 1.992

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 35 T. 11N R. 15W 1/4, 1/16, 1/64: NW SW SE

X(ft): 2,555,044 Y(ft): 1,507,296

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP022

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1998

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 8.0

Surface Area (sq.ft): 9,181

Storage Impoundment Volume (ac-ft): 1.012

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 27 T. 11N R. 15W 1/4, 1/16, 1/64: NE SW SE

X(ft): 2,552,170 Y(ft): 1,512,557

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP023
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1998
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 29,981
Storage Impoundment Volume (ac-ft): 1.652

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 35 T. 11N R. 15W 1/4, 1/16, 1/64: SW NE SE
X(ft): 2,555,871 **Y(ft):** 1,506,227
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP024
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Well
Point of Diversion: Fills from well 3C-5-W010 (Location X(ft): 2,563,184; Y(ft): 1,501,035);

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 1,506
Storage Impoundment Volume (ac-ft): 0.041

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 1 T. 10N R. 15W 1/4, 1/16, 1/64: SE NE NW

X(ft): 2,563,156 Y(ft): 1,501,026

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP025
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 4,433

Storage Impoundment Volume (ac-ft): 0.183

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 2 T. 10N R. 15W 1/4, 1/16, 1/64: NW NW NE

X(ft): 2,554,701 Y(ft): 1,504,151

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP029
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 3,381

Storage Impoundment Volume (ac-ft): 0.047

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 3 T. 10N R. 15W 1/4, 1/16, 1/64: NW NE SW

X(ft): 2,550,049 Y(ft): 1,503,306

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP030

Purpose of Use: LIVESTOCK

Priority Date: 10/6/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 41,076

Storage Impoundment Volume (ac-ft): 0.849

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 3 T. 10N R. 15W 1/4, 1/16, 1/64: NW NE SE

X(ft): 2,550,990 Y(ft): 1,503,030

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP031
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 62,421
Storage Impoundment Volume (ac-ft): 2.579

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 28 T. 11N R. 15W 1/4, 1/16, 1/64: NW NE SW

X(ft): 2,545,101 **Y(ft):** 1,513,703

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP054
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 15,153
Storage Impoundment Volume (ac-ft): 1.044

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 21 T. 10N R. 15W 1/4, 1/16, 1/64: NW SW NW

X(ft): 2,543,458 **Y(ft):** 1,486,935

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3C-4-W012

OSE File No: None

Priority Date: 3/13/1991

Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

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

S. 21 T. 11N R. 15W 1/4, 1/16, 1/64: SW SW SW

X (ft): 2,543,561 **Y (ft):** 1,515,474

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

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

WELL

Map Label: 3C-5-W008

OSE File No: G 0674/G 1827

Priority Date: 5/16/1996

Purpose of Use: 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 3C-5

S. 27 T. 11N R. 15W 1/4, 1/16, 1/64: NW NW NE

X (ft): 2,549,699 **Y (ft):** 1,514,753

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

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

WELL

Map Label: 3C-5-W009
OSE File No: G 1829/G 0647
Priority Date: 12/31/1971
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING
Well Location: As shown on Hydrographic Survey Map 3C-5
S. 26 T. 11N R. 15W 1/4, 1/16, 1/64: SW SE SW
X (ft): 2,555,904 **Y (ft):** 1,509,769
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.807

WELL

Map Label: 3C-5-W010
OSE File No: G 0649
Priority Date: 12/31/1975
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING
Well Location: As shown on Hydrographic Survey Map 3C-5
S. 1 T. 10N R. 15W 1/4, 1/16, 1/64: SE NE NW
X (ft): 2,563,184 **Y (ft):** 1,501,035
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.807

WELL

Map Label: 3C-5-W053
OSE File No: G 2100/G 0648

Priority Date: 10/31/1965

Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 3C-5

S. 33 T. 11N R. 15W 1/4, 1/16, 1/64: SE SW NE

X (ft): 2,546,683 **Y (ft):** 1,505,712

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

Amount of Water (ac-ft per annum): 0.807

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:

Olivia C. Clausen, Sec. *5-14-09*
RAMAH LAND & CATTLE CO., INC. DATE

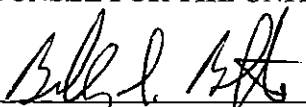
ADDRESS:

PO Box 608
Ramah, NM 87321

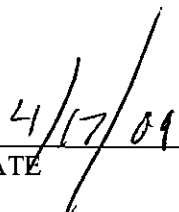
COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

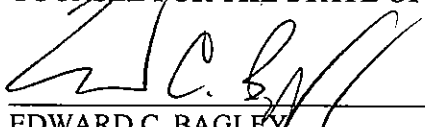


BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294
(303) 844-1359

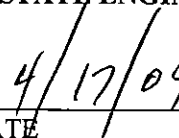


DATE

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