

**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/MDS

ZUNI RIVER BASIN
ADJUDICATION

Subfile No: ZRB-3-0092

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”):

September 4, 2009 *Motion for Default Judgment*, Document No.2418

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:

DARLA NICOLL

Subfile No: ZRB-3-0092

STOCK POND

Map Label: 7A-2-SP12
Purpose of Use: Livestock
Priority Date: 10/6/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 22,141
Storage Impoundment Volume (ac-ft): 1.220

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

S. 21 T. 09N R. 16W 1/4, 1/16, 1/64: NE NE NE

X(ft): 2,516,286 Y(ft): 1,457,508

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

Dam height (if greater than 9 ft):

WELL

Map Label: 7A-2-W02

OSE File No: None

Priority Date: 12/31/1955

Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK

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

S. 21 T. 09N R. 16W 1/4, 1/16, 1/64: NW SE NW

X (ft): 2,512,731 **Y (ft):** 1,455,858

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 1.058 acre-feet per annum;

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.

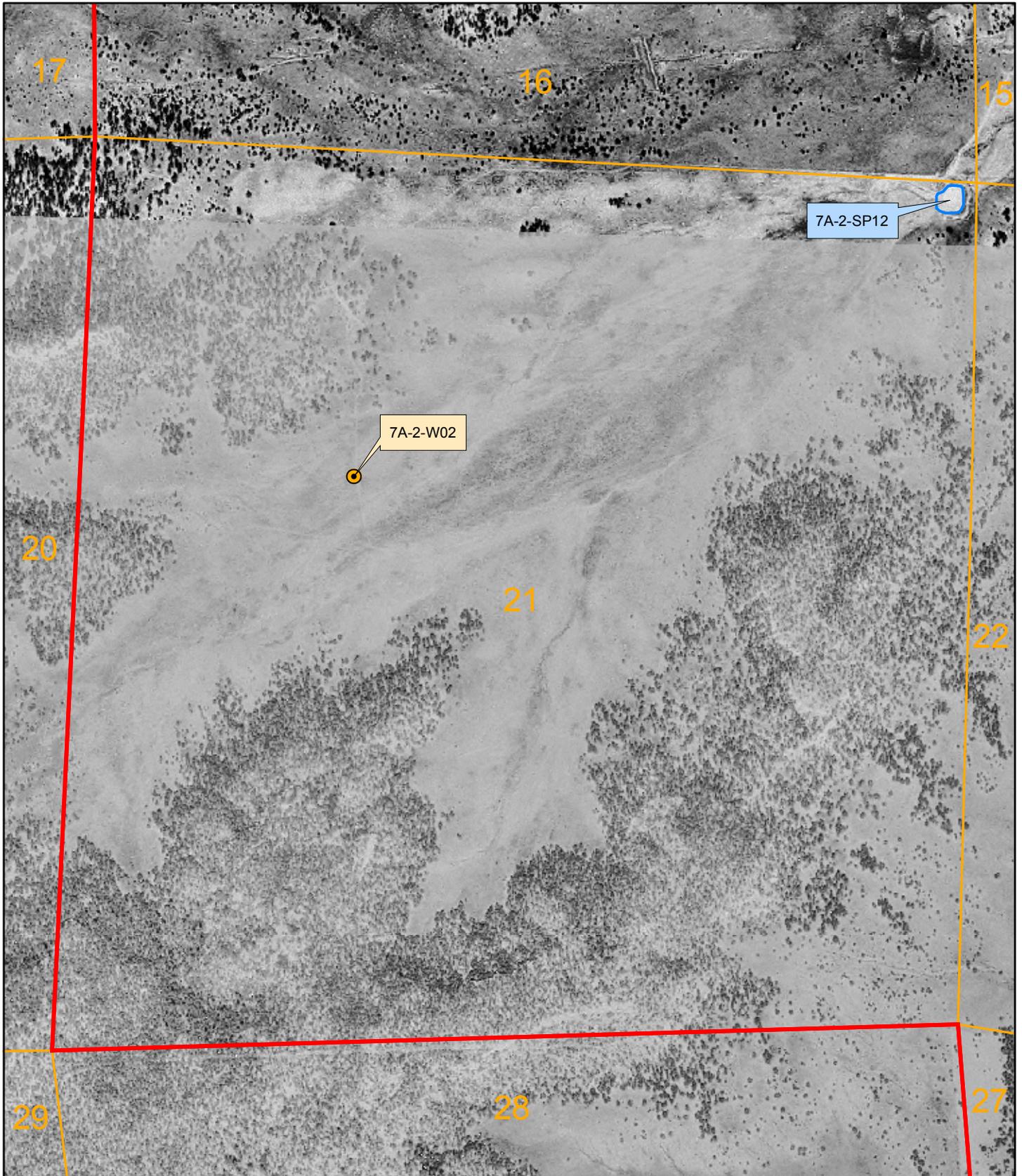


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin

VICKIE L. GABIN
SPECIAL MASTER



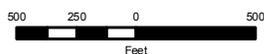
March 2006

LEGEND

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



1 inch equals 800 feet



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 7
Subfile Number: ZRB-3-0092
PLSS: S21, T09N, R16W
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