

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,

No. 01cv00072-BB

Plaintiffs,

ZUNI RIVER BASIN
ADJUDICATION

and

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Sub-areas 1, 2, and 3 excluding
Ramah

Plaintiffs in Intervention,

v.

Subfile No. ZRB-4-0411

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,
and
A & R PRODUCTIONS, et al.,

Defendants.

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 ("State"), and:

JOANN STRICKLAND AND SALLY LEE CARVER, TRUSTEES UNDER THE
J.E. WILLCOX, JR. AND WINNIE MAE WILLCOX REVOCABLE TRUST

("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-5-SP033
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): 20,425

Storage Impoundment Volume (ac-ft): 0.281

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

S. 12 T. 10N R. 15W 1/4, 1/16, 1/64: SW NW NW

X(ft): 2,559,540 Y(ft): 1,496,206

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP034

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1978

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 50,206

Storage Impoundment Volume (ac-ft): 1.383

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

S. 12 T. 10N R. 15W 1/4, 1/16, 1/64: SW NE SE

X(ft): 2,561,553 Y(ft): 1,495,494

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP035

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1978
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 56,734
Storage Impoundment Volume (ac-ft): 1.563

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

S. 12 T. 10N R. 15W 1/4, 1/16, 1/64: SE NW NE
X(ft): 2,562,903 **Y(ft):** 1,496,123
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP036
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1978
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 27,732
Storage Impoundment Volume (ac-ft): 0.764

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

S. 12 T. 10N R. 15W 1/4, 1/16, 1/64: SE NE NE
X(ft): 2,564,243 **Y(ft):** 1,495,739

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP038
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): 5,731
Storage Impoundment Volume (ac-ft): 0.079

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

S. 12 T. 10N R. 15W 1/4, 1/16, 1/64: NW SW SW

X(ft): 2,559,812 **Y(ft):** 1,496,918

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP063
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Well
Point of Diversion: Fills from well 3C-6-W012 (Location X(ft): 2,558,732; Y(ft): 1,490,639);

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 5,928

Storage Impoundment Volume (ac-ft): 0.082

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

S. 14 T. 10N R. 15W 1/4, 1/16, 1/64: SE NE NE

X(ft): 2,558,768 **Y(ft):** 1,490,696

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP064

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): 10,709

Storage Impoundment Volume (ac-ft): 0.148

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

S. 14 T. 10N R. 15W 1/4, 1/16, 1/64: NW NE SW

X(ft): 2,555,644 **Y(ft):** 1,492,880

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP065

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): 6,905
Storage Impoundment Volume (ac-ft): 0.095

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

S. 14 T. 10N R. 15W 1/4, 1/16, 1/64: NW NE NW

X(ft): 2,555,603 **Y(ft):** 1,493,452

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP066
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): 6,155
Storage Impoundment Volume (ac-ft): 0.085

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

S. 14 T. 10N R. 15W 1/4, 1/16, 1/64: NW SE NW

X(ft): 2,555,699 **Y(ft):** 1,492,278

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP067

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): 2,430

Storage Impoundment Volume (ac-ft): 0.033

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

S. 14 T. 10N R. 15W 1/4, 1/16, 1/64: NW SE NW

X(ft): 2,555,707 **Y(ft):** 1,492,118

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP068

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): 8,177

Storage Impoundment Volume (ac-ft): 0.113

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

S. 14 T. 10N R. 15W 1/4, 1/16, 1/64: NW SE SW

X(ft): 2,555,685 Y(ft): 1,491,726

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3C-5-W054

OSE File No: G 01806

Priority Date: 12/31/1920

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

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

S. 12 T. 10N R. 15W 1/4, 1/16, 1/64: NE NW SW

X (ft): 2,562,402 Y (ft): 1,497,755

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

Amount of Water: Historical beneficial use not to exceed 4.0 ac-ft per annum

WELL

Map Label: 3C-6-W012

OSE File No: G 01812

Priority Date: 12/31/1929

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

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

S. 14 T. 10N R. 15W 1/4, 1/16, 1/64: SE NE NE

X (ft): 2,558,732 Y (ft): 1,490,639

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

Amount of Water: Historical beneficial use not to exceed 3.4 ac-ft per annum

WELL

Map Label: 3C-6-W013

OSE File No: G 01808

Priority Date: 12/31/1935

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

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

S. 14 T. 10N R. 15W 1/4, 1/16, 1/64: NE SW NE

X (ft): 2,557,170 Y (ft): 1,492,070

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

Amount of Water: Historical beneficial use not to exceed 3.5 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

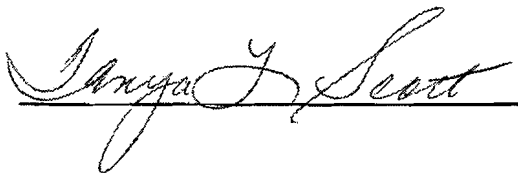
ACCEPTED: *Jo Ann Strickland*
Sally Lee Carver
JOANN STRICKLAND AND SALLY LEE CARVER,
TRUSTEES UNDER THE J.E. WILLCOX, Jr. AND
WINNIE MAE WILLCOX REVOCABLE TRUST

1-25-2011
DATE

ADDRESS: *P.O. Box 2970*
Milan, NM 87021

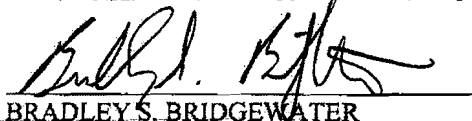
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COUNSEL FOR THE DEFENDANT (IF REPRESENTED):



1-26-12
DATE

COUNSEL FOR THE UNITED STATES:



1/23/2012
DATE

BRADLEY S. BRIDGEWATER

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

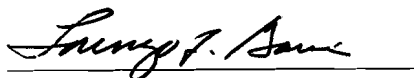


1/23/2012
DATE

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(505) 827-6150

Approved:



Lorenzo F. Garcia
United States Magistrate Judge