

**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-MV/LFG

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 4 and 8

Subfile No. ZRB-1-0010

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:

ROSS BOEHM & SIMMIE BOEHM

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, 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 4 and 8. 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 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 4 and 8, is as set forth below:

STOCK POND

Map Label: 4A-4-SP16
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft) 2.0
Surface Area (sq.ft): 16,308
Storage Impoundment Volume (ac-ft): 0.449

Pond Location: As shown on Hydrographic Survey Map 4A-4

S. 19 T. 10N R. 14W 1/4, 1/16, 1/64 NE SW NW

X(ft) 2,567,065 Y(ft): 1,486,975

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

Dam height (if greater than 9 ft)

WELL

Map Label: 4A-4-W05

OSE File No: G 01873

Priority Date: 4/15/1982

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

Well Location: As shown on Hydrographic Survey Map 4A-4

S. 19 T. 10N R. 14W 1/4, 1/16, 1/64: SE NE NE

X (ft): 2,569,039 Y (ft): 1,485,557

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

Amount of Water: 0.582 ac-ft per annum

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, 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 4 and 8, 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 4 and 8, 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 4 and 8, 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.



MARTHA VALQUEZ
UNITED STATES DISTRICT JUDGE

Approved:



LORENZO F. GARCIA
UNITED STATES MAGISTRATE JUDGE

ACCEPTED: Ross Boehm Oct. 13, 2013
 ROSS BOEHM DATE
Simmie Boehm Oct. 13, 2013
 SIMMIE BOEHM DATE

ADDRESS: 5428 Home Ct
Carmichael, CA 95608

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

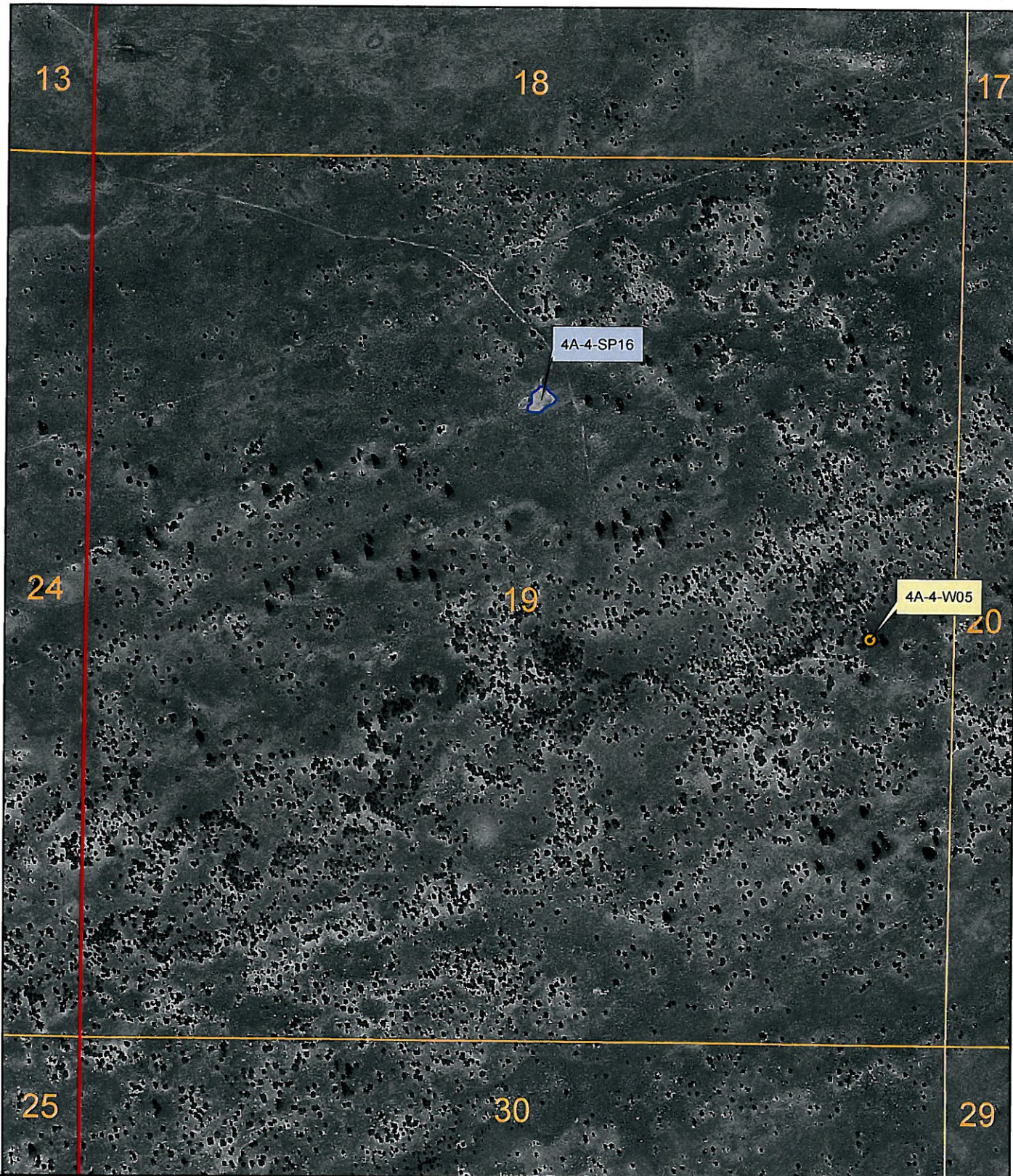
 DATE

COUNSEL FOR THE UNITED STATES:






Bradley S. Bridgewater 4/26/2013
 BRADLEY S. BRIDGEWATER DATE
 U.S. Department of Justice
 South Terrace, Suite 370
 999 18th Street
 Denver, CO 80202
 (303) 844-1359

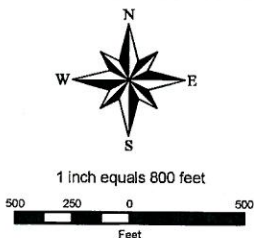
COUNSEL FOR THE STATE OF NEW MEXICO EX REL. STATE ENGINEER:

Edward C. Bagley 4/26/2013
 EDWARD C. BAGLEY DATE
 Special Assistant Attorney General
 Office of the State Engineer
 P.O. Box 25102
 Santa Fe, NM 87504
 (505) 827-6150



LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 4
Subfile Number: ZRB-1-0010
PLSS: S19, T10N, R14W
Sheet 1 of 1

January 2005



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA