

**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/WPL

ZUNI RIVER BASIN
ADJUDICATION

Sub-area Ramah

Subfile No. ZRB-5-0051

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:

ROBERT E. MERRILL & LAVERNE B. MERRILL

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-area 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-area 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-area Ramah, is as set forth below:

STOCK POND

Map Label: 3B-5-SP018
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): 4,764
Storage Impoundment Volume (ac-ft): 0.262

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

S. 2 T. 10N R. 16W 1/4, 1/16, 1/64 NE SW SW

X(ft) 2,525,511 Y(ft): 1,501,926

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

Dam height (if greater than 9 ft) 0.0

WELL

Map Label: 3B-5-W014

OSE File No: G 01375

Priority Date: 2/17/2004

Purpose of Use: 72-12-1 DOMESTIC ONE HOUSEHOLD

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

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

X (ft) 2,525,397 Y (ft): 1,505,579

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

Amount of Water: Historical beneficial use not to exceed 0.7 ac-ft per annum

WELL

Map Label: 3B-5-W015

OSE File No: G 01716

Priority Date: 12/31/1963

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

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

S. 2 T. 10N R. 16W 1/4, 1/16, 1/64 NE SW SE

X (ft) 2,525,632 Y (ft): 1,501,912

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

Amount of Water: 1.000 ac-ft per annum

WELL

Map Label: 3B-5-W120

OSE File No: G 01390

Priority Date: 1/1/1986

Purpose of Use: NO RIGHT

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

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

X (ft) 2,525,448 Y (ft): 1,502,558

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

Amount of Water: 0.0 ac-ft per annum

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

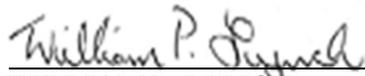
IT IS THEREFORE ORDERED that the right(s) of the Defendant to divert and use the public waters of the Zuni River Stream System, Sub-area Ramah, are adjudicated as set forth herein, as between the United States, the State, and the Defendant. The

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-area 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.



MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:



WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE

ACCEPTED:

Robert E. Merrill 6-26-15
ROBERT E. MERRILL DATE

Laverne B. Merrill 6-26-15
LAVERNE B. MERRILL DATE

ADDRESS:

Box 524
Ramah, N.M. 87321

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

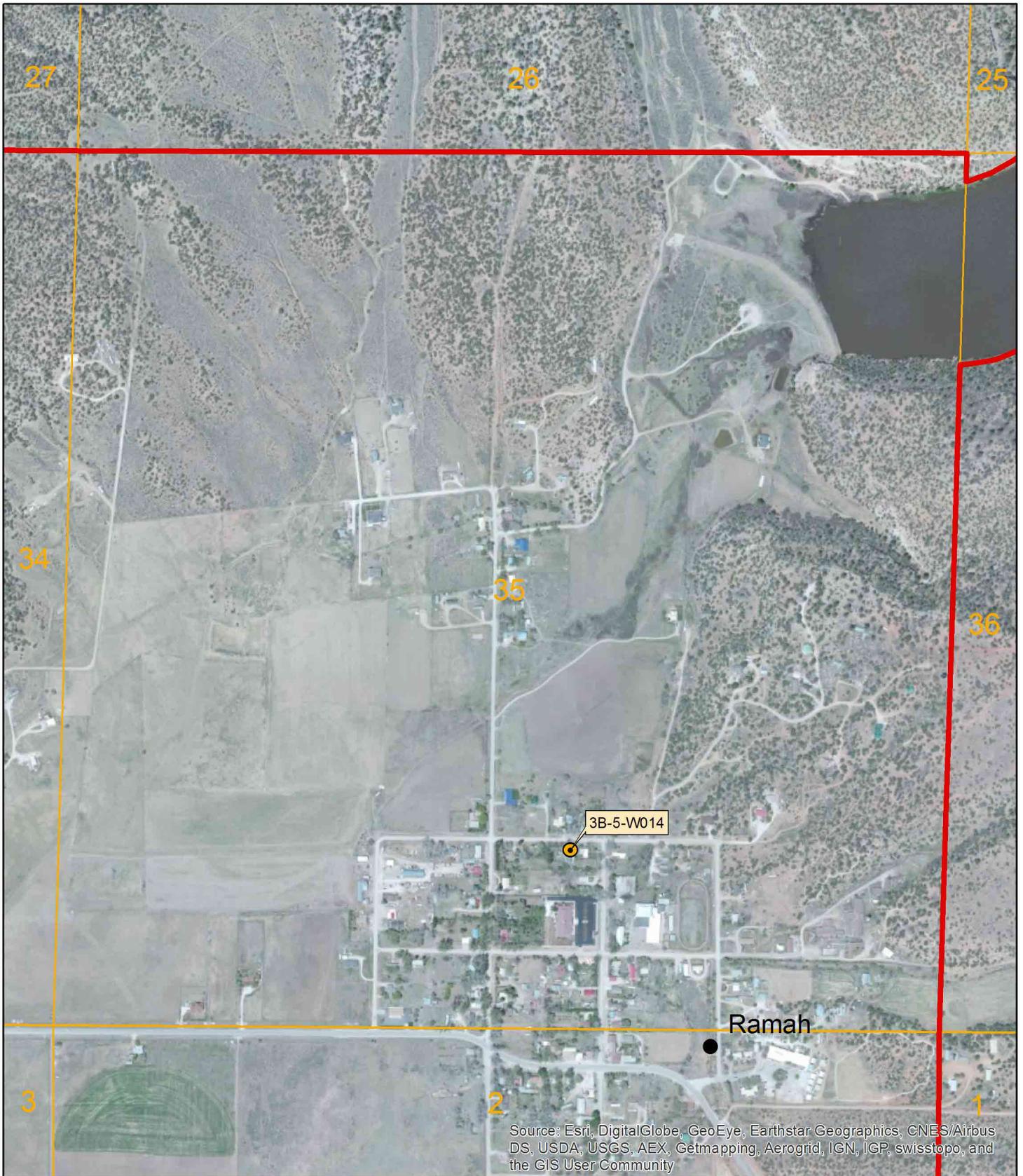
Andrew "Guss" Guarino for
ANDREW "GUSS" GUARINO
U.S. Department of Justice
South Terrace, Suite 370
999 18th Street
Denver, CO 80202
(303) 844-1343

7/17/2015
DATE

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

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(505) 827-6150

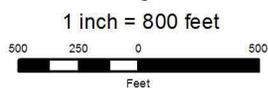
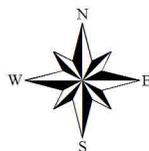
7/17/2015
DATE



June 2015

LEGEND

- Town
- ⦿ Well
- ▭ Section Boundary
- ▭ Sub-Area Boundary



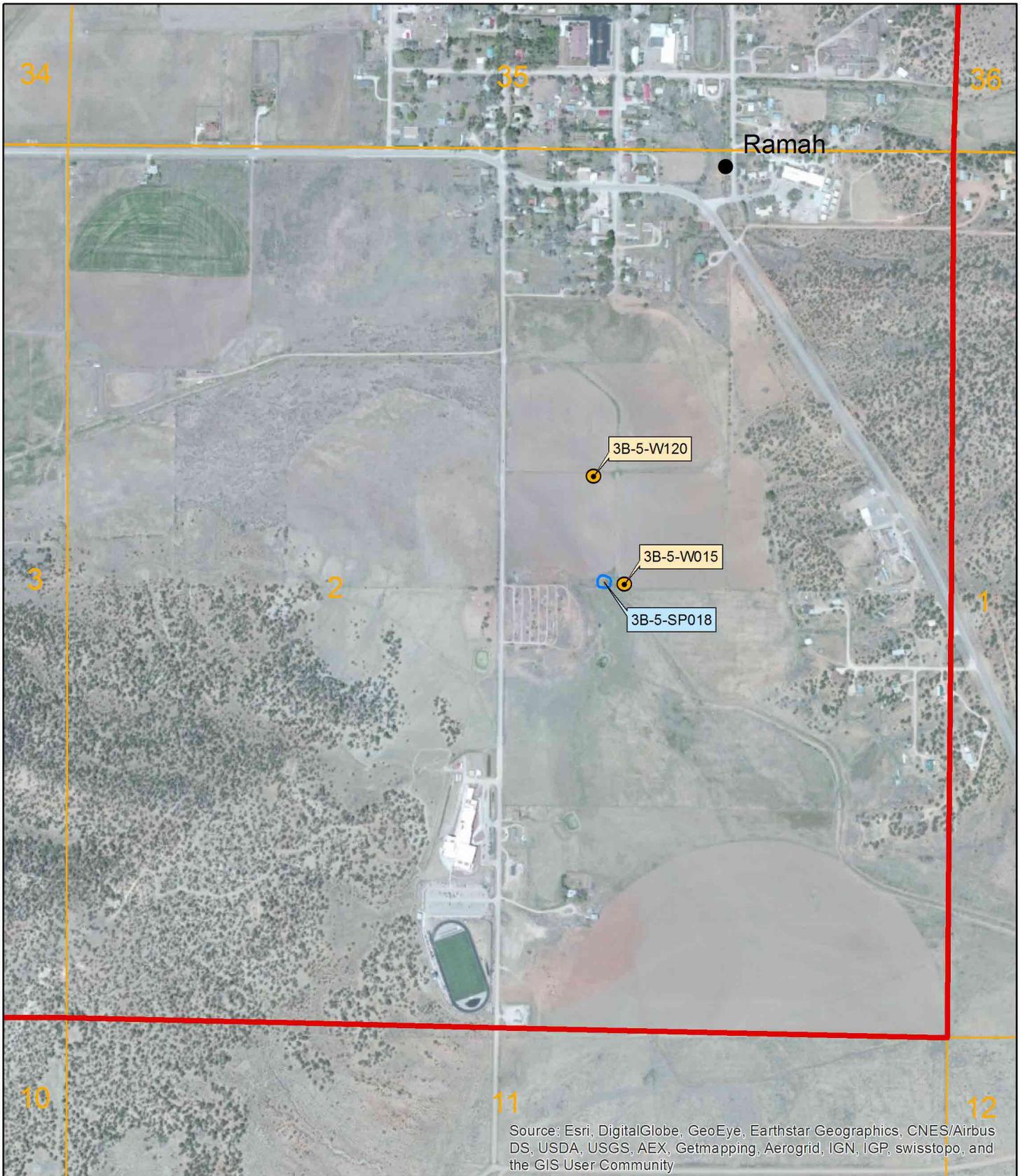
Zuni River Basin
Hydrographic Survey

Sub-Area Ramah
Subfile Number: ZRB-5-0051
PLSS: S35, T11N, R16W
Sheet 1 of 2



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

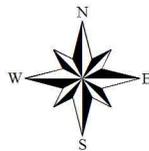


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

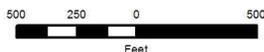
June 2015

LEGEND

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



1 inch = 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area Ramah
Subfile Number: ZRB-5-0051
PLSS: S02, T10N, R16W
Sheet 2 of 2



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