

**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 7

**Subfile No. ZRB-3-0051**

**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:

**WILLIAM J. ELAM OR NORMA M. ELAM**

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-area 7, 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 7. 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 7, is as set forth below:

**WELL**

**Map Label:** 7B-4-W06

**OSE File No:** G 01656

**Priority Date:** 12/31/1955

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

**Well Location:** As shown on Hydrographic Survey Map 7B-4

**S.** 30 **T.** 08N **R.** 15W **1/4, 1/16, 1/64** SW SW NW

**X (ft)** 2,533,063 **Y (ft):** 1,415,243

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

**Amount of Water:** 0.023 ac-ft per annum

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 7, except as set forth in this Consent Order and other orders entered by this Court in this cause.

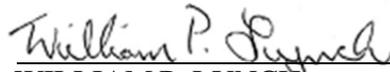
6. The Defendant, and Defendant's successors, representatives, heirs and assigns, should be enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 7, except in strict accordance with this Consent Order and other orders of the Court in this cause.

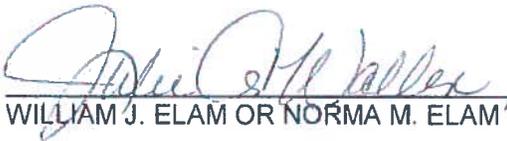
7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

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 7, 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 7, 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:  EXECUTOR 7-14-15  
WILLIAM J. ELAM OR NORMA M. ELAM DATE

ADDRESS: 321 TOM FRANKLIN RD  
JEFFERSON CITY TN 37760

**COUNSEL FOR THE DEFENDANT (IF REPRESENTED):**

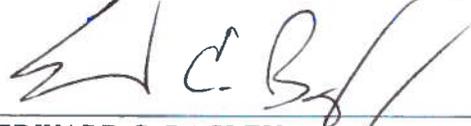
\_\_\_\_\_  
DATE

**COUNSEL FOR THE UNITED STATES:**

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

7/21/2015  
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

7/21/2015  
DATE

ENDORSED  
FILED IN MY OFFICE THIS

JAN 23 2015  
MAGGIE TOULOUSE OLIVER  
COUNTY CLERK

4B-107. Letters testamentary (will).

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
Bernalillo COUNTY

No. 2015-035

IN THE MATTER OF THE ESTATE OF  
Norma Martha Elam, DECEASED.

**LETTERS TESTAMENTARY  
(WILL)<sup>1</sup>**

TO WHOM IT MAY CONCERN:

Notice is now given that Julie Ann Wallen (*name of personal representative*),  
has been appointed to serve as the personal representative of the estate of  
Norma Martha Elam, and has qualified as the decedent's personal representative by  
filing with the court a statement of acceptance of the duties of that office.

The personal representative has all of the powers and authorities provided by law and  
specifically, by Section 45-3-715 NMSA 1978.

Issued this 23 day of January, 2015.

MAGGIE TOULOUSE OLIVER

Clerk of the Probate Court

By:   
Deputy Clerk

(Seal)

ENDORSED  
FILED IN MY OFFICE THIS

IN THE PROBATE COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

JAN 23 2015  
MAGGIE TOULOUSE OLIVER  
COUNTY CLERK

NO. 2015-035

IN THE MATTER OF THE ESTATE OF  
**NORMA MARTHA ELAM**, deceased

**CERTIFICATE ACKNOWLEDGING RECEIPT AND  
REVIEW OF DEATH CERTIFICATE**

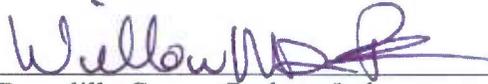
I, **WILLOW MISTY PARKS**, Bernalillo County Probate Judge, acknowledge having reviewed the Death Certificate in the above-captioned probate action, having confirmed the date of decedent's death listed on the Application is correct and having returned said Death Certificate to the Personal Representative or attorney for the Estate.

WITNESS my hand and seal of the Probate Court on this 21 day of

January 2015.

**THE HONORABLE WILLOW MISTY PARKS**

(SEAL)

  
Bernalillo County Probate Judge

ENDORSED  
FILED IN MY OFFICE THIS

JAN 23 2015  
MAGGIE TOULOUSE OLIVER  
COUNTY CLERK

4B-107. Letters testamentary (will).

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
Bernalillo COUNTY

No. 2015-036

IN THE MATTER OF THE ESTATE OF  
William Jerry Elam, DECEASED.

LETTERS TESTAMENTARY  
(WILL)'

TO WHOM IT MAY CONCERN:

Notice is now given that Julie Ann Wallen (name of personal representative),  
has been appointed to serve as the personal representative of the estate of  
William Jerry Elam, and has qualified as the decedent's personal representative by  
filing with the court a statement of acceptance of the duties of that office.

The personal representative has all of the powers and authorities provided by law and  
specifically, by Section 45-3-715 NMSA 1978.

Issued this 23<sup>rd</sup> day of January, 2015.

MAGGIE TOULOUSE OLIVER

Clerk of the Probate Court

By: [Signature]  
Deputy Clerk

(Seal)

ENDORSED  
FILED IN MY OFFICE THIS

JAN 23 2015  
MAGGIE TOULOUSE OLIVER  
COUNTY CLERK

IN THE PROBATE COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

NO. 2015-036

IN THE MATTER OF THE ESTATE OF  
**WILLIAM JERRY ELAM**, deceased

**CERTIFICATE ACKNOWLEDGING RECEIPT AND  
REVIEW OF DEATH CERTIFICATE**

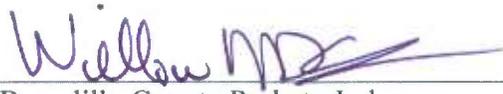
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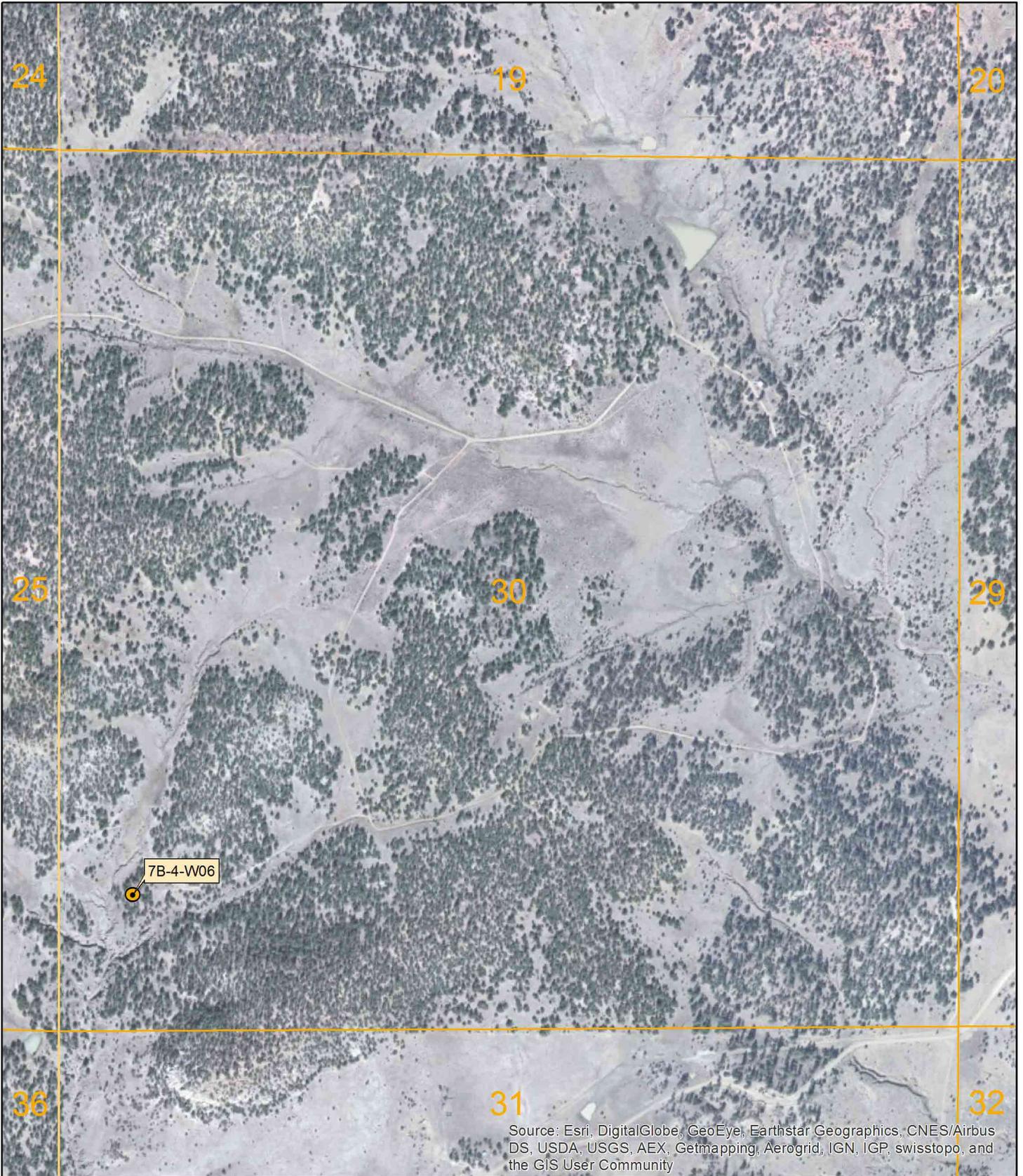
WITNESS my hand and seal of the Probate Court on this 21 day of

January, 2015.

**THE HONORABLE WILLOW MISTY PARKS**

(SEAL)

  
Bernalillo County Probate Judge

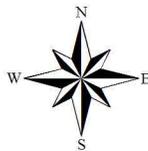


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

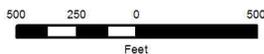
June 2015

**LEGEND**

-  Well
-  Sub-Area Boundary
-  Section Boundary



1 inch = 800 feet



Zuni River Basin  
Hydrographic Survey

Sub-Area 7  
Subfile Number: ZRB-3-0051  
PLSS: S30, T08N, R15W  
Sheet 1 of 1



**Natural Resources Consulting Engineers, Inc.**

Fort Collins, CO    Oakland, CA    Asmara, ERITREA