

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-areas 1, 2, and 3 excluding
Ramah

Subfile No. ZRB-4-0271

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:

MIGUEL A. MIRABAL

("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:

STOCK POND

Map Label: 3C-2-SP006
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 12,521
Storage Impoundment Volume (ac-ft): 0.862

Pond Location: As shown on Hydrographic Survey Map 3C-2

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

X(ft): 2,559,526 Y(ft): 1,567,343

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP007

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 3,884

Storage Impoundment Volume (ac-ft): 0.214

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 3 T. 12N R. 15W 1/4, 1/16, 1/64 NE SW NE

X(ft): 2,552,285 Y(ft): 1,565,840

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP018

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1961

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 444,395

Storage Impoundment Volume (ac-ft): 30.606

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 35 T. 13N R. 15W 1/4, 1/16, 1/64 SW NW SW

X(ft): 2,552,966 Y(ft): 1,569,188

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP021

Purpose of Use: LIVESTOCK

Priority Date: 10/6/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 6,071

Storage Impoundment Volume (ac-ft): 0.251

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 5 T. 12N R. 15W 1/4, 1/16, 1/64 SW NW SW

X(ft): 2,538,594 Y(ft): 1,564,168

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP022
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 11,859
Storage Impoundment Volume (ac-ft): 0.817

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 5 T. 12N R. 15W 1/4, 1/16, 1/64 SW NE NE

X(ft): 2,540,401 **Y(ft):** 1,564,306

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP023
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 6,918
Storage Impoundment Volume (ac-ft): 0.381

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 5 T. 12N R. 15W 1/4, 1/16, 1/64 SE NW NW

X(ft): 2,541,171 Y(ft): 1,564,696

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP028

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1992

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 122,103

Storage Impoundment Volume (ac-ft): 8.409

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 35 T. 13N R. 15W 1/4, 1/16, 1/64 SW NE NW

X(ft): 2,553,961 Y(ft): 1,570,066

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP029

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1992

Source of Water: Spring and Surface Runoff

Point of Diversion: Fills from spring 3C-2-SPR004 (Location X(ft): 2,556,840;
Y(ft): 1,569,081);

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 49,349

Storage Impoundment Volume (ac-ft): 2.719

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 35 T. 13N R. 15W 1/4, 1/16, 1/64 SE NW SW

X(ft): 2,555,611 Y(ft): 1,568,782

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP030

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1992

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 37,233

Storage Impoundment Volume (ac-ft): 1.539

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 35 T. 13N R. 15W 1/4, 1/16, 1/64 SW NE SE

X(ft): 2,554,681 Y(ft): 1,568,882

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP031
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1992
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 10,344
Storage Impoundment Volume (ac-ft): 0.285

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 35 T. 13N R. 15W 1/4, 1/16, 1/64 NW SW NE

X(ft): 2,553,344 **Y(ft):** 1,571,163

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP032
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1962
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 4,202
Storage Impoundment Volume (ac-ft): 0.174

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 35 T. 13N R. 15W 1/4, 1/16, 1/64 NW SE NE

X(ft): 2,554,636 Y(ft): 1,571,131

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP033

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1962

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 8,580

Storage Impoundment Volume (ac-ft): 0.118

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 35 T. 13N R. 15W 1/4, 1/16, 1/64 NE NE NW

X(ft): 2,556,294 Y(ft): 1,572,562

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP034

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1992

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.5

Surface Area (sq.ft): 31,098

Storage Impoundment Volume (ac-ft): 1.499

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 33 T. 13N R. 15W 1/4, 1/16, 1/64 NW SE NE

X(ft): 2,544,195 Y(ft): 1,571,195

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP035

Purpose of Use: LIVESTOCK

Priority Date: 10/6/1997

Source of Water: Spring and Surface Runoff

Point of Diversion: Fills from spring 3C-2-SPR005 (Location X(ft): 2,547,289;
Y(ft): 1,559,583);

Amount of Water:

Depth (ft): 2.5

Surface Area (sq.ft): 7,334

Storage Impoundment Volume (ac-ft): 0.253

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 9 T. 12N R. 15W 1/4, 1/16, 1/64 NE SW SE

X(ft): 2,547,370 Y(ft): 1,559,797

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP036
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): 19,959
Storage Impoundment Volume (ac-ft): 1.100

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 9 T. 12N R. 15W 1/4, 1/16, 1/64 NW NE SE

X(ft): 2,545,949 **Y(ft):** 1,561,273

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP037
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Spring and Surface Runoff
Point of Diversion: Fills from spring 3C-2-SPR006 (Location X(ft): 2,545,484;
Y(ft): 1,561,419);

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 11,773
Storage Impoundment Volume (ac-ft): 0.811

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 9 T. 12N R. 15W 1/4, 1/16, 1/64 NW NE NW

X(ft): 2,544,889 Y(ft): 1,562,200

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-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): 5.0

Surface Area (sq.ft): 25,205

Storage Impoundment Volume (ac-ft): 1.736

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 5 T. 12N R. 15W 1/4, 1/16, 1/64 SE SE NE

X(ft): 2,543,268 Y(ft): 1,563,065

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP039

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1999

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 39,270

Storage Impoundment Volume (ac-ft): 2.705

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 3 T. 12N R. 15W 1/4, 1/16, 1/64 SE SW SW

X(ft): 2,551,769 Y(ft): 1,562,456

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-2-SP040

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1990

Source of Water: Spring and Surface Runoff

Point of Diversion: Fills from spring 3C-2-SPR007 (Location X(ft): 2,556,031;
Y(ft): 1,558,956);

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 16,067

Storage Impoundment Volume (ac-ft): 0.664

Pond Location: As shown on Hydrographic Survey Map 3C-2

S. 11 T. 12N R. 15W 1/4, 1/16, 1/64 SW NE NW

X(ft): 2,555,863 Y(ft): 1,559,434

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-3-SP007
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 8,919
Storage Impoundment Volume (ac-ft): 0.369

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

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

X(ft): 2,551,809 **Y(ft):** 1,556,019

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-3-SP008
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1999
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 17,930
Storage Impoundment Volume (ac-ft): 0.988

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

S. 14 T. 12N R. 15W 1/4, 1/16, 1/64 NW NE SE

X(ft): 2,556,186 Y(ft): 1,556,241

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 3C-3-SP009

Purpose of Use: LIVESTOCK

Priority Date: 10/6/1997

Source of Water: Spring and Surface Runoff

Point of Diversion: Fills from spring 3C-3-SPR001 (Location X(ft): 2,556,248;
Y(ft): 1,556,628);

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 42,348

Storage Impoundment Volume (ac-ft): 1.750

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

S. 14 T. 12N R. 15W 1/4, 1/16, 1/64 NW NE NE

X(ft): 2,556,231 Y(ft): 1,556,857

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3C-2-W013

OSE File No: G 00969

Priority Date: 2/22/1999

Purpose of Use: 72-12-1 LIVESTOCK WATERING