

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 9 and 10

Subfile No. ZRB-2-0108

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:

ORC, LLC & THE PLATT CATTLE COMPANY, LLC

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, 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 9 and 10. 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 9 and 10, is as set forth below:

The water rights of the following 9 wells are supplemental to each other. Consistent with the priority date recognized for each well, the amount assigned to any one well may be diverted from any other well up to the cumulative total of 13.8 acre-feet per annum.

WELL

Map Label: 9A-1-W01

OSE File No: G-03059

Priority Date: 12/31/1931

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

Well Location: As shown on Hydrographic Survey Map 9A-1

S. 10 T. 07N R. 21W 1/4, 1/16, 1/64: SW SW NE

X (ft): 2,360,200 **Y (ft):** 1,400,737

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

Amount of Water: 2.0 ac-ft per annum

WELL

Map Label: 9A-2-W02

OSE File No: None

Priority Date: 12/31/1920

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

Well Location: As shown on Hydrographic Survey Map 9A-2

S. 26 T. 07N R. 21W 1/4, 1/16, 1/64: NW NW NW

X (ft): 2,364,743 **Y (ft):** 1,388,760

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

Amount of Water: 1.3 ac-ft per annum

WELL

Map Label: 9A-2-W03

OSE File No: None

Priority Date:

Purpose of Use: NO RIGHT

Well Location: As shown on Hydrographic Survey Map 9A-2

S. 26 T. 07N R. 21W 1/4, 1/16, 1/64: NW SE NW

X (ft): 2,365,894 **Y (ft):** 1,387,807

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

Amount of Water: 0.0 ac-ft per annum

WELL

Map Label: 9A-2-W04

OSE File No: None

Priority Date: 12/31/1920
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK
Well Location: As shown on Hydrographic Survey Map 9A-2
S. 26 T. 07N R. 21W 1/4, 1/16, 1/64: NW SE SW
X (ft): 2,365,975 **Y (ft):** 1,387,347
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water: 3.3 ac-ft per annum

WELL

Map Label: 9A-3-W01
OSE File No: None
Priority Date:
Purpose of Use: NO RIGHT
Well Location: As shown on Hydrographic Survey Map 9A-3
S. 6 T. 06N R. 20W 1/4, 1/16, 1/64: SE SE SE
X (ft): 2,379,744 **Y (ft):** 1,373,469
New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water: 0.0 ac-ft per annum

WELL

Map Label: 9A-3-W02
OSE File No: None
Priority Date: 12/31/1931
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING
Well Location: As shown on Hydrographic Survey Map 9A-3
S. 6 T. 06N R. 20W 1/4, 1/16, 1/64: SE SE SE

X (ft): 2,379,753 **Y (ft):** 1,373,474

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

Amount of Water: 2.6 ac-ft per annum

WELL

Map Label: 9A-3-W03

OSE File No: None

Priority Date: 12/31/1931

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

Well Location: As shown on Hydrographic Survey Map 9A-3

S. 10 T. 06N R. 21W 1/4, 1/16, 1/64: NE NE NE

X (ft): 2,363,985 **Y (ft):** 1,373,345

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

Amount of Water: 1.3 ac-ft per annum

WELL

Map Label: 9B-3-W01

OSE File No: None

Priority Date: 12/31/1924

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

Well Location: As shown on Hydrographic Survey Map 9B-3

S. 4 T. 06N R. 20W 1/4, 1/16, 1/64: NE SW SW

X (ft): 2,388,233 **Y (ft):** 1,376,375

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

Amount of Water: 2.0 ac-ft per annum

WELL

Map Label: 9B-3-W02
OSE File No: None
Priority Date: 12/31/1922
Purpose of Use: NON 72-12-1 LIVESTOCK WATERING
Well Location: As shown on Hydrographic Survey Map 9B-3
S. 10 T. 06N R. 20W 1/4, 1/16, 1/64: NE NW SW
X (ft): 2,393,525 **Y (ft):** 1,372,493
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: 1.3 ac-ft per annum

POND

Map Label: 9A-2-SP03
Purpose of Use: LIVESTOCK
Priority Date: 10/12/1921
Source of Water: Well

Point of Diversion: Fills from well 9A-2-W02 (Location X(ft): 2,364,743; Y(ft): 1,388,760);

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 3,966
Storage Impoundment Volume (ac-ft): 0.219

Pond Location: As shown on Hydrographic Survey Map 9A-2

S. 26 T. 07N R. 21W 1/4, 1/16, 1/64: NW NW NW
X(ft): 2,364,730 **Y(ft):** 1,388,830

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

Dam height (if greater than 9 ft):

POND

Map Label: 9A-2-SP04
Purpose of Use: LIVESTOCK
Priority Date: 2/1/1954
Source of Water: Well
Point of Diversion: Fills from well 9A-2-W04 (Location X(ft): 2,365,975; Y(ft): 1,387,347);
Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 11,161
Storage Impoundment Volume (ac-ft): 0.461

Pond Location: As shown on Hydrographic Survey Map 9A-2

S. 26 T. 07N R. 21W 1/4, 1/16, 1/64: NW SE NE

X(ft): 2,366,302 **Y(ft):** 1,387,684

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

Dam height (if greater than 9 ft):

POND

Map Label: 9A-3-SP02
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1931
Source of Water: Well
Point of Diversion: Fills from well 9A-3-W02 (Location X(ft): 2,379,753; Y(ft): 1,373,474);
Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 8,700
Storage Impoundment Volume (ac-ft): 0.360

Pond Location: As shown on Hydrographic Survey Map 9A-3

S. 6 T. 06N R. 20W 1/4, 1/16, 1/64: SE SE SE

X(ft): 2,379,782 **Y(ft):** 1,373,493

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

Dam height (if greater than 9 ft):

POND

Map Label: 9B-3-SP01

Purpose of Use: LIVESTOCK

Priority Date: 9/19/1928

Source of Water: Surface Runoff and Well

Point of Diversion: Fills from well 9B-3-W01 (Location X(ft): 2,388,233; Y(ft): 1,376,375);

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 34,332

Storage Impoundment Volume (ac-ft): 1.892

Pond Location: As shown on Hydrographic Survey Map 9B-3

S. 4 T. 06N R. 20W 1/4, 1/16, 1/64: NE SW SW

X(ft): 2,388,428 **Y(ft):** 1,376,674

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

Dam height (if greater than 9 ft):

POND

Map Label: 9B-3-SP10

Purpose of Use: LIVESTOCK

Priority Date: 9/19/1928

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 56,004

Storage Impoundment Volume (ac-ft): 3.080

Pond Location: As shown on Hydrographic Survey Map 9B-3

S. 4 T. 06N R. 20W 1/4, 1/16, 1/64: NE SW NE

X(ft): 2,388,851 **Y(ft):** 1,377,096

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

Dam height (if greater than 9 ft):

POND

Map Label: 9B-3-SP11

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1954

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 3,600

Storage Impoundment Volume (ac-ft): 0.150

Pond Location: As shown on Hydrographic Survey Map 9B-3

S. 4 T. 06N R. 20W 1/4, 1/16, 1/64: NE SE SE

X(ft): 2,390,511 **Y(ft):** 1,375,950

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


Dam height (if greater than 9 ft):

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, 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 9 and 10, except in strict accordance with this Consent Order and other orders of the Court in this cause.

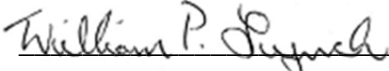
7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

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 9 and 10, 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 9 and 10, 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.

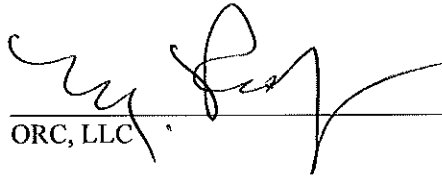


MARTHA YAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:



WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE

ACCEPTED:  06/19/17
ORC, LLC DATE

THE PLATT CATTLE COMPANY, LLC DATE

ADDRESS: 2812 N. NORWALK ST., STE. 105
MESA, AZ 85215

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

JAMES M. NOBLE DATE
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Denver, CO 80202
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EDWARD C. BAGLEY DATE
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(505) 827-6150

ACCEPTED:

ORC, LLC

DATE

H. Jay Platt
THE PLATT CATTLE COMPANY, LLC

6/27/17
DATE

ADDRESS:

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(303) 830-2500

6/28/2017
DATE

COUNSEL FOR THE UNITED STATES:

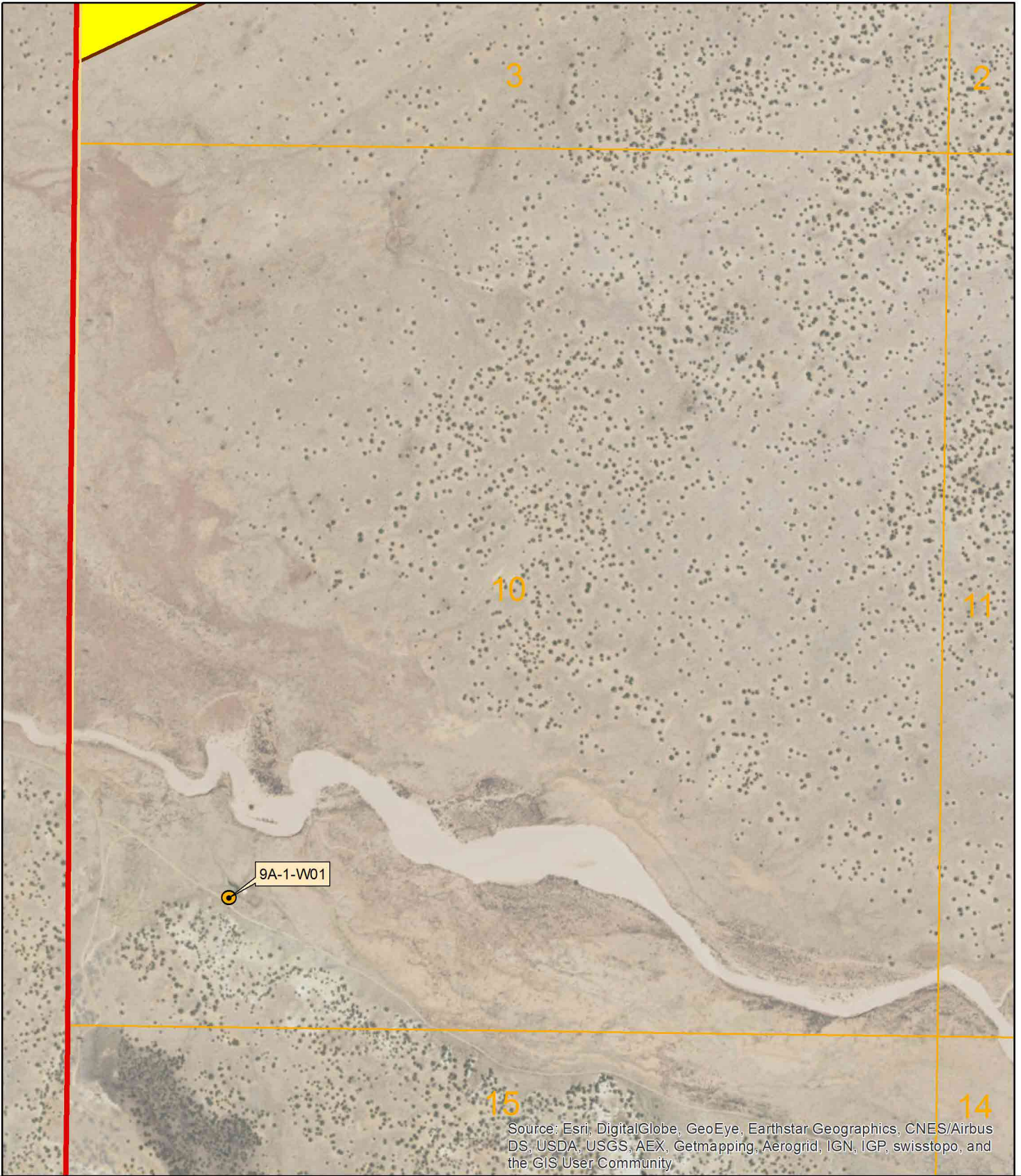
A. Guarino
ANDREW "GUSS" GUARINO
U.S. Department of Justice
South Terrace, Suite 370
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06-28-2017
DATE

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7/5/2017
DATE

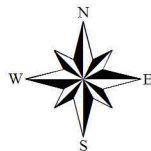


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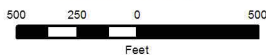
July 2015

LEGEND

-  Well
-  Sub-Area Boundary
-  Section Boundary
-  Zuni Reservation



1 inch = 800 feet



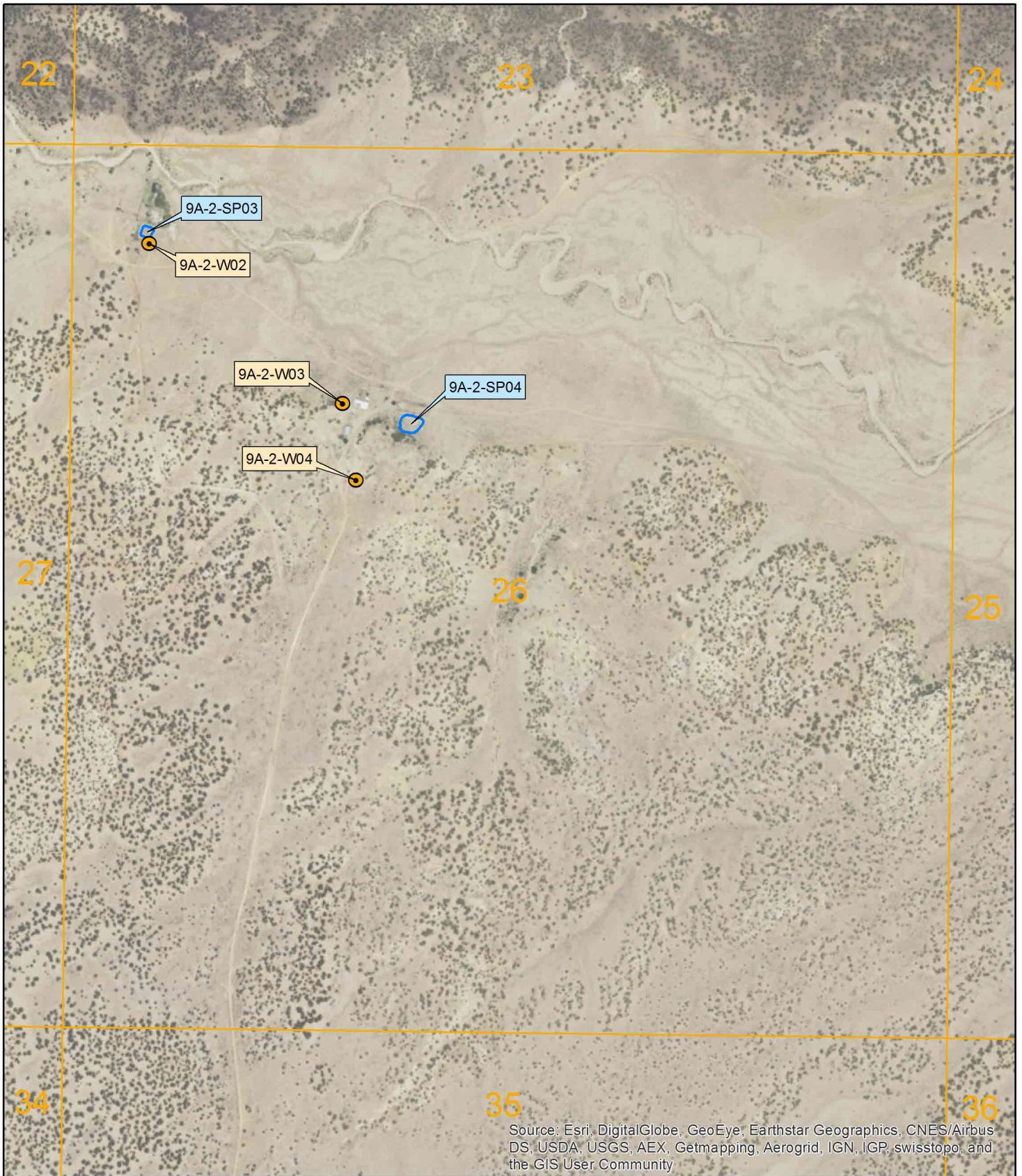
Zuni River Basin
Hydrographic Survey

Sub-Area 9
Subfile Number: ZRB-2-0108
PLSS: S10, T07N, R21W
Sheet 1 of 6



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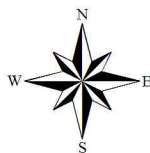


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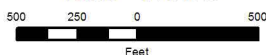
July 2015

LEGEND

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



1 inch = 800 feet



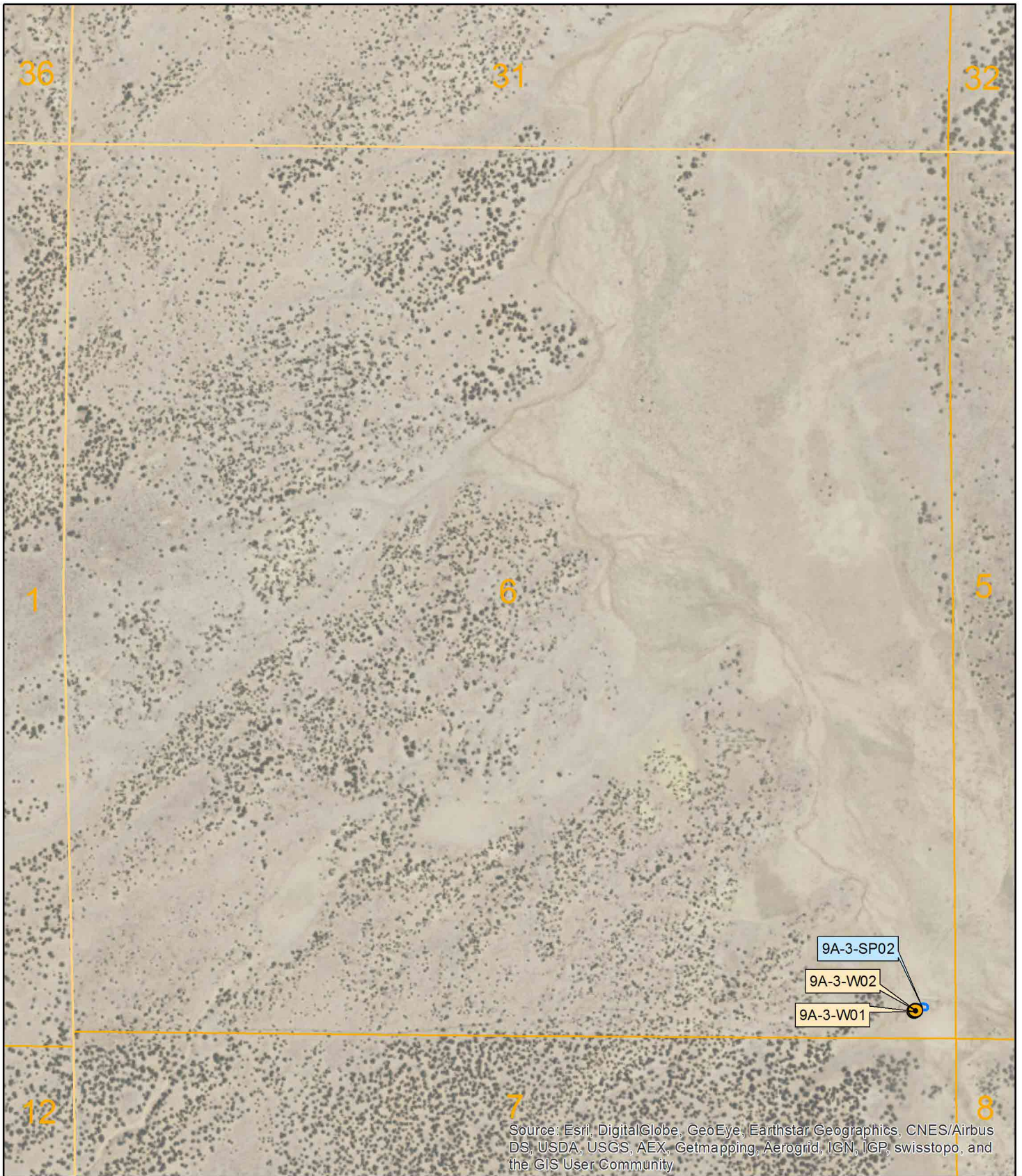
Zuni River Basin
Hydrographic Survey

Sub-Area 9
Subfile Number: ZRB-2-0108
PLSS: S26, T07N, R21W
Sheet 2 of 6



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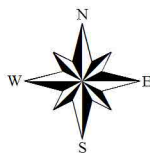
July 2015

Zuni River Basin
Hydrographic Survey

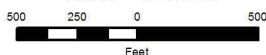
Sub-Area 9
Subfile Number: ZRB-2-0108
PLSS: S06, T06N, R20W
Sheet 3 of 6

LEGEND

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

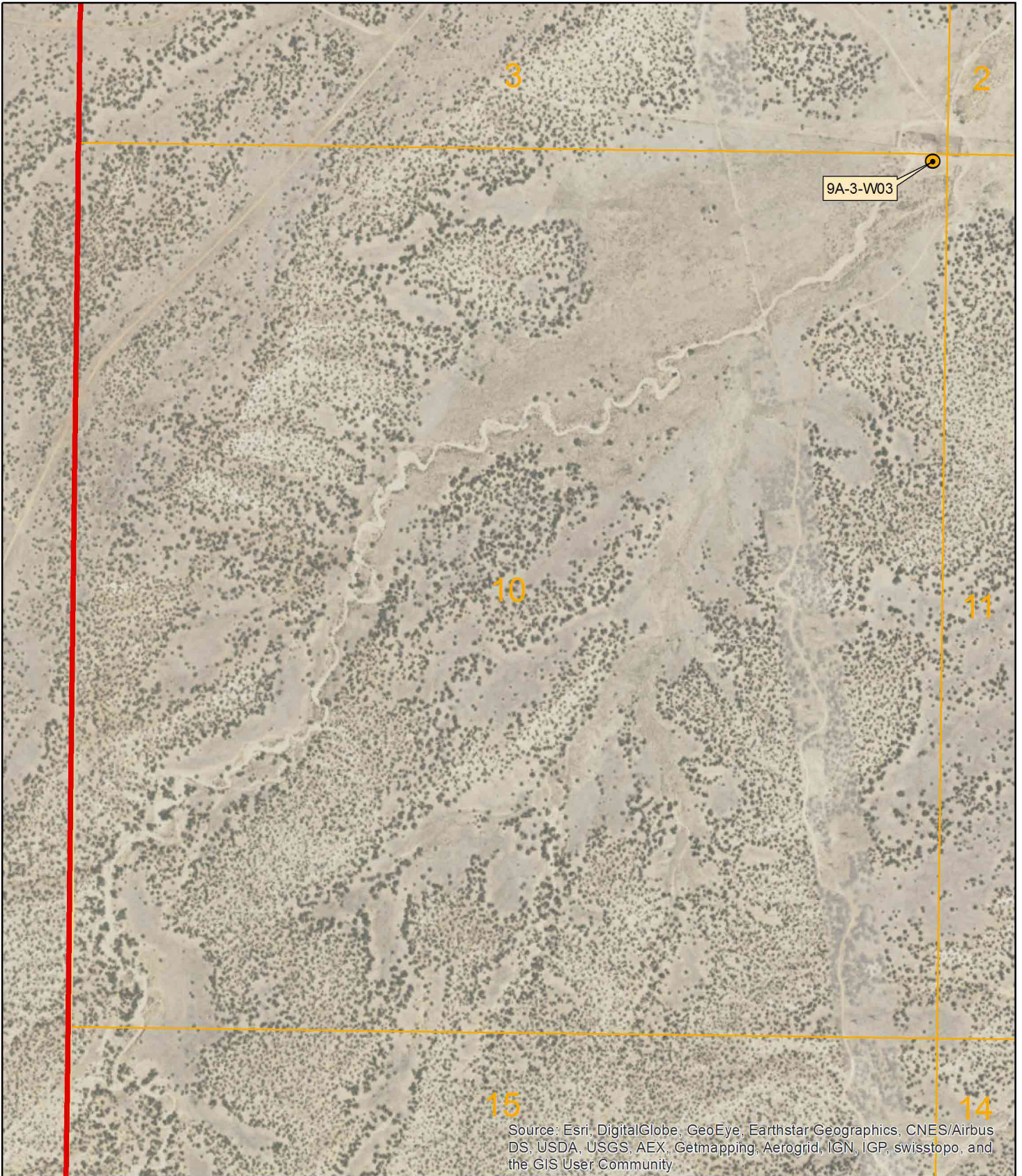


1 inch = 800 feet



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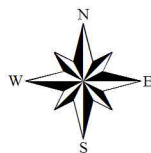


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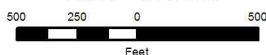
July 2015

LEGEND

-  Well
-  Sub-Area Boundary
-  Section Boundary



1 inch = 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 9
Subfile Number: ZRB-2-0108
PLSS: S10, T06N, R21W
Sheet 4 of 6







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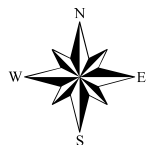
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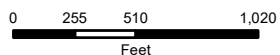
April 2017

LEGEND

-  Well
-  Ponds
-  Sub Area Boundary
-  Section Boundary



1 inch = 800 feet



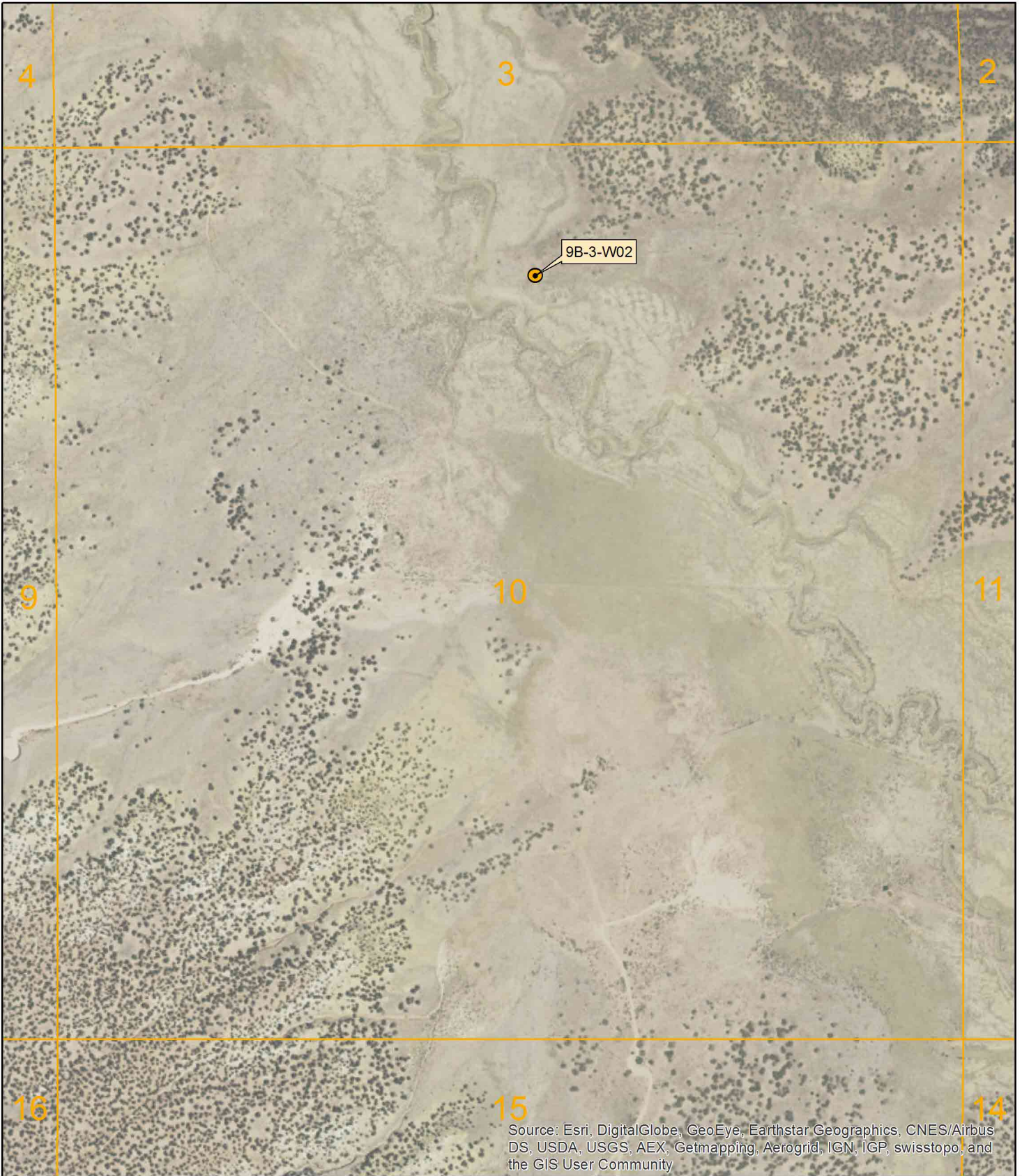
Zuni River Basin
Hydrologic Survey

Sub-Area 9
 Subfile Number: ZRB-2-0108
 PLSS: S04, T06N, R20W
 Sheet 5 of 6



NATURAL RESOURCES CONSULTING ENGINEERS, INC.




Fort Collins, CO Oakland, CA Washington, DC Dakar, SENEGAL Asmara, ERITREA

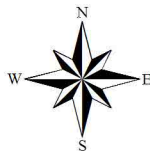


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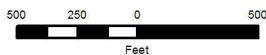
July 2015

LEGEND

-  Well
-  Sub-Area Boundary
-  Section Boundary



1 inch = 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 9
Subfile Number: ZRB-2-0108
PLSS: S10, T06N, R20W
Sheet 6 of 6



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