

**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/JHR

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 1, 2, and 3 excluding
Ramah

Subfile No. ZRB-4-0119

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:

PAUL DAVIS SURVIVOR'S TRUST DATED JULY 28, 2003

("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:

POND

Map Label: 3B-5-SP012A

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 13,659

Storage Impoundment Volume (ac-ft): 0.941

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

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

X(ft): 2,530,153 **Y(ft):** 1,500,694

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

Dam height (if greater than 9 ft):

POND

Map Label: 3B-5-SP023

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 4,029

Storage Impoundment Volume (ac-ft): 0.278

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

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

X(ft): 2,529,604 **Y(ft):** 1,502,563

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

Dam height (if greater than 9 ft):

POND

Map Label: 3B-5-SP066

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1930

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 6.0

Surface Area (sq.ft): 12,656

Storage Impoundment Volume (ac-ft): 1.046

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

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

X(ft): 2,529,554 **Y(ft):** 1,499,793

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-4-SP001

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 9.0

Surface Area (sq.ft): 29,044

Storage Impoundment Volume (ac-ft): 3.600

Pond Location: As shown on Hydrographic Survey Map 3C-4

S. 24 T. 11N R. 15W 1/4, 1/16, 1/64: SW SE NW

X(ft): 2,560,556 **Y(ft):** 1,516,159

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-4-SP002

Purpose of Use: LIVESTOCK
Priority Date: 12/31/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 2,053

Storage Impoundment Volume (ac-ft): 0.057

Pond Location: As shown on Hydrographic Survey Map 3C-4

S. 24 T. 11N R. 15W 1/4, 1/16, 1/64: SW SW NE

X(ft): 2,560,520 **Y(ft):** 1,515,995

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP021B
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 3,210

Storage Impoundment Volume (ac-ft): 0.133

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 23 T. 10N R. 15W 1/4, 1/16, 1/64: SW NW SW

X(ft): 2,553,904 **Y(ft):** 1,484,888

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP032
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0
Surface Area (sq.ft): 6,291
Storage Impoundment Volume (ac-ft): 0.433

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 27 T. 10N R. 15W 1/4, 1/16, 1/64: NW SW NW

X(ft): 2,548,662 **Y(ft):** 1,481,264

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP039
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 5,745

Storage Impoundment Volume (ac-ft): 0.237

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 35 T. 10N R. 15W 1/4, 1/16, 1/64: SE SE NW

X(ft): 2,558,132 **Y(ft):** 1,473,735

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP040

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1961

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.5

Surface Area (sq.ft): 1,595

Storage Impoundment Volume (ac-ft): 0.055

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 35 T. 10N R. 15W 1/4, 1/16, 1/64: SE SE NW

X(ft): 2,558,152 **Y(ft):** 1,473,864

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

Dam height (if greater than 9 ft):

POND

Map Label: 3C-6-SP047

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1961

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 12,941

Storage Impoundment Volume (ac-ft): 0.713

Pond Location: As shown on Hydrographic Survey Map 3C-6

S. 33 T. 10N R. 15W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,546,355 **Y(ft):** 1,475,128

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3B-5-W005

OSE File No: None

Priority Date: 8/1/1971

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

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

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

X(ft): 2,530,156 **Y(ft):** 1,500,949

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

Amount of Water: 0.745 ac-ft per annum

WELL

Map Label: 3B-5-W008

OSE File No: G 00629

Priority Date: 9/15/1992

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

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

S. 1 T. 10N R. 16W 1/4, 1/16, 1/64: SW SE NW

X(ft): 2,529,001 **Y(ft):** 1,499,899

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

Amount of Water: 0.865 ac-ft per annum

WELL

Map Label: 3B-5-W009

OSE File No: G 00627

Priority Date: 9/24/1971

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

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

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

X(ft): 2,528,229 **Y(ft):** 1,499,901

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

Amount of Water: 1.29 ac-ft per annum

WELL

Map Label: 3B-5-W010

OSE File No: None

Priority Date: 12/31/1948

Purpose of Use: NON 72-12-1 DOMESTIC

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

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

X(ft): 2,528,836 **Y(ft):** 1,500,157

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

Amount of Water: 0.7 ac-ft per annum

WELL

Map Label: 3B-5-W121

OSE File No: G 02380

Priority Date: 7/18/2005

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

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

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

X(ft): 2,528,842 **Y(ft):** 1,499,297

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

Amount of Water: 0.924 ac-ft per annum


5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding 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-areas 1, 2, and 3 excluding 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-areas 1, 2, and 3 excluding 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-areas 1, 2, and 3 excluding 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 YAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:



JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE

ACCEPTED: Pamela Davis 1/18/18
PAUL DAVIS SURVIVOR'S TRUST DATE
DATED JULY 28, 2003

ADDRESS: P.O. Box 159
Ramah, N.M.

COUNSEL FOR THE DEFENDANT:

William G. Stripp 1/24/2018
DATE
WILLIAM G. STRIPP
Attorney at Law
P.O. Box 159
3279 State Highway 53
Ramah, New Mexico 87321
505-783-4138

COUNSEL FOR THE UNITED STATES:

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

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

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

ACCEPTED:

PAUL DAVIS SURVIVOR'S TRUST DATE
DATED JULY 28, 2003


ADDRESS:

COUNSEL FOR THE DEFENDANT:

WILLIAM G. STRIPP
Attorney at Law
P.O. Box 159
3279 State Highway 53
Ramah, New Mexico 87321
505-783-4138

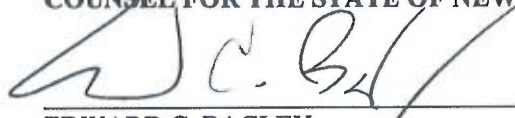
DATE

COUNSEL FOR THE UNITED STATES:

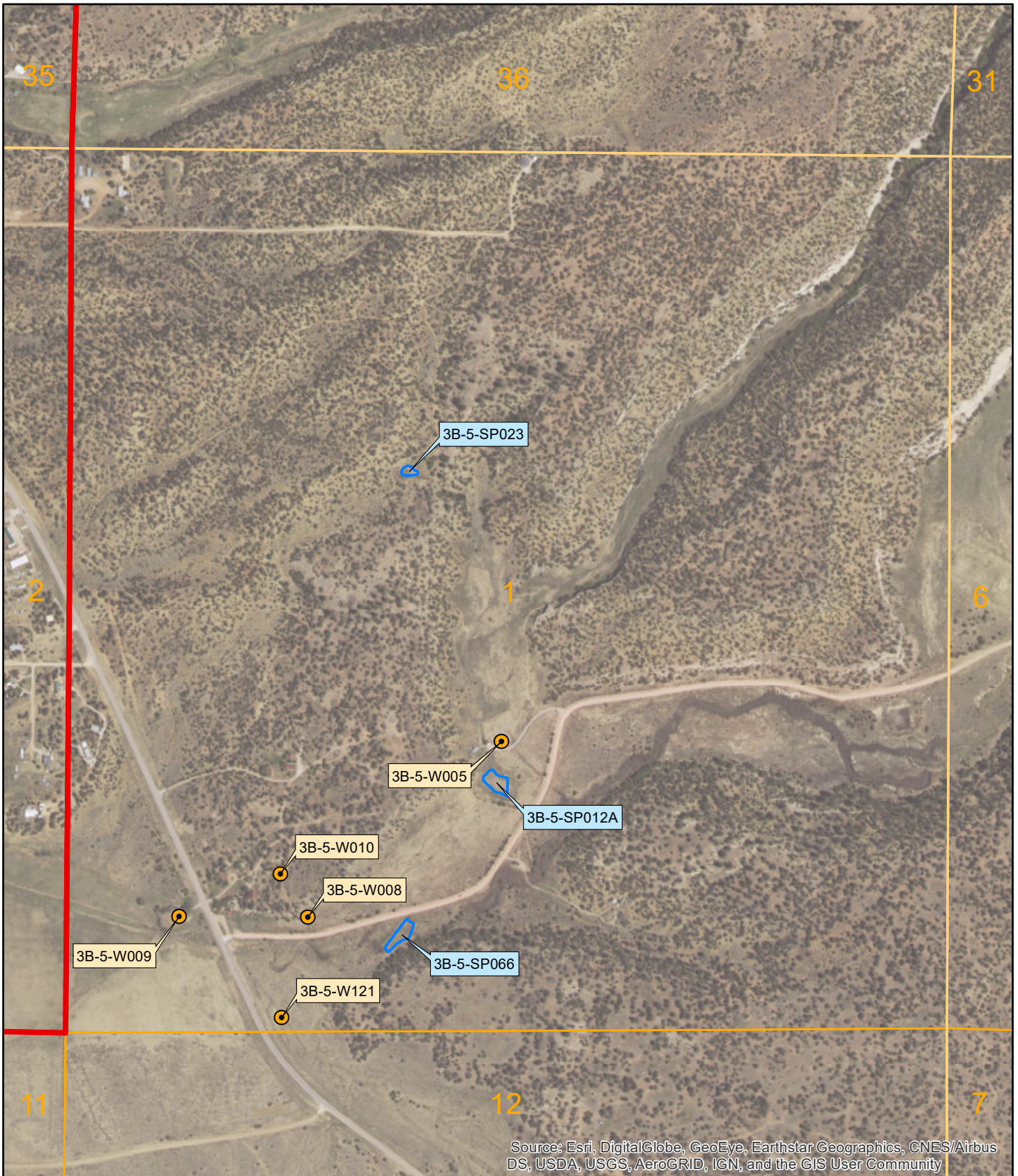

ANDREW "GUSS" GUARINO
U.S. Department of Justice
South Terrace, Suite 370
999 18th Street
Denver, CO 80202
(303) 844-1343

1-24-18
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





1/17/2018
DATE

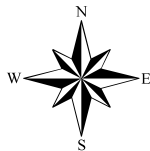


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

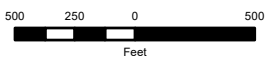
June 2015

LEGEND

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



1 inch = 800 feet



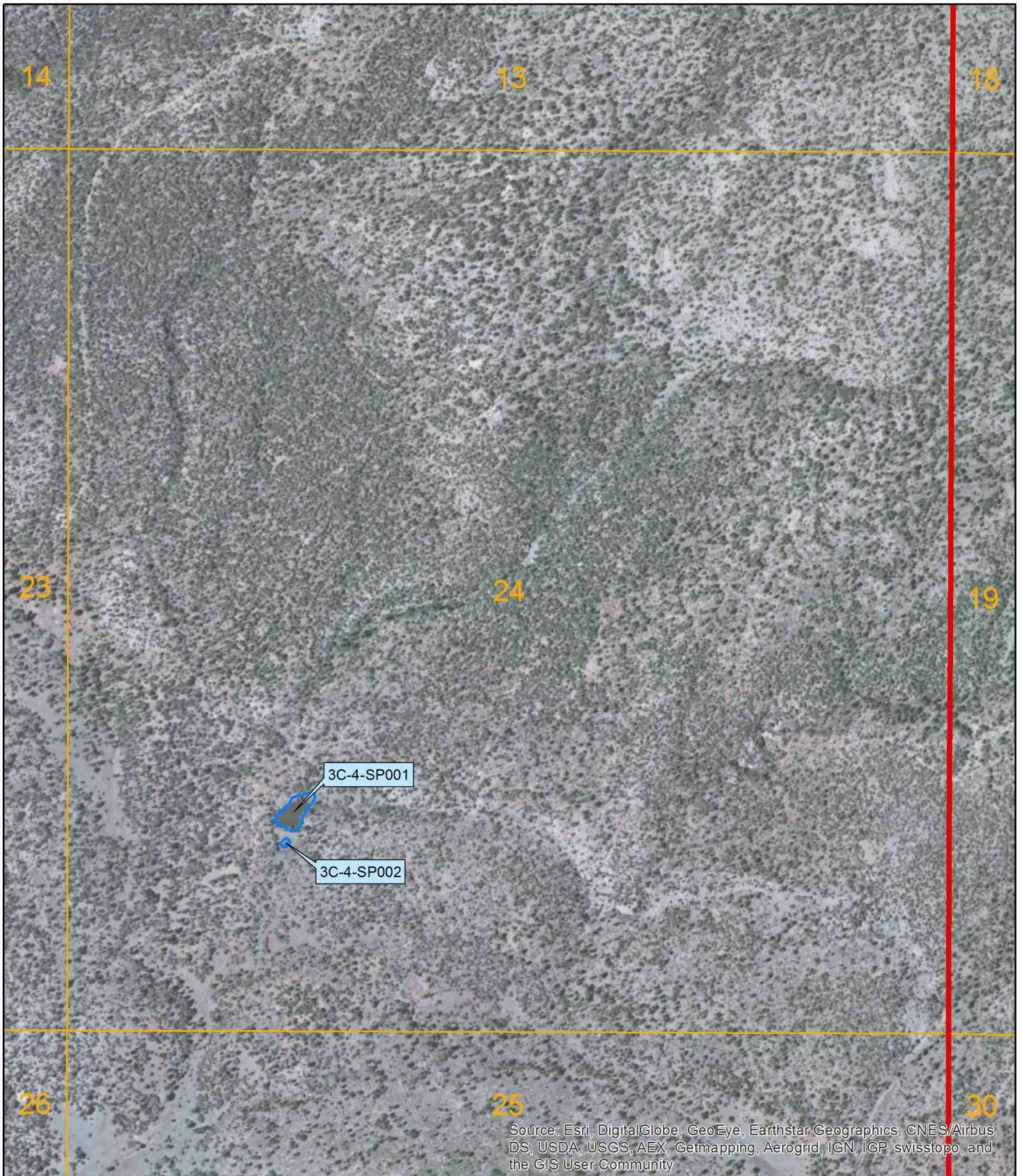
Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0119
PLSS: S01, T10N, R16W
Sheet 1 of 6



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA






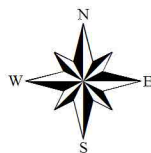
June 2015

Zuni River Basin
Hydrographic Survey

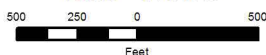
Sub-Area 3
Subfile Number: ZRB-4-0119
PLSS: S24, T11N, R15W
Sheet 2 of 6

LEGEND

-  Stock Pond
-  Section Boundary
-  Sub-Area Boundary

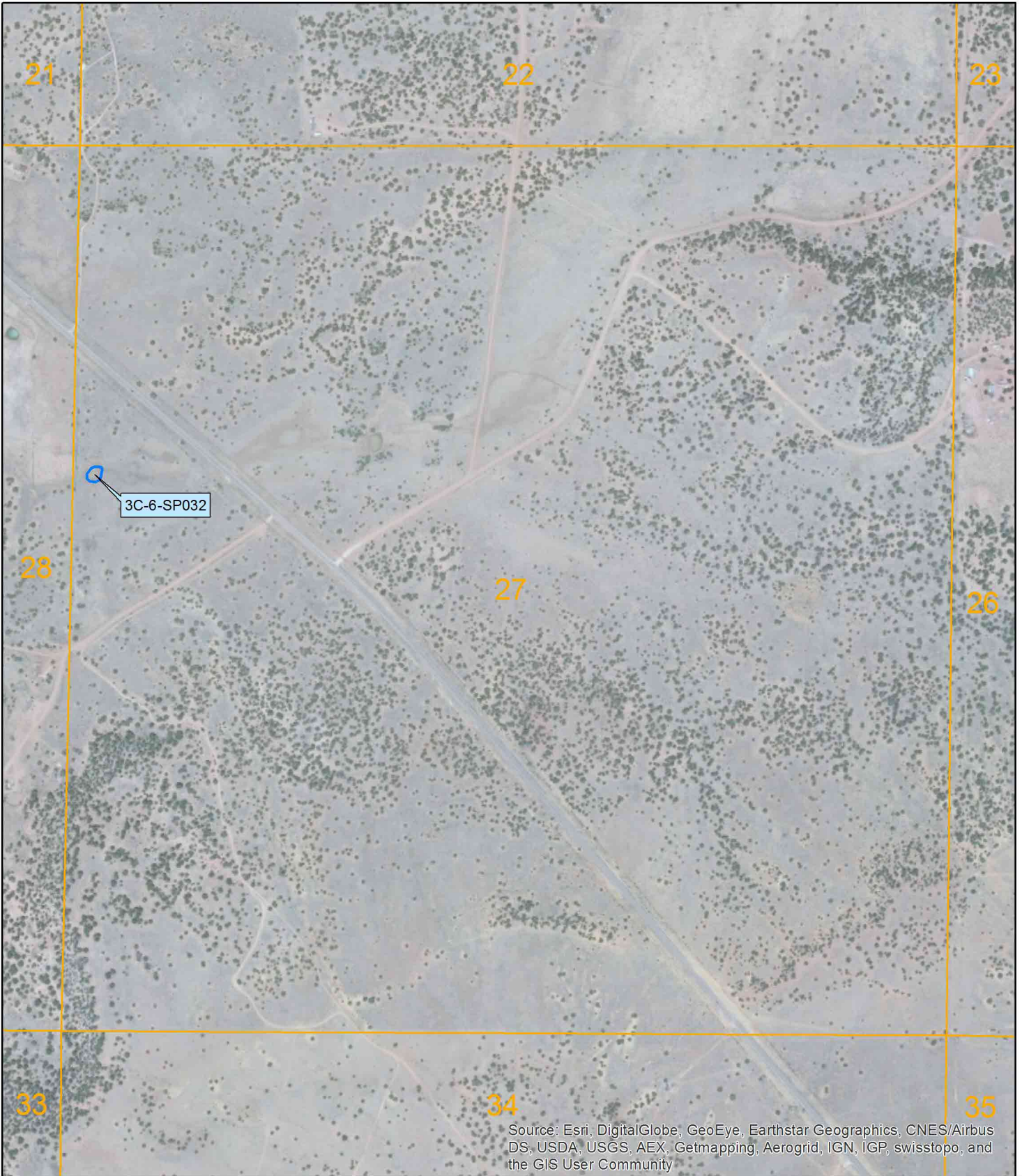


1 inch = 800 feet



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA






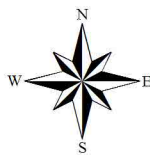
June 2015

Zuni River Basin
Hydrographic Survey

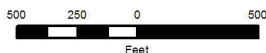
Sub-Area 3
Subfile Number: ZRB-4-0119
PLSS: S27, T10N, R15W
Sheet 3 of 6

LEGEND

-  Stock Pond
-  Section Boundary
-  Sub-Area Boundary



1 inch = 800 feet






Natural Resources Consulting Engineers, Inc.

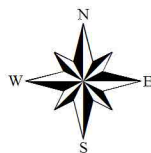
Fort Collins, CO Oakland, CA Asmara, ERITREA



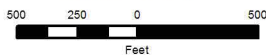
June 2015

LEGEND

-  Stock Pond
-  Section Boundary
-  Sub-Area Boundary



1 inch = 800 feet



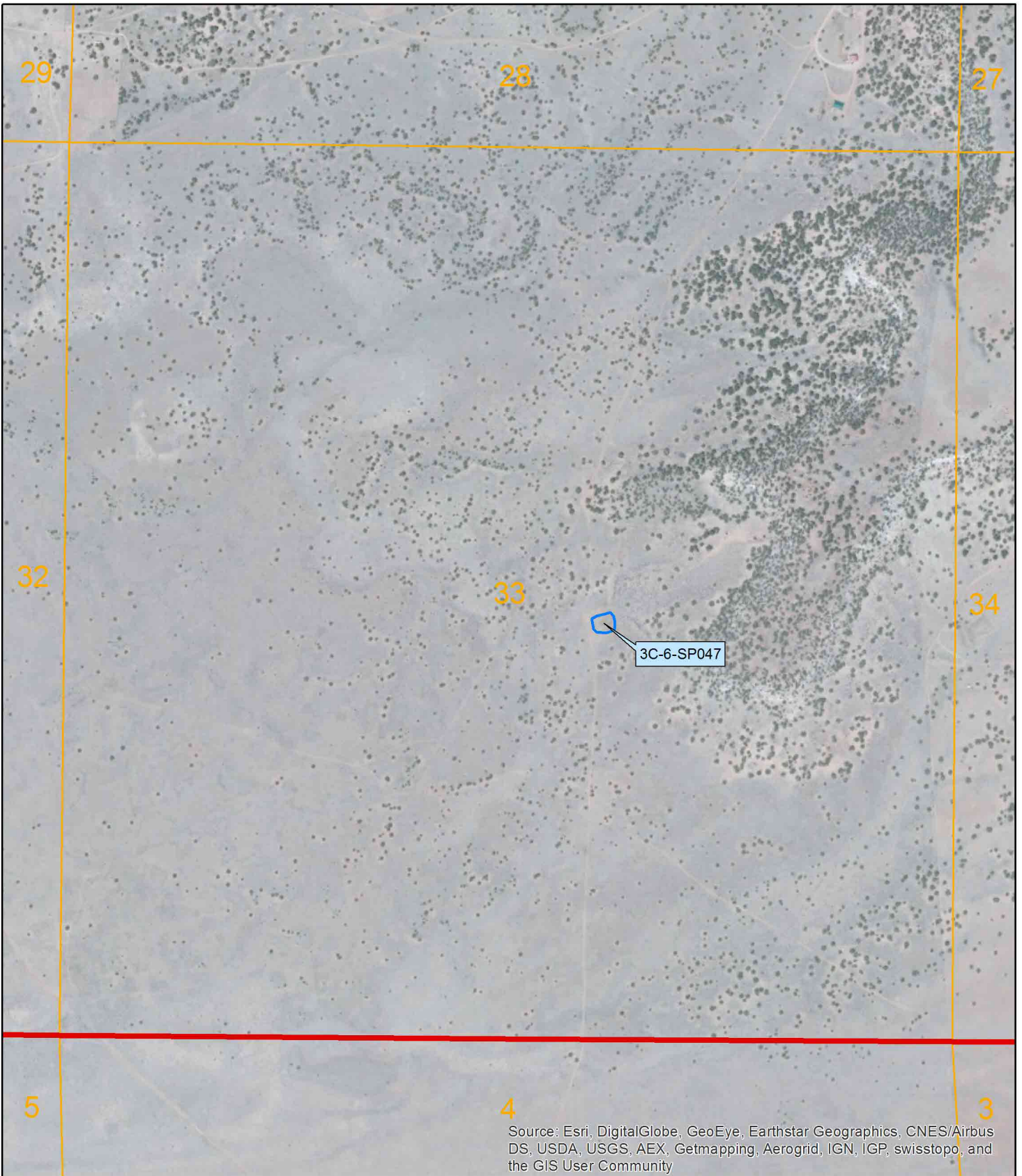
Zuni River Basin
Hydrographic Survey

Sub-Area 3
Subfile Number: ZRB-4-0119
PLSS: S35, T10N, R15W
Sheet 4 of 6



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA






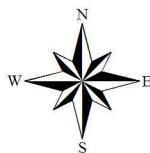
June 2015

Zuni River Basin
Hydrographic Survey

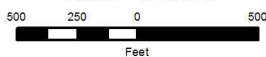
Sub-Area 3
Subfile Number: ZRB-4-0119
PLSS: S33, T10N, R15W
Sheet 5 of 6

LEGEND

-  Stock Pond
-  Section Boundary
-  Sub-Area Boundary

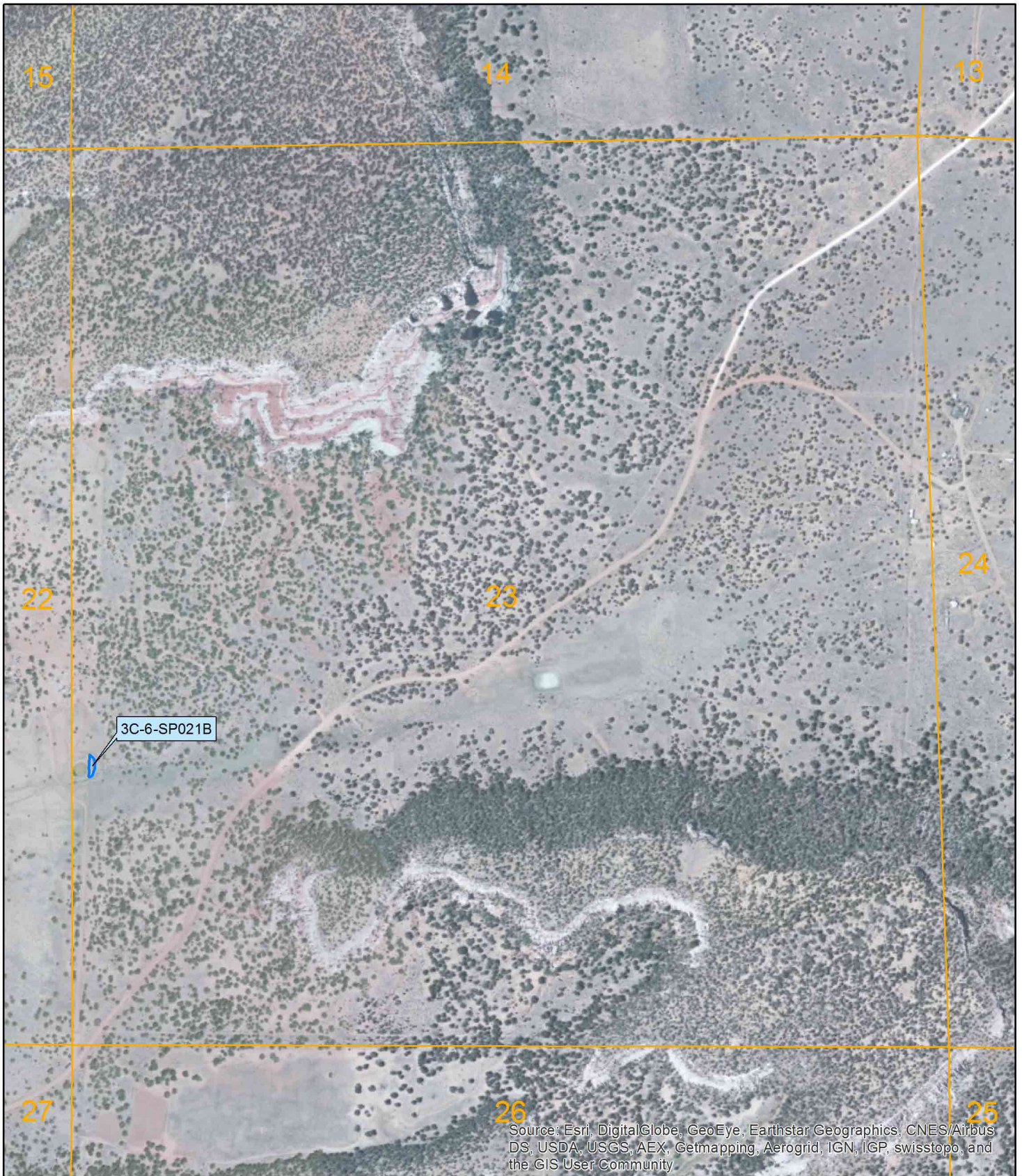


1 inch = 800 feet



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

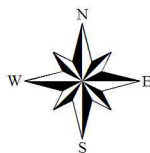
June 2015

Zuni River Basin
Hydrographic Survey

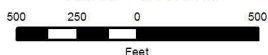
Sub-Area 3
Subfile Number: ZRB-4-0119
PLSS: S23, T10N, R15W
Sheet 6 of 6

LEGEND

-  Stock Pond
-  Section Boundary
-  Sub-Area Boundary



1 inch = 800 feet



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA