

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

MAR 24 2006

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.

MATTHEW J. DYKMAN
CLERK

No. 01cv00072-BB/DWD/ACE

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 9 and 10

Subfile No: ZRB-2-0083

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:

SFFL, 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:

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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:

WELL

Map Label: 10C-5-W01

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10C-5

S. 10 T. 05N R. 17W 1/4, 1/16, 1/64: SWSE SE

X (ft): 2,487,356 Y (ft): 1,335,721

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

Amount of Water (ac-ft): 0.247

WELL

Map Label: 10C-5-W03

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10C-5

S. 15 T. 05N R. 17W 1/4, 1/16, 1/64: SWNE SW

X (ft): 2,486,898 Y (ft): 1,331,874

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

Amount of Water (ac-ft): 0.247

WELL

Map Label: 10C-5-W04

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10C-5

S. 14 T. 05N R. 17W 1/4, 1/16, 1/64: NW SW SE

X (ft): 2,491,234 Y (ft): 1,333,058

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

Amount of Water (ac-ft): 0.247

WELL

Map Label: 10C-5-W05

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10C-5

S. 14 T. 05N R. 17W 1/4, 1/16, 1/64: SE SE SE

X (ft): 2,494,913 Y (ft): 1,330,465

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

Amount of Water (ac-ft): 0.247

STOCK POND

Map Label: 10C-5-SP02

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 1,054

Storage Impoundment Volume (ac-ft): 0.015

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 10 T. 05N R. 17W 1/4, 1/16, 1/64: SW NE NW

X(ft): 2,486,491 Y(ft): 1,337,807

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP03

Purpose of Use: Livestock

Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 11,001
Storage Impoundment Volume (ac-ft): 0.303

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 10 T. 05N R. 17W 1/4, 1/16, 1/64: SW SE NE

X(ft): 2,487,485 **Y(ft):** 1,336,372

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP04
Purpose of Use: Livestock
Priority Date: 3/14/1994
Source of Water: Well
Point of Diversion: Fills from well 10C-5-W01 (Location X(ft): 2,487,355; Y(ft): 1,335,721);

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 1,796
Storage Impoundment Volume (ac-ft): 0.074

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 10 T. 05N R. 17W 1/4, 1/16, 1/64: SW SE SE

X(ft): 2,487,425 **Y(ft):** 1,335,705

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP05
Purpose of Use: Livestock
Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 11,440
Storage Impoundment Volume (ac-ft): 0.630

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 10 T. 05N R. 17W 1/4, 1/16, 1/64: SE NE SE

X(ft): 2,489.947 **Y(ft):** 1,336.953

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP08
Purpose of Use: Livestock
Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 5,487

Storage Impoundment Volume (ac-ft): 0.302

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 15 T. 05N R. 17W 1/4, 1/16, 1/64: NE NE NW

X(ft): 2,489,038 Y(ft): 1,335,159

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP09

Purpose of Use: Livestock

Priority Date: 3/14/1994

Source of Water: Well

Point of Diversion: Fills from well 10C-5-W03 (Location X(ft): 2,486,898; Y(ft): 1,331,873);

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 727

Storage Impoundment Volume (ac-ft): 0.010

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 15 T. 05N R. 17W 1/4, 1/16, 1/64: SW NE SW

X(ft): 2,486,848 Y(ft): 1,331,880

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP10

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 12,534

Storage Impoundment Volume (ac-ft): 0.863

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 14 T. 05N R. 17W 1/4, 1/16, 1/64: SW NE NE

X(ft): 2,492,803 **Y(ft):** 1,332,589

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP11

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 22,617

Storage Impoundment Volume (ac-ft): 0.623

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 14 T. 05N R. 17W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,493,435 **Y(ft):** 1,332,603

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10C-5-SP12
Purpose of Use: Livestock
Priority Date: 3/14/1994
Source of Water: Well
Point of Diversion: Fills from well 10C-5-W05 (Location X(ft): 2,494,912; Y(ft): 1,330,464);
Amount of Water:

Depth (ft): 6.0

Surface Area (sq.ft): 8,371

Storage Impoundment Volume (ac-ft): 0.692

Pond Location: As shown on Hydrographic Survey Map 10C-5

S. 14 T. 05N R. 17W 1/4, 1/16, 1/64: SE SE SE

X(ft): 2,494,993 **Y(ft):** 1,330,525

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.

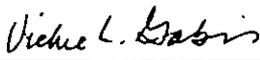
7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right

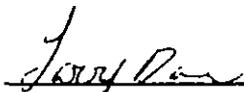
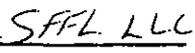
claimant with standing to object prior to the entry of a final decree.

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.


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:


VICKIE L. GABIN
SPECIAL MASTER

ACCEPTED:  SFFL, LLC  2-13-06
SFFL, LLC DATE

ADDRESS: PO Box 3837
Milan, N.M. 87020

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

Bradley S. Bridge Water
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U.S. Department of Justice
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(303) 312-7318

DEC 22 2005
DATE

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

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1/25/06
DATE

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