

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

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CLERK OF COURT

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,

No. 01cv00072-BB/DWD/ACE

Plaintiffs,
and

ZUNI RIVER BASIN
ADJUDICATION

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Sub-areas 9 and 10

Plaintiffs in Intervention,

v.

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,
and
A & R PRODUCTIONS, et al.,

Subfile No: ZRB-2-0058

Defendants.

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:

ALBERTO LANDAVAZO

("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:

67.0

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:

STOCK POND

Map Label: 10B-2-SP21

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): 15,342

Storage Impoundment Volume (ac-ft): 0.423

Pond Location: As shown on Hydrographic Survey Map 10B-2

S. 28 T. 07N R. 17W 1/4, 1/16, 1/64: SW NW NE

X(ft): 2,480,985 Y(ft): 1,385,569

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-2-SP22

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 6.0

Surface Area (sq.ft): 31,299

Storage Impoundment Volume (ac-ft): 2.587

Pond Location: As shown on Hydrographic Survey Map 10B-2

S. 28 T. 07N R. 17W 1/4, 1/16, 1/64: NW SE SE

X(ft): 2,482,428 Y(ft): 1,386,308

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-3-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): 7.0

Surface Area (sq.ft): 37,443

Storage Impoundment Volume (ac-ft): 3.610

Pond Location: As shown on Hydrographic Survey Map 10B-3

S. 8 T. 06N R. 17W 1/4, 1/16, 1/64: SW NW SE

X(ft): 2,475,812 **Y(ft):** 1,368,604

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-3-SP09

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): 15,922

Storage Impoundment Volume (ac-ft): 0.439

Pond Location: As shown on Hydrographic Survey Map 10B-3

S. 9 T. 06N R. 17W 1/4, 1/16, 1/64: NW SW NE

X(ft): 2,480,774 **Y(ft):** 1,370,651

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-3-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): 4.0
Surface Area (sq.ft): 9,003
Storage Impoundment Volume (ac-ft): 0.496

Pond Location: As shown on Hydrographic Survey Map 10B-3

S. 9 T. 06N R. 17W 1/4, 1/16, 1/64: NW SW NE

X(ft): 2,481.026 Y(ft): 1,370.757

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

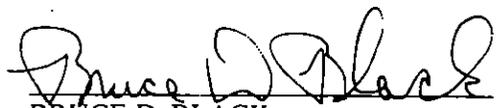
Dam height (if greater than 9 ft):

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.

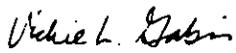
6. The Defendant, and Defendant's successors, representatives, heirs and assigns, should be enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 9 and 10, except in strict accordance with this Consent Order and other orders of the Court in this cause.

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: Alberto Landavazo 2-17-06
ALBERTO LANDAVAZO DATE

ADDRESS: 2265 Stagecoach St S.W
Los Lunas, NM 87031

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

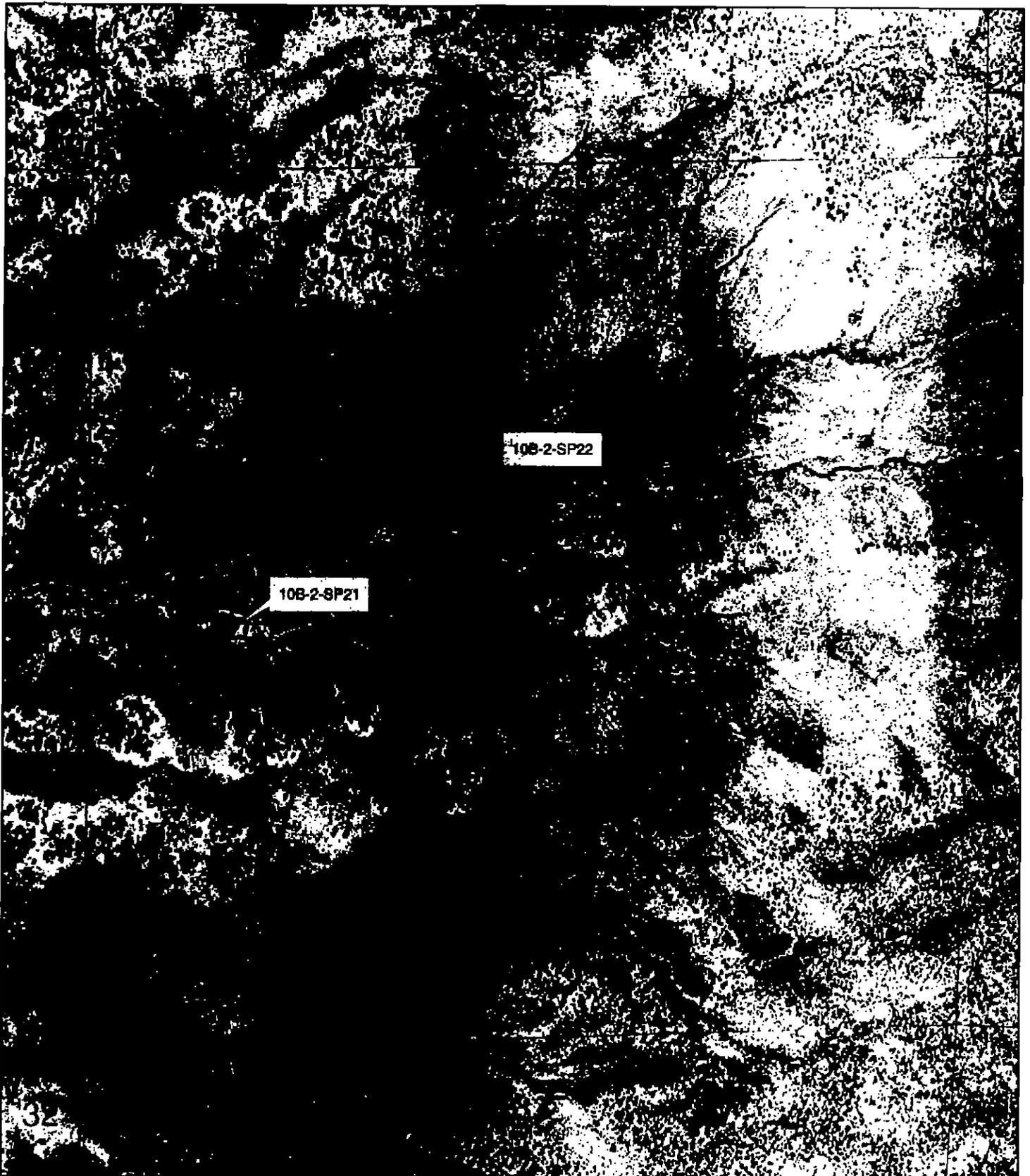
DATE _____

COUNSEL FOR THE UNITED STATES:

Bradley S. Bridgewater 12/22/05
BRADLEY S. BRIDGEWATER DATE
U.S. Department of Justice
999 18th St., Suite 945 North
Denver, CO 80202
(303) 312-7318

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

Edw C Buff 1/25/06
Special Assistant Attorney General DATE
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150

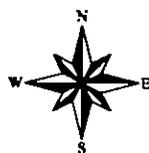


10B-2-SP21

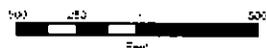
10B-2-SP22

LEGEND

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



1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 10
Subfile Number: ZRB-2-0058
PLSS: S28, T07N, R17W
Sheet 1 of 3

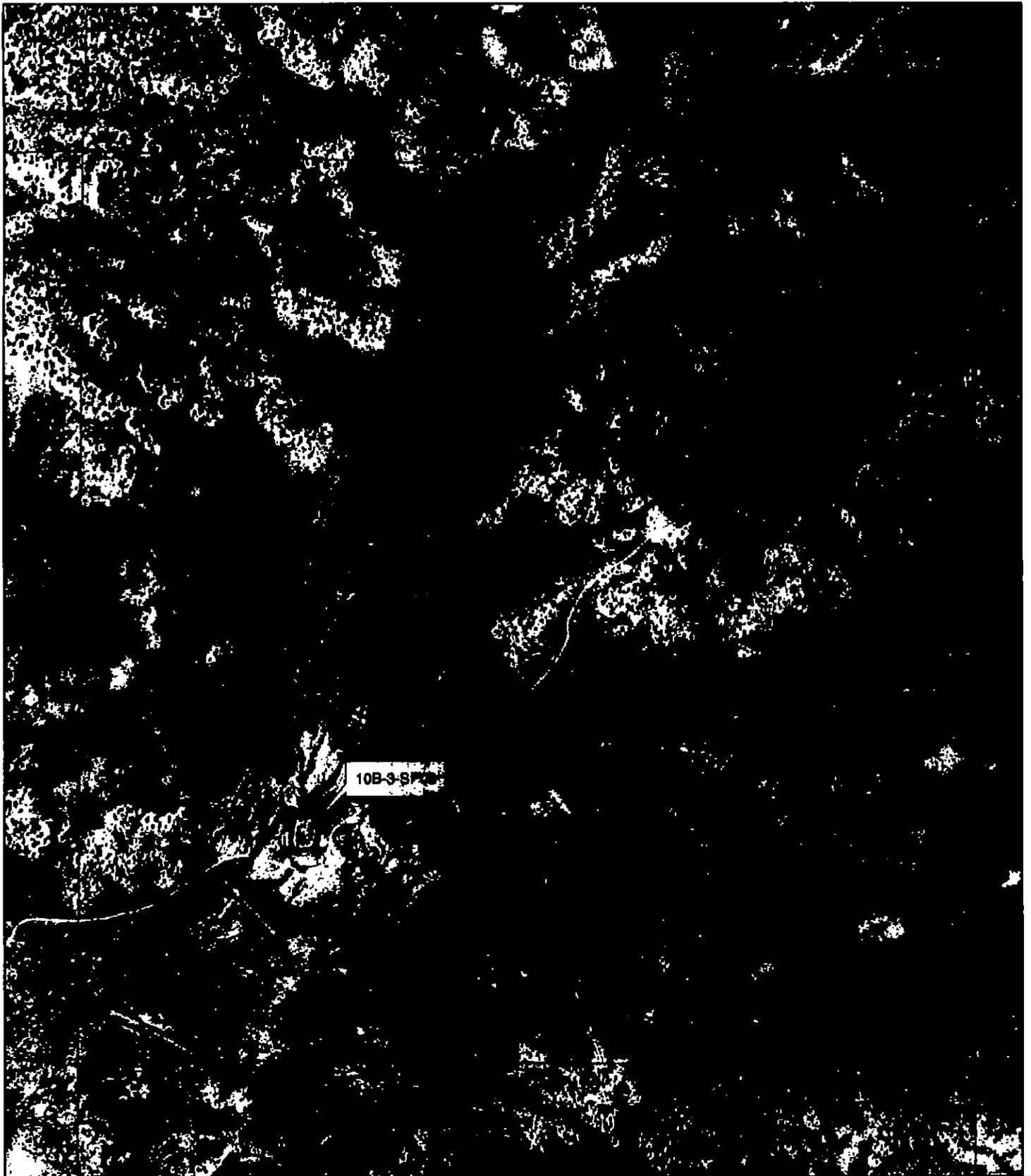
October 2005



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

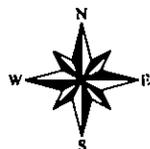
Project Manager: L. Niel Allen, P.E., Ph.D.



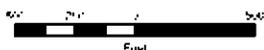
October 2005

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Zuni River Basin
Hydrographic Survey

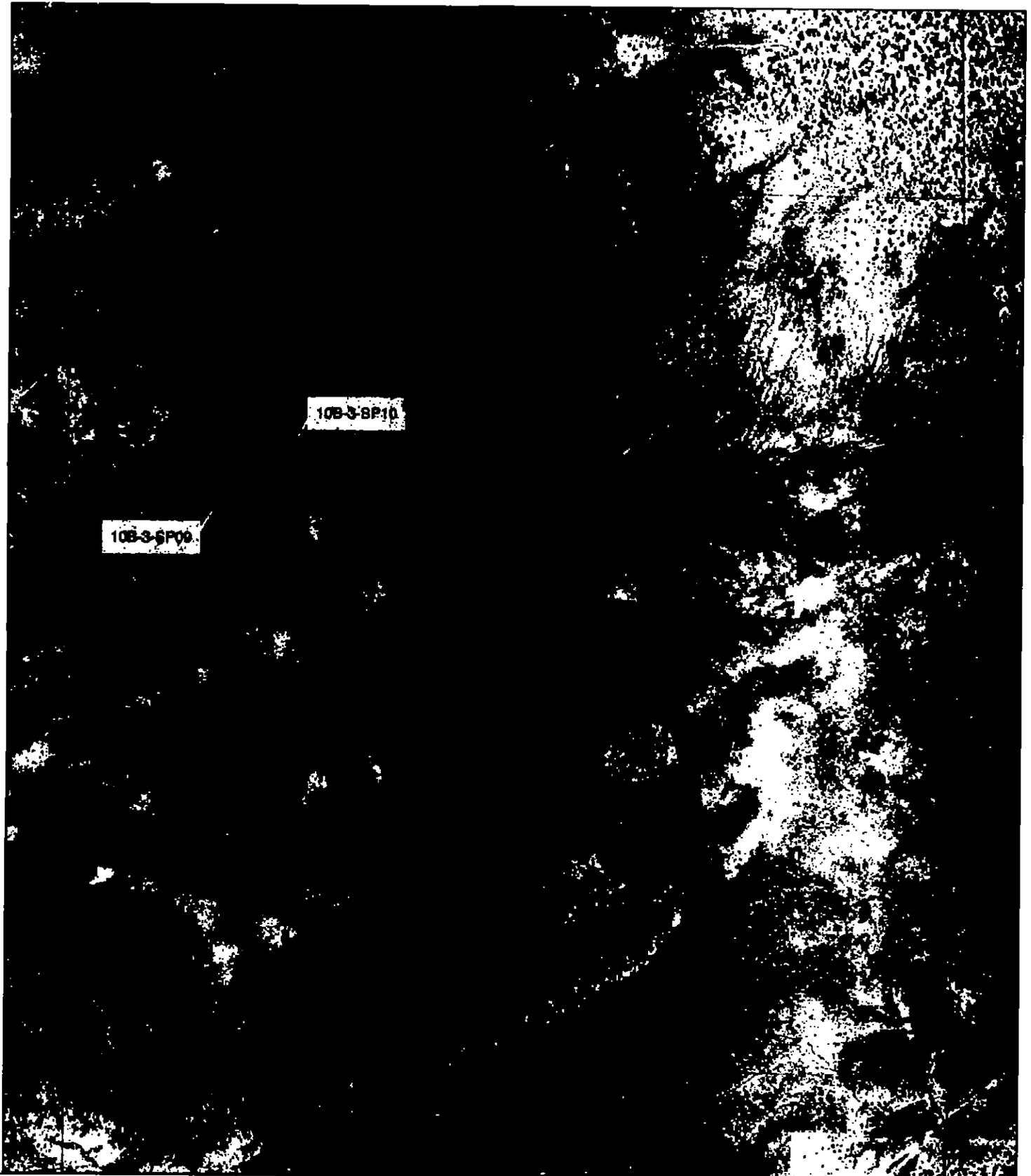
Sub-Area 10
Subfile Number: ZRB-2-0058
PLSS: S08, T06N, R17W
Sheet 2 of 3



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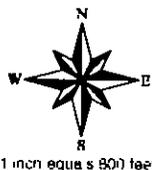
Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.



LEGEND

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1 inch equals 800 feet



Zuni River Basin
Hydrographic Survey

Sub-Area 10
Subfile Number: ZRB-2-0058
PLSS: S09, T06N, R17W
Sheet 3 of 3

October 2005



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Project Manager: L. Niel Allen, P.E., Ph.D.