

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

06 JUN 22 09:11:14
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/WDS/ACE

Plaintiffs,
and

ZUNI RIVER BASIN
ADJUDICATION

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Sub-area 7

Plaintiffs in Intervention,

v.

Subfile No: ZRB-3-0133

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,

and
A & R PRODUCTIONS, et al.,

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:

FRANCESCA PREMI

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-area 7, 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-area 7. 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-area 7, is as set forth below:

STOCK POND

Map Label: 7A-3-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): 5,454
Storage Impoundment Volume (ac-ft): 0.150

Pond Location: As shown on Hydrographic Survey Map 7A-3

S. 10 T. 08N R. 16W 1/4, 1/16, 1/64: SW SE NE

X(ft): 2,519.422 Y(ft): 1,431.677

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7A-3-SP04

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Well

Point of Diversion: Fills from well 7A-3-W05 (Location X(ft): 2,520,360; Y(ft): 1,432,601);

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 7,145

Storage Impoundment Volume (ac-ft): 0.197

Pond Location: As shown on Hydrographic Survey Map 7A-3

S. 10 T. 08N R. 16W 1/4, 1/16, 1/64: SE NW NW

X(ft): 2,520,310 Y(ft): 1,432.531

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7A-3-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): 1.0

Surface Area (sq.ft): 2,876

Storage Impoundment Volume (ac-ft): 0.040

Pond Location: As shown on Hydrographic Survey Map 7A-3

S. 10 T. 08N R. 16W 1/4, 1/16, 1/64: NE SE SW

X(ft): 2,521,434 **Y(ft):** 1,433,053

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

Dam height (if greater than 9 ft):

WELL

Map Label: 7A-3-W05

OSE File No: G 1519

Priority Date: 12/31/1919

Purpose of Use: DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 7A-3

S. 10 T. 08N R. 16W 1/4, 1/16, 1/64: SE NW NW

X (ft): 2,520,360 **Y (ft):** 1,432,601

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.879 acre-feet per annum;

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 7, 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

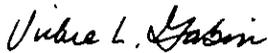
River Stream System, Sub-areas 7, except in strict accordance with this Consent Order and other orders of the Court in this cause.

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 7, 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 7, 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: Francesca Premi 5/30/06
FRANCESCA PREMI DATE

ADDRESS: (POSTAL) HC 61 - Box 32 / (PHYSICAL) 223 - 5 GATE RD.
RAMAH, NM 87321

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

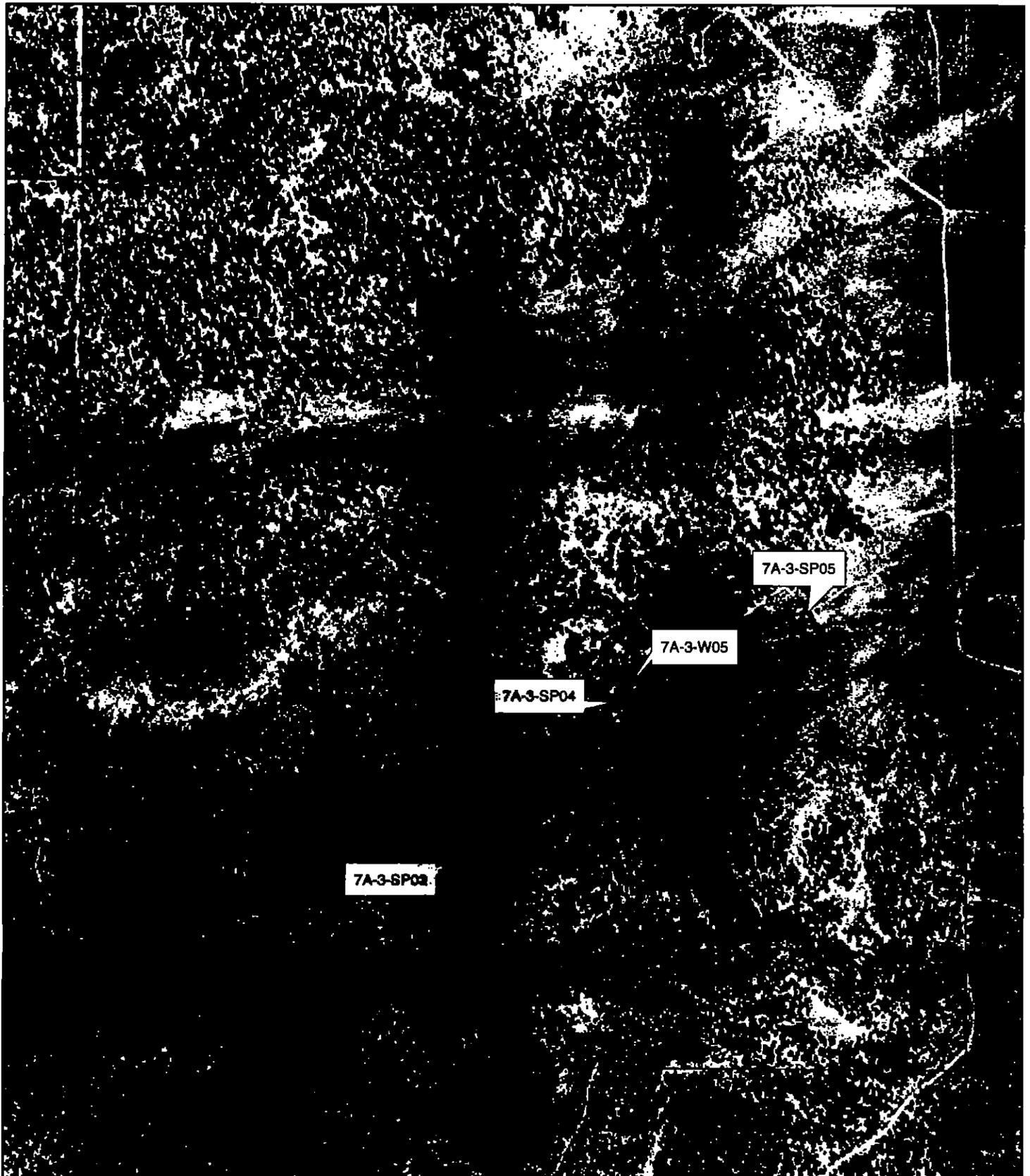
DATE

COUNSEL FOR THE UNITED STATES:

Bradley S. Bridgewater 5/30/06
BRADLEY S. BRIDGEWATER DATE
U.S. Dept. Of Justice
Env. & Natural Resources Division
1961 Stout Street - 8th Floor
Denver, CO 80294

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

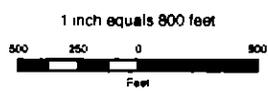
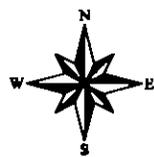
Eric B. Hill 5/3/06
Special Assistant Attorney General DATE
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150



March 2008

LEGEND

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



Zuni River Basin
Hydrographic Survey

Sub-Area 7
Subfile Number: ZRB-3-0133
PLSS: S10, T08N, R16W
Sheet 1 of 1



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

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