

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

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CLERK-SANTA FE

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-BB-ACE

ZUNI RIVER BASIN
ADJUDICATION

Sub-areas 9 and 10

Subfile No: ZRB-2-0059

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:

LAWRENCE SIMON

("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: 10B-4-W05

OSE File No: G 1772

Priority Date: 12/31/1950

Purpose of Use: DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10B-4

S. 24 T. 06N R. 18W 1/4, 1/16, 1/64: SW NE NW

X (ft): 2,465,678 **Y (ft):** 1,358,792

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 1.036 acre-feet per annum:

STOCK POND

Map Label: 10B-4-SP03
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 3.951
Storage Impoundment Volume (ac-ft): 0.218

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 24 T. 06N R. 18W 1/4, 1/16, 1/64: SW NW NW

X(ft): 2,464.040 **Y(ft):** 1,359.416

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-4-SP04
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1950
Source of Water: Well
Point of Diversion: Fills from well 10B-4-W05 (Location X(ft): 2,465,677; Y(ft): 1,358,791);

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 846
Storage Impoundment Volume (ac-ft): 0.047

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 24 T. 06N R. 18W 1/4, 1/16, 1/64: SW NE SW

X(ft): 2,465,361 **Y(ft):** 1,358,588

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-4-SP05

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 23,742

Storage Impoundment Volume (ac-ft): 0.981

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 24 T. 06N R. 18W 1/4, 1/16, 1/64: NW SE SW

X(ft): 2,465,446 **Y(ft):** 1,359,687

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-4-SP06

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 43,588

Storage Impoundment Volume (ac-ft): 1.801

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 24 T. 06N R. 18W 1/4, 1/16, 1/64: NW SE SE

X(ft): 2,466,176 Y(ft): 1,359,882

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-4-SP07

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 74,917

Storage Impoundment Volume (ac-ft): 3.096

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 24 T. 06N R. 18W 1/4, 1/16, 1/64: NW SE NE

X(ft): 2,466,497 Y(ft): 1,360,191

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-4-SP08
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 79,491
Storage Impoundment Volume (ac-ft): 3.285

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 24 T. 06N R. 18W 1/4, 1/16, 1/64: NE NW SW

X(ft): 2,466.870 **Y(ft):** 1,360.886

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-4-SP09
Purpose of Use: LIVESTOCK
Priority Date: 12/31/1950
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0
Surface Area (sq.ft): 13,688
Storage Impoundment Volume (ac-ft): 0.566

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 24 T. 06N R. 18W 1/4, 1/16, 1/64: NE NW NE

X(ft): 2.467,340 **Y(ft):** 1.361.485

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-4-SP10

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 113,115

Storage Impoundment Volume (ac-ft): 6.232

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 24 T. 06N R. 18W 1/4, 1/16, 1/64: NE NW SE

X(ft): 2.467.938 **Y(ft):** 1.361.348

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

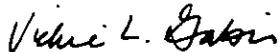
River Stream System, Sub-areas 9 and 10, except in strict accordance with this Consent Order and other orders of the Court in this cause.

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

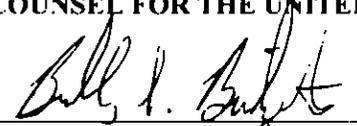
ACCEPTED:  10/15/06
LAWRENCE SIMON DATE

ADDRESS: 919 S. Prospect
Park Ridge, ILL. 60068

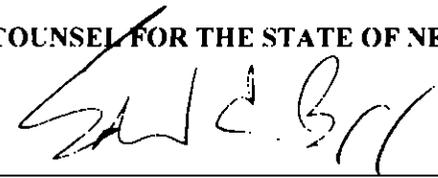
COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

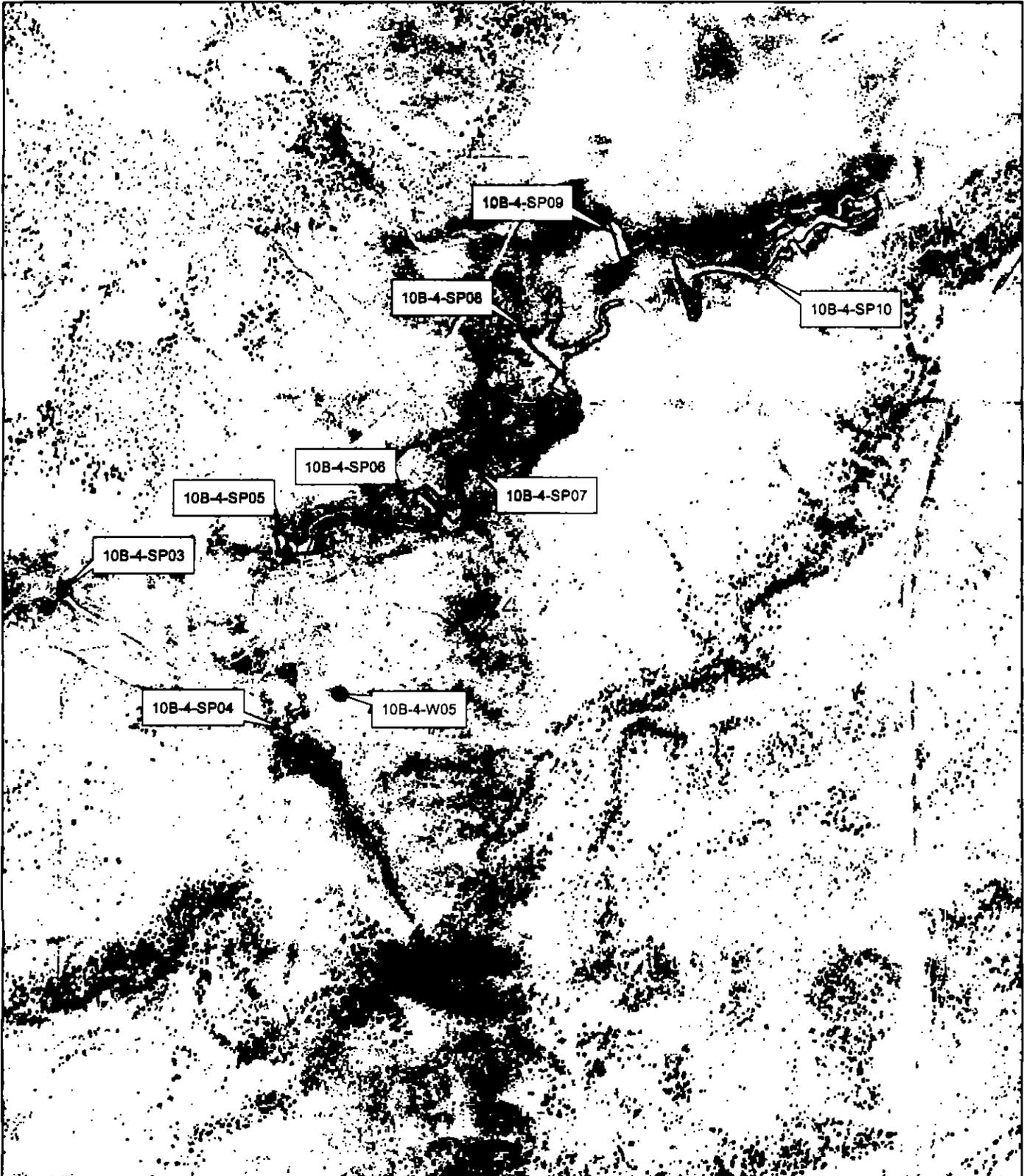
DATE

COUNSEL FOR THE UNITED STATES:

 6/27/2006
BRADLEY S. BRIDGEWATER DATE
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
(303) 844-1359

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

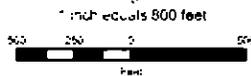
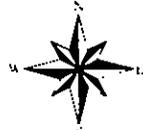
 8/14/06
Special Assistant Attorney General DATE
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150



October 2005

LEGEND

- ⊙ Weir
- Town
- Stock Point
- ▭ Sub-Area Boundary
- ▭ Section Boundary



Zuni River Basin
Hydrographic Survey

Sub-Area 10
Subfile Number: ZRB-2-0059
PLSS: S24, T06N, R18W
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.