

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

,
UNITED STATES OF AMERICA, and)
STATE OF NEW MEXICO, ex rel. STATE)
ENGINEER,)
)
Plaintiffs,)
)
and)) No. 01-cv-0072 MV/WPL
)
ZUNI INDIAN TRIBE, NAVAJO NATION,))
) ZUNI RIVER BASIN
Plaintiffs in Intervention,)) ADJUDICATION
)
v.)) Subfile No. ZRB-5-0014
)
A & R PRODUCTIONS, et al.,)
)
Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (PFRD), filed June 1, 2016. (Doc. 3277) The parties were notified that objections were due within fourteen days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. To this date, no objections have been filed.

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an order of the Court;
- 2) the Plaintiffs' Joint Motion for Judgment on the Pleadings (Doc. 3264) is GRANTED;
- 3) the right of the Defendant, The Clawson Farm & Ranch LLC d/b/a The Quarter Circle Ranch, to divert and use the public waters of the Zuni River Stream System, Ramah Sub-area, is as set forth below:

STOCK POND

Map Label: 3B-5-SP056

Purpose of Use: LIVESTOCK

Priority Date: 12/31/1971

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq. ft): 19,143

Storage Impoundment Volume (ac-ft): 0.791

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

S. 3 T. 10N R. 16W **1/4, 1/16, 1/64** NW SW NE

X (ft): 2,518,020 **Y (ft):** 1,502,941

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

WELL

Map Label: 3B-5-W047

OSE File No: G 02002

Priority Date: 12/31/1940

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

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

S. 9 T. 10N R. 16W **1/4, 1/16, 1/64** NE NE SE

X (ft): 2,516,550 **Y (ft):** 1,498,679

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

Amount of Water: 1.839 ac-ft per annum

WELL

Map Label: 3B-5-W052

OSE File No: G 01998

Priority Date: 12/31/1964

Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

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

S. 9 T. 10N R. 16W **1/4, 1/16, 1/64** NE NE NE

X (ft): 2,519,309 **Y (ft):** 1,504,214

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

Amount of Water: 1.139 ac-ft per annum

WELL

Map Label: 3B-5-W053

OSE File No: G 02004

Priority Date: 12/31/1932

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

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

S. 3 T. 10N R. 16W **1/4, 1/16, 1/64** NW NE NE

X (ft): 2,519,349 **Y (ft):** 1,504,469

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

Amount of Water: 1.839 ac-ft per annum

WELL

Map Label: 3B-5-W054

OSE File No:

G 02001

Priority Date:

12/31/1987

Purpose of Use:

NON 72-12-1 LIVESTOCK WATERING; COMMERCIAL

Well Location:

As shown on Hydrographic Survey Map 3B-5D

S. 3 T. 10N R. 16W **1/4, 1/16, 1/64** NW NW NE

X (ft): 2,518,251 **Y (ft):** 1,504,106

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

Amount of Water: 1.839 ac-ft per annum

WELL

Map Label:

3B-5-W055

OSE File No:

G 02005

Priority Date:

12/31/1948

Purpose of Use:

NON 72-12-1 DOMESTIC & LIVESTOCK

Well Location:

As shown on Hydrographic Survey Map 3B-5D

S. 3 T. 10N R. 16W **1/4, 1/16, 1/64** NW SW NE

X (ft): 2,517,870 **Y (ft):** 1,502,703

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

Amount of Water: 1.839 ac-ft per annum

WELL

Map Label:

3B-5-W112

OSE File No:

G 02003

Priority Date:

12/31/1910

Purpose of Use:

NON 72-12-1 DOMESTIC & LIVESTOCK

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

S. 9 T. 10N R. 16W **1/4, 1/16, 1/64 NW NW NW**

X (ft): 2,512,185 **Y (ft):** 1,499,220

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

Amount of Water: 1.839 ac-ft per annum

- 4) The Defendant has no right to divert and use the public waters of the Zuni River Stream System, Ramah Sub-area, except as set forth in this Order and other Orders entered by the Court in this cause;
- 5) The Defendant, its successors, representatives, heirs, and assigns, are enjoined from any diversion or use of the public waters of the Zuni River Stream System, Ramah Sub-area, except in strict accordance with this Order and other orders of the Court in this cause; and
- 6) The water right described herein is adjudicated as between the United States, the State of New Mexico, 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 in this cause.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE