

**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)
))
ZUNI INDIAN TRIBE, NAVAJO NATION,)
))
Plaintiffs in Intervention,)
))
v.)
))
A & R PRODUCTIONS, et al.,)
))
Defendants.)

No. 01-cv-0072 MV/WPL

ZUNI RIVER BASIN
ADJUDICATION

Subfile No. ZRB-4-0453

**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 July 11, 2016. (Doc. 3297). 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 Summary Judgment (Doc. 3289) is GRANTED;
- 3) the right of the Defendant, Theodore Broderick, to divert and use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, is as set forth below:

WELL

Map Label: 3B-4-W172

OSE File No: G 02744

Priority Date: NO RIGHT

Purpose of Use: DOMESTIC CONSTRUCTION

Well Location: As shown on Hydrographic Survey Map 3B-4

S. 19 T. 11N R. 15W 1/4, 1/16, 1/64 NW NW NW

X (ft): 2,533,589 Y (ft): 1,520,013

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

Amount of Water: NO RIGHT

4) The Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, except as set forth in this Order and other Orders entered by the Court in this cause;

5) The Defendant, his successors, representatives, heirs, and assigns, are enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, 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 Defendants, 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