

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

STATE OF NEW MEXICO, *ex rel.*  
State Engineer,  
Plaintiff,

v.

No. Civ. 66-06639 MV/WPL

R. LEE AAMODT *et al.*  
Defendants,

and

UNITED STATES OF AMERICA,  
PUEBLO DE NAMBÉ,  
PUEBLO DE POJOAQUE,  
PUEBLO DE SAN ILDEFONSO,  
and PUEBLO DE TESUQUE,  
Plaintiffs-in-Intervention.

**SPECIAL MASTER'S MINUTES OF AUGUST 17, 2010 WORKING SESSION,**

After notice [Doc. No. 7028], the Special Master held a working session addressing domestic well claims on August 17, 2010. The following persons attended:

Edward C. Bagley  
Barbara Brill  
Marjorie Dryden  
Claudia Borchert  
Leonard Roy  
Kyle Harwood  
Amelia Garcia  
Joe M. Garcia  
Lorenzo Attencio  
John Gutting  
Marco Martinez  
Darcy Bushnell  
Paul White

The following comments were made during the working session:

1. The Special Master stressed that an overarching goal was to conclude proceedings associated with the Order of Reference by the December, 2012 deadline.

2. Kyle Harwood inquired as to what other matters needed to be concluded aside from surface water right priorities and domestic well rights determinations. The Special Master noted that those issues had not yet been raised or decided, but that generally in adjudications an "errors and omissions" process needs to take place, and that ownership determinations must be brought up to date, prior to entries of partial final decrees. The Special Master also noted that in this adjudication, the Court did not maintain and was not maintaining a database as in some other adjudications in New Mexico.

3. The Special Master then inquired of the State of New Mexico whether the State could differentiate, when it was submitting consent orders to the Court for review, between orders that were arrived at through consent of the parties and orders that were tendered pursuant to the procedures outlined in the Procedural and Scheduling Order for the Adjudication of Water Rights Under Domestic Wells Permitted After January 13, 1983, [Doc. No. 6239] § IV(C)(1). The State agreed to include a certification in orders its submits pursuant to § IV(C)(1) of the Procedural and Scheduling Order.

4. The State of New Mexico identified some difficulties it was having with surveys, including that some wells could not be located, that some permits had no corresponding wells, that some wells had no corresponding structures, that some wells had been mis-identified as belonging in the N-P-T Basin, or that some wells were drilled but that water had not yet been put to beneficial use. With respect to these latter wells, the State of New Mexico commented that no policy had yet been formulated on how to address those wells

within the adjudication, but that it has contacted owners to inform them of the beneficial use requirement.

5. The State of New Mexico stated that a first survey of all wells had been performed, that approximately 300 claimants had been joined in the adjudication, that approximately another 300 still needed to be joined, and that the State anticipated having joined all domestic well rights claimants no later than September 1, 2011. The State of New Mexico explained it is attempting to determine which of the claimants joined are currently in default. The Special Master stressed that the State should not put off making default determinations, since entries of default judgment can be re-opened for good cause by the Court, and that late-entered default judgment could cause delay in meeting deadline requirements.

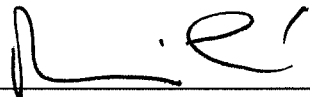
6. The State of New Mexico commented that consultations with water rights claimants are ongoing, and that generally the consultations are fruitful and productive.

7. The State of New Mexico stated that it believed approximately 50 permitted, pre-moratorium wells still needed to be adjudicated, and that there may be a number of pre-basin wells that still need to be adjudicated.

8. Darcy Bushnell of the Joe M. Stell Water Ombudsman Program at the Utton Center at the University of New Mexico School of Law explained that she is working with the State of New Mexico to assist claimants with questions or concerns, with good results, and that she is conducting outreach on a regular basis in northern New Mexico.

**THE PARTIES ARE NOTIFIED THAT WITHIN 20 DAYS OF SERVICE** of a copy of this order, report, or recommendations, they may file written objections with the Clerk of the Court pursuant to Federal Rule of Civil Procedure 53(f)(2). **A party must file any objections with the Clerk of the Court within the twenty-day period if that party wants the District Judge**

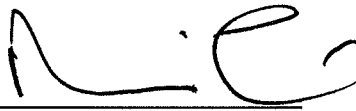
**to hear their objections. If no objections are filed within the twenty-day period, the District Judge may adopt the order, report or recommendations in whole.**

  
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Pierre Levy, Special Master

August 18, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on the date of filing I caused the foregoing to be filed electronically through the CM/ECF system which caused the parties on the electronic service list as of the time of filing, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and to be served via United States Mail, postage prepaid, to all parties on the Court's United States Mail service list as of the date of filing.

  
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Pierre Levy