

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

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

**FILED**  
at Santa Fe, NM

JAN - 5 2011

MATTHEW J. DYKMAN  
CLERK

No. 66cv06639 MV/WPL  
Subfile No. : RG-72241

**ORDER GRANTING MOTION TO ENTER SUBFILE  
ORDER ADJUDICATING THE POST-1982 DOMESTIC WELL  
WATER RIGHT CLAIMS OF CLEMENS E. GUNN  
UNDER SUBFILE PM-72241 PURSUANT TO THE  
POST-1982 WELL STIPULATION AND SETTLEMENT AGREEMENT  
[DOC. NO. 7094]**

THIS MATTER is before the Court on the State of New Mexico's October 7, 2010, *Motion* [Doc. No. 7094] for entry of subfile order adjudicating rights in a Post-1982 domestic well, all in accordance with the Post-1982 Domestic Wells Stipulation and Settlement Agreement, approved by the Court's October 4, 1999 Order re Adopting Post-1982 Well Settlement Agreement [Doc. No. 5549]. The Defendant, settling well owner is:

CLEMENS E. GUNN

IT IS ORDERED THAT this defendant has the following underground water rights:

**Purpose:** Domestic use for one or more households including stockwatering and irrigation of not to exceed one acre of non-commercial trees, lawn or garden pursuant to NMSA Section 72-12-1 (1997).

**State Engineer File No.:** RG-72241

**Priority:** 6/16/1999

**Location of Well:** Location : X= 583,068 Y=1,764,033  
on the New Mexico State Plane Coordinate System, Central Zone, 1927 N.A.D.

**Amount of Water:** Not to exceed a diversion of 0.7 acre feet per year per household from the well described above or the historic beneficial use, whichever is less; provided, however, that in no case shall the total diversion from such well exceed 3.0 acre feet per year.

**Meter requirement:** There shall be a totalizing meter installed before each household's branch of the discharge line from the well, with installation acceptable to the State Engineer. Pumping records at each such meter shall be submitted to the Water Master, in the form and with such frequency as may be established.

These water rights are subject to objection by any other water right owner with standing in a later (*inter se*) phase of this adjudication suit when water right owners may object between themselves to individual adjudication orders. The rights are also subject to the entry of the final decree in this case.

IT IS FURTHER ORDERED that, as to the above-identified well, the use restrictions imposed by the State Engineer on his domestic well permit as a result of the Court's January 13, 1983 ORDER are hereby vacated and that ORDER shall be of no further effect.


IT IS FURTHER ORDERED that the defendant is enjoined from any diversion or use of the waters of the Rio Pojoaque Basin except in accordance with the rights adjudicated in this order or any other order.



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MARTHA VAZQUEZ  
UNITED STATES DISTRICT JUDGE

Recommended for approval:



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Pierre Levy, Special Master