

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

FILED
at Santa Fe, NM

JAN - 5 2011

MATTHEW J. DYKMAN
CLERK

No. 66cv 6639 MV/WPL

Subfile No.: PM-64749

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

Plaintiff,

v.

R. LEE AAMODT, *et al.*,

Defendants.

and

UNITED STATES OF AMERICA,

PUEBLO DE NAMBE,

PUEBLO DE POJOAQUE,

PUEBLO DE SAN ILDEFONSO,

and PUEBLO DE TESUQUE,

Plaintiffs-in-Intervention

ORDER ADJUDICATING POST-1982 DOMESTIC WELL WATER RIGHTS

THIS MATTER is before me under the provisions of paragraph IV.A.2 of the Court's June 14, 2007 **Procedural and Scheduling Order for the Adjudication of Water Rights Under Domestic Wells Permitted After January 13, 1983 (Docket No. 6239)** and pursuant to the Court's December 11, 2006 **Order to Show Cause (Docket No. 6194)** concerning the rights to use the public waters of the Rio Grande Underground Water Basin and the Nambe-Pojoaque-Tesuque stream system of Defendants:

SAMUEL A. BERNE

P.O. BOX 458

TESUQUE, NM 87574

The Court FINDS:

1. The Court has jurisdiction over the defendant(s) and the subject matter of this suit.

2. Pursuant to the Court's Procedural and Scheduling Order for the Adjudication of Water Rights under Domestic Wells Permitted after January 13, 1983 (Docket No. 6239) (Procedural Order), Plaintiff State of New Mexico served defendant(s) with a copy of this proposed Order Adjudicating Post-1982 Domestic Well Water Rights ("Domestic Well Order"). Plaintiff has not received an objection to this proposed Domestic Well Order.

3. There is no just reason to delay entry of this Domestic Well Order as a final judgment as between the Plaintiff State of New Mexico and the defendant(s) regarding the elements of the claims of the defendant(s) adjudicated by this Domestic Well Order.

IT IS THEREFORE ORDERED that the right of the defendant(s) to divert and use the public waters of the Rio Grande Underground Water Basin and the Nambe-Pojoaque-Tesuque stream system is as follows:

Purpose: Domestic use for One Household pursuant to NMSA § 72-12-1 and -1.1

State Engineer File No.: RG-64749

Priority: 5/16/1996

Source of Water: Underground waters of the Rio Grande Underground Water Basin.

Point of Diversion: Well No. RG-64749

Location: X= 597,941 Y= 1,734,524
on the New Mexico State Plane Coordinate System, Central
Zone, 1927 N.A.D.

Place of Use: Within the property owned by the Defendant(s) served by the well.

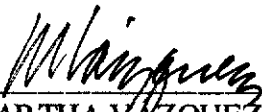
Amount of water: Not to exceed a diversion and consumption of 0.5 acre feet per year from the well described above unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance.

Other Conditions:

Use shall be limited strictly to household, drinking and sanitary purposes; water shall be conveyed from the well to the place of use in closed conduit and the effluent returned to the underground so that it will not appear on the surface. No irrigation of lawns, gardens, trees or use in any type of pool or pond is authorized. All other conditions of State Engineer Permit No. RG-64749 for the above described well are also incorporated herein.

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 the defendant(s) are enjoined from any diversion or use of the waters of the Nambe-Pojoaque-Tesuque Stream system except in accordance with the rights adjudicated in this order or any other order of the Court.



MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE


Recommended for approval:



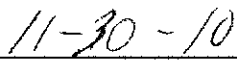
PIERRE LEVY
SPECIAL MASTER

ATTORNEY CERTIFICATION

Pursuant to paragraph IV.A.2 of the Procedural Order, if the State has not received a Request for Consultation from the Defendant(s), the State shall submit the Domestic Well Order to the Court for approval and filing. The undersigned attorney for the State of New Mexico certifies that the Defendant(s) did not submit a Request for Consultation or otherwise inform the State of any objections to the Domestic Well Order.



Barbara Brill
Special assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504



Date