

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.)

No. 66cv06639 MV/WPL
Subfile No. : RG-60971

INTERIM ORDER

THIS MATTER is before the Court on the State of New Mexico’s January 20, 2011, *Motion* (No. ___) 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 (No. 5549). The Defendant, settling well owners are:

WILLIAM GARCIA
LUANN GARCIA

IT IS ORDERED THAT these defendants have 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-60971

Priority: 9/14/1993

Location of Well: Location : X=571,600 Y= 1,783,980
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 Nambe-Pojoaque-Tesuque Stream System except in accordance with the rights adjudicated in this order or any other order.

UNITED STATES DISTRICT JUDGE