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## **Nambe-Pojoaque-Tesuque Area Water Master Report: Domestic Well Usage Lower Than Expected**

**(SANTA FE, New Mexico)** – Average water use in domestic wells in the Nambe-Pojoaque-Tesuque area was found to be lower than expected, according to a report from the State Engineer's water master. Average use by more than 300 domestic wells surveyed -- whose owners have entered into the settlement agreement -- was found to be 0.29 acre-feet per year.

State Engineer John D'Antonio initiated active management of water use in the Nambe-Pojoaque-Tesuque area in March of 2004 as part of the Active Water Resource Management initiative and in fulfillment of duties as water master in the marathon Aamodt water rights adjudication case.

The State Engineer hired the water master in March of 2004, funded by \$114,500 provided through Governor Bill Richardson's office to comply with terms of the federal district court order.

The domestic wells report was filed with the U.S. District Court on April 25, 2005 in accordance with the May 27, 1999 joint motion requesting the court to approve a settlement agreement relating to domestic well permits issued after 1982. Field checks were performed from mid summer through December of 2004 by the water master on about 90 percent of the area's post-1982 domestic wells. It was determined that most well owners were in compliance with the requirement of having their wells metered.

"These results are significant because they provide a snapshot of domestic well use in this area," said State Engineer John D'Antonio. "We will continue to be proactive in the enforcement of the prior appropriation doctrine."

"As field checks were performed, most area residents were generally accepting of us doing our jobs," said water master Brian Gallegos. "This exercise also allowed me to talk with people one-on-one and to answer their questions about the settlement process. I felt the results were very positive from area residents."

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The Pueblos of Nambe, Pojoaque, Tesuque, and San Ildefonso have been engaged in mediation talks with the state and with non-Indian water users in the basin in an effort to agree on terms of a settlement to the Aamodt adjudication, which is believed to be the longest-running lawsuit in the federal court system. A settlement agreement reached in late 2003 was recently rejected by the federal government for being too expensive. Negotiators are seeking to craft a modified settlement with a lower price tag and with terms more acceptable to non-Indian water users in the basin.

The court in 1983 ordered the State Engineer to limit future domestic well permits in Nambe-Pojoaque-Tesuque area to indoor use only. As a result, domestic well permits issued after that date, carried that limitation – though they still carried the 3 acre-foot limitation specified in state law for domestic wells. A subsequent 1999 settlement agreement concerning these “post-moratorium wells” allowed, in addition to indoor use outdoor water use, but limited total use to 0.7 acre-feet annually. (One acre-foot of water translates into 325,829 gallons.)

“The water master’s report makes clear that the 1999 limitation on water use was not overly restrictive,” said D’Antonio.

It should be noted that the 1999 Post-Moratorium Wells Settlement Agreement is independent, separate, and distinct from the terms of the proposed Aamodt settlement that has been the subject of mediated negotiations for the last five years.

The water master’s report indicates 291 individuals with wells responded to the request of installing a meter. Notices were mailed out in January 2005 to remind participants that their quarterly meter readings were due. Field checks were required for 314 wells to verify meter installation, placement, and readings -- as well as the number of dwellings served by each well.

Only 16 wells had over-diverted in 2004, according to the water master’s findings. These well owners were notified and asked to provide any evidence that an error might have occurred. The field checks will continue, as part of the continuing active management of the water resources in the Nambe-Pojoaque-Tesuque watershed.

The water master report can be downloaded from the website for the Office of the State Engineer at [www.ose.state.nm.us](http://www.ose.state.nm.us).

There are about 2,700 total domestic wells in the Nambe-Pojoaque-Tesuque Basin. There are about 500 pre-basin wells (drilled prior to 11/29/56), about 1,100 post-basin, pre-moratorium wells, and about 1,100 post-moratorium wells (drilled after 1/13/83) in the area. More than 300 domestic wells – whose owners have entered into the Post-Moratorium Wells Settlement Agreement -- were surveyed as part of this report.

The Office of the State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission and oversees its staff.

The Interstate Stream Commission is charged with separate duties including protecting New Mexico's right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts, as well as water planning.

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