

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

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

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

No. 66cv 6639 WJ/WPL

Subfile No: RG-16112

**ORDER ADJUDICATING PRE-1982 DOMESTIC WELL WATER RIGHTS**

THIS MATTER is before me under the provisions of paragraph V.A.2 of the Court's August 2, 2012 Procedural and Scheduling Order for the Adjudication of Water Rights for Domestic Wells, Including Pre-Basin Domestic Wells, Drilled or Permitted Prior to this Court's Order of January 13, 1983 (Docket No. 7736) and pursuant to the Court's March 18, 2013 Order to Show Cause (Docket No. 7861) concerning the rights to use the public waters of the Rio Grande Underground Water Basin and the Nambe-Pojoaque-Tesuque stream system of Defendants:

**MARILYN D. SMITHERS**

**JEAN U. SMITHERS**

223 N. GUADALUPE ST. #519

SANTA FE, NM 87501

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 For Domestic Wells, Including Pre-Basin Domestic Wells, Drilled or Permitted Prior to This Court's Order of January 13, 1983 (Docket No. 7736) (Procedural Order), Plaintiff State of New Mexico served defendant(s) with a copy of this proposed Order Adjudicating Pre-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 2 households, pursuant to NMSA § 72-12-1 and -1.1  
**State Engineer File No.:** RG-16112  
**Priority:** 09/25/1968  
**Source of Water:** Underground waters of the Rio Grande Underground Water Basin.

**Point of Diversion:** Well No. RG-16112  
Location: X= 561,361 Y= 1,778,769  
on the New Mexico State Plane Coordinate System, Central  
Zone, NAD 1927

**Number of Households Served By Well:** 2

**Place of Use:** Within the property and households of the users served by the well.

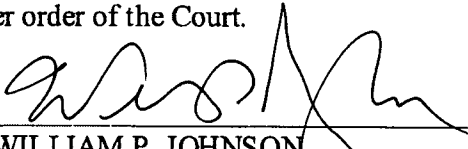
**Amount of water:** Not to exceed a diversion and consumption of 0.7 acre feet per year per household, but in no event may the aggregate use of those households served by the well exceed 3.00 acre feet per year, unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance.

**Metering Requirement:** There shall be a totalizing meter installed on the well, with installation acceptable to the State Engineer.

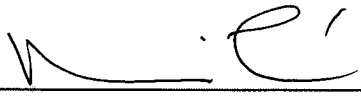
**Other Conditions:** All conditions of State Engineer Permit No. RG-16112 for the above described well are also incorporated herein.

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.

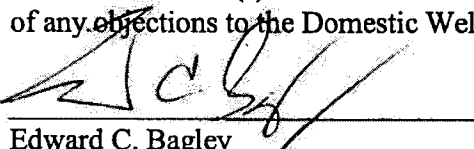
  
WILLIAM P. JOHNSON  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

  
PIERRE LEVY  
SPECIAL MASTER

ATTORNEY CERTIFICATION

Pursuant to paragraph V.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.

  
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10/5/2015  
Date