

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

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.)
_____)

NO. 66cv6639 WJ/WPL

ORDER TO SHOW CAUSE

This matter comes before the Court pursuant to the 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* (No. 7736), and on the Plaintiff-Applicant State of New Mexico ex rel. State Engineer’s (“State’s”) *Application for Order to Show Cause* (No. 9960) why all domestic well water rights developed prior to the November 29, 1956 declaration of the Rio Grande Underground Water Basin should not be adjudicated as follows: (1) in the quantity of 0.7 acre feet per annum per household; and (2) otherwise consistent with the findings of the State’s hydrographic survey.

For good cause shown, the Court hereby GRANTS the application.

IT IS THEREFORE ORDERED THAT claimants of unadjudicated domestic well

water rights developed prior to the November 29, 1956 declaration of the Rio Grande Underground Water Basin appear and show cause, if any:

1. Why the Respondent's water rights should not be adjudicated in the quantity of 0.7 acre feet per annum per household; and
2. Why the Respondent's water rights should not otherwise be adjudicated consistent with the findings of the State's hydrographic survey.

IT IS FURTHER ORDERED that the Plaintiff-Applicant State of New Mexico shall serve this Order to Show Cause with a proposed Domestic Well Order by mail on all claimants of unadjudicated domestic well water rights developed prior to the November 29, 1956 declaration of the Rio Grande Underground Water Basin ("Pre-Basin Domestic Well claimants") in batches as ownership information and well locations are confirmed. All Pre-Basin Domestic Well claimants who oppose the adjudication of their water rights as described in the proposed Domestic Well Order shall have forty-five (45) days after this Order is served upon them in which to file a written response with any objections. Failure of a claimant to file a written response with the United States District Court for the District of New Mexico will result in the entry of an order finally adjudicating their right as set forth in the proposed Domestic Well Order for that Pre-Basin Domestic Well claimant's groundwater right.

If a Pre-Basin Domestic Well claimant chooses to respond, the original response must be filed with the Court within forty-five (45) days of being served with the Order. Claimants may do so in person at the Clerk's Office at one of the United States Courthouses, which are located at 106 S. Federal Place in Santa Fe, 333 Lomas Blvd.

N.W. Suite 270 in Albuquerque, and 100 N. Church Street in Las Cruces. Claimants may also file their response by mailing the original response to:

United States District Court
333 Lomas Blvd. N.W., Suite 270
Albuquerque, NM 87102

Claimants that file their response by mail and request a stamped copy must provide an additional copy of their response and a pre-addressed, stamped envelope.

Any claimant choosing to respond must also mail a copy of their response to counsel for the State at the following address:

Edward Bagley
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504

IT IS SO ORDERED.



WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE

Date Mailed: _____

Mailed By: Edward Bagley
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, New Mexico 87504
(505) 827-6150