

**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. 66cv06639 WJ/WPL

Subfile No: RG-33483

NOTICE THAT THE CONSULTATION PERIOD HAS ENDED

Pursuant To The Procedural and Sceduling 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. 641) and Special Master's Order Limiting the Consultation Period filed August 23, 2013 (Doc. No. 7950), the State of New Mexico *ex rel.* State Engineer ("State"), hereby notifies

ROBERT C. HABBERSETT
KATHARINE A. PALMER
103 VISTA REDONDA
SANTA FE, NM 87506

that the consultation period for Subfile No. RG-33483 has ended.

Notice That The Consultation Period Has Ended
Subfile No: RG-33483

Within twenty (20) days of the date of service of this notice, defendant must either:

- 1. Sign and accept the last Consent Order offered by the State for the above subfile number and return the entire Consent Order to counsel for the State,**
OR
- 2. File with the Court and serve on counsel for the State a Subfile Answer.**

A form Subfile Answer is provided with this notice. You may use the provided form or prepare your own Subfile Answer. However, in order to satisfy the Court's requirements, your Subfile Answer must:

1. Provide the caption and civil action number of this case (No. 66cv06639 MV/WPL) and identify the subfile by the subfile number,
2. Explain your reasons for disagreeing with the Consent Order offered for the subfile by the State,
3. Include a statement that you have made a good faith effort to consult with and resolve the disagreement with the State, and
4. Be properly filed with the Clerk of Court and served by mailing a copy to counsel for the State.

Failure to properly sign and return the last-offered Consent Order or file and serve a Subfile Answer within twenty (20) days of service of this Notice shall be considered grounds for entry of a default order incorporating the terms proposed by the State.

Electronically Filed

/s/Edward C. Bagley
EDWARD C. BAGLEY
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
505-827-7844
edward.bagley@state.nm.us

COUNSEL FOR THE STATE OF NEW MEXICO
ex rel. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 16,2015 I filed the foregoing Notice that the Consultation Period Has Ended electronically through the CM/ECF system, which caused parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND FURTHER CERTIFY that on such date I served the foregoing together with a form Subfile Answer, on the following non-CM/ECF Participants in the manner indicated:

Via U.S. Postal Service, First-class mail, Postage Pre-Paid

ROBERT C. HABBERSETT 103 VISTA REDONDA, SANTA FE, NM 87506
KATHARINE A. PALMER 103 VISTA REDONDA, SANTA FE, NM 87506

**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-33483

CONSENT ORDER ADJUDICATING PRE-1982 DOMESTIC WELL WATER RIGHTS

THIS MATTER is before me under the provisions of paragraph IV.B.1 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:

ROBERT C. HABBERSETT
KATHARINE A. PALMER
103 VISTA REDONDA
SANTA FE, NM 87506

The Court FINDS:

1. The Court has jurisdiction over the defendant(s) and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Grande Stream System. By their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth below.
3. There is no just reason to delay entry of this Consent 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 Consent 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-33483
Priority: 10/29/1979
Source of Water: Underground waters of the Rio Grande Underground Water Basin.
Point of Diversion: Well No. RG-33483
Well No.: RG-33483- **Location X:** 596,578 feet **Y:** 1,752,970 feet
on the New Mexico State Plane Coordinate System,
Central Zone, N.A.D., 1927
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 0.7 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: All conditions of State Engineer Permit No. RG-33483 for the
above described well are 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

ACCEPTED: _____
KATHARINE A. PALMER

ACCEPTED: _____
ROBERT C. HABBERSETT

ADDRESS: _____

ADDRESS: _____

DATE: _____

DATE: _____

THE STATE OF NEW MEXICO

Edward C. Bagley
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-7844
edward.bagley@state.nm.us

DATE

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. 66cv06639 WJ/WPL

Subfile No: RG-33483

SUBFILE ANSWER

COME(S) NOW

ROBERT C. HABBERSETT
KATHARINE A. PALMER

and answers the complaint as follows

I (We) object to the description of the water right(s) described by the proposed Consent Order for the above Subfile because: (explain and attach additional pages if needed)

I (We) made a good faith effort to resolve my(our) disagreement with the Consent Order proposed by the State by:(describer and attach additional pages if needed)

(Instructions: Each named defendant, or the defendant's attorney, must sign and date this Answer. If multiple defendants are named and you have separate addresses or telephone numbers, please attach an additional address providing address information for each defendant. If you are signing on behalf of the named defendant, you must indicate the source of your legal authority to do so and provide both your address and the address of the named defendant.)

KATHARINE A. PALMER

ROBERT C. HABBERSETT

ADDRESS: _____

ADDRESS: _____

Phone _____

Phone _____

IMPORTANT:

Within 20 days of service of this Notice, March 16, 2015, you must EITHER sign and send in the last Consent Order previously sent to you by the State OR file the enclosed Subfile Answer with the United States District Court. If you fail to accept and return the Consent Order OR do not file the Subfile Answer with 20 days, any right you may have to use your domestic well will be adjudicated by default judgment in accordance with the Consent Order.

Send signed Consent Orders OR a copy of your Subfile Answer to:

**Edward C. Bagley
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102**

Send Subfile Answers to:

**U.S. District Court
P.O. Box 2384
Santa Fe, NM 87504-2384**