

4391

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

94 JUL 22 PH 3:50

STATE OF NEW MEXICO, ex rel.
State Engineer,

Plaintiff,

Robert M. ...
CLERK - ALBUQUERQUE

Civil No. 6639-M

v.

R. LEE AAMODT, et al.,

Defendants,

UNITED STATES OF AMERICA,
PUEBLO DE NAMBE, PUEBLO DE
POJOAQUE, PUEBLO DE TESUQUE,
PUEBLO DE SAN ILDEFONSO,

Plaintiffs-in-Intervention.

ORDER

Order of the Court Amending Provisions of Prior Subfile Orders Adjudicating Amount of Water Permitted for Non-Pueblo Domestic and Livestock Well Water Rights to Provide for a Limitation Based Upon Historic Beneficial Use.

THIS MATTER comes on for consideration on New Mexico's Motion to Adopt the Special Master's April 26, 1994 Report (Docket No. 4365) filed June 3, 1994. Having considered the motion and the Special Master's report (4348); having found that no party filed objections or comments relating thereto; having made a de novo examination of relevant portions of the record; and, being otherwise fully advised in the premises, I hereby adopt the recommendations of the Special Master as set forth below.

1. Provisions of non-Pueblo domestic and livestock well subfile orders previously entered herein which contain language which describes the amount of water adjudicated as follows:

"Not to exceed three (3.0) acre-feet per annum."

and

"Not to exceed a diversion of 3.0 acre-feet per year from the well subject to the diligent development of the beneficial use of water."

should be and are hereby amended as follows:

"Amount of Water: not to exceed a diversion of 3.0 acre-feet per year from the well described above or the historic beneficial use, whichever is less."

2. This amendment is effective as of the date of entry of the relevant subfile orders.

3. All other terms and provisions of the subfile orders and any subsequent amendments remain in full force and effect.

4. The Clerk of the Court shall serve this Order on all active counsel of record. The State of New Mexico shall serve this order on all inactive counsel of record, pro se parties and interested individuals whose names appear on the docket mailing list.

IT IS SO ORDERED.



SENIOR UNITED STATES DISTRICT JUDGE