

Exhibit 1

336070

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

FILED AT ALBUQUERQUE

STATE OF NEW MEXICO ex rel. S. E. REYNOLDS, State Engineer, Plaintiff,

FILED IN: DISTRICT OF NEW MEXICO

vs.

No. CIV-6639 M

R. LEE AAMODT, et al., Defendants.

Subfile No.: RG-23468

2-27-84

ORDER

This matter comes on for consideration on the State of New Mexico's Offer of Judgment which has been accepted by the defendant.

IT IS ORDERED that the defendant has the following underground water right:

Defendant: Garcia, Leroy M. Purpose: Domestic and livestock use under Section 72-12-1, N.M.S.A. 1978. State Engineer File No.: RG-23468 Priority: 1973-06-07 (year-month-day) Location of Well: NE 1/4 SW 1/4 NE 1/4, Section 7, Township 19 North, Range 9 East Amount of Water: Not to exceed a diversion of three acre-feet per year from the well, subject to the diligent development of the beneficial use of water.

IT IS FURTHER ORDERED that the defendant is enjoined from any diversion or use of the waters of the Rio Pojoaque stream system, except in accordance with the rights adjudicated in this or any other order of the court.

S J L

SENIOR UNITED STATES DISTRICT JUDGE

1715

READ INSTRUCTIONS ON BACK

Revised March 1972

APPLICATION TO APPROPRIATE UNDERGROUND WATERS  
IN ACCORDANCE WITH SECTION 75-11-1 NEW MEXICO STATUTES

324710  
HC - Santa Fe

1. Name and Address of Applicant: File No. HC-23468

LeRoy Garcia  
Rt. 5, Pojoaque Station  
Santa Fe, N. M.

2. Describe well location under one of the following subdivisions:

a. 1/4 SW 1/4 NE of Sec. 7 Twp. 19 N. Rge. 9 E. N. M. P. M., in  
Santa Fe County.

b. Tract No. \_\_\_\_\_ of Map No. \_\_\_\_\_ of the \_\_\_\_\_

c. Lot No. \_\_\_\_\_ of Block No. \_\_\_\_\_ of the \_\_\_\_\_  
Subdivision, recorded in \_\_\_\_\_ County.

d. X = \_\_\_\_\_ feet, Y = \_\_\_\_\_ feet, N. M. Coordinate System \_\_\_\_\_ Zone  
in the \_\_\_\_\_ Grant.

e. Give street address or route and box No. of property upon which well is to be located, or location by direction and  
distance from known landmarks.  
Near the Pojoaque High School

3. Approximate depth (if known) 180 feet; outside diameter of casing 6 5/8 inches.

Name of driller (if known) not known

4. Use of water (check appropriate box or boxes):

- Household, non-commercial trees, lawn and garden not to exceed 1 acre.
- Livestock watering.
- Drinking and sanitary purposes and the irrigation of non-commercial trees, shrubs and lawns in conjunction with a commercial operation.
- Prospecting, mining or drilling operations to discover or develop natural resources.
- Construction of public works, highways and roads.

If any of the last three were marked, give name and nature of business under Remarks. (Item 3)

5. Remarks: \_\_\_\_\_

I, LeRoy Garcia, affirm that the foregoing statements are true to the best of my knowledge and belief and that development shall not commence until approval of the permit has been obtained.

LeRoy Garcia, Applicant

By: \_\_\_\_\_

Date: June 7, 1973

ACTION OF STATE ENGINEER

This application is approved for the use indicated, subject to all general conditions and to the specific conditions numbered 4 on the reverse side hereof. This permit will automatically expire unless this well is drilled or driven and the well record filed on or before June 15, 1974.

S. E. Reynolds, State Engineer

By: Jack Reed  
Jack Reed, District I

Date: June 11, 1973

File No. HC-23468

1973 JUN -7 PM 5:16  
STATE ENGINEER OFFICE  
SANTA FE, N. M.  
AID: 40



## GENERAL CONDITIONS OF APPROVAL

- A. The maximum amount of water that may be appropriated under this permit is 3 acre feet in any period of one year.
- B. The well shall be drilled only by a driller licensed in the State of New Mexico in accordance with Section 75-11-13 New Mexico Statutes Annotated. A licensed driller shall not be required for the construction of a driven well; provided, that the casing shall not exceed two and three-eighths (2 3/8) inches outside diameter (Section 75-11-13).
- C. Driller's log must be filed in the office of the State Engineer within 10 days after the well is drilled or driven. Failure to file the log within that time shall result in automatic cancellation of the permit. Upon request of the permittee, log forms will be provided by the State Engineer.
- D. The casing shall not exceed 7 inches outside diameter except under specific conditions in which reasons satisfactory to the State Engineer are shown.
- E. If the well under this permit is used at any time to serve more than one household, livestock in a commercial feed lot operation, or any other commercial purpose, the permittee shall comply with Specific Condition of Approval number 5(b).
- F. All outside use from the water distribution system served by this well, combined with all other wells permitted under Section 75-11-1 New Mexico Statutes Annotated for this operation, shall not exceed the irrigation of one acre of non-commercial trees, lawn, and garden, or the equivalent outside consumptive use.

## SPECIFIC CONDITIONS OF APPROVAL

(Applicable only when so indicated on the other side of this form.)

1. Depth of the well shall not exceed the thickness of the (a) the valley fill or (b) Ogallala formation.
2. The well shall be constructed to artesian well specifications and the State Engineer Office shall be notified before casing is landed or cemented.
3. Appropriation and use of water under this permit shall not exceed a period of one year from the date of approval.
4. Use shall be limited to household, non-commercial trees, lawn and garden not to exceed one acre and/or stock use.
5. A totalizing meter shall be installed before the first branch of the discharge line from the well and the installation shall be acceptable to the State Engineer; the State Engineer shall be advised of the make, model, serial number, date of installation, and initial reading of the meter prior to appropriation of water and pumping records shall be submitted to the District Supervisor (a) for each calendar month, on or before the 30th day of the following month (b) on or before the 10th of January, April, July and October of each year for the three preceding calendar months (c) for each calendar year on or before the 30th day of January of the following year.
6. The well shall be plugged upon completion of the permitted use and a plugging report shall be filed in the office of the State Engineer within 10 days.
7. Final approval for the use of the well shall be dependent upon a leakage test made by the State Engineer Office.
8. Use shall be limited strictly to household and/or drinking and sanitary purposes; water shall be conveyed from the well to the place of use in closed conduit and the effluent returned to the underground so that it will not appear on the surface. No irrigation of lawns, garden, trees or use in any type of pool or pond is authorized under this permit.

## INSTRUCTIONS

Application shall be executed in triplicate and forwarded with a \$1.00 filing fee to the appropriate office of the State Engineer.

A separate application must be filed for each well to be drilled or used.

If well to be used is an existing well, an explanation (and file number, if possible) should be given under Remarks. (Item 5.)

Applications for appropriation, well logs and request for information in the following basins should be addressed to the State Engineer at the office indicated:

Bluewater, Estancia, Rio Grande, and Sandia Basins

District No. 1, 505 Marquette NW, Room 1023, Albuquerque, New Mexico 87101

Capitan, Carlisbad, Fort Sumner, Hondo, Jal, Lea, Pecos, Portales, Roswell, and Upper Pecos Basins

District No. 2, Box 1717, Roswell, New Mexico 88201

Animas, Gila-San Francisco, Hot Springs, Las Animas Creek, Lordsburg, Mimbres, Nutt-Hockett, Playas, San Simon, and Verde Valley Basins

District No. 3, Box 844, Deming, New Mexico 88030