

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

STATE OF NEW MEXICO,)
ex rel. State Engineer,)
)
 Plaintiff,)
)
 vs.)
)
 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-12763

**CONSENT ORDER ADJUDICATING PRE-BASIN DOMESTIC
WELL WATER RIGHTS**

THIS MATTER is before me under the provisions of paragraph V.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:

**SARAH B. BREW
 DOUGLAS H. BITTNER
 P.O. BOX 1432
 LOS ALAMOS, NM 87544**

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: Non NMSA § 72-12-1 and -1.1 Domestic use multiple households

State Engineer File No.: RG-12763

Priority: 11/28/1956

Source of Water: Underground waters of the Rio Grande Underground Water Basin.

Point of Diversion: Well No. RG-12763

Well No.: RG-12763 Location X: 577,197 feet Y: 1,782,701 feet
on the New Mexico State Plane Coordinate System, Central
Zone, NAD 1927

Number of Households Served By Well: Multiple Households


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 from the well described above unless a more restrictive diversion limit applies

pursuant to court order, covenant or ordinance.

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: 
SARAH B. BREW

ADDRESS: 17 Camino San Ysidro
Santa Fe, NM 87506

DATE: 12-5-15

ACCEPTED: 
DOUGLAS H. BITTNER

ADDRESS: 17 Camino San Ysidro
Santa Fe, NM
87506

DATE: 12/05/15

THE STATE OF NEW MEXICO



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1/12/2016
DATE