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**FILED**

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

JAN 31 1984

STATE OF NEW MEXICO ex rel.  
S. E. REYNOLDS, State Engineer,  
  
Plaintiff,  
  
vs.  
  
R. LEE AAMODT, et al.,  
  
Defendants.

No. CIV-6639 M

Subfile No.: RG-37816

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: Gonzales, Jake C.
- Purpose: Domestic and livestock use under Section 72-12-1, N.M.S.A. 1978.
- State Engineer File No.: RG-37816
- Priority: 1982-04-15 (year-month-day)
- Location of Well: NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 10, 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.

SENIOR UNITED STATES DISTRICT JUDGE

1496

STATE ENGINEER  
NEW MEXICO

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DISTRICT OF NEW MEXICO

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S. E. REYNOLDS, State Engineer, )  
Plaintiff, )  
vs. )  
R. LEE AAMODT, et al., )  
Defendants. )



No. CIV-6639 M

OFFER OF JUDGMENT

The plaintiff STATE OF NEW MEXICO and offers to recognize the right of the defendant to divert and use the public waters of the Nambe-Pojoaque-Tesuque stream system as follows:

c.  
Defendant: JAKE GONZALES  
Purpose: Domestic and livestock use under Section 72-12-1, N.M.S.A. 1978.  
State Engineer File No.: RG-37816  
Priority: April 15, 1982  
Location of well: NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 10, 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.

ACCEPTED: Jake Gonzales  
Defendant

\_\_\_\_\_  
Defendant

Address: Rt. 1 Box 128, Santa Fe, NM

Date: July 4, 1983

Peter Thomas Muth  
Special Assistant Attorney General

Sub-File No.: RG-37816

HC 101329 \$1.

READ INSTRUCTIONS ON BACK

Revised March 1979

APPLICATION TO APPROPRIATE UNDERGROUND WATERS IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES

327226

RG-37816

1. Name and Address of Applicant:

File No. \_\_\_\_\_

Jake Gonzales  
Rt. 1, Box 128  
Santa Fe, NM 87501

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

a. SW 1/4 SW 1/4 NE 1/4 of Sec. 10 Twp. 19N Rgc. 9E 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 \_\_\_\_\_

3. Approximate depth (if known) 160' feet; outside diameter of casing 6-5/8" inches.

Name of driller (if known) J. E. Roybal

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

- One household, non-commercial trees, lawn and garden not to exceed 1 acre.
- Livestock watering.
- More than one household, non-commercial trees, lawns and gardens not to exceed a total of 1 acre.
- 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 four were marked, give name and nature of business under Remarks.

5. Remarks: This permit will replace an old well not on record

I, Jake Gonzales, 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.

Jake Gonzales, Applicant

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

Date: April 15, 1982

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 April 15, 1983.

S.E. Reynolds, State Engineer

D. N. Stone, District I  
Date: April 22, 1982

File No. RG-37816

**GENERAL CONDITIONS OF APPROVAL**

- A. The maximum amount of water that may be appropriated under this permit is 3 acre feet in any calendar year.
- B. The well shall be drilled only by a driller licensed in the State of New Mexico in accordance with Section 72-12-12 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 72-12-12).
- C. Driller's log must be filed with 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. Log forms will be provided by the State Engineer upon request.
- 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. In the event this well is combined with other wells permitted under Section 72-12-1 New Mexico Statutes Annotated, the total outdoor use shall not exceed the irrigation of one acre of non-commercial trees, lawn, and garden, or the equivalent outside consumptive use, and the total appropriation for household and outdoor use from the entire water distribution system shall not exceed 3 acre feet per annum.

**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 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 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 with 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.
- 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, gardens, trees or use in any type of pool or pond is authorized under this permit.

**INSTRUCTIONS**

The application shall be made in the name of the actual user of the well for the purpose specified in the application.

The application shall be executed in triplicate and forwarded with a \$1.00 filing fee to 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 location indicated:

- Bluewater, Estancia, Rio Grande, Sandia and San Juan Basins  
District No. 1, 2340 Menaul NE, Room 206, Albuquerque, New Mexico 87107
- Capitan, Carlsbad, 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 Virden Valley Basins  
District No. 3, Box 844, Deming, New Mexico 88030
- Canadian River Basin  
State Engineer, State Capitol, Bacaan Memorial Bldg., Santa Fe, New Mexico 87503