

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

STATE OF NEW MEXICO, ex rel. STATE ENGINEER,)
)

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. 66cv6639 WJ/WPL

**OCTOBER 15, 2016 QUARTERLY STATUS REPORT REGARDING THE
ADJUDICATION OF DOMESTIC WELL AND SURFACE RIGHTS**

The State of New Mexico (“State”), pursuant to the Court’s July 5, 2006 *Order* (No. 6174) and the December 18, 2008 *Supplemental Procedural Order* (No. 6524) hereby reports to the Court addressing the status of “the work completed the previous quarter and the work to be completed during the subsequent quarter for both domestic well and surface water rights.” July 5, 2006 *Order*, p. 1.

1. By the end of the month of November 2016, the State will have submitted proposed orders adjudicating all remaining non-Pueblo water rights as between the State and the claimants to the Court. By November 30, 2016, the State, pursuant to the Court’s September 9, 2016 *Order Granting Plaintiff’s State of New Mexico’s Motion to Establish Procedures for Final*

Inter Se Proceeding and Entry of a Final Judgment and Decree (No. 10849), will move the Court to enter the Proposed Final Decree.

2. The State will file no further corrective motions after November 18, 2016.

I. Claims to Domestic Well Water Rights – Previous Quarter

A. Post-Moratorium Section 72-12-1 Domestic Well Water Rights

3. All claimants of post-moratorium Section 72-12-1 domestic well rights have been joined as of December 31, 2015.

4. During the previous quarter, the Court entered orders adjudicating nine (9) post-moratorium domestic well claims.

5. The State has forwarded eighteen (18) proposed orders adjudicating post-moratorium domestic well claims to the Special Master, which remain pending.

6. There are thirteen (13) outstanding *Notices That the Consultation Period Has Ended* regarding post-moratorium well water rights.

B. Pre-Moratorium Section 72-12-1 Domestic Well Water Rights

7. All claimants of pre-moratorium Section 72-12-1 domestic well rights have been joined as of December 31, 2015.

8. During the previous quarter, the Court entered orders adjudicating thirteen (13) pre-moratorium domestic well claims.

9. The State has forwarded twenty-five (25) proposed orders adjudicating pre-moratorium domestic well claims to the Special Master, which remain pending.

10. There are sixteen (16) outstanding *Notices That the Consultation Period Has Ended* regarding pre-moratorium well water rights.

11. During the previous quarter, the Court entered three (3) orders correcting errors in orders adjudicating pre-moratorium domestic/livestock rights.

12. During the previous quarter, the State filed five (5) motions to correct errors in orders adjudicating pre-moratorium domestic/livestock rights.

C. Pre-Basin Domestic Well Water Rights

13. All claimants of pre-basin domestic well rights have been joined as of December 31, 2015.

14. During the previous quarter, the Court entered orders adjudicating twenty-four (24) pre-basin domestic well claims.

15. The State has forwarded five (5) proposed orders adjudicating post-moratorium domestic well claims to the Special Master, which remain pending.

16. There are fourteen (14) outstanding *Notices That the Consultation Period Has Ended* regarding pre-basin domestic well water rights.

17. During the previous quarter, the State filed eight (8) motions to correct pre-basin domestic/livestock well priority date.

18. During the previous quarter, the Court entered six (6) orders correcting pre-basin domestic/livestock well priority dates.

II. Claims to Domestic Well Water Rights – Subsequent Quarter

A. Post-Moratorium Section 72-12-1 Domestic Well Water Rights

19. Before the end of November, 2016, with regard to all remaining 72-12-1 post-moratorium domestic well water right claimants, the State will submit to the Special Master orders adjudicating their post-moratorium Section 72-12-1 domestic well water rights.

B. Pre-Moratorium Section 72-12-1 Domestic Well Water Rights

20. Before the end of November, 2016, with regard to all remaining 72-12-1 pre-moratorium domestic well water right claimants, the State will submit to the Special Master orders adjudicating their pre-moratorium Section 72-12-1 domestic well water rights.

21. The State does not anticipate filing additional corrective motions pertaining to 72-12-1 pre-moratorium domestic well water rights during the upcoming quarter.

C. Pre-Basin Domestic Well Water Rights

22. Before the end of November, 2016, with regard to all remaining 72-12-1 pre-basin domestic well water right claimants, the State will submit to the Special Master orders adjudicating their pre-moratorium Section 72-12-1 domestic well water rights.

23. The State has been working with subfile owners to file motions to correct priority for a small number of pre-basin domestic/livestock wells that were incorrectly adjudicated as 72-12-1 domestic/livestock wells.

III. Claims to Surface Water Rights – Previous Quarter

24. During the previous quarter, on September 9, 2016, the Court entered its Order Granting Motion and Adjudicating Priority Dates for Water Diverted from the Rio En Medio and Conveyed Through a Common Ditch to the Rio Chupadero (No. 10850).

25. During the previous quarter, the State filed two (2) corrective motions pertaining to surface water irrigation rights. These motions correct errors in the place of use for one surface irrigation right, and clarify that no water right is appurtenant to another subfile tract.

26. During the previous quarter, the Court entered orders granting the State's motions to add omitted points of diversion and sources of water for water rights served by the Acequia Ancon de Jacona and the Acequia Larga de Jacona.

27. During the previous quarter, the Court entered three (3) orders correcting errors in the place of use for surface irrigation rights, clarifying points of diversion for one subfile tract, and clarifying no water right appurtenant to one subfile tract.

28. During the previous quarter, the State filed a motion to correct points of diversion, sources of water, and clarify priority for irrigation water rights served by the Acequia Barranco Blanco. The Court has now entered an order granting the State's motion.

IV. Claims to Surface Water Rights – Subsequent Quarter

29. The State anticipates submitting two proposed consent orders adjudicating surface water rights by mid-November. These claimed rights are associated with permits granted to the United States for surface water appropriation at the Santa Fe Ski Area.

V. Claims to Supplemental Groundwater Irrigation Water Rights – Previous and Subsequent Quarter

30. During the previous quarter, the State filed three (3) subfile-specific motions to adopt priority dates for supplemental groundwater irrigation water rights. The State is working with counsel for one claimant to resolve priority issues for supplemental groundwater irrigation rights under two subfiles. The State anticipates that two corrective motions to resolve these issues will be filed no later than mid-November. No other corrective motions are anticipated.

31. During the previous quarter, the Court entered four (4) orders granting the State's subfile-specific motions to adopt priority dates for supplemental groundwater irrigation water rights.

32. During the previous quarter, the Court entered the State's motions to adopt priority dates for supplemental groundwater irrigation water rights adjudicated for diversion from community irrigation wells serving water rights under the Acequia del Rancho, the Barranco del Jacona, and the Acequia de los Indios. The Court entered an amended order removing reference to a community irrigation well from subfiles for surface water rights served by the Acequia de los Indios. Orders granting all of the State's community well-related motions have now been entered.

Respectfully submitted this 7th day of November, 2016.

Electronically Filed

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 7, 2016 I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means, and to the following person(s) by United States Mail:

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