

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

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

98 APR 20 AM 9:10

STATE OF NEW MEXICO ex rel.
State Engineer,

Plaintiff,

vs.

*irrigation well
1985 or 68*

No. CIV 6639 M

R. Lee Aamodt, et al.,

Defendants,

*Windmill well
854*

Subfile No. 10.66

and

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

Plaintiffs-in-Intervention.

RECEIVED
APR 21 1998

CAMPBELL, CARR, et al.

AMENDED ORDER

THIS MATTER having come before the Court on the Revised Joint Motion to Amend Subfile Order, and the Court having considered the motion, and being otherwise fully advised in the premises, hereby amends the Subfile Order entered on October 10, 1974, and adjudicates the water rights of the defendant LTM Cattle Company from the Rio Pojoaque stream system as described below:

1. Purpose: Irrigation *ORTIZ DITCH*
- a) Priority: To be determined at a later date.

5382

b) **Sources of Water:** Surface waters of Pojoaque Creek and underground waters of the Rio Pojoaque Basin.

c) **Points of Diversion:**

State Engineer File No.: None

Surface: Acequia de los Ortizes, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 19N., R.9E., N.M.P.M., within the Nambe Pueblo Grant, and located by the New Mexico State Plane Coordinates, Central Zone, X = 583,485 feet, Y = 1,778,075 feet.

State Engineer File No. RG-1485

Groundwater: Well 68 on well map 10 located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 19N., R. 9E., N.M.P.M. within the Pojoaque Pueblo Grant, and located by the New Mexico State Plane Coordinates, Central Zone X = 576,775 feet, Y = 1,780,040 feet.

d) **Location and amount of acreage:**

Part of P.C. 40, P.1, Exception 133
Part of P.C. 87, P.2, Exception 132
Part of P.C. 96, P.2, Exception 130
Part of P.C. 98, P.1, Exception 129
Part of P.C. 119, P.1, Exception 131
Within parts of the N $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, of Sec. 9, T. 19 N., R. 9E., N.M.P.M. within the Nambe Pueblo Grant, and,

Part of P.C. 315, Exception 249
Part of P.C. 316, Exception 250
Part of P.C. 317, Exception 251
Part of P.C. 319, Exception 253
Part of P.C. 320, Exception 254
Part of P.C. 321, Exception 255
Part of P.C. 322, Exception 256
Within parts of the S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, the N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9,

EXHIBIT 2

P.19N., R. 9E., N.M.P.M. within the Pojoaque Pueblo Grant, 21.86 acres as shown on hydrographic survey map 10, tract 66.

- e) **Amount of Water:** Not to exceed 4.65 acre-feet per acre per year diverted by the ditch from the surface source of water, 3.35 acre-feet per acre per year from all sources of water combined delivered at the farm headgate or diverted from the well, or a weighted consumptive irrigation requirement (CIR) of 1.84 acre-feet per acre per year, whichever amount is less.
2. **Purpose:** For household purposes for six houses, one barn, one swimming pool or other domestic uses and related irrigation.
- a) **State Engineer File No.:** RG-854
 - b) **Priority:** 1910
 - c) **Point of Diversion:** Well 67 on well map 10 located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 19N., R. 9E., N.M.P.M. within the Pojoaque Pueblo Grant, and located by the New Mexico State Plane Coordinates, Central Zone, X = 577,110 feet, Y = 1,781,250 feet.
 - d) **Place of Use:** Within the property of the defendant.
 - e) **Amount of Water:** Not to exceed a total diversion of 3.24 acre-feet per year from the well described above or the historic beneficial use, as described under "Purpose" above, whichever is less.

The water rights set forth above are subject to objection by any other water right owner with standing in a later phase of this adjudication suit when water right owners may object between themselves to individual adjudication orders and subject to entry of the final decree in this case.

IT IS FURTHER ORDERED that the defendant, and its agents, employees, privies, co-tenants, tenants and assigns of the defendant, are enjoined from any diversion or use of the waters of the Rio Pojoaque stream system except in accordance with the rights adjudicated in this Order or any other order of the Court.


UNITED STATES DISTRICT JUDGE

DATE: April 12 98

EXHIBIT 2