

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

**ORDER GRANTING STATE OF NEW MEXICO’S MOTION
TO ESTABLISH *INTER SE* NOTICE PROCEDURE FOR PROVISIONAL WATER
RIGHTS IDENTIFIED IN THE ADDENDUM TO THE PROPOSED
FINAL JUDGMENT AND DECREE**

THIS MATTER is before the Special Master on the State of New Mexico’s *Motion To Establish Inter Se Notice Procedure For Provisional Water Rights Identified In The Addendum To The Proposed Final Judgment and Decree*, filed November 27, 2016 [Doc. No. 11121]. This matter is properly before the Special Master pursuant to the Order of Reference, Doc. No. 6336, ordering the Special Master to “hear and determine all claims and contentions of the parties... relating to... the final *inter se* phase of this litigation.” The Order of Reference also commands the Special Master to “proceed with all reasonable diligence.” Because of the time deadlines imposed by law in this water rights adjudication, the Master is considering Plaintiff the State of

New Mexico's motion on an expedited basis, and being fully advised, finds that the motion is well taken and should be **granted**, as follows:

IT IS ORDERED, that the following procedure be established for providing *inter se* notice regarding provisional water rights identified in the Addendum (as referenced in the motion) to the proposed final judgment and decree for the Nambe-Pojoaque-Tesuque stream system ("Pojoaque Basin").

A. The Addendum to the proposed final judgment and decree to be filed with the Court and made available for review pursuant to the *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* ("Procedural Order") (Doc. 10849) (September 9, 2016), shall identify all "provisional water rights."

B. "Provisional water rights" are those water rights identified by the State that do not yet have a final order adjudicating water rights entered by the Court as of November 30, 2016.

C. **Any person who is affected by a water right identified as a provisional water right in the Addendum and wishes to receive notice of any changes to the provisional water right must file an *inter se* objection to the provisional water right**, following the procedure set forth in the Notice of the *inter se* proceeding to be mailed by the State pursuant to section B of the Procedural Order and this Order.

D. The State will include any objections or subsequent changes to provisional water rights in the report of timely *inter se* objections it must prepare pursuant to paragraph C.2 of the Procedural Order. The report will be available for public inspection within 10 days of the deadline for filing objections as set forth in paragraph C.2 of the Procedural Order.

