

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 EXPEDITED MOTION TO AMEND *ORDER GRANTING PLAINTIFF STATE OF NEW MEXICO’S MOTION TO ESTABLISH PROCEDURES FOR FINAL INTER SE PROCEEDING AND ENTRY OF A FINAL JUDGMENT AND DECREE (DOC. 10849) TO (1) EXTEND DEADLINE TO FILE MOTION FOR ENTRY OF PROPOSED FINAL JUDGMENT AND DECREE AND (2) CLARIFY THE SCOPE OF SURFACE WATER INTER SE PROCEEDINGS***

THIS MATTER is before the Court on the State of New Mexico’s *Expedited Motion to Amend Order Granting Plaintiff State of New Mexico’s Motion to Establish Procedures for Final Inter Se Proceeding and Entry of a Final Judgment and Decree [Doc. No. 10761]* (Doc. 11151) (November 29, 2016). This motion seeks to (1) extend the deadline to file its motion for entry of proposed final judgment and decree from November 30, 2016 to December 9, 2016; and (2) clarify the scope of surface water *inter se* proceedings. Having been fully advised in the premises, the Court finds the State’s Motion is well taken, and that it should be **GRANTED**.

**IT IS ORDERED, THEREFORE,** that the September 9, 2016 *Order Granting Plaintiff State of New Mexico's Motion to Establish Procedures for Final Inter Se Proceeding and Entry of a Final Judgment and Decree [Doc. No. 10761]* (Doc. 10849) shall be amended as follows:

1. Paragraph A.1. shall be amended to give the State until **December 9, 2016** to move the Court to enter the Proposed Final Decree.

2. Paragraph 6 of the Procedural Order shall be amended as follows (to include the underlined language):

A. all elements of non-Pueblo groundwater rights;

B. the source of water, point of diversion and priority dates of non-Pueblo surface water rights served by Las Acequias de Chupadero from the Rio en Medio; or

C. additional sources of water that have been adjudicated to non-Pueblo surface water rights since 1983, as follows: (1) the Rio Tesuque, Barry's Spring, Dona Inez Spring, Spring "A," Spring "B," and Spring "C" as additional sources of water for non-Pueblo surface water rights served by the Acequia Larga de Jacona, (2) Pojoaque Creek and the Rio Tesuque as additional sources of water for non-Pueblo surface water rights served by the Acequia Ancon de Jacona; and (3) all elements of surface water rights adjudicated under Subfile Nos. 31.1, 31.2, and 31.3.

2. The State shall amend the following Court-approved notices attached as exhibits to the Procedural Order, to include the amendments in paragraph 2 above:

A. Exhibit 1 (Doc. 10849-1) - *Notice of Inter Se Proceeding and Deadline for Filing Inter Se Objections to Non-Pueblo Water Rights of the Nambe-Pojoaque-Tesuque Stream System* ("Notice") (notice to be mailed);

B. Exhibit 3 (Doc. 10849-3) – *Notice of Inter Se Proceeding and Deadline for Filing Inter Se Objections to Non-Pueblo Water Rights of the Nambe-Pojoaque-Tesuque Stream System* (“Notice”) (notice to be published); and

C. Exhibit 4 (Doc. 1849-4) – *Inter Se Objection* form.

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE