

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

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

DEC 01 2016

STATE OF NEW MEXICO  
State Engineer, *ex rel.*

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

**MATTHEW J. DYKMAN**  
CLERK

No. 66cv 6639 WJ/WPL

Subfile No: RG-28389

**CONSENT ORDER ADJUDICATING PRE-1982 DOMESTIC WELL WATER RIGHTS**

THIS MATTER is before me under the provisions of paragraph V.B.1 of the Court's August 2, 2012 Procedural and Scheduling Order for the Adjudication of Water Rights for Domestic Wells, Including Pre-Basin Domestic Wells, Drilled or Permitted Prior to this Court's Order of January 13, 1983 (Docket No. 7736) and pursuant to the Court's March 18, 2013, Order to Show Cause (Docket No. 7861) concerning the rights to use the public waters of the Rio Grande Underground Water Basin and the Nambe-Pojoaque-Tesuque stream system of Defendants:

**ROBERT JAMES NEMZEK**  
48 COUNTY ROAD 84 B  
SANTA FE, NM 87506

The Court FINDS:

1. The Court has jurisdiction over the defendant(s) and the subject matter of this suit.

2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Grande Stream System. By their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth below.

3. There is no just reason to delay entry of this Consent Order as a final judgment as between the Plaintiff State of New Mexico and the defendant(s) regarding the elements of the claims of the defendant(s) adjudicated by this Consent Order.

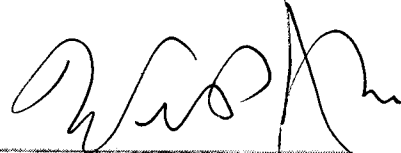
IT IS THEREFORE ORDERED that the right of the defendant(s) to divert and use the public waters of the Rio Grande Underground Water Basin and the Nambe-Pojoaque-Tesuque stream system is as follows:

**Purpose:** Domestic use for One Household pursuant to NMSA § 72-12-1 and -1.1  
**State Engineer File No.:** RG-28389  
**Priority:** 03/17/1977  
**Source of Water:** Underground waters of the Rio Grande Underground Water Basin.  
**Point of Diversion:** Well No. RG-28389  
**Well No.:** RG-28389 **Location X:** 542,341 feet **Location Y:** 1,780,356 feet  
New Mexico State Plane Coordinate System, Central Zone, N.A.D., 1927

**Place of Use:** Within the property owned by the Defendant(s) served by the well  
**Amount of water:** Not to exceed a diversion and consumption of 0.7 acre feet per year from the well described above unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance.  
**Other Conditions:** All conditions of State Engineer Permit No. RG-28389 for the above described well are incorporated herein.

These water rights are subject to objection by any other water right owner with standing in a later (*inter se*) phase of this adjudication suit when water right owners may object between themselves to individual adjudication orders. The rights are also subject to the entry of the final decree in this case.

IT IS FURTHER ORDERED that the defendant(s) are enjoined from any diversion or use of the waters of the Nambe-Pojoaque-Tesuque Stream system except in accordance with the rights adjudicated in this order or any other order of the Court.



WILLIAM P. JOHNSON  
UNITED STATES DISTRICT JUDGE

Recommended for approval;



PIERRE LEVY  
SPECIAL MASTER

ACCEPTED:



ROBERT JAMES NEMZEK

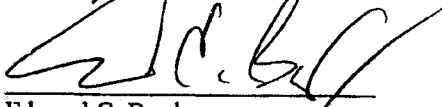
ADDRESS:

48 CO RD EYB  
SANTA FE, NM  
87506

DATE:

2016 11 15

THE STATE OF NEW MEXICO



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11/14/2016  
DATE