

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

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

No. 66cv 6639 WJ/WPL

Subfile No.: PM-71114

ORDER ADJUDICATING POST-1982 DOMESTIC WELL WATER RIGHTS

THIS MATTER is before me under the provisions of paragraph IV.A.2 of the Court's June 14, 2007 **Procedural and Scheduling Order for the Adjudication of Water Rights Under Domestic Wells Permitted After January 13, 1983 (Docket No. 6239)** and pursuant to the Court's December 11, 2006 **Order to Show Cause (Docket No. 6194)** concerning the rights to use the public waters of the Rio Grande Underground Water Basin and the Nambepojoaque-Tesuque stream system of Defendants:

SYDNEY J. GABRIEL
4 BANANA LANE
SANTA FE, NM 87506

The Court FINDS:

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

2. Pursuant to the Court's Procedural and Scheduling Order for the Adjudication of Water Rights under Domestic Wells Permitted after January 13, 1983 (Docket No. 6239)

(Procedural Order), Plaintiff State of New Mexico served defendant(s) with a copy of this proposed Order Adjudicating Post-1982 Domestic Well Water Rights ("Domestic Well Order"). Plaintiff has not received an objection to this proposed Domestic Well Order.

3. There is no just reason to delay entry of this Domestic Well 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 Domestic Well 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 multiple households, pursuant to NMSA § 72-12-1 and -1.1

State Engineer File No.: RG-71114

Priority: 12/09/1998

Source of Water: Underground waters of the Rio Grande Underground Water Basin.

Point of Diversion: Well No. RG-71114

Location: X= 576,994 Y= 1,762,297
on the New Mexico State Plane Coordinate System, Central
Zone, NAD 1927

Number of Households Served By Well: Multiple Households

Place of Use: Within the property and households of the users served by the well.


Amount of water: Not to exceed a diversion and consumption of 0.5 acre feet per year per household, but in no event may the aggregate use of those households served by the well exceed 3.00 acre feet per year, unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance. Well will be shared among multiple households pursuant to property covenant or agreement addressing water sharing.

Metering Requirement: There shall be a totalizing meter installed on the well, with installation acceptable to the State Engineer.


Other Conditions: Use shall be limited strictly to household, drinking and sanitary purposes; water shall be conveyed from the well to the place of use in closed conduit and the effluent returned to the underground so that it will not appear on the surface. No irrigation of lawns, gardens, trees or use in any type of pool or pond is authorized. All other conditions of State Engineer Permit No. RG-71114 for the above described well are also 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.

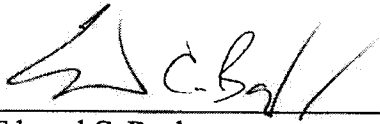

WILLIAM P. JOHNSON
UNITED STATES DISTRICT JUDGE

Recommended for approval:

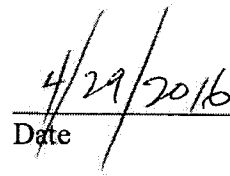

PIERRE LEVY
SPECIAL MASTER

ATTORNEY CERTIFICATION

Pursuant to paragraph IV.A.2 of the Procedural Order, if the State has not received a Request for Consultation from the Defendant(s), the State shall submit the Domestic Well Order to the Court for approval and filing. The undersigned attorney for the State of New Mexico certifies that the Defendant(s) did not submit a Request for Consultation or otherwise inform the State of any objections to the Domestic Well Order.



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Date