

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

FILED *AR*
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
2016 SEP -6 AM 11:12
CLERK-SANTA FE

**STATE OF NEW MEXICO, ex rel.
S.E. Reynolds, State Engineer,**

Plaintiff,

No. CIV 66-6639 MV/LCS/ACE

vs.

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.

AFFIDAVIT OF HELEN von BACHMAYR LARSEN RELATING TO RG-15063

Helen von Bachmayr Larsen, being first duly sworn, and upon oath, hereby deposes and states:

1. I am making this Affidavit to establish that water from the well associated with RG-15063 (the "Well") has for at least every year since 1964 been used for household purposes and other domestic purposes and, in addition, to irrigate not more than one acre of lawn, garden and noncommercial trees.
2. In 1963, my parents Georg and Shirley von Bachmayr purchased the house and land at 1406A Bishop's Lodge Road, Santa Fe, New Mexico, 87506 (the "Property") and in 1964 established their residence at the Property. The Property has remained in my family since 1963 and is now owned by Samatanga LLC, the sole members of which are my daughter and two of her children. During most of the time since 1963, I have either lived on the Property, since 2000 at an adjoining property at 1406B Bishop's Lodge Road, or in Albuquerque. When I lived in Albuquerque, I spent almost every weekend at

1406B Bishop's Lodge Road. I am very familiar with the sources and uses of ground water and surface water on the Property. I am currently a Commissioner of the Cy Moore Ditch (Acequia Santa Cruz) (the "Ditch"), which provides irrigation water to the Property on Saturdays when sufficient water is available.

3. The Well was on the Property in 1964 and remains on the Property. Since 1964, the Well has provided water for household and other domestic uses on the Property.

4. Every year during the irrigation season, about one acre of lawn, one or two vegetable gardens, and fruit (apple, apricot, peach and pear), conifer and deciduous trees on the Property has been and continues to be irrigated with surface water whenever water is available from the Ditch. Every year, when water is no longer available from the Ditch (usually from July to early April), the same portions of the Property have been and are irrigated with water from the Well. The lawn and vegetable garden have been and are irrigated only during the growing season and the fruit, conifer and deciduous trees are irrigated are throughout the Fall and Winer and into the Spring.

5. Based upon my experience with irrigation practices on the Property and by service as a Commissioner of the Ditch, I estimate that since at least 1964, about 2.5-3.0 acre feet of water from the well is used each year for household and other domestic uses and for irrigation.

FURTHR AFFIANT SAYETH NOT

Helen von Bachmayr Larsen

Helen von Bachmayr Larsen

STATE OF NEW MEXICO

)
) ss.
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COUNTY OF SANTA FE

Subscribed and sworn to before me on September 2, 2016 by Helen von Bachmayr Larsen.

{SEAL}

Mark K Adams
Notary Public

My commission expires June 13, 2019