

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: RG-07988

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:

JOSE L. AND VIRGINIA A. MONTOYA REV.
TRUST
288 STATE ROAD 503
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 Nambé-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-07988
Priority: 09/11/1962
Source of Water: Underground waters of the Rio Grande Underground Water Basin.
Point of Diversion: Well No. RG-07988
RG-07988 Location X: 581,290 feet Y: 1,783,798 feet
on the 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-07988 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: Jose L. and Virginia R. Montoya
JOSE L. AND VIRGINIA A. MONTOYA REV.
TRUST

ADDRESS: 288 St. Rd 503
Santa Fe
N.Mexico
DATE: 8/5/16

THE STATE OF NEW MEXICO

Edward C. Bagley
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-7844
edward.bagley@state.nm.us

11/10/2016
DATE