

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

STATE OF NEW MEXICO, )  
*ex rel.* State Engineer, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 R. LEE AAMODT, et al., )  
 )  
 Defendants, )  
 )  
 and )  
 )  
 UNITED STATES OF AMERICA, )  
 PUEBLO DE NAMBÉ, )  
 PUEBLO DE POJOAQUE, )  
 PUEBLO DE SAN ILDEFONSO, )  
 and PUEBLO DE TESUQUE, )  
 )  
 Plaintiffs-in-Intervention. )  
 \_\_\_\_\_ )

No. 66cv06639 WJ/WPL

Subfile No.: PM-42540

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

**THIS MATTER** is before me under the provisions of paragraph IV.B.1 of the Court's June 14, 2007 Procedural and Scheduling Order for the Adjudication of Water Rights Under Domestic Wells Permitted After January 13, 2013 (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 Nambe-Pojoaque-Tesuque stream system of Defendants

TIMOTHY J. CASH LIVING TRUST  
24 A 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 as follows:

**Purpose:** Domestic use for multiple households pursuant to NMSA § 72-12-1 and -1.1

**State Engineer File No.:** RG-42540

**Priority:** 09/06/1984

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

**Point of Diversion:** Well No. RG-42540

**Well No.:** RG-42540    **Location X:** 533,852 feet    **Y:** 1,773,900 feet  
on the New Mexico State Plane Coordinate System,  
Central Zone, N.A.D., 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

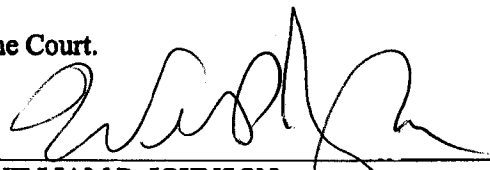
served by the well exceed 3.00 acre feet per year, unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance. Well will be shared among multiple households pursuant to property covenant or agreement addressing water sharing.

**Metering Requirements:** 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-42540 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:

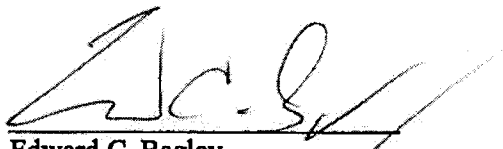
  
PIERRE LEVY  
SPECIAL MASTER

ACCEPTED:   
TIMOTHY J. CASH LIVING TRUST

ADDRESS: 24A County Rd 846  
Santa Fe, NM  
87506

DATE: 2/7/17

**THE STATE OF NEW MEXICO**

  
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2/21/2017  
DATE

I would like to add a comment pertaining to the restrictions of the NPT Basin. It is my opinion that this well (RG-42540) does NOT reside, by definition, topographically or otherwise, within the NPT Basin and should be exempted from any post-moratorium restrictions within that basin. I will agree to the terms of this Consent Order to avoid any further litigation.

Tim Cash