

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. RG-38881

**ORDER ADJUDICATING PRE-BASIN DOMESTIC WELL WATER RIGHTS**

THIS MATTER is before me under the provisions of paragraph E of the Court's January 5, 2017, *Order Granting State of New Mexico's Motion to Establish Expedited Process for Joinder, Service, and Response of Known Water Right Claimants* (Doc. No. 11216) concerning the rights to use the public waters of the Rio Grande Underground Water Basin and the Nambé-Pojoaque-Tesuque stream system of Defendants:

PETE A. MONTOYA  
11 RANCHO DE LEANDRO  
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 *Order Granting State of New Mexico's Motion to Establish Expedited Process for Joinder, Service, and Response of Known Water Rights Claimants*, Plaintiff State of New Mexico served Defendant(s) with a proposed Consent Order Adjudicating Pre-Basin 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 public waters of the Rio Grande Underground Water Basin and the Nambe-Pojoaque-Tesuque stream system is as follows:

**Purpose:** Non NMSA § 72-12-1 and -1.1 Domestic use multiple households

**State Engineer File No.:** RG-38881

**Priority:** 12/31/1953

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

**Point of Diversion:** Well No. RG-38881

**Well No.:** RG-38881 Location: X = 587,016 Y = 1,722,559  
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 3.0 acre feet per

year per from the well described above unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance.

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.

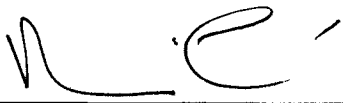
**IT IS FURTHER ORDERED** that the Defendant(s) are enjoined from any diversion or use of the waters of the Nambe-Pojoaque-Tesuque stream system except in accordance with the rights adjudicated in this order or any other order of the Court.



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WILLIAM P. JOHNSON  
UNITED STATES DISTRICT JUDGE

Recommended for Approval:

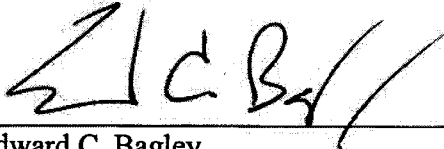


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PIERRE LEVY  
SPECIAL MASTER

**ATTORNEY CERTIFICATION**

Pursuant to paragraph E of the January 5, 2017, *Order Granting State of New Mexico's Motion to Establish Expedited Process for Joinder, Service, and Response of Known Water Rights Claimants* (Doc. No. 11216), 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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3/22/2017  
Date