

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-85231

**ORDER GRANTING MOTION FOR DEFAULT JUDGMENT [DOC. NO. 11432]
AND GRANTING DEFAULT JUDGMENT**

THIS MATTER is before the Court upon the motion by the Plaintiff, State of New Mexico, *ex rel.*, State Engineer’s Motion for Default Judgment (Docket No. 11432). The Court, being fully advised, finds that the State’s motion is well-taken and should be granted.

The Court finds:

1. The Court has jurisdiction of the party and the subject matter herein.
2. The Defendant named below has been legally served with process or has waived service of summons.
3. Pursuant to the Court’s Procedural and Scheduling Order for the Adjudication of Water Rights Under Domestic Wells Permitted after January 13, 1983 (Procedural Order) (Docket No. 6239), a Notice that the Consultation Period has Ended was served to Defendant,

informing his of the requirement for filing and serving a subfile answer. Defendant filed and served no answer.

4. Pursuant to the Procedural Order, failure by a defendant to timely file and serve an answer is considered grounds for the entry of a default order. Procedural Order, Sec. IV., C. 2.

5. The Defendant named below has failed to appear, answer or otherwise defend in this cause, and is adjudged to be in default.

IT IS THEREFORE ORDERED that the right of the Defendant(s)

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MARK FINK
P.O. BOX 4682
SANTA FE, NM 87502

to divert and use the public waters of the Rio Grande Underground Water Basin and the Nambepojoaque-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-85231

Priority: 05/17/2005

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

Point of Diversion: Well No. RG-85231
Location: X = 586,672 Y = 1,722,553
on the New Mexico State Plane Coordinate System, Central Zone, NAD 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 0.5 acre feet per year per household, but in no event may the aggregate use of those households served by the well exceed 3.0 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-85231 for the above described well are also incorporated herein.

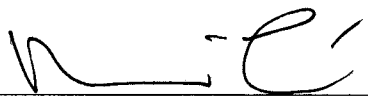
These water rights are subject to objection by any other water right owner with standing in a later (*inter se*) phase of this adjudication suit when water rights owners may object between themselves to individual adjudication orders. The rights are also subject to the entry of the final decree in this 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