

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-77023

ORDER ADJUDICATING POST-1982 DOMESTIC WELL WATER RIGHTS

THIS MATTER is before me under the provisions of paragraph IV.A.2 of the Court's June 14, 2007 *Procedural and Scheduling Order for the Adjudication of Water Rights Under Domestic Wells Permitted After January 13, 1983* ("Procedural and Scheduling Order") (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 Defendant:

MARY HABEEB
 c/o Lorenzo Atencio, Esq.
 P.O. Box 1538
 Espanola, NM 87532

The Court FINDS:

1. The Court has jurisdiction over the Defendant and the subject matter of this suit.
2. Pursuant to the Court's *Procedural and Scheduling Order*, Plaintiff State of New Mexico served Defendant with a copy of this proposed Order Adjudicating Post-1982 Domestic Well Water Rights ("Domestic Well Order").
3. Plaintiff received an objection to this proposed Domestic Well Order, which objection was subsequently resolved by the Special Master's February 26, 2014 *Order Denying Defendant Mary Habeeb's Motion for Summary Judgment and Granting Plaintiff the State of New Mexico's Motion for Summary Judgment on the Claims of Mary Habeeb Under Subfile PM-77023* (No. 8139). On May 14, 2015, the Court overruled Defendant's March 13, 2014 *Objections* (No. 8233) to the Special Master's *Order*. See *Memorandum Opinion and Order Overruling Objections to Special Master's Orders* (No. 10188).
4. 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 regarding the elements of the claims of the Defendant adjudicated by this Domestic Well Order.

IT IS THEREFORE ORDERED that the right of the Defendant to divert and use the public waters of the Rio Grande Underground Water Basin and the Nambe-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-77023
Priority: 1/9/2002
Source of Water: Underground waters of the Rio Grande Underground Water Basin
Point of Diversion: Well No. RG-77023

Location: X= 597,062 Y= 1,740,153
on the New Mexico State Plane Coordinate System, Central Zone,
NAD 1927.

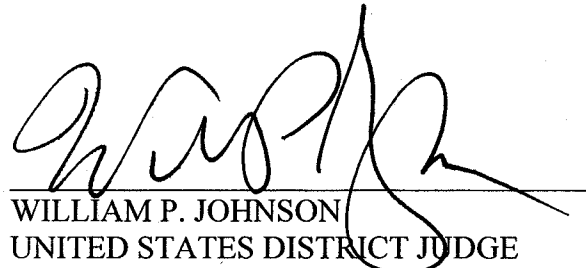
Place of Use: Within the property owned by the Defendant served by the well.

Amount of Water: Not to exceed a diversion and consumption of 0.5 acre feet per year from the well described above unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance.

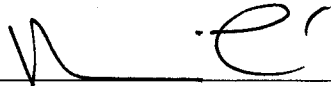
Other Conditions: Use shall be limited strictly to household, drinking and sanitary purposes; water shall be conveyed from the well to the place of use in closed conduit and the effluent returned to the underground so that it will not appear on the surface. No irrigation of lawns, gardens, trees or use in any type of pool or pond is authorized. All other conditions of State Engineer Permit No. RG-77023 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 is 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:

A handwritten signature in black ink, appearing to read 'P. Levy', is written above a horizontal line.

PIERRE LEVY
SPECIAL MASTER