

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

STATE OF NEW MEXICO, ex rel. STATE)	
ENGINEER,)	
Plaintiff,)	
)	
v.)	
)	
R. LEE AAMODT, et al.,)	No. 66cv6639 WJ/WPL
Defendants,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	
PUEBLO DE NAMBE,)	
PUEBLO DE POJOAQUE,)	
PUEBLO DE SAN ILDEFONSO,)	
and PUEBLO DE TESUQUE,)	
Plaintiffs-in-Intervention.)	
	/	

**NOTICE OF UPDATES TO
ADDENDUM TO PROPOSED FINAL JUDGMENT AND DECREE OF WATER
RIGHTS IN THE NAMBE-POJOAQUE-TESUQUE STREAM SYSTEM: NON-PUEBLO
SURFACE WATER AND GROUNDWATER RIGHTS**

The State of New Mexico, *ex rel.* State Engineer (“State”), hereby notifies the Court of updates to the *Addendum to Proposed Final Judgment and Decree of Water Rights in the Nambé, Pojoaque, Tesuque Stream System Non-Pueblo Surface Water and Groundwater Rights* (Doc. 11186, filed 12/9/2016), as set forth in the chart below and in the summaries of adjudicated water rights set forth in Exhibit A.

A. BACKGROUND

To comply with the Congressional deadline in the Aamodt Litigation Settlement Act of September 15, 2017, the Court must enter the Final Judgment and Decree by the end of July 2017. Towards that end, on December 9, 2016, pursuant to the *Order Granting Plaintiff State*

of New Mexico's Motion to Establish Procedures for Final Inter Se Proceeding and Entry of a Final Judgment and Decree [Doc. 10849, 9/9/16] ("Procedural Order"), the State filed its *Motion for Entry of Final Judgment and Decree* [Doc. 11186, 12/9/16] with the following attachments: (a) the State's proposed Final Judgment and Decree; and (b) the State's *Addendum to Proposed Final Judgment and Decree of Water Rights in the Nambe-Pojoaque-Tesuque Stream System: Non-Pueblo Surface Water and Groundwater Rights* ("Addendum").

The *Addendum* summarized non-Pueblo water rights adjudicated in the Pojoaque Basin as of that date. In addition to describing rights for which subfile orders had been entered, the *Addendum* identified "Provisional water rights" for which a final order adjudicating the water rights between the State and defendants had not been entered by the Court as of December 5, 2016. *See Order Granting State of New Mexico's Motion to Establish Inter Se Notice Procedure for Provisional Water Rights Identified in the Addendum to the Proposed Final Judgment and Decree* [Doc. 11152, November 30, 2016]; *Order Granting Expedited Motion to Amend Order Granting Plaintiff State of New Mexico's Motion to Establish Procedures for Final Inter Se Proceeding and Entry of a Final Judgment and Decree (Doc. 10849) to (1) Extend Deadline to File Motion for Entry of Proposed Final Judgment and Decree and (2) Clarify the Scope of Surface Water Inter Se Proceedings* [Doc. 11153, November 30, 2016].

During the *inter se* proceedings, thirty-seven (37) *inter se* objections were timely filed with the Court on or before the January 24, 2017 deadline. All *inter se* objections filed with the Court were resolved without litigation and were either dismissed or withdrawn. There were two orders entered as a result of the *inter se* proceedings that amended a previously adjudicated water right.

In addition to updates that resulted from the *inter se* proceedings, the State filed ten motions to amend or vacate previously adjudicated water rights, submitted five consent orders, and filed one motion for default judgment. These affected water rights were not identified as “provisional water rights” in the *Addendum*. Notice of the motions and consent orders were provided to parties through the Court’s CM/ECF filing system, and the consent orders submitted to the Special Master were, or will be, noticed upon entry by the Court in the same manner.

The Court has established a briefing schedule for responses and replies to the State’s *Motion to Enter*. [Doc. 11515, 6/8/17]. The State will provide a comprehensive *Addendum* containing all amendments to the Court for its review and entry with the Final Judgment and Decree, once briefing is complete on the *Motion to Enter*.

The summaries of the amended water rights attached as Exhibit A are provided for the convenience of the parties and the Court. They are shown as they will appear in the final *Addendum*. The substantive elements of the water rights are those adjudicated by the subfile orders entered by the Court. In the event there is a discrepancy between the description of the water rights set forth in Exhibit A and the specific order or document that determines that right, the specific order or document is controlling.

B. Updates to Water Rights Based on Orders Entered on Agreed Motions to Amend/Vacate or Agreed Motions Pending Orders:

Subfile Number	Order or Pending Motion (Docket #)	Date of Order	Amendment/Order	Page # in Exh. 1
PM-47034	11512 (order)	6/7/17	Vacated order adjudicating water right (Section 72-12-1 domestic well)	n/a
PM-48157	11450 (pending motion)	4/5/17	Single to multiple household (Section 72-12-1 domestic well)	A-1

PM-48990	11453	4/14/17	Vacated order adjudicating water right (Section 72-12-1 domestic well)	n/a
PM-63335	11479	5/3/17	Vacated order adjudicating water right (Section 72-12-1 domestic well)	n/a
PM-70046	11202	12/19/16	Vacate order adjudicating water right (Section 72-12-1 domestic well)	n/a
RG-11668	11516 (pending motion)	6/9/17	Single to multiple household (pre-basin domestic well)	A-6
RG-14428	11457 (pending motion)	4/18/17	Single to multiple household (Section 72-12-1 domestic well)	A-7
RG-19098	11514 (pending motion)	6/8/17	Correct priority date (pre-basin domestic well)	A-8
RG-30780	11458 (pending motion)	4/19/17	Single to multiple household (Section 72-12-1 domestic well)	A-9
RG-62141	11451 (pending motion)	4/5/17	Single to multiple household (pre-basin domestic well)	A-12

C. Updates to Water Rights Based on Default Judgment:

Subfile Number	Order (Docket #)	Date of Order	Amendment/Order	Page # in Exh. 1
PM-56923	11460	4/20/17	Not listed in <i>Addendum</i> (Section 72-12-1 domestic well)	A-2

D. Updates to Water Rights Based Upon Consent Orders:

Subfile Number	Order (Docket #)	Date of Order	Amendment/Order	Page # in Exh. 1
PM-57042	Pending – submitted to Special Master	n/a	Consent Order (not listed in <i>Addendum</i>) (Section 72-12-1 domestic well)	A-3
PM-73062	Pending – submitted to Special Master	n/a	Consent Order (not listed in <i>Addendum</i>) (Section 72-12-1 domestic well)	A-4
RG-33712	Pending – submitted to Special Master	n/a	Consent Order (not listed in <i>Addendum</i>) (Section 72-12-1 domestic well)	A-10

			domestic well)	
RG-60598	Pending – submitted to Special Master	n/a	Consent Order (not listed in <i>Addendum</i>) (pre-basin domestic well)	A-11
RG-90898	Pending – submitted to Special Master	n/a	Consent Order (not listed in <i>Addendum</i>) (Pre-basin irrigation well)	A-14

E. Updates to Water Rights Resulting from *Inter Se* Proceedings:

Subfile Number	Order (Docket #)	Date of Order	Amendment/Order	Page # in Exh. 1
RG-07435	Pending	n/a	Consent Order amending prior order (Section 72-12-1 domestic well)	A-5
RG-79917	11465	4/20/17	Consent Order (not in listed in <i>Addendum</i>) (Section 72-12-1 domestic well)	A-13

Respectfully Submitted,

/s/ Kelly Brooks Smith

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 15, 2017, I filed the State of New Mexico's Notice of Updates electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means and served the parties listed below by first class mail.

/s/ Kelly Brooks Smith

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