

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-81106

CONSENT 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 BENNETT  
WILLIAM H. BENNETT  
C/O PETER SHOENFELD, ESQ.  
P.O. BOX 2421  
SANTA FE, NM 87504-2421

The Court FINDS:

1. The Court has jurisdiction over the Defendant and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant 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 Defendant 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 regarding the elements of the claims of the Defendant adjudicated by this Consent 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-81106

**Priority:** 09/15/2003

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

**Point of Diversion:** Well No. RG-81106

Location: X= 598,160 Y= 1,723,375  
on the New Mexico State Plane Coordinate System, Central Zone,  
NAD 1927.

**Place of Use:** Within the property and households of the users served by the well.

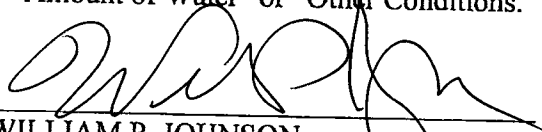
**Amount of Water:** Not to exceed a diversion and consumption of 0.5 acre feet per  
From the well described above, unless a more restrictive diversion  
limit applies pursuant to court order, covenant or ordinance.

**Other Conditions:**

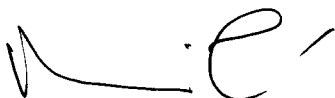
Use shall be limited strictly to household, drinking and sanitary purposes; water shall be conveyed from the well to the place of use in closed conduit and the effluent returned to the underground so that it will not appear on the surface. No irrigation of lawns, gardens, trees or use in any type of pool or pond is authorized. All other conditions of State Engineer Permit No. RG-81106 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 Defendants 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, including but not limited to those adjudicated under subfile No. 29.19 as RG-14299 and thereafter administratively transferred into RG-81106; the water rights adjudicated under subfile No. 29.19 as RG-14299 and thereafter administratively transferred into PM-81106 are not limited in any manner by the limitations and other conditions set forth above under "Amount of Water" or "Other Conditions."

  
WILLIAM P. JOHNSON  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

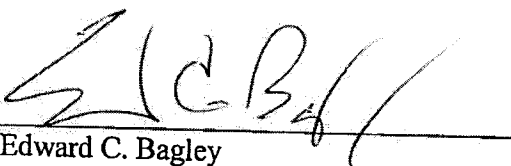
  
\_\_\_\_\_  
PIERRE LEVY  
SPECIAL MASTER

ACCEPTED: Mary Bennett  
MARY BENNETT

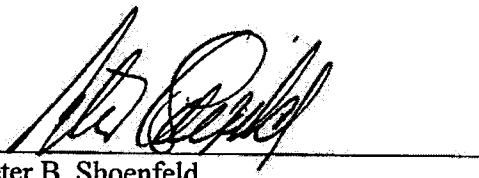
ADDRESS: 51 Rancho Escondido  
Santa Fe, NM  
87506

ACCEPTED: William H. Bennett  
WILLIAM H. BENNETT

ADDRESS: 51 Rancho Escondido  
Santa Fe, NM  
87506



Edward C. Bagley  
Special Assistant Attorney General  
Attorney for State of New Mexico  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
Telephone: (505) 827-6150



Peter B. Shoenfeld  
Attorney for Defendants William H. Bennett  
And Mary Bennett  
P.O. Box 2421  
Santa Fe, NM 87504-2421  
Telephone (505) 982-3566

MAY 26, 2017  
Date