

**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., )  
 )  
Defendants, )  
 )  
and )  
 )  
UNITED STATES OF AMERICA, )  
PUEBLO DE NAMBÉ, )  
PUEBLO DE POJOAQUE, )  
PUEBLO DE SAN ILDEFONSO, )  
and PUEBLO DE TESUQUE, )  
 )  
Plaintiffs-in-Intervention. )

No. 66cv6639 MV/WPL

**[PROPOSED] INTERIM ADMINISTRATIVE ORDER**

This case is a general adjudication of the surface and ground water rights within the Nambé-Pojoaque-Tesuque Stream System (“Pojoaque Basin”) as authorized by NMSA 1978, §§ 72-4-13 through 72-4-19 (1907, as amended through 1982). This Order, entered contemporaneously with a Partial Final Judgment and Decree quantifying the water rights of the Pueblos of Nambé, Pojoaque, Tesuque and San Ildefonso (“the Pueblos”) and an Order approving the Settlement Agreement, governs the administration of both Pueblo and non-Pueblo water rights in the Pojoaque Basin pending entry of a Final Judgment and Decree.

Notice of the deadline for filing and serving objections to this Order was (1) mailed to all joined parties pursuant to the State’s notification list; (2) published in English and Spanish in newspapers of general circulation in the Pojoaque Basin and in the City and County of Santa Fe;

(3) posted on the Court's and the Office of the State Engineer websites; and (4) posted publicly in the Pojoaque Basin. The Court has considered the objections thereto, and the evidence of record. The Court finds that no objector showed cause as to why this Interim Administrative Order should not be entered. The Movant's request for approval of the Settlement Agreement and entry of a Partial Final Judgment and Decree are granted pursuant to separate orders.

Accordingly, **IT IS HEREBY ORDERED** that the following provisions shall govern the administration of water rights within the Pojoaque Basin pending entry of a Final Judgment and Decree ("the Interim Period").

#### **PUEBLO WATER RIGHTS**

During the Interim Period, the Pueblos of Nambé, Pojoaque, San Ildefonso, and Tesuque shall have rights to use water as specified in the Partial Final Judgment and Decree and Settlement Agreement, subject to all terms and conditions stated therein. Pueblo water rights shall be administered consistent with Section 5.2.1.2 of the Settlement Agreement.

#### **NON-PUEBLO WATER RIGHTS**

During the Interim Period, state law water rights shall be governed by subfile orders entered in this case subject to all terms and conditions of the Settlement Agreement. In the absence of a subfile order, water rights under state law shall be exercised in accordance with state law. The State Engineer shall administer all state law water rights consistent with Section 5.2.1.1 of the Settlement Agreement.

#### **SECTION 5.3 RULES**

If the rules required by Section 5.3 of the Settlement Agreement are promulgated prior to entry of the Final Judgment and Decree, such rules shall apply during the Interim Period.

**IT IS FURTHER ORDERED**, that this Order shall expire and be of no further effect upon entry of a Final Judgment and Decree or upon further Order of the Court, but no later than September 15, 2017, unless the date of entry of the Final Judgment and Decree is extended pursuant to Section 10.1 of the Settlement Agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 201\_.

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UNITED STATES DISTRICT JUDGE

**RECOMMENDED FOR ENTRY:**

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UNITED STATES MAGISTRATE JUDGE