

Summary of Aamodt Settlement Re: Domestic Wells - Section 3.1.7
Prepared by Larry White, Esq. 505-982-2863

- I. Wells - 4 basic categories of wells for domestic uses
 - A. Pre-basin (prior to November 29, 1956; may have more than domestic uses)
 - B. 72-12-1 - permitted prior to “moratorium” on January 13, 1983
 - C. Post Moratorium - Signed Post 1982 Well Agreement (approved Oct. 4, 1999)
 - D. Post Moratorium - Not a party to the Post 1982 Well Agreement - limited to “in-house” use only
- II. Settlement does not require you to connect to CWU but to be protected from priority calls or priority administration, you must elect one of the following options
 - A. Connect to the CWU when available
 - B. Keep well in perpetuity and reduce use
 - C. Reduce use and agree that upon transfer, successor will connect
- III. Uses allowed for 4 categories under the 3 options
 - A. Agree to connect when available - FOR all categories - not less than .5afy
 - 1. Pre-Basin - Historic HBU
 - 2. 72-12-1 - Lesser of HBU or 3afy
 - 3. Either post-moratorium category - Lesser of .7 or HBU; Indoor/outdoor
 - B. Keep well in perpetuity
 - 1. Pre-basin and 72-12-1 - 15 % reduction, not less than .5afy
 - 2. Post moratorium signed Post 1982 Well Agreement - Lesser of .7afy or HBU; use over .5 afy subject to priority call
 - 3. Post moratorium - Indoor use only OR up to .3afy indoor/outdoor
 - C. Agree that upon transfer, successor will connect
 - 1. Pre-basin and 72-12-1 - 10 % reduction, not less than .5afy
 - 2. Either post moratorium, same as III(B)(2 and 3) above
- IV. Table Summary (HBU = Historic Beneficial Use; afy = acre feet/year)

Category of Well	Agree to Connect	Keep well forever	Connection upon transfer
Pre-basin (limited by adjudicated amount)	HBU, not less than .5afy	HBU - 15%, not less than .5afy	HBU - 10%, not less than .5afy
72-12-1	Lesser of HBU or 3afy, not less than .5afy	Lesser of HBU or 3afy - 15%, not less than .5afy	Lesser of HBU or 3afy - 10%, not less than .5afy
Post Moratorium, signed Post 1982 Well Agreement	Lesser of .7afy or HBU, not less than .5; indoor/outdoor	Lesser of .7afy or HBU; Use over .5afy subject to priority call; in/out	Lesser of .7afy or HBU; Use over .5afy subject to priority call; in/out
Post Moratorium, did not sign Post 1982 Well Agreement	Lesser of .7afy or HBU, not less than .5; indoor/outdoor	Indoor only or up to .3afy; indoor/outdoor	Indoor only or up to .3afy indoor/outdoor

- V. May I connect to the CWU for my “in house” domestic use and continue to use my well to irrigate my lawn,

trees, shrubs and non-commercial garden?

- A. Only if well is either a “pre-basin” well with a recognized agricultural use or is specified or permitted as a point of diversion for an agricultural use under other than Section 72-12-1 NMSA 1978.
- B. If well is permitted under Section 72-12-1 NMSA 1978 for domestic use, whether pre-moratorium or post-moratorium, and if “post-moratorium” whether the owner signed the “post-moratorium” well agreement or not, an owner electing to connect to CWU must connect for all domestic uses including the irrigation of their lawn, trees, shrubs and non-commercial garden previously irrigated from their domestic well.