

AAMODT & ADJUDICATIONS

Presentation to inform water right claimants in the Nambe-Pojoaque-Tesuque Basin (NPT Basin) of their options.

The NPT Basin is both surface and groundwater that include: Nambe, Pojoaque, Tesuque, San Ildefonso, El Rancho, Jacona, Jaconita, Rio en Medio, Chapaduro, Village of Tesuque, Bishop Lodge, parts of Tano Road

Carl Trujillo
11/05/16

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INTRODUCTION

With every town hall meeting I organized over the past couple years, my objective was to provide you with most accurate information available at the time of the meeting. This presentation is an undertaking of my own and its intent is to help the community members of the basin to understand this complex settlement. Note: I am not one of the Settling Parties and have not been present in the negotiations. With that said, I am actively working to help shape the remaining agreements and election notices. As your state representative, I am working to make these remaining agreements as fair as possible. To do that, I believe the process needs to be transparent. You need to have information about all possible options for you and your family as we move forward. I live in the NPT Basin and the outcome of the Settlement Agreement affects me, my neighbors, and my family. I realize water is probably one of the most important aspects to survival; a resource we all respect living in New Mexico. I have also grown up in the valley utilizing the land and water to grow fruits, vegetables, herbs, plants, and flowers. I know others who grew-up with families that had horses or livestock. Finally, I think we all know that we are all one people who live and need to share such a valuable resource. Not by any means is my intention is to guide or lead you to a choice, but only to inform. It is up to you to make the decision that works best for you. Once again, I will try to make this complex settlement understandable. Please consult an attorney if you need more clarification on how to make your decision. Please follow the table of contents to find your particular well. Skip to page 8 if you do not want to read the path from 1966 to present.

How we got here

- Aamodt case file in 1966: Task was to define all claims to water in the Nambe-Pojoaque-Tesuque basin (NPT Basin) for both pueblo and non-pueblo rights. A formal process is required to settle these water claims; this is completed through “adjudication” process.
- The New Mexico State Engineers office was order by the Federal court to define these claims for non-pueblo claimants and became active in adjudicating wells in years between 1966 through 1994.
 - Making offers to non-pueblo water right claimants (well owners) offering “3 acre ft per annum” on pre-basin wells & “not to exceed a diversion of 3.0 acre-ft per year from the well subject to the diligent development of the beneficial use of water” on pre-moratorium wells (thus recognizing their water right through a sub-file order).
 - There were about 1600 wells the state engineers office identified and adjudicated during these time periods.
- In 1983, the federal court placed a moratorium on permits issued by the State Engineers office to limit future domestic well permits in the NPT Basin to indoor use only.
 - This was the result from the pueblos filing an injunction on drilling of any new non-pueblo wells. As a result, domestic well permits issued after January 13, 1983 carried this limitation-though they still carried the 3 acre foot limitation specified in state law for domestic wells.
 - This is how the delineation was born between pre-moratorium and post-moratorium wells.
- On July 22nd 1994, a federal judge issued an order amending all previous non-pueblo, settled sub-file orders for non-pueblo, domestic and livestock well water rights to be limited based upon Historic Beneficial Use (HBU). This means: if you have a well that was adjudicated in the year of 1966 and 1994, your sub-file order has been amended. Please see page 19 for order.

How we got here, cont.

- In 1999, after agreement from the Pueblos, “post moratorium well” owners at that time were made an offer of up to 0.7 acre ft/yr and the provision of indoor use lifted.
 - About 350 post-moratorium well owners agreed to these terms. These individuals have an adjudication order from 2001.
 - They have signed the “post 1982 well agreement”.
- In 2000, the “Settling Parties” which included 4 pueblos: Nambe, Pojoaque, San Ildefonso, and Tesuque along with the State Engineers office (state of NM), Santa Fe County, city of Santa Fe, and a other attorneys began talks.
- In 2004, a settlement was drafted and presented to the public.
 - Features included: a Regional Water System (RWS) for both pueblo and non-pueblo users, although all non-pueblo water right owners would have to connect to the RWS.
 - After push back by non-pueblos water claimants, the settling parties returned to the table and removed the mandatory provisions for water system connection.
- 2006, the settling parties along with Bill Richardson signed the ”*Settlement Agreement*”& **sent it to congress.**
- In 2010, companion bills introduced in Congress, S.1105 introduced by Senator Bingamen & H.R. 3342 introduced by Rep. Ben Ray Lujan. On January 2010, house approved H.R. 3342 and sent it to the Senate.
 - H.R. 3342 became part of H.R. 4783, the Claims Resolution Act. It passed congress by a vote of 256 to 152. The “*Aamodt Litigation Settlement Act*” is a part of the Claims Resolution Act which also funded the Regional Water System.

How we got here, cont.

- It was also necessary to revise the *Settlement Agreement* to conform to the *Aamodt Litigation Settlement Act*.
 - The Settling Parties worked to conform the Agreement and Act, hence the *Settlement Agreement* was born on April 19, 2012.
 - Both the Agreement & the Act required the Aamodt Court to consider objections.
- In February/March 2014, water right owner were contacted by the State Engineers Office and Federal District Court in an order to show cause.
 - Water right owner's were sent an acceptance form & an objection form due by April 7th, 2014
- Although, the court had not ordered settling parties to send out acceptance forms, the settling parties chose to do so.
 - About 400 claimants mailed in acceptance forms agreeing to be a settling party and of those, 150 elected to connect to the system.
 - Water claimants have had the opportunity to become a settling party and make a well election since that date.
 - **A new well election will be mailed to non-pueblo well owners sometime in the first quarter of 2017 or later.**
- April 7th 2014, 796 water right owners filed objections to the Settlement Agreement in Federal Court
- March 23rd, 2016 Federal Judge Johnson **overruled all 796 objections** and approved the Partial Final Decree (which adjudicates all the pueblos water rights and waives all *inter se* challenges among settling parties) and the Interim Administrative Order.
 - In 1982, the pueblos had filed more than 600 *inter se* challenges on non-pueblo surface water rights.
 - Under the Settlement Agreement, the NPT Basin becomes a fully appropriated basin, no new well permits for non-pueblo members unless a water right from within the basin is brought forward. Most likely, it would be a pre-basin right.
- Now, Settling Parties are working on 2nd election notice (order to show cause) to propose to court for approval.
 - This form will be mailed out sometime in the **first quarter of 2017 or later** for individuals want to join the settlement and make a well election. **One does not have to join the settlement, it is voluntary.**

How we got here, cont.

- Today, Settling Parties are working on Rules and Regulations that will be up for public comment in early 2017.
 - They will be promulgated by the State Engineers office
 - They will describe how water is administered in the NPT Basin and have same enforcement as state statutes.
- Today, the 4 Pueblos and Santa Fe County are working on the Joint Powers Agreement (JPA) which will form the Regional Water Authority (the Authority).
 - The Authority will have power to own, construct, operate, manage, replace, repair, and maintain all facilities, equipment, and infrastructure of the RWS.
 - It will also have the power to own, acquire, and dispose of real property, bill and collect, incur debt, and establish policies and enforcement mechanisms for delivery and use of water.
 - This Authority will be made up of 7 directors, please see proposed JPA for details.
 - **Santa Fe County Commission may take action on the proposed JPA on November 29th, 2016.**
- State Engineers Office told Federal Court they will complete adjudicating all water claimants by Nov. 30, 2016.
 - Thus, effectively ending the adjudication process of non-pueblo water rights.
- State Engineers office will be issuing a metering order on all wells in the basin by the end of the year 2016
- Non-Pueblo water right owners will be entering an *inter se* period by the end of the year.
 - This will allow challenges on non-pueblo water rights by other non-pueblos water rights.
 - This period will usually be about 30 days.
- State Engineers office intends to **mail out election notices sometime in the first quarter of 2017 or could be even later.**
- The Federal Court has to enter the *Settlement Agreement* into Final Decree prior to July 2017.
- The Federal Act requires the Regional Water System to be substantially complete by June 24, 2024

Important Facts

- The State Engineers office was ordered by the Federal Court to find every non-pueblo individual using water (Water Claimants) in the NPT basin and determine their claim to use – their settled claims would then be issued a consent order (signed by a Federal Judge)– thus adjudicating their right to use of water in the Basin. All **surface water rights** for pueblo and non-pueblo people have been identified and adjudicated. The State Engineer office has been trying to identify the remaining sub-surface water use, meaning **ground water**. Please go to page 20 to find samples of consent orders for ground water (wells).
- The **adjudication process** of your water rights is a different process than deciding whether **to join or not join the Settlement Agreement**. It is important to understand these are two different processes.
- Individuals possessing an adjudicated water right will be mailed an election notice sometime in the first quarter of 2017 or later. Unless you are an **Objector or have already made election**, you will need to respond in the required timeline to prevent being defined as a “non-responder”. Follow the charts further in presentation to better understand status of “non-responder”
- Water Claimants who objected to the Settlement Agreement by April 7th 2014, are **not a party** to the Settlement. No further action is needed if wish is to remain outside the Settlement. If desire is to be a party to Settlement, objectors will have to make election in required timeline when notices are received.

Important Facts, cont.

- The State Engineers office has told the Federal Judge that they will be finished identifying all non-pueblo claimants in the NPT Basin by November 30, 2016, including water wells – thus effectively ending the adjudication process in NPT Basin for non-pueblo water claimants. If you have a valid permit that allows you to develop your water right, you can continue to develop that right. You will not be affected by the Final Decree.
- Joining the *Settlement Agreement* is a voluntary action, you are not required to join
- The State Engineers office will be issuing a well metering order sometime in the next few months. Every well in the basin will be ordered to have a meter installed whether one chooses **to join** the *Settlement Agreement* or chooses **not to join** the Settlement Agreement
- Cost of water using Santa Fe County Water Rate Sheet (Santa Fe County considering a rate increase to current rate sheet at next board meeting which could increase this by 15%).
 - 0.3 acre feet per year Monthly average cost \$77.99
 - 0.5 acre feet per year Monthly average cost \$144.62
 - 0.7 acre feet per year Monthly average cost \$240.70
 - 0.9 acre feet per year Monthly average cost \$342.62
 - 1.1 acre feet per year Monthly average cost \$445.13

Important Facts, cont.

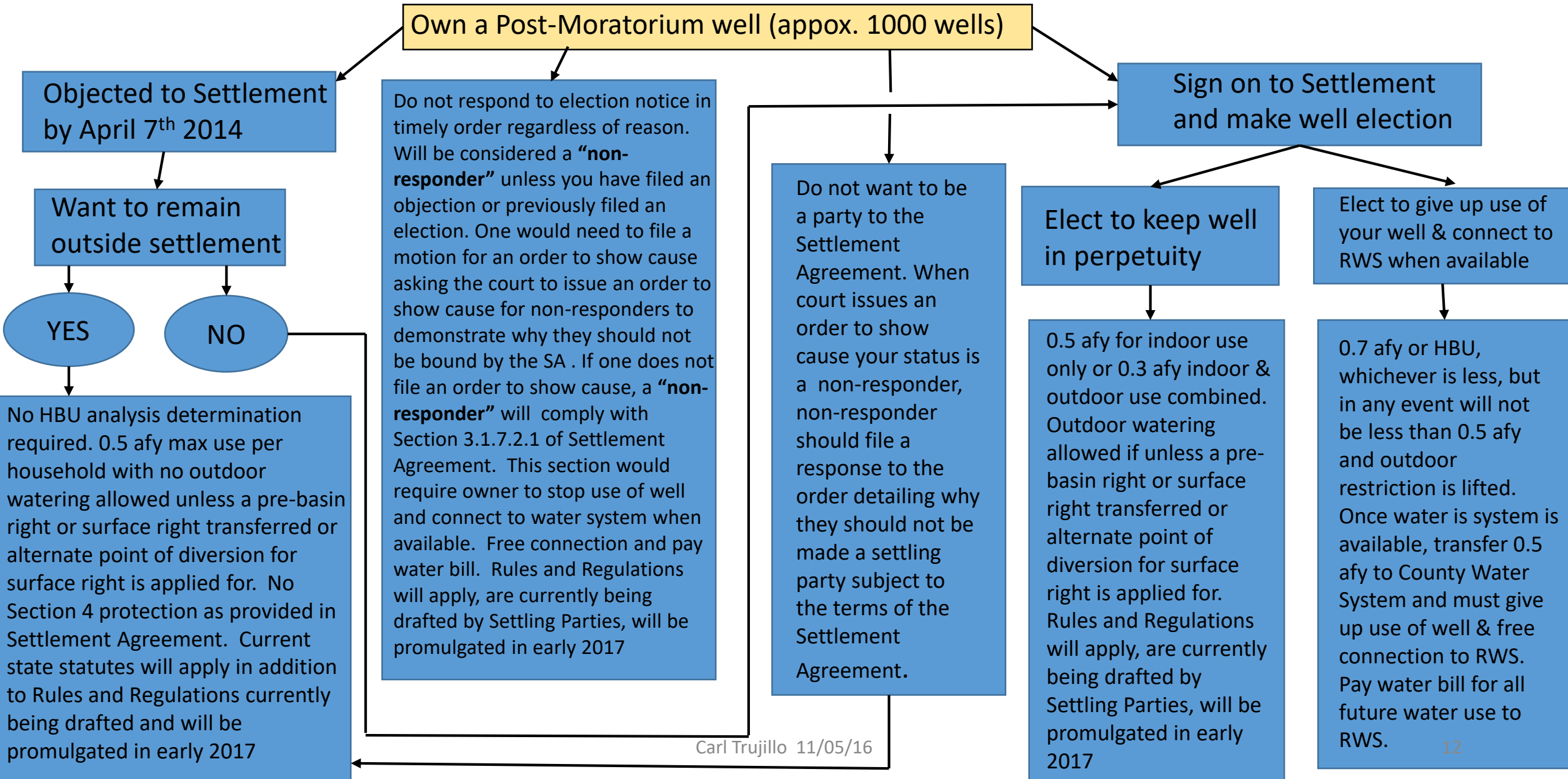
- Definition of Section 4 Priority Protection in *Settlement Agreement*: The four pueblos have been adjudicated 3660 acre feet per year (afy) in the NPT Basin. Under state statute and water doctrine, water priority is based on first or time immemorial. Simply put, the pueblos would always have first priority to the first 3660 afy of water in the basin. In the *Settlement Agreement*, the pueblos 3660 afy in water rights have been separated into two categories, “*existing use*” and “*future use*”. *Existing use* has been established as 1391 afy. *Future use* as been established as 2269 afy. The pueblos will always have first or time immemorial on the *existing use* right (1391afy). Then, Section 4 protection applies to the remaining 2269 afy of *future use* rights. For those who join the *Settlement Agreement* and elect to keep their wells, the 2269 afy of *future use* water rights of the pueblos will be placed at the same priority of non-pueblo owners. Essentially, this is the protection. The exception is section 4.2.2.1 in the *Settlement Agreement*, which addresses water that is not put to Beneficial Use for more than five consecutive years. Note: Under the *Settlement Agreement*, the Federal Government purchased an additional 2500 afy for the four pueblos to be imported into the basin through the Regional Water System.

TYPES OF WELLS and ADJUDICATION DATES

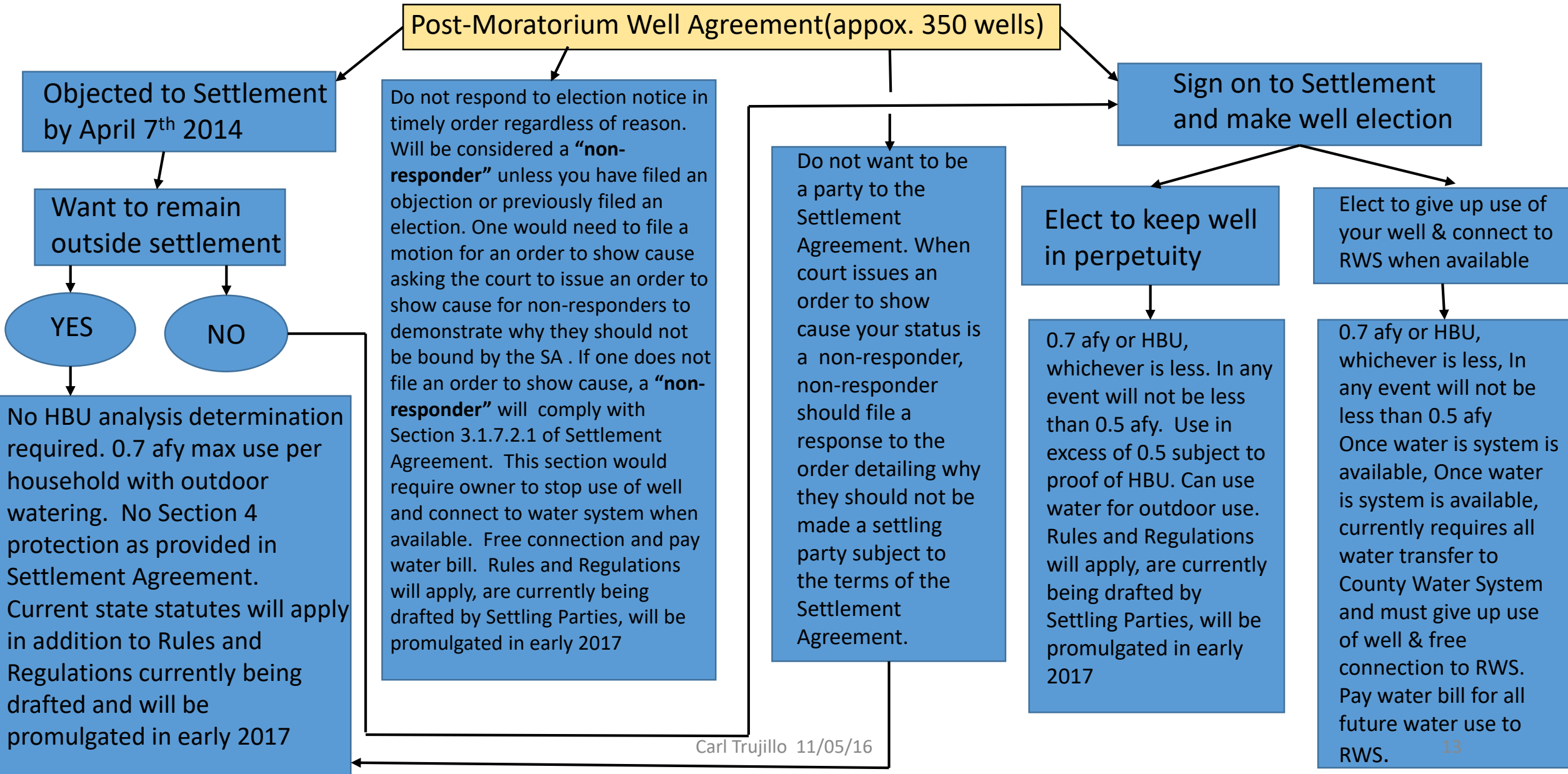
1. Post-Moratorium Well drilled after January 13, 1983 that have put their water to Beneficial Use prior to March 23, 2016. **These wells will have an adjudication order signed by a Federal Judge dated sometime after 2006. If well is shared, make sure adjudication order reflects multi-household or quantifies the amount of households. Go to page 12**
2. Post-Moratorium Well drilled after January 13, 1983 and have put their water to Beneficial Use prior to March 23, 2016 and signed the “Post 1982 Well Agreement.” **These wells will have an adjudication order signed by a Federal Judge in 2001. These orders will specify 0.7 acre feet per household. Go to page 13**
3. Post-Moratorium Well drilled after January 13, 1983 and have not put their water to Beneficial Use prior to March 23, 2016 OR permitted their well prior to March 23, 2016 and drilled after March 23, 2016. **Permit will control, please see permit for details and timeline.**
4. Pre-Moratorium Well drilled after November 29th, 1956 and before January 13th, 1983. If you own one of these wells, check date of adjudication order. **If adjudication order is before 2006 (about 1100 of these wells were adjudicated in 1984), you have not established HBU. Go to page 14 and 15.**
5. Pre-Moratorium Well drilled after November 29th, 1956 and before January 13th, 1983. If you own one of these wells, check date of adjudication order. **If adjudication order is after 2006 (about 400 wells) you have established HBU and it is listed on your adjudication order. If well is shared, may also reflect multi-households or quantifies the amount of households. Go to page 14 and then 16**
6. Pre-Basin Well drilled before November 29th, 1956. This is a property right. If you own one of these wells, check date of adjudication order. **If adjudication order is before 2006 (about 500 of these wells were adjudicated in 1984), you have not proven HBU*. Go to page 14 then 17**
7. Pre-Basin Well drilled before November 29th, 1956. This is a property right. If you own one of these wells, check date of adjudication order. **If adjudication order is after 2006 (about 200 of these wells were adjudicated in 1984), you have proven HBU* and it is listed on your adjudication order. Go to page 14 then 18**

***upon transfer, beneficial use will need to be proven**

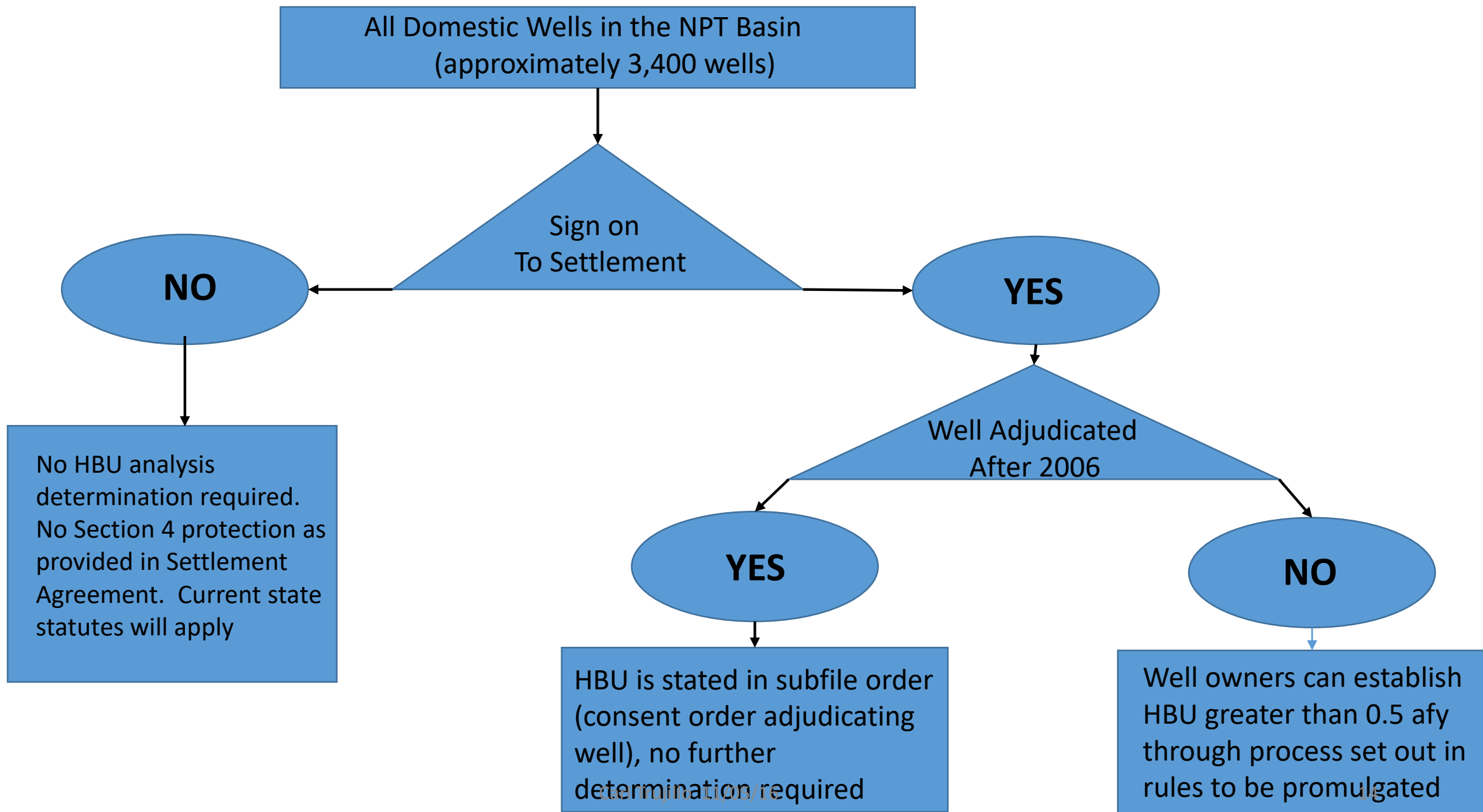
1.) Post-Moratorium Wells with adjudication order (drilled after January 13, 1983 and have put the well to beneficial use prior to March 23, 2017)



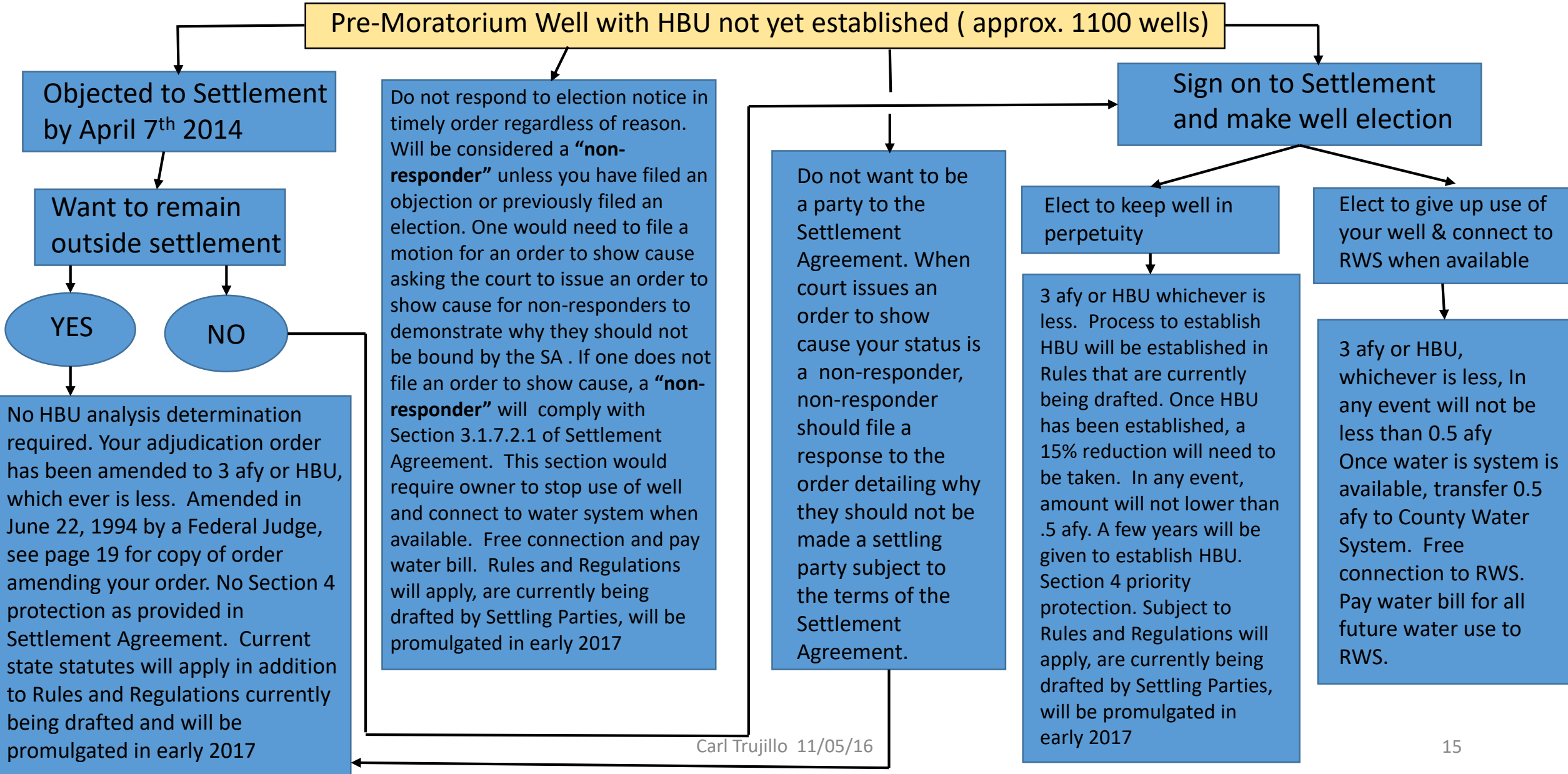
2.) Post-Moratorium Wells with “Post 1982 Well Agreement” (drilled after January 13, 1983 and have put the well to beneficial use prior to March 23, 2017)



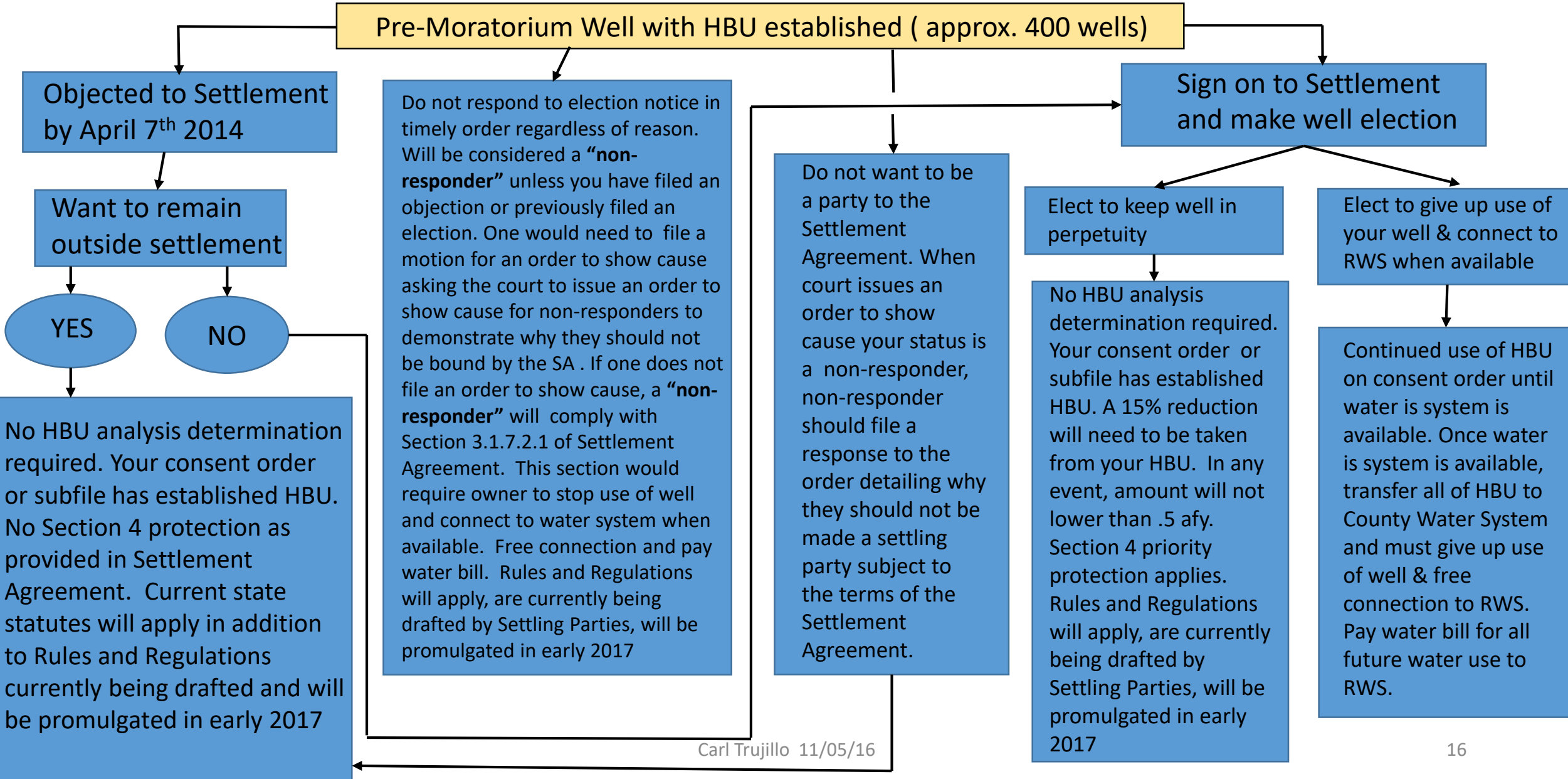
When does Historical Beneficial Use (HBU) apply



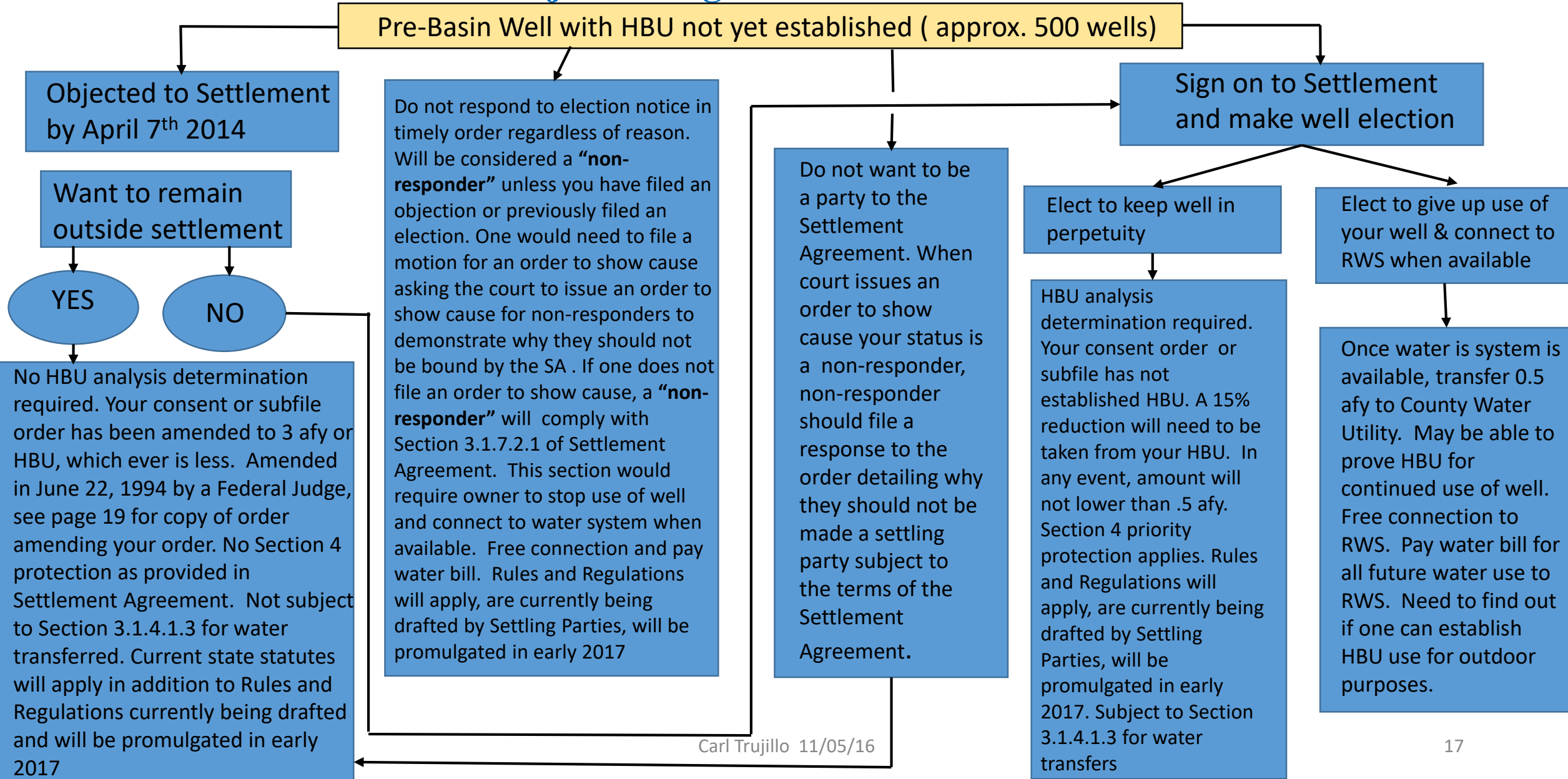
4.) Pre-Moratorium Wells (drilled after November 29th, 1956 and before January 13, 1983) and have not been established HBU – consent or subfile orders adjudicating before 2006



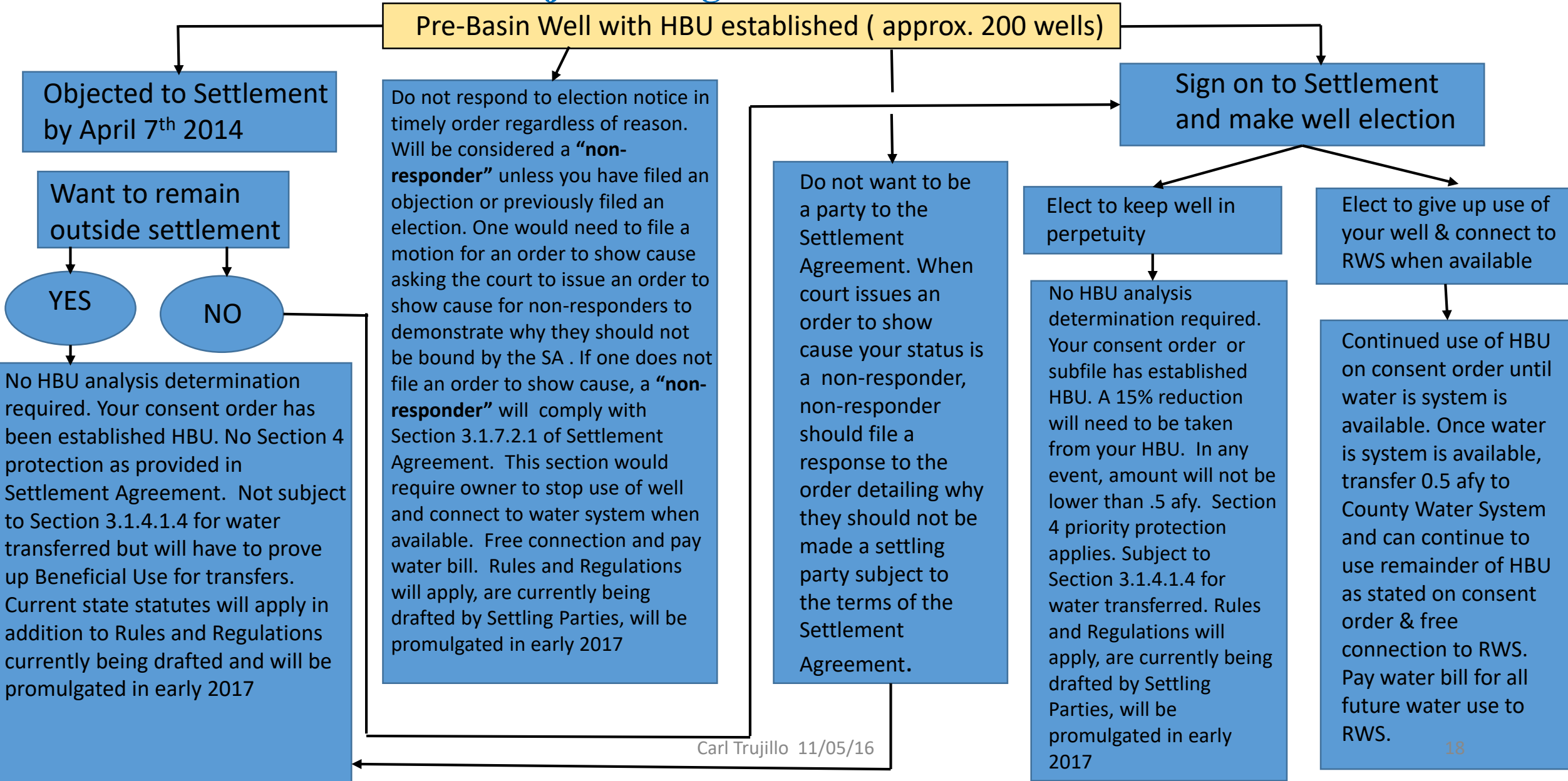
5.) Pre-Moratorium Wells (drilled after November 29th, 1956 and before January 13, 2016) and have established HBU– consent orders adjudicating after 2006



6.) Pre-Basin Wells (drilled before November 29th, 1956) and have not established HBU – consent or subfile orders adjudicating before 2006



7.) Pre-Basin Wells (drilled before November 29th 1956) and have established HBU – consent or subfile orders adjudicating before 2006



IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

94 JUL 22 PM 3:50

STATE OF NEW MEXICO, ex rel.
State Engineer,

Plaintiff,

v.

R. LEE AAMODT, et al.,

Defendants,

UNITED STATES OF AMERICA,
PUEBLO DE NAMBE, PUEBLO DE
POJOAQUE, PUEBLO DE TESUQUE,
PUEBLO DE SAN ILDEFONSO,

Plaintiffs-in-Intervention.

Civil No. 6639-M

ORDER

Order of the Court Amending Provisions of Prior Subfile Orders Adjudicating Amount of Water Permitted for Non-Pueblo Domestic and Livestock Well Water Rights to Provide for a Limitation Based Upon Historic Beneficial Use.

THIS MATTER comes on for consideration on New Mexico's Motion to Adopt the Special Master's April 26, 1994 Report (Docket No. 4365) filed June 3, 1994. Having considered the motion and the Special Master's report (4348); having found that no party filed objections or comments relating thereto; having made a de novo examination of relevant portions of the record; and, being otherwise fully advised in the premises, I hereby adopt the recommendations of the Special Master as set forth below.

1. Provisions of non-Pueblo domestic and livestock well subfile orders previously entered herein which contain language which describes the amount of water adjudicated as follows:

"Not to exceed three (3.0) acre-feet per annum."

and

"Not to exceed a diversion of 3.0 acre-feet per year from the well subject to the diligent development of the beneficial use of water."

should be and are hereby amended as follows:

"Amount of Water: not to exceed a diversion of 3.0 acre-feet per year from the well described above or the historic beneficial use, whichever is less."

2. This amendment is effective as of the date of entry of the relevant subfile orders.

3. All other terms and provisions of the subfile orders and any subsequent amendments remain in full force and effect.

4. The Clerk of the Court shall serve this Order on all active counsel of record. The State of New Mexico shall serve this order on all inactive counsel of record, pro se parties and interested individuals whose names appear on the docket mailing list.

IT IS SO ORDERED.

[Signature]
SENIOR UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

MAR 14 1969

STATE OF NEW MEXICO, ex rel.,
S. E. REYNOLDS, State Engineer

Plaintiff,

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

E. E. GREESON
CLERK

No. 6639
Civil

Domestic & Stock
Sub-File No. DS-87

Andres E. Roybal

O R D E R

THIS MATTER having come before the Court on the Plaintiff's Offer of Judgment, and the Court having considered the said Offer, the hydrographic survey and other evidence on file, and being otherwise fully advised in the premises, finds:

1. Name of defendant: [REDACTED]
2. The Court has jurisdiction of the parties hereto and the subject matter herein.
3. The State Engineer's hydrographic survey and report relating to the defendant's water rights have been introduced into the record and the same hereby are incorporated and made a part of this Order; that said hydrographic survey and report contain a true and correct summary of the contents of the instruments referred to therein.
4. The parties hereto have accepted an Offer of Judgment concerning the defendant's rights and said Offer of Judgment is hereby approved.
5. The defendant [REDACTED] has a right to withdraw public surface and/or underground waters from the Nambe-Pojoaque River System for all purposes as follows:

SUB-FILE NO. DS-87; [REDACTED]

- 1 -

Sub-File No. DS-87

Order for a
pre-basin
well
adjudicated
in 1969, no
HBU
established

A. Purpose - Irrigation:

NONE

B. Purpose - Domestic and/or Stock (underground water):

State Engineer File No.: EG-13303

Priority: October 25, 1965

Point of diversion: SW 1/4, SE 1/4, NE 1/4 Sec. 6, T.18 N., R.10 E.

Amount of water: Not to exceed three (3.0) acre-feet per annum

6. The defendant [REDACTED] has no other surface or underground water rights in the Nambe-Pojoaque River System.
7. That the defendant [REDACTED] his agents, employees, privies, co-tenants, tenants, assigns, attorneys, and any and all other persons having a constructive knowledge of the restraining order should be enjoined from any use of the surface or underground water in the Nambe-Pojoaque River System for any purpose except in strict accordance with the water rights set out hereinabove.

IT IS, THEREFORE ORDERED that the defendant [REDACTED] be and hereby is adjudicated to have a good and valid water right as set forth above.

IT IS FURTHER ORDERED that the defendant [REDACTED] his agents, employees, privies, co-tenants, tenants, assigns, attorneys, and any and all other persons having constructive knowledge of the restraining order, by and they hereby are permanently enjoined and restrained from any use of the surface and/or underground water in the Nambe-Pojoaque River System, except in strict accordance with the water rights set out hereinabove.

DATED this _____ day of MAR 14 1969, 1969.

H. VEARLE PAYNE

Judge of the United States District Court

- 2 -

Sub-File No. DS-87

copy
9/10/69 JK

The Court FINDS:

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

IT IS THEREFORE ORDERED that the right of the Defendant(s) 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: Non NMSA § 72-12-1 and -1.1 Domestic use multiple households and livestock

State Engineer File No.: RG-91712

Priority: 12/31/1948

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

Point of Diversion: Well No. RG-91712

Well No.: RG-91712 Location X: 577,333 feet Y: 1,779,054 feet
on the New Mexico State Plane Coordinate System, Central
Zone, NAD 1927

Number of Households Served By Well: Multiple Households

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 3.0 acre feet per year from the well described above unless a more restrictive diversion limit applies

HBU has been
established on this pre-
basin well, means it
was adjudicated after
2006

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 NAMBE,)
PUEBLO DE POJOAQUE,)
PUEBLO DE SAN ILDEFONSO,)
and PUEBLO DE TESUQUE,)
)
Plaintiffs-in-Intervention.)

No. 66cv06639 WJ/WPL

Subfile No.: RG-24640

CONSENT ORDER ADJUDICATING PRE-1982 DOMESTIC WELL WATER RIGHTS

THIS MATTER is before me under the provisions of paragraph V.B.1 of the Court's August 2, 2012 Procedural and Scheduling Order for the Adjudication of Water Rights for Domestic Wells, Including Pre-Basin Domestic Wells, Drilled or Permitted Prior to This Court's Order of January 13, 1983 (Docket No. 7736) and pursuant to the Court's March 18, 2013 Order to Show Cause (Docket No. 7861) concerning the rights to use the public waters of the Rio Grande Underground Water Basin and the Nambe-Pojoaque-Tesuque stream system of Defendants:

Order
adjudicating
Post-
Moratorium
well with
multi-
households

The Court FINDS:

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

IT IS THEREFORE ORDERED that the right of the Defendant(s) to divert and use the public waters of the Rio Grande Underground Water Basin and the Nambe-Pojoaque-Tesuque stream system as follows:

Purpose: Domestic use for multiple households pursuant to NMSA § 72-12-1 and -1.1

State Engineer File No.: RG-60552

Priority: 09/02/1987

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

Point of Diversion: Well No. RG-60552

Well No.: RG-60552 **Location X:** 545,674 feet **Y:** 1,782,099 feet
on the New Mexico State Plane Coordinate System,
Central Zone, N.A.D., 1927

Number of Households Served By Well: Multiple Households

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 year per household, but in no event may the aggregate use of those households

2. The State of New Mexico and the above-named Defendant(s) 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 the Defendant(s) 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(s) regarding the elements of the claims of the defendant(s) adjudicated by this Consent Order.

IT IS THEREFORE ORDERED that the right of the defendant(s) 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-16874
Priority: 08/07/1969
Source of Water: Underground waters of the Rio Grande Underground Water Basin.
Point of Diversion: Well No. RG-16874
RG-16874 **Location X:** 550,985 feet **Y:** 1,778,833 feet
on the New Mexico State Plane Coordinate System,
Central Zone, N.A.D., 1927

Place of Use: Within the property owned by the Defendant(s) served by the well
Amount of water: Not to exceed a diversion and consumption of 1.84 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: All conditions of State Engineer Permit No. RG-16874 for the above described well are 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.

Order for a pre-moratorium
well with HBU established.
This well was adjudicated
after 2006