

**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 WJ/WPL

**NOTICE OF *INTER SE* PROCEEDING AND
 DEADLINE FOR FILING *INTER SE* OBJECTIONS TO NON-PUEBLO WATER
 RIGHTS
OF THE NAMBÉ-POJOAQUE-TESUQUE STREAM SYSTEM**

TO: ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE THE SURFACE OR UNDERGROUND WATERS OF THE NAMBÉ-POJOAQUE-TESUQUE STREAM SYSTEM.

YOU ARE HEREBY NOTIFIED that the United States District Court, District of New Mexico, is conducting an *inter se* proceeding to hear *inter se* objections to the final adjudication of remaining non-Pueblo water rights in the Nambé-Pojoaque-Tesuque Stream System (“Pojoaque Basin”), described below, and to enter a proposed Final Judgment and Decree finally adjudicating all claims to divert or impound and beneficially use water in the Pojoaque Basin that will be final and binding on all persons claiming water rights within the Pojoaque Basin.

This proceeding is to provide notice and an opportunity to file *inter se* objections to all remaining non-Pueblo water rights that have not yet been subject to *inter se*. You have the right to file *inter se* objections if your water rights will be affected by the final determination of the following water rights or water right elements:

1. all elements of non-Pueblo groundwater rights;
2. the source of water, point of diversion and priority dates of non-Pueblo surface water rights served by Las Acequias de Chupadero; or
3. additional sources of water that have been adjudicated to non-Pueblo surface water rights since 1983, as follows:

(a) the Rio Tesuque, Barry's Spring, Dona Inez Spring, Spring "A," Spring "B," and Spring "C" as additional sources of water for non-Pueblo surface water rights served by the Acequia Larga de Jacona, and

(b) Pojoaque Creek and the Rio Tesuque as additional sources of water for non-Pueblo surface water rights served by the Acequia Ancon de Jacona.

In addition, to the extent consistent with prior orders of the Court and the Settlement Agreement, the Pueblos and the United States may file *inter se* objections to non-Pueblo surface water priorities.

The Court has made previous determinations on the remainder of the water right claims of Pueblo and non-Pueblo claimants that are binding on all claimants, known and unknown, to the right to divert and use water in the Pojoaque Basin.

Copies of the Proposed Decree and Addendum, and hydrographic survey maps showing the location of all non-Pueblo irrigated tracts and the location of all non-Pueblo wells described

in the Proposed Decree, shall be made available for public inspection at the Santa Fe County satellite office in Pojoaque, at the Federal District Court in Santa Fe, at the Utton Center at the UNM School of Law in Albuquerque, and at the Water Resource Allocation Program (WRAP) of the Office of the State Engineer in Santa Fe at the following addresses:

Office of the Clerk
United States District Court
106 South Federal Place
Santa Fe, New Mexico

Office of the Clerk
United State District Court
333 Lomas Blvd. NW
Albuquerque, New Mexico

Joe M. Stell Ombudsman Program at Utton Center
UNM School of Law
1117 Stanford NE Rm. 1216
Albuquerque, New Mexico

Office of the State Engineer
Water Resource Allocation Program
Bataan Memorial Building, Rm. 102
Santa Fe, New Mexico

County of Santa Fe
Satellite Office
Pojoaque, New Mexico

The Proposed Decree and the Addendum is also posted on the Office of the State Engineer's website: www.ose.state.nm.us.

If you do not wish to object to the determination of water rights of other individuals, as described in the Proposed Decree, you do not need to take any further action. If *inter se* objections are filed to your water right, you may participate in the proceedings to resolve those *inter se* objections as described below. If no *inter se* objections are filed with the Court to a

water right described in the Proposed Decree, you will be bound by the provisions of the Proposed Decree.

If you wish to object, you or your attorney must file an objection with the United States District Court of New Mexico. Organizations and entities such as corporations, partnerships, associations, and trusts may only appear if be represented by an attorney licensed to practice law before the Federal District Court for the District of New Mexico. *Inter se* objections must be filed in person or by mail to be received by the Court no later than _____ [DATE to be determined as **25 days from last date of publication**] at the following address:

United States District Court Clerk
333 Lomas Blvd. NW, Suite 270
Albuquerque, NM 87102
or
106 South Federal Place,
Santa Fe, NM 87501.

Inter se objections must be filed in accordance with the United States District Court of New Mexico Local Rule 5. All *inter se* objections must have a caption identifying this case and case number (66cv6639-WJ/WPL). The objection must contain the subfile number of the water right objected to, must provide a brief explanation of the reason for the objection, must describe your own water rights in the Pojoaque Basin, and must be signed by the person making the objection or his/her attorney. Blank forms (entitled "*Inter se* Objection") that may be used for this purpose will be available to the public with the Proposed Decree at the locations described above.

This will be your only opportunity to object to the determination of the water rights described above. If you timely file an *inter se* objection, the Court will notify you of a mandatory scheduling and pretrial conference where you will learn how your objection(s) will be

resolved by the Court; procedures for hearing *inter se* objections to the Proposed Decree will be determined at the conference.

If *inter se* objections are timely filed, the State will prepare a report that summarizes all *inter se* objections and make the report available for public inspection at the locations described above, within 10 days of the deadline for filing *inter se* objections. The State shall mail a copy of the *inter se* objections to those persons whose water rights are the subject of those *inter se* objections, by certified mail, return receipt requested, and file an appropriate Certificate of Service with the Court.

All persons having water rights in the Pojoaque Basin will be bound by the outcome of the proceedings to resolve *inter se* objections.

If you have any question about this notice or the process described herein, you may call or write:

Darcy Bushnell
Joe M. Stell Ombudsman Program at Utton Center
UNM School of Law
1117 Stanford NE Rm. 1216
Albuquerque, New Mexico
(505) 277-0551 or (877) 775-8333
E-mail address Bushnell@law.unm.edu
Please call for directions.