

SETTLEMENT DOCUMENT: This document is provided during and for compromise negotiations and, pursuant to Fed.R.Evid. 408, and court order, is not admissible evidence concerning the claims or defenses of any party.

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., )  
 )  
Defendant, )  
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/LCS-ACE

**INTERIM ADMINISTRATIVE ORDER**

THIS CASE is a general adjudication of the surface and underground water rights within the Pojoaque Basin authorized by N.M. Stat. Ann. §§ 72-4-13 through -19 (1985 Repl. Pamp.). This Order is to govern the administration of all such water rights pending entry of a Final Decree herein consistent with the Settlement Agreement approved by the Court this day.

This matter comes before the Court pursuant to the \_\_\_\_\_, 200\_, Joint Motion for Approval of Settlement Agreement and Entry of Interim Administrative Order (Docket # \_\_\_\_), filed by the United States, the State of New Mexico, \_\_\_\_\_ [& etc.]. The Court finds that the proposed Interim Administrative Order is the product of a negotiated settlement by the aforesaid parties. Notice of the

deadline for filing and serving objections to the water rights described in this Order was served on the parties to this case. The Court has considered the joint motion and the objections thereto, and the evidence of record. For good cause shown, the Court finds that the motion should be granted.

Accordingly, **IT IS HEREBY ORDERED** that the Settlement Agreement is APPROVED and that the following provisions shall govern the administration of water rights within the Pojoaque Basin, pending the entry of a Final Decree (“the Interim Period”):

### ***Defined Terms***

Except as expressly defined herein, the terms used in this Order shall be defined as stated in the Settlement Agreement.

### ***Pueblo Water Rights***

During the Interim Period, the Pueblos shall have rights to use water as specified in Sections **Error! Reference source not found.** and **Error! Reference source not found.** of the Settlement Agreement, subject to all terms and conditions stated in that agreement.

### ***Non-Pueblo Water Rights***

During the Interim Period, the Non-Pueblos shall have rights to use water as provided by the subfile orders entered in this case and pursuant to all terms and conditions stated in Sections **Error! Reference source not found.** and **Error! Reference source not found.** of the Settlement Agreement.

### ***Priority Enforcement for Pueblo First Priority Rights***

Section **Error! Reference source not found.** of the Settlement Agreement is hereby adopted and incorporated as an effective provision of this Order during the Interim Period.

### ***Administration***

Section **Error! Reference source not found.** of the Settlement Agreement is hereby adopted and incorporated as an effective provision of this Order during the Interim Period.

**IT IS FURTHER ORDERED** that, except to the extent inconsistent with the Settlement Agreement, the provisions of the Court's January 13, 1983, *Order*, concerning permits to appropriate underground waters, shall continue in effect, subject to further order of the Court.

**IT IS FURTHER ORDERED** that, within 30 days of the date of this Order, counsel shall meet with the Magistrate Judge to finalize an agreement and plan to (1) identify and appoint a Water Master to fulfill the duties specified in Section **Error! Reference source not found.** of the Settlement Agreement, (2) provide for the compensation of the Water Master and for other costs of administering the Settlement Agreement, and (3) provide for the imposition and collection of civil penalties for violations of this Order and the provisions of the Settlement Agreement adopted herein. In the event the parties cannot reach such agreement, the Court, upon the recommendation of the Magistrate Judge, shall appoint a temporary Water Master to serve until further order of the Court.

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**IT IS FURTHER ORDERED** that this Order shall expire and be of no further effect upon entry of a Final Decree, but no later than December 15, 2012.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Recommended for Entry:

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE