

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i> ,	)	
State Engineer, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	69cv07896 MV
	)	<u>RIO PUEBLO DE TAOS ADJUDICATION</u>
v.	)	
	)	69cv07939 MV
EDUARDO ABEYTA, <i>et al.</i> , and	)	<u>RIO HONDO ADJUDICATION</u>
CELSO ARELLANO, <i>et al.</i> ,	)	
	)	(CONSOLIDATED)
Defendants.	)	
	)	
	)	
	)	

**NOTICE OF EXPEDITED PROCEEDING CONCERNING PROPOSED JUDGMENT  
AND DECREE ON THE WATER RIGHTS OF TAOS PUEBLO**

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TO: ALL PERSONS OWNING WATER RIGHTS IN THE RIO PUEBLO DE TAOS STREAM SYSTEM, THE RIO HONDO STREAM SYSTEM, THEIR TRIBUTARIES AND ASSOCIATED UNDERGROUND WATER BASIN, INCLUDING PERSONS PREVIOUSLY JOINED AS DEFENDANTS IN THE ABOVE-CAPTIONED ACTION AND ALL UNKNOWN CLAIMANTS.

YOU ARE HEREBY NOTIFIED of the expedited proceeding established by the United States District Court, District of New Mexico, for the filing and hearing of objections to a proposed partial final judgment and decree (“proposed Decree”) which would adjudicate the water rights of Taos Pueblo (“Pueblo”) in the Rio Pueblo de Taos and Rio Hondo stream systems, which is based on a settlement agreement (“Agreement”) negotiated by the Pueblo, the State of New Mexico (“State”), the United States of America (“United States”), the Taos Valley Acequia Association (“TVAA”) and 54 of its 55 member Acequias, the Town of Taos (“Town”), the El Prado Water and Sanitation District (“EPWSD”), and 12 Taos Area Mutual Domestic Water Consumers’ Associations (“MDWCAs”) (collectively the “Settlement Parties”). This proceeding will result in entry by the Court of a judgment and decree on the Pueblo’s water rights that will be final and binding on all water right claimants in these stream systems.

**PLEASE READ THIS NOTICE CAREFULLY. IT DESCRIBES THE ONLY OPPORTUNITY YOU WILL HAVE TO OBJECT TO THE PROPOSED DECREE AND MAY AFFECT YOUR LEGAL RIGHTS.**

By Order of the United States District Court, an expedited proceeding has been scheduled so that all water right claimants within the Rio Pueblo de Taos and Rio Hondo stream systems may be given notice, and an opportunity to be heard, concerning the proposed Decree. **This expedited proceeding will not adjudicate your own water rights, but will be the only**

**opportunity you have to challenge the Pueblo's water rights in the Rio Pueblo de Taos and Rio Hondo stream systems.** If you claim water rights in the Rio Pueblo de Taos or Rio Hondo stream systems, you have the right to file an objection to the proposed Decree, but you must exercise that right in the manner, and within the deadlines, established by the Court. **THE COURT HAS ESTABLISHED OCTOBER 28, 2013 AS THE DEADLINE FOR FILING SUCH OBJECTIONS.**

**Brief Summary of the Proceedings:**

Separate lawsuits to determine all surface and underground water rights in the Rio Taos and Rio Hondo stream systems began in 1969 and were consolidated into one proceeding. The United States was made a party to the consolidated suit on its own behalf and on behalf of the Pueblo, and the Pueblo has intervened on its own behalf. The United States and the Pueblo both filed statements of water rights claims on behalf of the Pueblo. These claims were last amended in 1997. Negotiations for settlement of the Pueblo's water rights in this suit began in 1989. In 2010, Congress enacted the Claims Resolution Act of 2010, Pub. L. No. 111-291, 124 Stat. 3064 ("Settlement Act"). Title V of that Act approved the Agreement and authorized the Secretary of the Interior to execute the Agreement, as amended to be consistent with the Settlement Act. However, other provisions of the Settlement Act and the Agreement are contingent upon entry of a decree of the Pueblo's water rights by March 31, 2017. Accordingly, the Settlement Parties have asked the Court to approve and enter the proposed Decree and the Court has established this expedited proceeding to determine whether that request should be granted.

**Brief Summary of the Proposed Decree:**

The proposed Decree will incorporate the Agreement and, subject to its terms, adjudicate to the Pueblo (1) an aboriginal priority right to divert and consume the waters of the Rio Pueblo de Taos and Rio Hondo stream systems to irrigate 5,712.78 acres of lands historically irrigated by the Pueblo; (2) rights to fill and maintain specific impoundments, including 81 impoundments fed by ditches, with various specified priority dates; (3) rights to divert and consume 14.72 acre-feet of groundwater annually for stock watering purposes from 12 specified wells with various specified priority dates; (4) the right to divert and consume 300 acre-feet of groundwater annually for municipal, domestic, and industrial use with an aboriginal priority; and (5) the right to divert and consume annually an additional 1,300 acre-feet of groundwater with an aboriginal priority date. The proposed Decree further recognizes the Pueblo's contract right to the annual diversion and depletion of 2,215 acre-feet of water from the San Juan-Chama Project.

**Brief Summary of the Settlement Agreement:**

In addition to the terms described in the above brief summary of the proposed Decree, the Agreement includes: (1) protections for the signatory Acequias and their members' water rights, consistent with longstanding customs of water sharing and allocation; (2) resolution of the dispute between the State and the 12 MDWCAs regarding water rights of the MDWCAs; (3) resolution of Pueblo-Acequia disputes over the allocation of the waters of the Rio Lucero; (4) waivers by the Settlement Parties of objections to certain water rights in the Taos Valley; (5) cooperative mechanisms for the protection of the Buffalo Pasture, a sacred Pueblo wetland, including agreement by the Town and EPWSD to limit their use of existing wells located in the vicinity of the Buffalo Pasture in exchange for new wells to be located further away from the

Buffalo Pasture; (6) San Juan-Chama Project water contracts for the Pueblo, the Town and EPWSD; (7) mitigation mechanisms for offsetting surface water depletion effects of Taos Valley groundwater development; (8) well spacing provisions to help avoid adverse effects on other wells; (9) cooperative hydrologic monitoring of surface and groundwater; (10) specific protections from priority calls; (11) waivers of specific claims by the United States and the Pueblo; and (12) Federal and State funding to implement the Settlement.

These are only brief summaries of the proceedings, the Agreement, and the proposed Decree. The complete texts of the Agreement and the proposed Decree are available to you as described below.

### **Rights and Options of Water Right Owners and Claimants:**

If you own or claim water rights in the Rio Pueblo de Taos or Rio Hondo stream systems, or their tributaries or associated underground water basin, you have the following rights and options:

1. You may do nothing. If you do not wish to file an objection to the proposed Decree you do not have to take any further action. In that case, you will be bound by the Court's decision. Any claimant of water rights in the Rio Pueblo de Taos or Rio Hondo stream systems that fails to file a timely objection may not thereafter object in this Court proceeding to the proposed Decree.
2. You may file an objection to the proposed Decree. If you wish to object, you or your attorney must, no later than October 28, 2013, file an objection to the proposed Decree with the Clerk of the United States District Court, District of New Mexico, 333 Lomas N.W., Albuquerque, NM 87102. An objection must include: (a) the caption and civil action number (69cv07896-MV) of this case; (b) the name, mailing address, and telephone number of the objector(s) submitting the objection; (c) a description of the water rights claimed by the objector(s); and (d) if applicable, the name, address, and telephone number of the attorney filing the objection on behalf of the objector(s). For convenience, an objection form is available at the locations and websites specified below and attached to mailed copies of this Notice. Filing an objection constitutes a voluntary appearance in this civil action and affirmative submission to the jurisdiction of this Court with respect to all matters in this case.

If you file an objection by October 28, 2013, you will receive a Court order setting a **mandatory** scheduling conference. Further proceedings on the proposed Decree will be scheduled at that conference. **ANY PARTY NOT APPEARING AT THE MANDATORY SCHEDULING CONFERENCE IN PERSON OR BY COUNSEL WILL THEREAFTER BE PRECLUDED FROM PARTICIPATING IN THE EXPEDITED PROCEEDING, NOTWITHSTANDING THE FILING OF A TIMELY OBJECTION.**

### **For Further Information:**

The full text of the proposed Decree, the Agreement, and of the amended statements of claim filed by the Pueblo in 1996 and the United States in 1997, are available online at:

- <http://www.ose.state.nm.us>
- <http://www.taosgov.com> and
- <http://www.taospueblo.com/>

In addition, hard copies of these documents are also available for you to review and copy at your expense, at the following locations:

- TVAA Office, Taos County Agricultural Center, 202 Chamisa Rd, Suite D, Taos, NM
- Taos Public Library, 402 Camino de la Placita, Taos, NM

Before the date when objections are due, the Settlement Parties will host two public meetings regarding the Agreement, the proposed Decree, and this proceeding to adjudicate the Pueblo's water rights. Information concerning these meetings will be published in local media and on the web sites listed above.

The United States and the State shall mail and publish this Notice as directed by the March 11, 2013 Procedural and Scheduling Order.

VICKIE L. GABIN  
SPECIAL MASTER

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FOR THE DISTRICT OF NEW MEXICO

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	)	(CONSOLIDATED)
Defendants.	)	
	)	
_____	)	

**OBJECTION TO PROPOSED PARTIAL FINAL JUDGMENT AND DECREE ON THE  
WATER RIGHTS OF TAOS PUEBLO**

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The party named below claims water rights in the Rio Pueblo de Taos or Rio Hondo stream systems and objects to the proposed Partial Final Judgment and Decree on the Water Rights of Taos Pueblo.

FULL NAME OF PARTY: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
TELEPHONE NUMBER: ( ) \_\_\_\_\_  
SUBFILE NO., PERMIT NO., ACEQUIA NAME, OR OTHER DESCRIPTION OF WATER RIGHTS CLAIMED: \_\_\_\_\_

Is this objection filed by an attorney on behalf of the party?  Yes  No  
If the answer to the preceding question is "Yes," the attorney must also provide the following information, otherwise the following lines may be left blank:

FULL NAME OF ATTORNEY: \_\_\_\_\_  
ATTORNEY'S ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
TELEPHONE NUMBER: ( ) \_\_\_\_\_

I understand that I will be sent an order setting a mandatory scheduling conference and that my objection will not be considered by the Court unless I attend that scheduling conference.

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

**This Notice must be received by the Court no later than October 28, 2013.** Attorneys must file electronically. Parties not represented by an attorney may mail this document to the Clerk's Office, U.S. District Court, 333 Lomas N.W., Albuquerque, NM 87102.