



State of New Mexico

Office of the Governor

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Governor

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Governor Bill Richardson announces consensus on Aamodt Lawsuit

SANTA FE - Governor Bill Richardson today announced that Pueblo and non-Indian water user representatives in the Nambe-Tesuque-Pojoaque valley have reached consensus on a framework for a settlement to the Aamodt adjudication lawsuit. Crafted in response to concerns expressed by area water right owners, the conceptual proposal modifies the terms of a preliminary settlement reached early last year.

The Aamodt adjudication, the longest-running lawsuit in the federal court system, will determine the quantity and priority date of all water rights in the basin. Parties to the lawsuit have been in court-supervised mediation for more than four years, with last year's settlement agreement the result.

"This conceptual proposal addresses many of the chief concerns expressed by area water rights owners in the various public meetings held throughout the basin," said Governor Bill Richardson. "Their input has made this a stronger and more encompassing settlement agreement.

"This settlement is vastly superior to the alternative," Governor Richardson said. "We can't afford the status quo. We must act now if we're going to move the state and our water interests forward."

Under the proposal, non-Indian well owners in the basin would not be required to hook up to a central water system when it is constructed. In exchange for protection from priority administration and priority calls domestic well owners would agree to some limitations on well use. They would be eligible for financial assistance if they agreed to connect. Details of these provisions remain to be finalized.

The primary benefit of a negotiated settlement is that it would include the importation of additional water to meet needs in the basin. It will also make explicit that water would not be exported outside of the basin. If the case instead goes back to the court to finalize

the adjudication, the court would allocate amounts and priority dates defining their rights to the use of the existing supply.

The general structure of the original settlement agreement continues in the new conceptual proposal. It includes the importation of 2,500 acre-feet of water per year to serve Pueblo needs through a pipeline to be constructed. The county will secure 750 acre-feet per year for non-Pueblo water utility customers. The pipeline would be of a size to accommodate the addition of a water system to serve non-Indian water users in the basin. While hook-up would not be mandatory, the state and county would establish financial incentives to encourage hook-ups.

The Non-Indian hookups reduce groundwater in the basin thereby increasing surface water supply for the benefit of all users in the basin.

The conceptual proposal states, "A viable water supply system for the Nambe-Tesuque-Pojoaque basin is required to protect the aquifer for the benefit of all water users. Accomplishment of that objective requires, among other things, timely construction of distribution systems to serve non-Pueblo water users in locations that benefit Pueblo water supplies."

The conceptual proposal negotiated among the Pueblos – Nambe, Pojoaque, Tesuque and San Ildefonso – and various non-Indian water right owners from the basin is viewed as the basis from which to fashion a final settlement.

Santa Fe County will be primarily responsible for design and construction of the pipeline to serve non-Indians in the basin. The state will provide funding to address impairment of non-Pueblo groundwater uses as a result of new Pueblo water use, until the Pueblo pipeline is operational.

New non-Indian uses of water would require a transfer of water rights and an agreement to hook up to the county water utility when it becomes available.

Specific conditions to govern the use of water between the Pueblo of Tesuque and the Rio de Tesuque Association acequias (or ditches) will be addressed in the settlement agreement.

The full Settlement Agreement and the Conceptual Proposal are posted on the web site of the State Engineer's Office (<http://www.seo.state.nm.us>). A public meeting will be held within the basin in June, followed by a second in July to discuss specifics of the conceptual proposal and to answer questions.