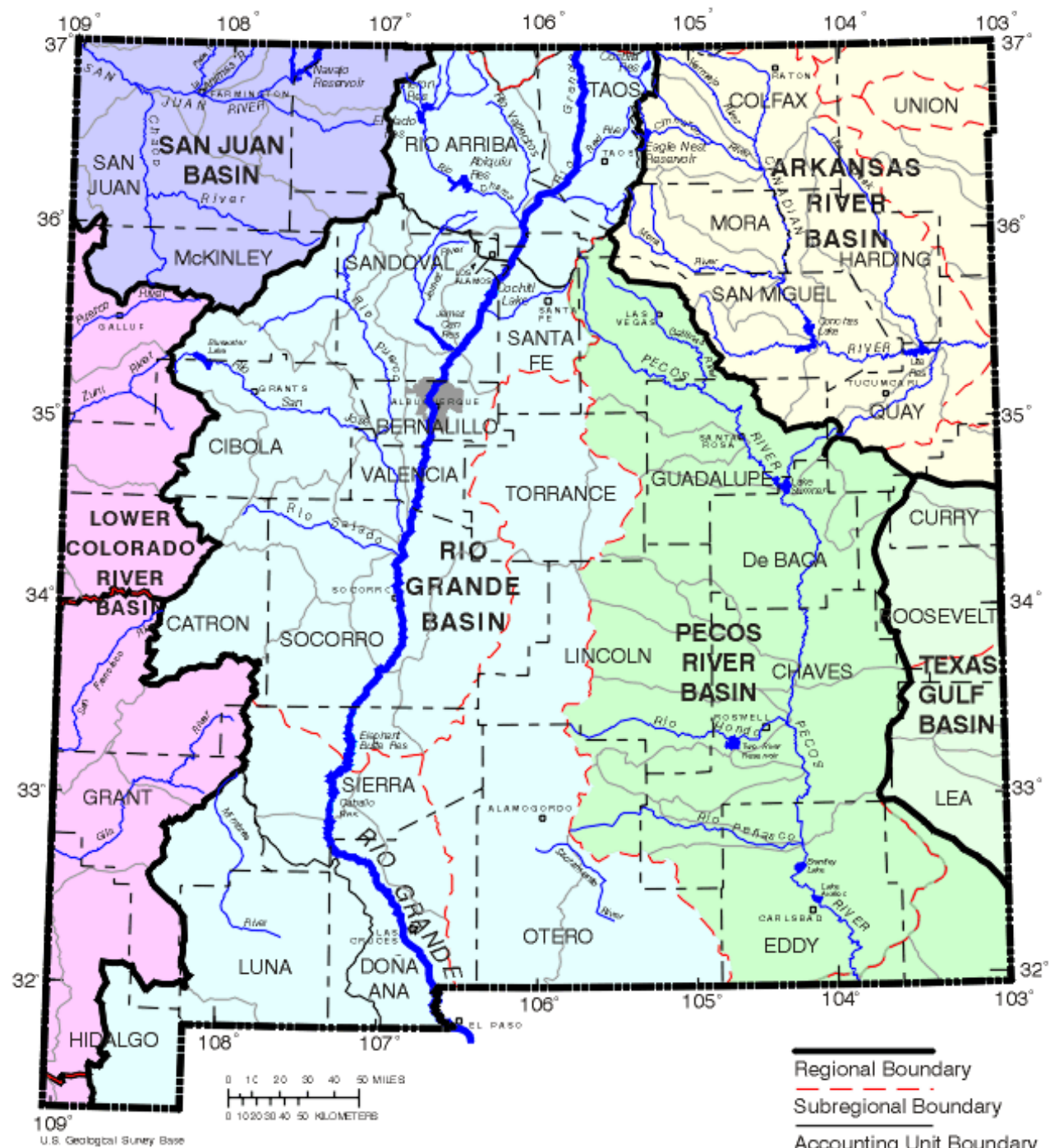


Aamodt Settlement

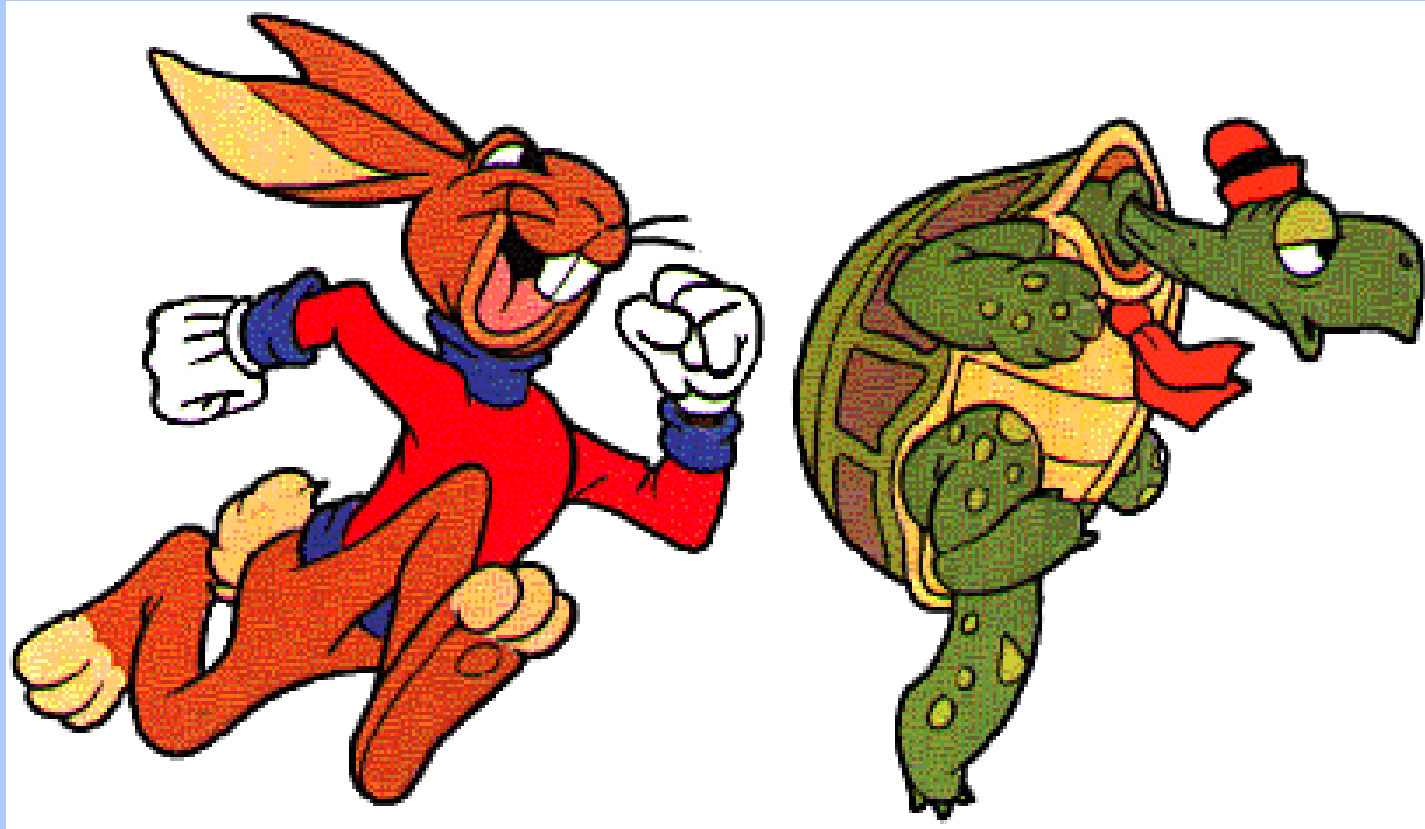
JOHN W. UTTON

UTTON & KERY, P.A.

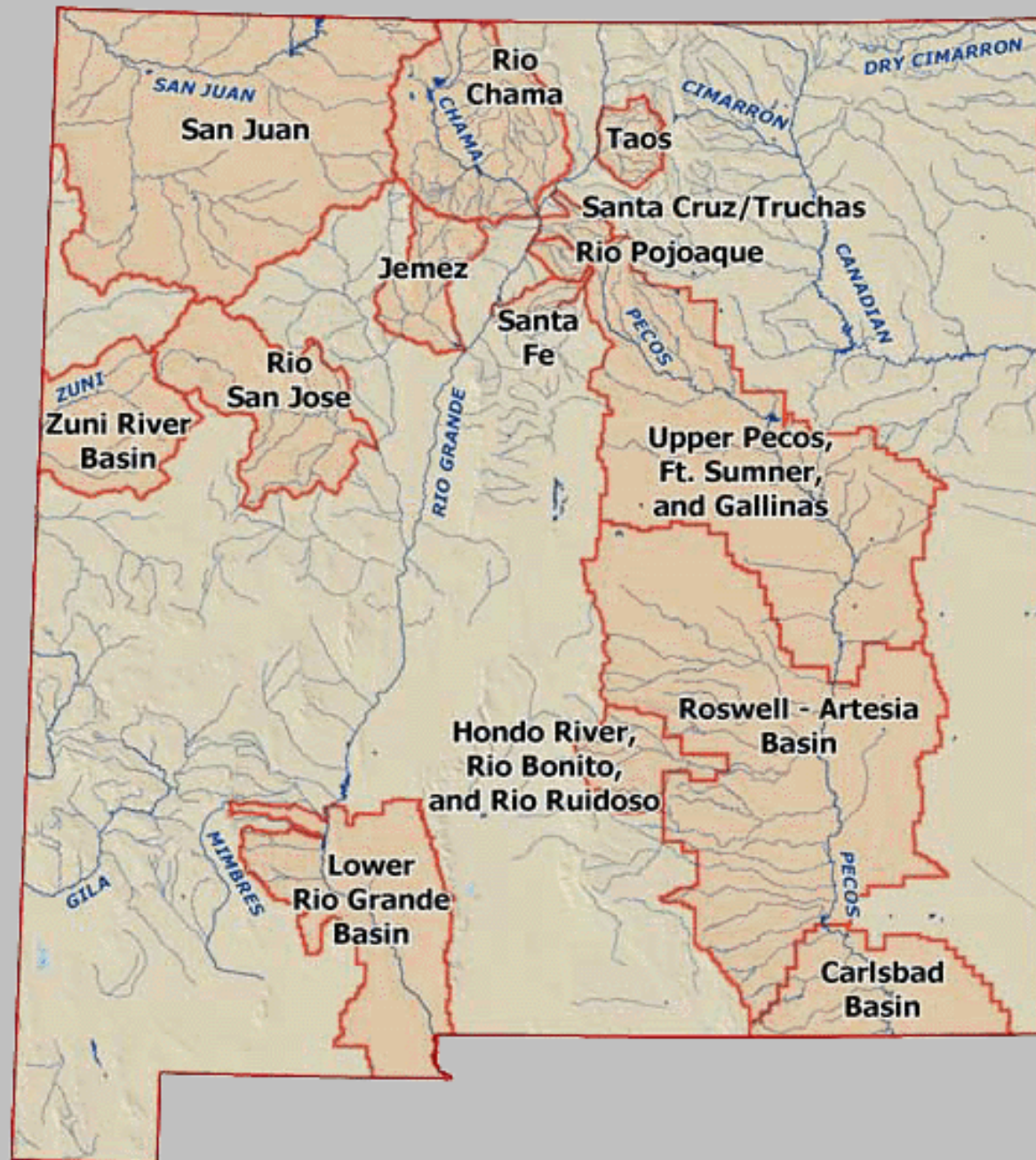
SANTA FE, NEW MEXICO



Which gets the job done?









RECENT NEW MEXICO INDIAN WATER RIGHTS SETTLEMENTS

➤ **Navajo Settlement**

Settles claims of the Navajo Nation in the San Juan Basin, New Mexico

➤ **Taos Settlement**

Settles claims of the Pueblo of Taos in the Rio Pueblo de Taos and Rio Hondo stream systems

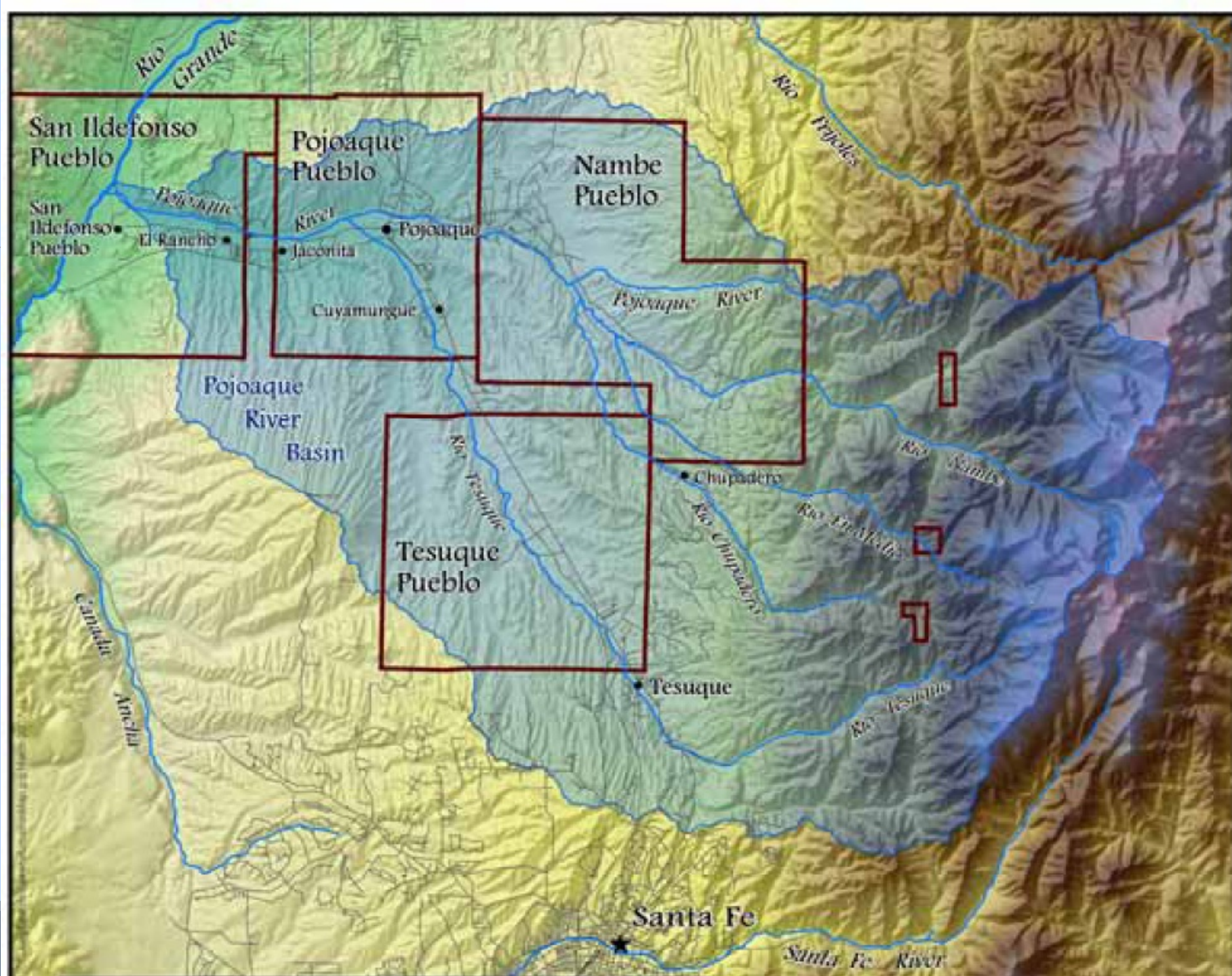
➤ **Aamodt Settlement**

Settles claims of the Pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque in the Nambé–Pojoaque–Tesuque Basin



A long journey

- Disputes over land title
 - Treaty of Guadalupe Hidalgo -1848
 - *U.S. v. Joseph* (1876)
 - Pueblo Lands Act of 1924
- Pueblo water rights
 - Aamodt case – filed 1966
 - Water Rights – Spanish and Mexican law
 - Priority – Time Immemorial



Litigation vs. Settlement

Litigation claims exceed water supply

- ▶ even exercise of Historically Irrigated Acreage (HIA) rights would threaten senior Acequia diversions.
- ▶ litigation would challenge groundwater depletions.

Settlement

- ▶ seeks to protect status quo.
- ▶ make pie bigger with imported supply.
- ▶ creature of compromise.

SETTLEMENT ACTS

➤ **Navajo Settlement**

Northwestern New Mexico Rural Water Projects Act, Title X, Subtitle B of the Omnibus Public Land Management Act of 2009, Public Law 111-11, March 30, 2009

➤ **Taos Settlement**

Claims Resolution Act of 2010, Title VI , Public Law 111-291, December 8, 2010

➤ **Aamodt Settlement**

Claims Resolution Act of 2010, Title V, Public Law 111-291, December 8, 2010



Signed
Dec. 8, 2010



Signed
March 14,
2013.



What does the Settlement do?

- ❖ Authorized acquisition of water rights
- ❖ Construction of regional water system
 - ❑ Appropriated: \$ 56.5 M
 - ❑ Authorized: \$ 50.0 M
\$106.5 M (index 2006)
- ❖ Resolves long-standing water disputes

Terms of Settlement

- Pueblos give up claims to expanding water rights
- Agree to limit priority calls
- Regional water system serving both Pueblo and non-Pueblo residents:
 - 2,500 acre-feet for Pueblos
 - up to 1,500 acre-feet for Non-Pueblos
- Reduces impacts on aquifer and surface flows

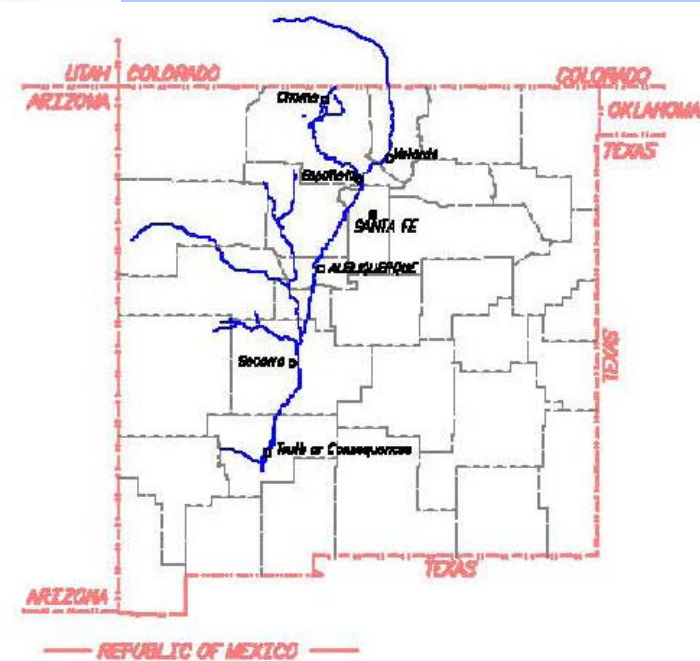
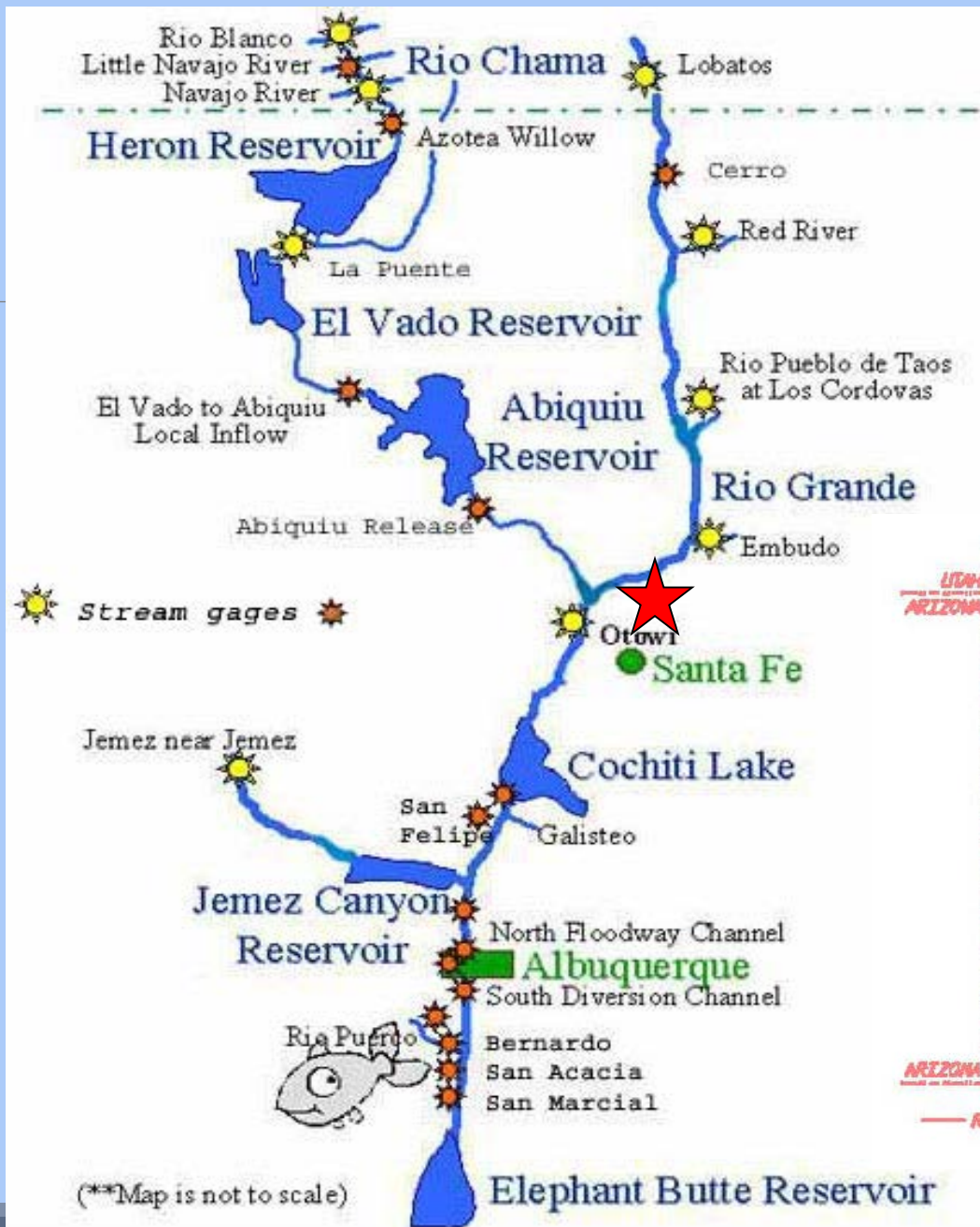
Aamodt Settlement

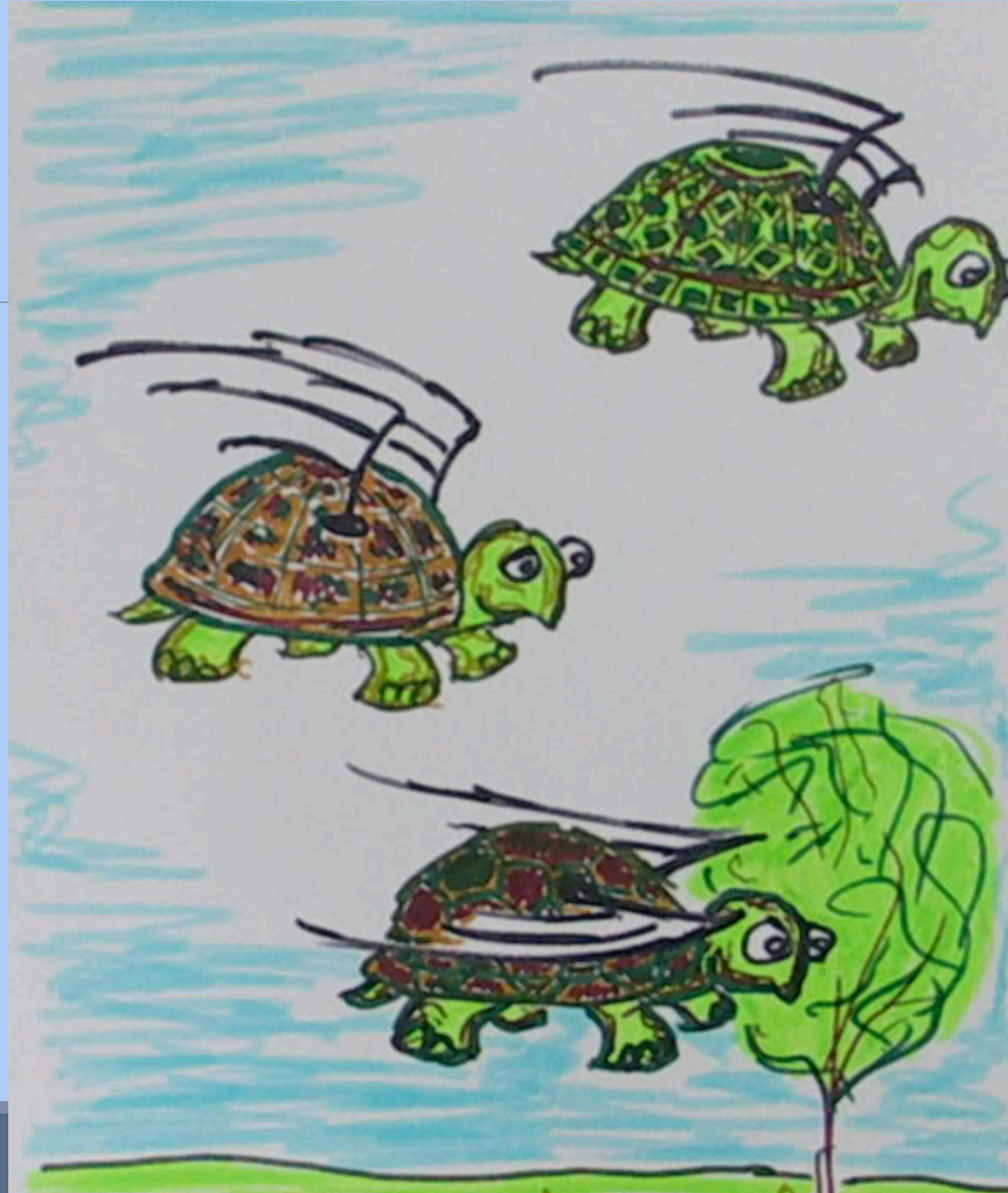
Water Rights Summary

Historic Rights	CU (af/yr)	Existing (af/yr)
●Nambe	1,459	522
●Pojoaque	236	236
●San Ildefonso	1,246	288
●Tesuque	719	<u>345</u>
	3,660	1,391
Acquired Rights	CU (af/yr)	
●Pueblos	2,500	
●Santa Fe County	1,500	

Water Rights for Water System

<u>Source</u>	<u>CU (af/yr)</u>
Domestic wells	750
Top of World	1,752
Nambe Reserved	302
San Juan-Chama	<u>1,079</u>
	3,883





Bureau of
Reclamation
Meeting

CASINO
SHOWROOM



CAUTION

**THIS SIGN HAS
SHARP EDGES**

DO NOT TOUCH THE EDGES OF THIS SIGN



ALSO, THE BRIDGE IS OUT AHEAD



SHARP EDGES

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