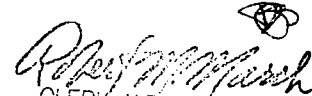


IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK ALBUQUERQUE

THE UNITED STATES OF AMERICA,)
On its own behalf and on behalf of the)
Pueblos of JEMEZ, SANTA ANA, AND ZIA;)
the Pueblos as Intervenors, on their own)
behalf; and THE STATE OF NEW MEXICO)
ex rel. State Engineer,)
)
Plaintiffs,)
)
v.)
)
TOM ABOUSLEMAN, et al.,)
)
Defendants.)
)

83cv01041- JEC-ACE

JEMEZ RIVER
STREAM SYSTEM

PARTIAL FINAL JUDGMENT AND DECREE
ON NON-PUEBLO, NON-FEDERAL PROPRIETARY WATER RIGHTS

THIS MATTER comes before the Court upon its own motion for the entry of a Partial Final Judgment and Decree on Non-Pueblo, Non-federal Proprietary Water Rights in the Jemez River Stream System ("Decree"). This Decree is entered in accordance with NMSA 1978, § 72-4-19 (1907) and is a final judgment in accordance with Fed. R. Civ. P. 54(b). The Court, having considered the pleadings and orders previously filed or entered and being fully advised in the premises, FINDS:

1. The Court has jurisdiction of the subject matter and the parties herein.
2. This cause of action is a general adjudication of all rights to divert or impound and beneficially use the public surface and underground waters whose source is within the Jemez River Stream System.

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3. The United States' Wild and Scenic River claim for the East Fork of the Jemez River, the water rights that the United States holds in trust for the Pueblos of Jemez, Santa Ana and Zia, and the water rights of those Pueblos, are not included in this Decree. These rights are being adjudicated in separate proceedings.

4. The proprietary water rights of the United States of America are not included herein. Except as provided in Paragraph 3, above, they were adjudicated in the Partial Final Judgment and Decree on the Proprietary Water Rights of the United States on Lands Administered by the Forest Service, Bureau of Land Management, and Department of Energy, filed November 29, 1999 (Docket No. 3868).

5. Water rights for certain domestic uses in *de minimis* amounts, as described in the Court's Order of June 22, 1987 (Docket No. 1691) are excluded from this adjudication.

6. Water rights claims arising after April 1, 1987 were excluded from this adjudication by Order filed March 18, 1987 (No. 1599).

7. Throughout the course of this adjudication, water rights claimants were provided with adequate legal notice of all proceedings to adjudicate their water rights claims and all *inter se* proceedings.

8. Initial *inter se* proceedings were conducted in March and April, 1989 (No. 2019). The Order on *Inter Se* Proceedings filed March 21, 2000 (No. 3908) and subsequent orders were entered to control the course of the final *inter se* proceedings and the production of this Decree. Throughout the course of this adjudication, all parties received notice and had the opportunity to object to others' water rights in the stream system and to review the Addendum to this Decree. No objections were filed during the final *inter se* proceedings.

9. For the convenience of the parties, the Addendum attached to this Decree summarizes the water rights adjudicated and decreed herein. Copies of the Addendum may be obtained from the Court or the State Engineer. The substantive elements of the water rights are those adjudicated by the subfile documentation and subsequent orders of the Court, unless clearly noted otherwise in the Addendum.

10. The water rights adjudicated herein may in the future be subject to general *inter se* proceedings involving all adjudicated water rights of the Rio Grande Stream System and its tributaries.

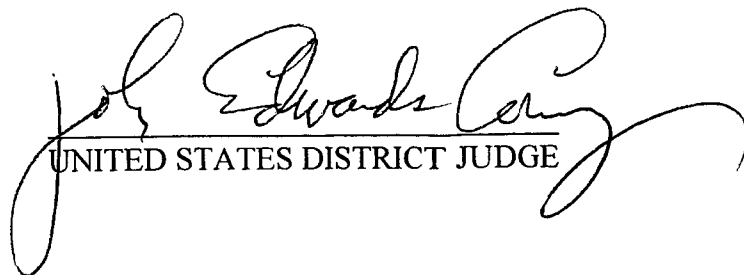
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. All water rights within the Jemez River Stream System, as set forth in previously filed orders, are finally adjudicated by this Decree, with the exception of the rights described in Paragraphs 3, 4, 5 and 6, above.

2. The parties whose water rights are adjudicated herein, their successors, assigns, and lessees, are permanently enjoined from any diversion, impoundment or use of the public waters of the Jemez River Stream System except as adjudicated herein.

3. The attached Addendum is incorporated by reference as though fully set forth herein. In the event there is a discrepancy between a water right description set forth in the Addendum and the specific subfile order or document related to that right, the specific subfile order or document is controlling, unless expressly stated otherwise in the Addendum.

4. There is no just reason for delay, and the Court hereby expressly directs entry of this Decree pursuant to Fed. R. Civ. P. 54(b).


UNITED STATES DISTRICT JUDGE

Recommended for approval:

Victor L. Gabin
SPECIAL MASTER