

**FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO**

**No.: D-101-CV-7143347
SANTA FE RIVER ADJUDICATION**

HENRY P. ANAYA, et al.,

Subfile : 37.1

Plaintiffs,
-vs.-

Defendant: Edwin B. Tatum

PUBLIC SERVICE COMPANY OF NEW MEXICO, et al.,

Defendants,

**STATE OF NEW MEXICO ex rel.
NEW MEXICO STATE ENGINEER,**

Plaintiff-in-intervention.

Exhibit 1

01cv00072-MV-WPL
Subfile ZRB 2-0098

CONSENT ORDER

The Court, having considered the agreement set out herein below between:

Edwin B. Tatum

("Defendant") and the State of New Mexico ex rel. State Engineer ("State") regarding the Defendant's right to divert and use water from the Santa Fe River System, FINDS:

1. The Court has jurisdiction over the State, the Defendant, and the subject matter of this suit.
2. As evidenced by the parties' signatures below, the State and the Defendant are in agreement regarding all elements of the Defendant's right to divert and use the public waters of the Santa Fe River Stream System set forth in paragraph 4(a) and 4(b) of this Consent Order. Defendant further agrees that the Court has personal jurisdiction over Defendant. This Consent

Order and the parties' respective signatures below evidence the entire agreement between the State and the Defendant as of the date of this Order.

3. Except as otherwise expressly provided herein, this Consent Order supercedes and replaces any prior Orders of the Court and Offers, if any, concerning Subfile No. 37.1.

4. Pursuant to Rule 1-054(B)(2) NMRA, this Consent Order constitutes a final judgment as between the State and the Defendant regarding the following elements of Defendant's water right:

a. **SURFACE WATER:**

Purpose of Use: None

Office of the State Engineer File No: 1380

Source of Water: Surface waters of the Arroyo Hondo a tributary of the Santa Fe River Stream System.

Priority Dates: None

Point of Diversion: Arroyo Hondo Reservoir Ditch System: New Mexico State Plane Coordinate System, Central Zone, X= 598,200, Y= 1,681,600, Within the Sebastian DeVargas Grant, as shown on the 1977 Santa Fe Hydrographic Survey, Volume II, Map 37.

Ditch and Location: Arroyo Hondo Reservoir ditch System

Place of Use: Part of the Sebastian DeVargas Grant, within Santa Fe county, as shown on the 1977 Santa Fe Hydrographic Survey, Volume II, Map 37, Tract 37.1

Amount of Irrigated Acreage: No right

Duty of Water: None

5. Defendant has no right to divert and use the public waters of the Santa Fe River System except as set forth in this Consent Order and other orders of the Court in this cause.

6. Defendant and Defendant's successors, representatives, heirs, and assigns should be enjoined from any use of the public waters of the Santa Fe River System except in strict accordance with this Consent Order and other orders of the Court in this cause.

The water right described herein is adjudicated, as between the State and Defendant, subject to the right of any other water right claimant with standing to object prior to entry of a final decree.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The right of the Defendant to divert and use the public waters of the Santa Fe River Stream System is hereby adjudicated, as between the State and Defendant, as set forth herein.

2. The Defendant and Defendant's successors, representatives, heirs, and assigns are hereby enjoined from diverting or using public waters of the Santa Fe River Stream System except in strict accordance with this Consent Order and other orders of the Court in this cause, and the Court retains jurisdiction to enforce the conditions herein;

3. The Court enters this Consent Order as a final judgment as to the elements of Defendant's water right set forth herein, subject to the right of any other water right claimant with standing to object prior to entry of a final decree.

4. Any conditions contained in any permit or license issued by the State Engineer and relating to the water rights described above, not otherwise inconsistent with this Consent Order, are hereby adopted by reference and incorporated into this Consent Order as though fully set forth herein, as the same may be modified in accordance with law from time to time.

IT IS SO ORDERED

Recommended for approval:

Stephen E. Snyder
Special Master

The Honorable James J. Wechsler
Presiding Judge

DEFENDANT:

Edwin B. Tatum whose address is: _____

(Signature) **Title:** _____ **Date:** _____

(Signature) **Title:** _____ **Date:** _____

STATE OF NEW MEXICO, *ex rel.* STATE ENGINEER

Stacey J. Goodwin, Esq.
Special Assistant Attorney General