

Aamodt case adjourned

By Tripp Stelnicki, *The New Mexican*

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Inside courtroom, end of 51-year-old dispute is celebrated while outside, protesters underscore threat of appeal. After 51 years, Aamodt water-rights case adjourned.

More than a half-century after the water-rights complaint was filed by the state engineer, on April 20, 1966, a federal judge on Friday brought to an end the adjudication of the state's so-called Aamodt case, said to be the third-longest federal case in U.S. history.

Named after R. Lee Aamodt, a landowner and Los Alamos scientist who was the first of more than 1,000 defendants listed in the lawsuit, the Aamodt case has roiled residents of the Pojoaque Basin north of Santa Fe for decades, as local, tribal, state and federal officials have painstakingly worked to resolve a dispute over water ownership.

A settlement first reached in 2006 and approved by the court last year establishes high-priority water rights for four pueblos in the basin – Nambe, Pojoaque, San Ildefonso and Tesuque – allowing them to draw 2,500 acre-feet annually, while nontribal residents are allocated 1,500 acre-feet. The deal calls for a multimillion-dollar regional water system, but it allows nontribal residents to opt to continue pumping limited amounts of water from wells they have been using for decades.

Moments after U.S. District Court Judge William P. Johnson affixed his signature to a final judgment and decree, and declared the case adjourned, applause rang out in the almost full Santa Fe federal courtroom. Santa Fe County and pueblo officials, alongside attorneys for the state and the U.S. government, exchanged handshakes, hugs and congratulations.

Many remarked on the significance of a day some people involved in the case did not live to see – including Aamodt.

Several attorneys made a point in their remarks before Johnson to mention their age at the time the case was filed. None was much older than a toddler.

Friday's decree marked a major milestone in the 51-year-old case – but it might not be the capstone. Appeals loom, and some funding for the regional water system, estimated to cost \$253 million, remains contingent on a resolution to road disputes between the county and the pueblos.

The pueblos say some county roadways infringe on their land. Homeowners say the lack of clarity on rights of way is clouding the titles to their properties and threatens to block access to their homes, and the county has said it will not appropriate its share of the water system funds until the disputes are resolved.

Tribal, county and federal officials gathered for closed-door meetings Thursday and Friday at the Capitol to discuss the issues.

Meanwhile, the U.S. Bureau of Reclamation plans to begin construction of the water system next summer.

Outside the courthouse Friday, nearly a dozen residents of the basin who have long opposed the settlement protested peacefully, holding signs reading, among other things, "We need access to our homes," and chatting about the road disputes.

Johnson openly addressed the possibility of appeals in the case. "There are parties who have been ruled against, and this is an important day for those aggrieved parties," he said.

"There is a group of judges in Denver, and they will not hesitate to tell me if they think I'm wrong," he added, referring to the U.S. Court of Appeals for the 10th Circuit.

Still, the mood in the courtroom was celebratory. "It's an amazing thing to see," said Pojoaque Pueblo Gov. Joseph Talachy after the decree had been signed.

Santa Fe County Manager Katherine Miller called the decree "monumental."

"As you listen to the history of the case and everyone who's been involved, it's really a phenomenal event, and quite a feat to get here," Miller said.

In a hearing that seemed at times more like a graduation ceremony, Johnson credited the numerous judges, attorneys, special masters, clerks, staffers and others who had worked on the complex and contentious case since it was filed by then-State Engineer Steve Reynolds, who sought to resolve water rights within the basin.

Calling himself "the new kid on the block," Johnson briefly memorialized the judges who had worked the case before it was assigned to him in 2014. He highlighted in particular Judge Martha A. Vázquez, his immediate predecessor, who recused herself when her husband, Joseph Maestas, became a member of the Santa Fe City Council.

Other judges who once handled the case include H. Vearle Payne, who Johnson said was the last federal judge to have never graduated from law school, and Edwin Mechem, also a U.S. senator and multi-term governor. Referring to these judges, both of whom have since died, Johnson quipped, "I made comments to my staff that I intended to see this through before I passed."

The remark drew a round of laughter from the courthouse crowd.

Those protesting outside were not quite so enthused. Many said they were displeased that officials had been meeting in secret to discuss the roadway disputes. State Rep. Carl Trujillo, D-Santa Fe, a party in the Aamodt lawsuit, attempted to attend the meetings Thursday but was asked to leave.

"We don't have any representation in there," said Diane Quintana, a Nambé resident. "This is our government building. We should have a right to hear the discussions that affect our property."

John Gutting of Pojoaque said area residents opposed to the settlement must now decide how they want to proceed in the case.

"Are we more aggressive, or do we let it go from here?" Gutting said. "The big thing is, we don't have the road easements ... If we can't get to our homes, what good is a \$300 million water system going to do?"

Editor's note: The New Mexican owner Robin Martin is party to the Aamodt litigation.

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R. Lee Aamodt in 1983.

Courtesy photo



Art Valverde with the U.S. Bureau of Reclamation points out details to attendees at a Feb. 16 hearing in Tesuque on the proposed regional water system in Pojoaque Valley. Santa Fe County officials are concerned about the state's commitment to the project after the Legislature failed to set aside \$9.1 million for construction.

Clyde Mueller/ New Mexican file photo

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