

Number of this permit S-1-S-6

ACTION OF STATE ENGINEER

After notice pursuant to statute and by authority vested in me, this application is approved provided it is not exercised to the detriment of any others having existing rights; further provided that all rules and regulations of the State Engineer pertaining to the drilling of wells be complied with; and further subject to the following conditions: is not contrary to the conservation of water within the state and is not detrimental to the public welfare of the state; and further subject to the following conditions:

under this permit

1. The diversion of water from wells no. S-1 through S-1-S-6 shall not exceed 325 acre-feet per annum from all sources combined for the purposes and at the places of use described on the face of this permit.
2. Wells No. S-1 through S-1-S-6 shall be equipped with totalizing meters or measuring devices acceptable to the State Engineer in terms of type(s), placement, installation and functioning. Permittee shall be responsible for acquiring, installing and maintaining the devices, and reading the meters on a monthly basis.
3. Permittee shall file with the State Engineer on or before the 10th day of each month, a report of the amount of water diverted during the preceding calendar month. Reports shall provide meter readings obtained at each of the wells no. S-1 through S-1-S-6.

Proof of completion of well shall be filed on or before July 15, 19 96

Proof of application of water to beneficial use shall be filed on or before July 15, 19 96

Witness my hand and seal this 17th day of July, A.D., 19 92

Eluid L. Martínez, State Engineer

By: C. A. Bernero

C. A. Bernero
Water Rights Division

INSTRUCTIONS

This form shall be executed, preferably typewritten, in triplicate and shall be accompanied by a filing fee of \$5.00. Each of triplicate copies must be properly signed and attested.

A separate application for permit must be filed for each well used.

Secs. 1-4—Fill out all blanks fully and accurately.

Sec. 5—Irrigation use shall be stated in acre feet of water per acre per annum to be applied on the land. If for municipal or other purposes, state total quantity in acre feet to be used annually.

Sec. 6—Describe only the lands to be irrigated or where water will be used. If on unsurveyed lands describe by legal subdivision "as projected" from the nearest government survey corners, or describe by metes and bounds and tie survey to some permanent, easily located natural object.

Sec. 7—If lands are irrigated from any other source, explain in this section. Give any other data necessary to fully describe water right sought.

AMENDMENT TO APPLICATION NUMBER S-1-S-6

Independent Water Company amends its application for appropriation from 800 acre-feet per annum to 325 acre-feet per annum. The place and purpose of use will remain as originally stated.

Grant L. Morrison 11-19-91
INDEPENDENT WATER COMPANY DATE
By: Grant L. Morrison

INDV 19 p 1 52

'91 NOV 20 AM 11 25
STATE ENG. SCR OFFICE
SANTA FE NEW MEXICO

IMPORTANT-READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM

APPLICATION FOR PERMIT

Supplement and Enlarge
To ~~EXPLORE~~ the Underground Waters of the State of New Mexico

Date Received 9-6-96 File No. S-1 thru S-1-S-6-Enlgd.

1. Name of applicant Independent Utility Company
 Mailing address P. O. Box 898
 City and State Sandia Park, New Mexico 87047

2. Source of water supply shallow, located in Sandia Basin
(artesian or shallow water aquifer) (name of underground basin)

3. The well is to be located in the NE 1/4 SE 1/4 SE 1/4 Section 20 Township 11N
 Range 6E N.M.P.M., or Tract No. 8 of Map No. _____ of the Sandia Knolls Sub. District,
 on land owned by the Independent Utility Company

4. Description of well: name of driller Raymond Garcia
 Outside Diameter of casing 8-5/8 inches; Approximate depth to be drilled 200 feet

5. Quantity of water to be appropriated and beneficially used 800 AF/AN acre feet,
(consumptive use, diversion)
 for subdivision, educational, recreational and related purposes.

6. Acreage to be irrigated or place of use 3376 acres and vicinity acres.

Subdivision	Section	Township	Range	Acres	Owner
<u>Pt. E1/2</u>	<u>20</u>	<u>11N</u>	<u>6E</u>	<u>160</u>	<u>Various</u>
<u>All</u>	<u>21</u>	<u>11N</u>	<u>6E</u>	<u>640</u>	<u>Various</u>
<u>NW1/4</u>	<u>22</u>	<u>11N</u>	<u>6E</u>	<u>160</u>	<u>Various</u>
<u>Pt. SW1/4</u>	<u>22</u>	<u>11N</u>	<u>6E</u>	<u>40</u>	<u>Various</u>
<u>and the land described on the attached sheet</u>					

7. Additional statements or explanations The proposed well is to be supplemental to declared wells under File S-1 described as follows:

Well	Subdivision	Section	Township	Range	
<u>S-1</u>	<u>NE1/4SE1/4</u>	<u>20</u>	<u>11N</u>	<u>6E</u>	<u>AD</u>
<u>S-1-X</u>	<u>NE1/4SE1/4</u>	<u>20</u>	<u>11N</u>	<u>6E</u>	<u>AD</u>
<u>S-1-X-2</u>	<u>NE1/4NW1/4</u>	<u>20</u>	<u>11N</u>	<u>6E</u>	<u>AD</u>
<u>S-1-X-3</u>	<u>NE1/4SE1/4</u>	<u>20</u>	<u>11N</u>	<u>6E</u>	<u>AD</u>
<u>S-1-X-4</u>	<u>NE1/4NW1/4</u>	<u>21</u>	<u>11N</u>	<u>6E</u>	<u>AD</u>
<u>S-1-X-5</u>	<u>NE1/4SE1/4</u>	<u>20</u>	<u>11N</u>	<u>6E</u>	<u>AD</u>

Well S-1-S-6 was drilled under Exploratory Permit S-1-Explore.
Applicant proposes to enlarge the area served.

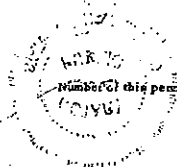
I, Randy Lykins, affirm that the foregoing statements are true to the best of my knowledge and belief and that development shall not commence until approval of the permit has been obtained.

Independent Utility Co., Permittee,
 By: Randy Lykins
 Subscribed and sworn to before me this 6th day of September, A.D., 19 96
 My Commission expires 10/24/99
Jana Adams
 Notary Public

154430

STATE ENGINEER OFFICE
ALBUQUERQUE, N.M.

SEP 11 1996



Number of this permit: S-1 thru S-1-S-6-Enlgd,

ACTION OF STATE ENGINEER

After notice pursuant to statute and by authority vested in me, this application is approved provided it is not exercised to the detriment of any others having existing rights; further provided that all rules and regulations of the State Engineer pertaining to the drilling of wells be complied with and further subject to the following conditions, and is not detrimental to the public welfare or contrary to the conservation of water within the state; further provided that all rules and regulations of the State Engineer pertaining to the drilling of shallow wells be complied with and further subject to the attached conditions of approval.

See Attached Conditions of Approval

Proof of completion of well shall be filed on or before May 15, 19 98

Proof of application of water to beneficial use shall be filed on or before May 15, 192001

Witness my hand and seal this 12th day of May, A.D., 19 97

Thomas C. Turney,
State Engineer

By: Richard Deubel
Richard Deubel
Water Rights Division

INSTRUCTIONS

This form shall be executed, preferably typewritten, in triplicate and shall be accompanied by a filing fee of \$5.00. Each of triplicate copies must be properly signed and attested.

A separate application for permit must be filed for each well used.

Secs. 1-4—Fill out all blanks fully and accurately.

Sec. 5—Irrigation use shall be stated in acre feet of water per acre per annum to be applied on the land. If for municipal or other purposes, state total quantity in acre feet to be used annually.

Sec. 6—Describe only the lands to be irrigated or where water will be used. If on unurveyed lands describe by legal subdivision "as projected" from the nearest government survey corners, or describe by metes and bounds and tie survey to some permanent, easily located natural object.

Sec. 7—If lands are irrigated from any other source, explain in this section. Give any other data necessary to fully describe water right sought.



CONDITIONS OF APPROVAL

FILE NO.: S-1 thru S-1-S-6-Enlgd.
PERMITTEE: Independent Utility Company

STATE ENGINEER OFFICE
ASB
97 SEP 26 PM 1:17

1. This application is hereby approved for the appropriation of 200 acre-feet of water per annum from well nos. S-1-S-6 and S-1-X combined, of which no more than 99.38 acre-feet per annum may be used on the 2,376 acres of land described on the face of this application for subdivision, educational, recreational and related purposes. This application is hereby denied for the appropriation of 600 acre-feet of water per annum for reason that it is determined that well nos. S-1-S-6 and S-1-X combined are not capable of producing such an amount of water. It is also hereby recognized that of the 200 acre-feet of water permitted under this application, 99.38 acre-feet is a vested declared water right and the additional 100.62 acre-feet is a permitted appropriation subject to Proof of Application of Water to Beneficial Use. Diversion of water from well nos. S-1, S-1-X-2, S-1-X-3, S-1-X-4, and S-1-X-5 is denied for reason that the said wells are incapable of producing any water and those wells shall be plugged in a manner acceptable to the State Engineer.
2. Well nos. S-1-X and S-1-S-6 shall each be equipped with a totalizing meter, or meters, of a type and at locations approved by and installed in a manner acceptable to the State Engineer. The permittee shall provide in writing, the make, model, serial number, date of installation, initial reading, units, and dates of recalibration of each meter and any replacement meter used to determine the diversion of water. No water shall be diverted from any well not equipped with a functional totalizing meter. The water for use at the 2,376-acre location shall be metered independently from the water metered for use at the 1,000-acre location, and such meter readings shall be reported as specified in condition of approval no. 3.
3. Records of the amount of water diverted from well nos. S-1-X and S-1-S-6 each, and records of the amount of water used at each location shall be submitted by the permittee in writing to the State Engineer on or before the 10th day of each month for the preceding calendar month.
4. No later than December 31, 1997, a monitoring well shall be drilled and completed with proper casing and screen in the same aquifer as well nos. S-1-X and S-1-S-6, and in a manner and at a location acceptable to the State Engineer. Water level measurements for the monitoring well and well nos. S-1-X and S-1-S-6 shall be taken on a monthly basis and written records of the water level measurements shall be submitted in the same manner as diversion records required in condition of approval no. 3. Water level measurements for all three wells shall be taken concurrently and the monthly report shall indicate the date and time of the measurements and whether the production well(s) is(are) pumping at the time of the measurements.

5. The permittee shall utilize the highest and best technology practically available to assure conservation of water herein authorized for beneficial use to the maximum extent practicable.

DATE OF APPROVAL: 12 MAY 97

Thomas C. Turney
State Engineer

By: Richard Deubel
Richard Deubel
Water Rights Division

STATE ENGINEER OFFICE
ALBANY, NEW YORK 12242
97 SEP 26 PM 1:17

LEGAL DESCRIPTION

That certain parcel of land situate within Section 3, Township 9 North and Range 6 East, and Sections 21, 27, 28, 33, and 34 Township 10 North and Range 6 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being more particularly described as follows:

Township 9N, Range 6E, NMPM
Section 3: Lot 6; and

Township 10N, Range 6E, NMPM

Section 21: E $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$;
SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; and SE $\frac{1}{4}$

Section 27: S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ S $\frac{1}{2}$;
N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$; and
S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$;

Section 28: All;

Section 33: NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$;
N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; and
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; and

Section 34: S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ N $\frac{1}{2}$; N $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$;
N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Said parcel contains 2,376 acres, more or less.

All land described above is owned by WSL Landholding Company, Inc.
and the City of Albuquerque.

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STATE ENGINEER'S OFFICE
ALBUQUERQUE, N.M.

98 SEP 6 AM 04

STATE ENGINEER'S OFFICE
ALBUQUERQUE, N.M.

BEFORE THE STATE ENGINEER
STATE OF NEW MEXICO

STATE ENGINEER
NEW MEXICO
98 DEC 30 PM 1:52

IN THE MATTER OF PERMIT TO)
SUPPLEMENT AND ENLARGE THE)
PLACE OF USE OF UNDERGROUND)
WATERS IN THE SANDIA)
UNDERGROUND WATER BASIN IN THE)
NAME OF INDEPENDENT UTILITY)
COMPANY)

FILE NO. S-1 THROUGH
S-1-S-6-ENLGD.

ORDER

WHEREAS, on the 12th day of May, 1997, the State Engineer partially approved the captioned application; and

WHEREAS, on the 13th day of April, 1998, the permittee filed Complaint for Declaratory Relief no. CV-98-02843 with the Second Judicial District Court, County of Bernalillo, State of New Mexico; and

WHEREAS, on the 16th day of November, 1998, the parties of the said Complaint entered into an agreement as follows:

1. The State Engineer will amend the permit issued to Independent Utility Company, No. S-1 thru S-1-S-6, Enlgd., dated May 12, 1997, so that total withdrawals for all wells under this permit shall not exceed 325 acre-feet per annum. The current language, as you recall, permits total withdrawals in the amount of 200 acre-feet per annum. The amount permitted to be transferred to Loma Ponderosa will remain as before, 99.38 acre-feet per annum.
2. All other permits issued for these wells (specifically, the one ostensibly issued July 17, 1992) will be considered withdrawn.
3. By signing this agreement, you are agreeing to dismissal of your lawsuit with prejudice. The parties shall bear their own costs. We will also cancel all depositions scheduled in this matter.

4. Again, it is expressly understood that in agreeing to this proposal, the amended permit will supersede any and all other permits issued for these wells. Just so it is abundantly clear and so that there are no misunderstandings in the future, this means that you are authorized to withdraw only 325 acre-feet per annum from wells S-1-X and S-1-S-6 combined, and may use only 99.38 acre-feet per annum of that amount at Loma Ponderosa. Any future changes, whether for permits to increase withdrawals or for permits to transfer additional amounts to Loma Ponderosa or elsewhere must be done in accordance with State Engineer laws and procedures, including application, publication and opportunity for protest, and hearing if necessary.
5. Nothing herein obviates the need for your client to comply with all State Engineer reporting requirements, such as filing appropriate changes of ownership, proof of application to beneficial use, etc.

and

WHEREAS, on the 9th day of December, 1998, Stipulated Order of Dismissal with prejudice of Cause no. CV-98-02843 was filed with the Second Judicial District Court, County of Bernalillo, State of New Mexico.

NOW THEREFORE, the State Engineer of the State of New Mexico does hereby revise the conditions of approval of the subject permit as follows:

1. This application is hereby approved for the appropriation of 325 acre-feet of water per annum from well nos. S-1-S-6 and S-1-X combined, of which no more than 99.38 acre-feet per annum may be used on the 2,376 acres of land described on the face of this application for subdivision, educational, recreational and related purposes. This application is hereby denied for the appropriation of 475 acre-feet of water per annum for reason that it is determined that well nos. S-1-S-6 and S-1-X combined are not capable of producing such an amount of water. It is also hereby recognized that of the 325 acre-feet of water permitted under this application, 99.38 acre-feet is a vested declared water right and the additional 225.62 acre-feet is a permitted appropriation subject to Proof of Application of Water to Beneficial Use. Diversion of water from well nos. S-1, S-1-X-2, S-1-X-3, S-1-X-4, and S-1-X-5 is denied for reason that the said wells are incapable of producing any water, and those wells shall be plugged on or before June 30, 1999, in a manner conforming to Articles 2-13 and 4-14 of the State Engineer Rules and Regulations Governing Drilling of Wells and Appropriation and Use of Ground Water in New Mexico. A record of the plugging for each well shall be filed with the District I Office of the State Engineer within 10 days of the date of plugging.
2. Well nos. S-1-X and S-1-S-6 shall be equipped with a totalizing meter, or meters, of a type and at locations approved by and installed in a manner acceptable to the State Engineer. The permittee shall provide in writing, the make, model, serial number, date of installation, initial

98 DEC 30 PM 1:53
STATE ENGINEER
DISTRICT I OFFICE
ALBUQUERQUE

reading, units, and dates of recalibration of each meter and any replacement meter used to determine the diversion of water. No water shall be diverted from any well not equipped with a functional totalizing meter. The water for use at the 2,376-acre location shall be metered independently from the water metered for use at the 1,000-acre location, and such meter readings shall be reported as specified in condition of approval no. 3.

3. Records of the amount of water diverted from well nos. S-1-X and S-1-S-6 each, and records of the amount of water used at each location shall be submitted by the permittee in writing to the State Engineer on or before the 10th day of each month for the preceding calendar month.
4. No later than December 31, 1997, a monitoring well shall be drilled and completed with proper casing and screen in the same aquifer as well nos. S-1-X and S-1-S-6, and in a manner and at a location acceptable to the State Engineer. Water level measurements for the monitoring well and well nos. S-1-X and S-1-S-6 shall be taken on a monthly basis and written records of the water level measurements shall be submitted in the same manner as diversion records required in condition of approval no. 3. Water level measurements for all three wells shall be taken concurrently and the monthly report shall indicate the date and time of the measurements and whether the production well(s) is(are) pumping at the time of the measurements.
5. The permittee shall utilize the highest and best technology practically available to assure conservation of water herein authorized for beneficial use to the maximum extent practicable.
6. Approval of this permit supercedes any and all water right declarations previously filed, and cancels Permit no. S-1-S-6 to Supplement the Underground Waters of the State of New Mexico, approved on July 17, 1992.

WITNESS my hand and official seal this 28th day of December, 1998.

Thomas C. Turney
State Engineer

By:

Richard Deubel
Richard Deubel
Water Rights Division

98 DEC 30 PM 1:53
STATE ENGINEER
OFFICE