

## BEFORE THE NEW MEXICO STATE ENGINEER

IN THE MATTER OF THE APPLICATION BY )  
 AQUIFER SCIENCE, LLC, FOR PERMIT TO )  
 APPROPRIATE GROUNDWATER WITHIN THE )  
 SANDIA UNDERGROUND WATER BASIN IN )  
 THE STATE OF NEW MEXICO )

Hearing No. 10-020  
 OSE File No. S-2618

INDEX TO NMELC EXHIBITS

**Exhibit NMELC-1** Technical Memorandum dated June 14, 2011 from Reid F. Bandeen, P.G., Truchas Hydrologic Associates, Inc., to R. Bruce Frederick, New Mexico Environmental Law Center regarding Application No. S-2618 – Diversion of 1,500 acre-feet per year from the Sandia Basin.

**Exhibit NMELC-2** Aquifer Science, 2009. Public Notice of Application No. S-2618 with New Mexico Office of State Engineer, Santa Fe, New Mexico. Aquifer Science, LLC, Carson City, Nevada. June 11, 2009.

**Exhibit NMELC-3** DBS&A, 2010. Well completion diagrams for S-2618 POD-1 and S-2618 POD-3, on file at OSE, Albuquerque, New Mexico. Daniel B. Stephens and Associates, Albuquerque, New Mexico. April 2010.

**Exhibit NMELC-4** Kelley and Northrup, 1975. Geology of Sandia Mountains and Vicinity, New Mexico. Vincent C. Kelley and Stuart A. Northrop. Memoir 29 – New Mexico Bureau of Mines and Mineral Resources, Socorro, New Mexico.

**Exhibit NMELC-5** Titus, 1980. Ground water in the Sandia and northern Manzano Mountains, New Mexico. Frank B. Titus. Hydrologic Report 5 – New Mexico Bureau of Mines and Mineral Resources, Socorro, New Mexico.

**Exhibit NMELC-6** Bartolino, et al, 2010. Groundwater Resources of the East Mountain Area, Bernalillo, Sandoval, Santa Fe, and Tarrant Counties, New Mexico, 2005. James R. Bartolino, Scott K. Anderholm, and Nathan C. Myers. Scientific Investigations Report 2009 – 5204. U.S. Geological Survey (in cooperation with the New Mexico Office of the State Engineer), Denver, Colorado.

**Exhibit NMELC-7** Peterson, J.L., 1999. Coordinated water resource planning for the Sandia Basin – A perspective into regional water planning needs. University of New Mexico Water Resources Program Professional Project Report. Albuquerque, New Mexico.

**Exhibit NMELC-8** McCoy and Blanchard, 2008. Precipitation, Ground-water Hydrology, and Recharge Along the Eastern Slopes of the Sandia Mountains, Bernalillo County, New Mexico. Kurt J. McCoy and Paul J. Blanchard, United States Geological

Survey Scientific Investigations Report 2008-5179, in cooperation with Bernalillo County Public Works Division. Reston, Virginia, 2008.

**Exhibit NMELC-9** State Engineer's Findings of Fact and Conclusions of Law for No. 86-08189

**Exhibit NMELC-10** State Engineer's Brief in Chief, Second Judicial District State of New Mexico, County of Bernalillo, Nos. CV 86-08189 & CV 87-07756 Consolidated.

**Exhibit NMELC-11** Core, 1997. OSE Memorandum from Andy Core, Hydrology Bureau to Paul Saavedra, Chief, Water Rights Division regarding S-1 thru S-6 Enlgd. New Mexico Office of the State Engineer, Santa Fe, New Mexico. May 5, 1997.

**Exhibit NMELC-12** Frost, 2005. New Mexico Office of State Engineer Technical Memorandum to Kristofer Knutson, Administrative Litigation Unit from J.P. Frost, Hydrology Bureau regarding Assessment of Bernalillo County Application S-2361, Sandia Basin. New Mexico Office of the State Engineer, Santa Fe, New Mexico. April 25, 2005.

**Exhibit NMELC-13** Overpeck and Udall, 2010. Dry Times Ahead. *Science*, Vol. 328, p. 1642. Jonathan Overpeck and Bradley Udall, June 25, 2010.

**Exhibit NMELC-14** OSE/ISC, 2006. The Impact of Climate Change on New Mexico's Water Supply and Ability to Manage Water Resources. New Mexico Office of the State Engineer/Interstate Stream Commission, John R. d'Antonio, P.E., State Engineer, Santa Fe, New Mexico, July 2006.

**Exhibit NMELC-15** Bureau of Reclamation, Reclamation Climate Change and Water 2011, April 2011.

**Exhibit NMELC-15A** CV for Reggie Fletcher

**Exhibit NMELC-16** Draft Forest Land Enhancement Plan for the San Pedro Creek Conservation Easement/Natural Area by Reggie Fletcher July, 2007

**Exhibit NMELC-17** San Pedro Creek Riparian Changes, 2001 - 2006

**Exhibit NMELC-18** Excerpts from An Environmental History of the Middle Rio Grande Basin By Dan Scurlock, May 1998.

**Exhibit NMELC – 19A** May 9, 2009, Aerial photo, upper half San Pedro Creek Conservation Area (North half)

**Exhibit NMELC – 19B** May 9, 2009, Aerial photo, lower half San Pedro Creek Conservation Area (South half)

**Exhibit NMELC – 19C** October 8, 1996, Aerial photo, upper half San Pedro Creek Conservation Area

**Exhibit NMELC – 19D** October 8, 1996, Aerial photo, lower half San Pedro Creek Conservation Area

**Exhibit NMELC – 19E** May 5, 1991, Aerial photo, upper half San Pedro Creek Conservation Area

**Exhibit NMELC – 19F** May 5, 1991, Aerial photo, lower half San Pedro Creek Conservation Area

**Exhibit NMELC – 19G** May 8, 2009, Aerial photo, Golden Open Space

**Exhibit NMELC – 19H** December 9, 2003, Aerial photo, Golden Open Space

**Exhibit NMELC – 19I** May 8, 2009, Aerial photo, second wet area downstream of the San Pedro Creek Conservation Area

**Exhibit NMELC – 19J** December 9, 2003, Aerial photo, second wet area downstream of the San Pedro Creek Conservation Area

**Exhibit NMELC – 19K** May 8, 2009, Aerial photo, third wet area downstream of the San Pedro Creek Conservation Area

**Exhibit NMELC – 19L** December 9, 2003, Aerial photo, third wet area downstream of the San Pedro Creek Conservation Area

**Exhibit NMELC – 19M** May 8, 2009, Aerial photo, fourth wet area downstream of the San Pedro Creek Conservation Area

**Exhibit NMELC – 19N** December 9, 2003, Aerial photo, forth wet area downstream of the San Pedro Creek Conservation Area

**Exhibit NMELC-20** Hagan, NM 10-26-07

**Exhibit NMELC-21** Findings of Fact and Conclusions of Law for Case No. 87-07756 (ABQ Corp. v. Shirmer et al.)

**Exhibit NMELC-22** May 9, 1997 Memorandum from Deubel to Saavedra Re File No.: S-1 thru S-1-S-6-Enlgd.

**Exhibit NMELC-23** Judgment in Case No. 87-07756 (ABQ Corp. v. Shirmer et al.)

**Exhibit NMELC-24** State Engineer's Proposed Findings in Case No. 87-07756 (ABQ Corp. v. Shirmer et al.)

**Exhibit NMELC-25** July 21, 1987, Report and Recommendation of the Hearing Officer, No. S-1216 through S-1216-S-3

**Exhibit NMELC-26** August 7, 1998, Memorandum from Core to Saavedra Re Application for Permit S-767 thru S-767-S-3.

**Exhibit NMELC-27** August 8, 1991, Memorandum from Lewis to Bernero Re review of hydrologic report prepared for the Horton Application.

**Exhibit NMELC-28** March 8, 1983, Memorandum from Reed to Smith Re Application for Permit to Appropriate Waters in the Sandia Underground Water Basin, HC #107146

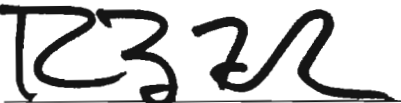
**Exhibit NMELC-29** February 13, 1994, Letter from Smith to Tijeras Land Company Re File S-816 and S-816-S.

**Exhibit NMELC- 30** March 11, 1993, Memorandum from Bernero to Chavez Re File S-816.

**Exhibit NMELC-31** January 10, 1992, Memorandum from Core to Stone Re File S-816 and S-Enlarged

Respectfully submitted,

NEW MEXICO ENVIRONMENTAL LAW CENTER

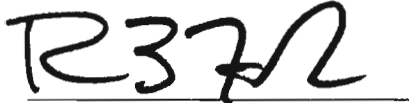
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**CERTIFICATE OF SERVICE:** I certify that on 15<sup>th</sup> of June 2011, a copy of the forgoing was served on all parties of record.

A handwritten signature in black ink, appearing to read 'R372', written over a horizontal line.

R. Bruce Frederick