

July 25, 1996, the Pueblo of Taos hereby submits its Amended Supplemental Claims For Historically and Presently Used Water Rights ("Amended Supplemental Claims"). The Pueblo adopts and incorporates herein by reference the claims made by the United States on behalf of the Pueblo of Taos in the Statement of Water Claims filed by the United States on August 1, 1989 and the revised Statement filed on March 15, 1990.

The Pueblo of Taos filed its original Objections and Supplemental Claims on September 15, 1992 which objections are adopted and incorporated by reference and shall be considered continuing objections of the Pueblo of Taos. The Taos Pueblo's Objections and Supplemental Claims filed September 15, 1992 also included a statement of the Legal Foundation for Claims. The Pueblo adopts and incorporates herein by reference the Legal Foundation for Claims contained in said filing as though fully set forth herein.

On its own behalf, and in compliance with the Order on Remand filed July 25, 1996, the Pueblo of Taos submits this Amended Supplemental Claim for water rights in addition to those claimed by the United States on behalf of the Pueblo of Taos as follows:

Water Impoundment Inventory. MSE-HKM, Inc. ("MSE-HKM"), the Pueblo's engineering firm, has prepared, in Attachment 1, a "Water Impoundment Inventory". This inventory identifies 149 impoundment facilities which includes the 114 facilities identified in the United States 1989 inventory. All claimed water impoundment facilities are included in the Amended Supplemental Claim because many of the facilities were improperly located in the United States claim. The 149 impoundments identified have a total surface area (at spillway crest) of 73.65 acres and an annual net evaporation loss of 125.40 acre feet.

Historically Irrigated Lands. MSE-HKM has, in Attachment 2, identified additional lands which have been historically irrigated, which lands are supplemental to the 1989 and 1990 revised United States claims. These supplemental historically irrigated lands are identified as "Additional Lands not Included in the 1990 U.S.A. Claim" and "Corrections to the 1990 U.S.A. Claim Tabulations" which claims are for an additional 147.35 acres of historically or historically/presently irrigated lands.

Groundwater Claim. Lee Wilson & Associates ("LWA"), the Pueblo's hydrology firm, has identified, in Attachment 3, a supplemental claim for wells drilled since the 1989 claim filed by the United States on behalf of the Pueblo. The Amended Supplemental Claim for domestic wells is for an annual diversion of 504 acre feet with an annual depletion of 352.80 acre feet; for municipal wells for an annual diversion of 861.20 acre feet; and for livestock and observation wells, an annual diversion and depletion of 150 acre feet.

Traditional, Religious, Ceremonial Sites and Instream Flows. LWA, in Attachment 4, has identified an Amended Supplemental Claim for traditional, religious, ceremonial sites and instream flows.

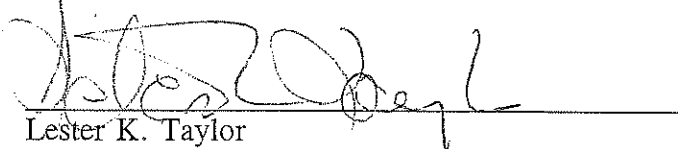
Maps showing the location of each water impoundment and of the Supplemental Claims for Historically Irrigated Lands are served herewith upon the State Engineer. Additional maps will be provided at locations determined by the Court to be convenient to the parties.

The attachments hereto and supporting maps are preliminary in nature and may be revised and updated as the work of the Pueblo's experts continue. This amended

supplemental statement of claims on behalf of Taos Pueblo shall not be deemed to be exclusive, and the Pueblo shall not be deemed to have abandoned any claim or issue not specifically set forth herein. The Pueblo of Taos claims a time immemorial or aboriginal priority for all claims contained herein notwithstanding date of first use and affirmatively asserts that under principles of federal law applicable to the Pueblo's water rights claims, the date of first use is of no significance. The date of first use, where known, has been identified herein as ordered by the Court over the objection of the Pueblo of Taos.

Respectfully submitted,

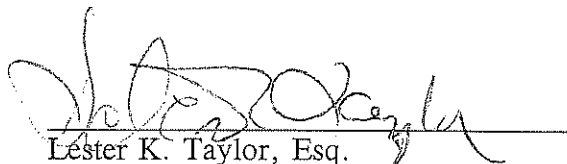
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CERTIFICATE OF SERVICE

I hereby certify that, on October 21, 1996, I hand-delivered or mailed a copy of the foregoing "Taos Pueblo's Amended Supplemental Claims For Historically and Presently Used Water Rights" to all persons listed on the attached distribution list.



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CERTIFIED a True Copy of the
original filed in the office
of the Clerk

700-002

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WATER IMPOUNDMENT INVENTORY

Prepared For
The Taos Pueblo

Prepared By
MSE-HKM, INC.
Billings, Montana

October, 1996

ATTACHMENT 1

WATER IMPOUNDMENT INVENTORY

I. INTRODUCTION

The United States, through the Bureau of Indian Affairs (BIA), initially submitted a lake and pond schedule in July 1989. Upon reviewing this document and comparing it to the information on the 1991 aerial photography, it was determined that the 1989 inventory needed significant revisions and updating. The 1989 inventory identified 114 facilities as compared to 149 facilities in this claim. However due to poor location accuracy of some of the 114 facilities in the 1989 inventory, it was not possible to identify which of the 149 facilities were not included in the 1989 inventory. Therefore, it was decided that it would be more cost effective to submit a new updated claim.

Table 1 summarizes the Taos Pueblo inventory, while two attached map sheets show the location of the facilities.

II. METHODOLOGY

The first information used in the analysis was the 1989 BIA inventory which was checked against recent aerial photography. It was determined that a photography based inventory should then be utilized to complete the assessment. Photography utilized included B&W/color aerials dated 1975, 1989, 1990, and 1991. BIA provided the 1975 and 1989 photography. Pueblo representatives verified that no new impoundments have been built since 1991.

The photography was reviewed under a Lietz 3x track stereo and a preliminary inventory was created matching the numbers used in the 1989 BIA assessment. Each facility was transposed to the 1:3600 scale map base using a Bausch and Lomb stereo zoom transfer scope to ensure accurate placement.

Two field verification trips were then made to observe and obtain measurements. The field trips identified new facilities, clarified uncertainties and verified existing information. One meeting was also held with Pueblo representatives to review maps and preliminary reports. BIA Area Office and Pueblo personnel participated in the field investigations.

The water impoundments were categorized into three types: lake; pond or reservoir. Each type has a different letter designation preceding the successive number of each facility.

An "L" refers to a mountain lake facility. Due to access constraints, none of these facilities were field checked. Information was obtained from U.S.G.S. topographical quadrangles and aerial photography.

The second type of facility, valley ponds, have a letter "P" preceding the number. Each of these facilities have a ditch or spring that services the impoundment. These facilities were field checked.

The third type of facility, valley reservoirs, have a letter "R" preceding the number. Each of these facilities are served by natural hillside runoff as their only source of supply. These facilities were also field checked.

Capacities of valley reservoirs and ponds were calculated using the following standard USDA-SCS formula:

$$\text{Capacity} = \text{Area} \times \text{Depth} \times 0.4$$

where Area and Depth are measured at the spillway crest elevation.

Depths and surface areas for valley reservoirs and ponds were determined from aerial photo interpretation and/or estimates from field inspections. Capacities for mountain lakes were not determined because depth data is not available.

Annual depletion for all water impoundments was assumed to be the annual net evaporation loss. Net evaporation rates were determined by subtracting normal annual precipitation from gross annual lake evaporation using a set of 1:1,500,000 scale precipitation and evaporation maps for New Mexico dated April 1972 published by the SCS. Annual net evaporation rates of 5 inches were determined for lakes and ponds in the mountainous region while 36 inches was determined for the ponds and reservoirs in the valley areas. The net evaporation rates were then multiplied by the impoundment area at spillway crest to arrive at the annual net evaporation loss in acre feet. All water impoundments shall be allowed to continuously fill.

III. RESULTS

Table 1 shows the results of the inventory. A total of 149 impoundments have been identified having a total surface area (at spillway crest) of 73.65 acres and an annual net evaporation loss of 125.40 A.F.

TABLE 1
TAOS PUEBLO 1996 SUPPLEMENTAL CLAIM
WATER IMPOUNDMENT INVENTORY

BIA	ID	Tract	UTM-N	UTM-E	Area, ac	Capacity AF	Net Evap. Rate, in.	Annual Net Evap.Loss,AF
P	001	T	4037600	447590	0.057	0.160	36	0.171
P	002	T	4037520	446950	0.069	0.166	36	0.207
P	003	T	4037530	447270	0.014	0.017	36	0.042
P	004	T	4038990	446940	0.104	0.166	36	0.312
P	005	T	4039250	447000	0.137	0.329	36	0.411
P	006	P	4033710	449970	0.017	0.034	36	0.051
P	007	T	4039140	447140	0.250	0.400	36	0.750
P	008	T	4039140	447260	0.193	0.309	36	0.579
P	009	T	4040870	448950	0.119	0.381	36	0.357
P	010	T	4040720	448940	0.138	0.386	36	0.414
P	011	T	4040730	449090	0.046	0.074	36	0.138
P	012	T	4040600	449240	0.097	0.233	36	0.291
P	013	T	4041080	449730	0.403	1.451	36	1.209
P	014	T	4041250	449580	0.269	0.753	36	0.807
P	015	T	4041240	449430	0.080	0.128	36	0.240
P	016	T	4041000	449250	0.303	0.848	36	0.909
P	017	T	4039560	447550	0.021	0.034	36	0.063
P	018	T	4039220	447890	0.018	0.029	36	0.054
P	019	T	4039550	447450	0.021	0.034	36	0.063
P	020	T	4039370	447540	0.021	0.034	36	0.063
P	021	T	4039170	447640	0.007	0.008	36	0.021
P	022	T	4039540	447820	0.083	0.232	36	0.249
P	023	T	4039750	447750	0.686	2.744	36	2.058
P	024	T	4039630	448200	0.149	0.358	36	0.447
P	025	T	4039530	448180	0.037	0.089	36	0.111
P	026	T	4039300	448410	0.023	0.037	36	0.069
P	027	T	4041360	450340	0.413	1.487	36	1.239
R	028	B	4038040	444210	0.126	0.252	36	0.378
P	029	T	4041170	450510	0.069	0.138	36	0.207
P	030	T	4041050	450730	0.015	0.018	36	0.045
R	031	T	4041360	451400	0.220	0.704	36	0.660
P	032	T	4040400	451170	0.101	0.202	36	0.303
P	033	T	4041320	450540	0.030	0.048	36	0.090
P	034	T	4041260	450800	0.083	0.199	36	0.249
P	035	T	4040980	450640	0.032	0.064	36	0.096
P	036	T	4040950	450840	0.046	0.074	36	0.138
P	037	T	4040890	451370	0.112	0.314	36	0.336
R	038	B	4040790	441730	0.172	0.206	36	0.516
P	039	B	4035410	445040	0.430	1.376	36	1.290
R	040	A	4035590	436990	0.746	2.089	36	2.238

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WATER IMPOUNDMENT INVENTORY

BIA	ID	Tract	UTM-N	UTM-E	Area, ac	Capacity AF	Net Evap. Rate, in.	Annual Net Evap. Loss, AF
R	041	A	4028320	440820	0.388	1.862	36	1.164
R	042	A	4031630	440680	6.061	48.488	36	18.183
R	043	A	4027720	440430	2.730	8.736	36	8.190
R	044	A	4027730	439970	0.918	2.570	36	2.754
R	045	A	4027550	439860	0.418	1.338	36	1.254
R	046	A	4027550	441710	0.517	2.275	36	1.551
P	047	T	4040240	449830	0.215	0.860	36	0.645
P	048	P	4034580	448710	0.009	0.014	36	0.027
P	049	T	4040040	449570	0.186	0.744	36	0.558
P	050	P	4034290	447670	0.014	0.017	36	0.042
P	051	P	4034300	447670	0.023	0.046	36	0.069
R	052	B	4038830	444280	0.172	0.206	36	0.516
R	053	B	4040840	441900	0.287	0.574	36	0.861
R	054	B	4037950	443090	0.230	0.276	36	0.690
R	055	A	4028240	442550	1.045	6.270	36	3.135
R	056	A	4027640	442480	1.033	4.132	36	3.099
R	057	A	4026320	438650	1.742	6.271	36	5.226
R	058	A	4026750	438700	3.030	15.756	36	9.090
R	059	A	4029800	442490	0.359	1.436	36	1.077
R	060	A	4030010	442390	0.606	3.636	36	1.818
R	061	A	4029510	437150	1.194	3.343	36	3.582
R	062	P	4028640	449920	0.496	2.976	36	1.488
R	063	P	4029080	449910	0.321	1.156	36	0.963
L	064	BL	4039210	458880	0.110	NA	5	0.046
R	065	T	4037310	451160	0.097	0.310	36	0.291
R	066	T	4039560	451730	0.459	1.469	36	1.377
R	067	P	4030430	450370	0.620	3.720	36	1.860
R	068	P	4030520	450450	0.045	0.216	36	0.135
R	069	P	4030680	450750	0.758	4.548	36	2.274
R	070	P	4030150	450090	0.194	0.543	36	0.582
R	071	P	4029590	450000	0.542	2.602	36	1.626
R	072	P	4029260	449880	0.069	0.193	36	0.207
R	073	P	4029420	449880	0.112	0.358	36	0.336
R	074	P	4029300	449970	0.021	0.017	36	0.063
R	075	P	4033800	449610	0.055	0.066	36	0.165
R	076	P	4033800	449480	0.028	0.034	36	0.084
L	077	BL	4039760	462230	0.172	NA	5	0.072
L	078	BL	4041180	466010	0.096	NA	5	0.040
R	079	P	4033450	449540	0.478	1.530	36	1.434
P	080	P	4031380	449850	0.046	0.074	36	0.138

TABLE 1
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WATER IMPOUNDMENT INVENTORY

BIA	ID	Tract	UTM-N	UTM-E	Area, ac	Capacity AF	Net Evap. Rate, in.	Annual Net Evap.Loss,AF
P	081	P	4031930	450400	1.894	5.303	36	5.682
P	082	P	4031350	449900	0.189	0.378	36	0.567
P	083	P	4031280	449870	0.052	0.083	36	0.156
P	084	P	4031730	450160	0.017	0.027	36	0.051
P	085	P	4031410	450320	0.009	0.011	36	0.027
P	086	T	4039800	448210	0.040	0.080	36	0.120
P	087	T	4039680	448400	0.057	0.114	36	0.171
P	088	T	4040290	448650	0.011	0.018	36	0.033
P	089	P	4031070	450120	0.010	0.016	36	0.030
P	090	P	4031150	450230	0.007	0.011	36	0.021
P	091	P	4030780	449550	0.396	1.109	36	1.188
P	092	BL	4030680	467870	0.021	0.017	5	0.009
P	093	BL	4030760	467230	0.002	0.002	5	0.001
P	094	BL	4030950	466500	0.275	0.880	5	0.115
P	095	BL	4030690	465330	0.224	0.717	5	0.093
P	096	BL	4030280	465210	0.028	0.045	5	0.012
L	097	BL	4043490	465200	11.019	NA	5	4.591
L	098	BL	4042370	465100	3.214	NA	5	1.339
L	099	BL	4041210	464340	4.017	NA	5	1.674
L	100	C	4043010	462280	5.051	NA	5	2.105
L	101	BL	4039970	462830	0.717	NA	5	0.299
L	102	BL	4039840	462400	3.444	NA	5	1.435
L	103	C	4043250	462450	1.286	NA	5	0.536
L	104	C	4043940	460720	2.583	NA	5	1.076
L	105	C	4043770	460810	0.230	NA	5	0.096
L	106	C	4043610	462130	0.344	NA	5	0.143
L	107	C	4043500	462160	0.459	NA	5	0.191
L	108	BL	4041730	464250	0.172	NA	5	0.072
L	109	BL	4041690	464190	0.230	NA	5	0.096
L	110	BL	4040820	465100	0.287	NA	5	0.120
L	111	BL	4039470	462440	0.459	NA	5	0.191
L	112	BL	4044350	465780	0.331	NA	5	0.138
L	113	C	4043340	461770	0.110	NA	5	0.046
L	114	BL	4043460	465390	1.136	NA	5	0.473
P	115	T	4039690	448600	0.041	0.131	36	0.123
P	116	P	4034020	447760	0.021	0.025	36	0.063
P	117	T	4038710	447090	0.040	0.080	36	0.120
L	118	BL	4035980	468920	0.021	NA	5	0.009
P	119	T	4040010	449880	0.028	0.056	36	0.084
P	120	T	4040360	451500	0.023	0.037	36	0.069

TABLE 1
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WATER IMPOUNDMENT INVENTORY

BIA	ID	Tract	UTM-N	UTM-E	Area, ac	Capacity AF	Net Evap. Rate, in.	Annual Net Evap.Loss,AF
P	121	T	4040450	451500	0.110	0.352	36	0.330
P	122	T	4040520	450600	0.145	0.406	36	0.435
P	123	T	4041280	450180	0.069	0.138	36	0.207
P	124	T	4040980	450190	0.230	0.736	36	0.690
P	125	T	4040820	449770	0.096	0.192	36	0.288
P	126	T	4040640	449970	0.129	0.413	36	0.387
P	127	T	4040840	452050	0.147	0.470	36	0.441
P	128	T	4039800	447610	0.023	0.046	36	0.069
P	129	P	4035130	446940	0.028	0.045	36	0.084
P	130	T	4040920	449780	0.007	0.006	36	0.021
R	131	A	4029150	442600	0.583	1.866	36	1.749
P	132	T	4040720	450990	0.075	0.150	36	0.225
R	133	B	4040930	443690	0.287	1.378	36	0.861
R	134	B	4039850	442950	0.172	0.344	36	0.516
P	135	T	4038620	447080	0.028	0.045	36	0.084
P	136	T	4039840	448850	0.009	0.014	36	0.027
P	137	T	4038370	447300	0.024	0.038	36	0.072
P	138	P	4034340	448270	0.040	0.048	36	0.120
P	139	P	4031040	450080	0.007	0.011	36	0.021
P	140	T	4039850	448660	0.020	0.040	36	0.060
P	141	P	4030850	449890	0.055	0.088	36	0.165
P	142	T	4040820	449820	0.046	0.092	36	0.138
P	143	T	4041250	450380	0.009	0.014	36	0.027
P	144	T	4040160	451440	0.014	0.017	36	0.042
L	145	BL	4033440	468390	0.250	NA	5	0.104
L	146	C	4043570	462070	0.200	NA	5	0.083
L	147	C	4043700	462610	0.150	NA	5	0.063
L	148	C	4042610	462120	0.200	NA	5	0.083
L	149	BL	4039260	461330	0.150	NA	5	0.063
Total					73.651			125.403

BIA Codes: L – Lake, P – Pond, R – Reservoir
 Tract Codes: A – Tract A C – Tract C
 B – Tract B P – Taos Pueblo Grant
 BL – Blue Lake Wilderness T – Tenorio Tract
 NA – data not available

Note: All impoundments shall be allowed to continuously fill

HISTORICALLY IRRIGATED LANDS

**Prepared For
The Taos Pueblo**

**Prepared By
MSE-HKM, INC.
Billings, Montana**

October, 1996

ATTACHMENT 2

HISTORICALLY IRRIGATED LANDS

INTRODUCTION

The United States initially submitted a claim for on-Reservation historically irrigated lands in 1989, and later revised the claim in March 1990 to include some additional supplemental lands. The 1990 revised United States claim tabulated a total of 5534.9 acres of historically irrigated lands.

This 1996 Taos Pueblo Amended Supplemental Claim identifies additional on-Reservation historically irrigated acreage which was either not included in the 1990 United States claim or which is a result of corrections to apparent errors in tabulation of acreage shown on the 1990 United States claim maps. Table 1 shows these additional acreages by source and by ditch. The acreage tabulations by source and ditch of the 1990 United States claim are currently being revised by the United States in preparation for resubmittal, and hence are not shown herein in Table 1.

For new tracts not included in the 1990 revised United States claim, claim acreage was broken out between what lands were presently irrigated in the 1990 period and which tracts were historically irrigated.

ADDITIONAL LANDS NOT INCLUDED IN THE 1990 USA CLAIM

Federal archeologists have identified an additional 23.25 acres of irrigated acreage (see Map Sheet TP-3). In addition, Pueblo consultants, using photo interpretation of 1935, 1959, 1981, and 1990 aerial photos and/or field review, have identified other historically or historically/presently irrigated lands not included in the 1990 United States claim. These additional lands are shown on the attached 1996 supplemental claim maps and are tabulated in

Table 1. Supplemental claims are made for a total of 73.85 acres of historically irrigated and 6.90 acres of historically/presently irrigated lands.

CORRECTIONS TO THE 1990 USA CLAIM TABULATIONS

It was found by Pueblo consultants that there are apparently some errors in the tabulation of historically irrigated acreage for some of the map sheets in the 1990 United States claim. Several map sheets were identified where the consultant's tabulation totals by ditch and map sheet exceed the corresponding acreage totals in the 1990 United States claim. This additional acreage should have been part of the revised 1990 United States claim and is noted in Table 1. Because the service areas for each ditch are not delineated on the 1990 United States claim map sheets and because the United States will be revising its claim tabulations and mapping, these corrections are to be considered preliminary and may require revision following the anticipated submittal of a United States supplemental claim in 1997.

In addition to the tabulation errors, map sheets 12 and 13 are included to show some historically irrigated areas mistakenly not mapped in the 1990 United States claim but included in the 1990 claim acreage tabulations, as well as some duplicative mapped tracts.

Since the corrected historically irrigated acreage should have been included in the 1990 revised United States claim, no distinction was made between presently and historically irrigated land.

CONCLUSION

Table 1 documents that there are an additional 147.35 acres of historically or historically/presently irrigated lands by way of addition or correction to the 1990 revised United States claim.

TABLE 1
TAOS PUEBLO 1996 SUPPLEMENTARY HISTORIC IRRIGATION CLAIM

Map Sheet	Source	Ditch	Coordinates of Diversion Point (State Plane Coordinate System)		Reference Notes	Additional Tracts Not Included in 1990 USA Claim		Other Corrections to 1990 USA Claim (See note 8)	Combined Additions & Corrections To 1990 USA Claim	
			X	Y		Historically Irrigated Acres	Historically/ Presently Irrig. Ac		Ditch Total, Ac	Map Total, Ac
TP-2	Rio Lucero	Tenorio	711,310	2,004,840	1			1.00	1.00	1.00
TP-2		Total								
TP-3	Rio Lucero	Unnamed	-----	-----	2,*	23.25			23.25	23.25
TP-3		Total								
TP-4	Rio Lucero	Tenorio	711,310	2,004,840	1,*		0.40	2.50	2.90	2.90
TP-4		Total								
TP-5	Rio Lucero	Indian	711,310	2,004,840	1,*		6.50		6.50	6.50
TP-5	Rio Lucero	Unnamed	703,300	1,994,980	3,*	0.40			0.40	0.40
TP-5		Total								
TP-6	Rio Lucero	Indian/1908	see notes	see notes	1,4,*	1.10			1.10	1.10
TP-6		Total								
TP-11	Rio Pueblo	Cicada	718,060	1,980,420	1			1.00	1.00	1.00
TP-11		Total								
TP-12	Rio Lucero	Subirrigated	-----	-----	5			24.00	24.00	24.00
TP-12	Rio Pueblo	North Trash Pile	710,940	1,980,510	1			1.25	1.25	1.25
TP-12	Rio Pueblo	Phia-No	707,000	1,979,010	1			2.20	2.20	2.20
TP-12		Total								27.45
TP-13	Rio Pueblo	Acequia Madre Del Pueblo	704,610	1,976,930	1			6.15	6.15	6.15
TP-13	Rio Pueblo	Buried Roots	712,050	1,980,220	1			0.40	0.40	0.40
TP-13	Rio Lucero	Summer Spring Creek	702,900	1,977,120	1,7			0.30	0.30	0.30
TP-13		Total				49.10			49.10	49.10
9	Rio Lucero	Juan Manual	703,440	1,997,860	6,*					
9		Total								
15	Rio Lucero	Acequia Madre Del Prado	702,830	1,991,750	1,7			16.30	16.30	16.30
15	Rio Pueblo	Acequia De Los Lovatos	695,820	1,971,120	1			11.50	11.50	11.50
15		Total								27.80
TOTAL						73.85	6.90	66.60	147.35	147.35

REFERENCE NOTES:

- The coordinates of diversion points are taken from the 1990 USA claim tabulation sheet.
- The additional tract is derived from archeological studies which have not yet determined the point of diversion. It is assumed the source was the Rio Lucero.
- The ditch which served this tract is abandoned but its route is still visible on aerial photographs.
- The 1990 USA claim indicates two diversion points: Indian Ditch -- X=711,310 Y=2,004,840; 1908 Ditch -- X=702,560 Y=1,994,900.
- The 1990 USA claim does not list diversion points coordinates for its category of "subirrigated" lands.
- Map Sheet 9 was not included in the 1990 claim.
- The source listed in this table has been changed from that listed in the 1990 USA claim.
- These corrections are related to errors in the 1990 USA claim acreage tabulations rather than specific tracts and hence cannot be shown on the set of maps documenting this 1996 supplemental claim
- A set of map sheets showing the location of the additional tracts not included in the 1990 USA claim is attached this 1996 supplemental claim. This map set also includes map sheets 12 and 13 which document some tracts mistakenly not mapped in 1990 but included in the 1990 USA claim tabulations.

GROUNDWATER HYDROGRAPHIC CLAIM

**Prepared For
The Taos Pueblo**

**Prepared By
LEE WILSON AND ASSOCIATES, INC.
Santa Fe, New Mexico**

October, 1996

ATTACHMENT 3

Taos Pueblo has a right to the groundwater supplies required to accomplish the purposes for which the Federal Government reserved lands for the use of the Pueblo members. A groundwater claim was filed with the Court on behalf of the Pueblo by the Bureau of Indian Affairs in 1989. This document reproduces and supplements that earlier claim by including a number of wells which have been drilled since that claim was filed, or which were omitted from that claim; in some cases the quantities claimed also have been revised. It also includes additional information on the locations of the wells, and the dates on which they were drilled. And it records the re-classification of one well from Livestock to Public Supply use.

Changes from the 1989 claim are shaded on the Table which follows. Additional data will be provided to the Court if they become available.

s Pueblo - Groundwater Hydrographic Claim
 Supplemental Claim

(Shading denotes changes from 1989 BIA submittal)

Domestic Wells:

Well no.	Drilling Date	Location UTM Coordinate System, Meters		Annual Diversion Acre-feet	Annual Depletion Acre-feet	Comments
		Easting	Northing			
TW-001		449560	4029850	3.00	2.10	
TW-002		449560	4029740	3.00	2.10	
TW-003	2/2/77	449760	4029770	3.00	2.10	
TW-006		449780	4030060	3.00	2.10	
TW-007	1/2/76	449790	4030270	3.00	2.10	
TW-008		449960	4030110	3.00	2.10	
TW-009		449990	4030430	3.00	2.10	
TW-010	6/1/76	450220	4030270	3.00	2.10	
TW-013	1/1/76	450620	4030910	3.00	2.10	
TW-014	1/1/76	450500	4030940	3.00	2.10	
TW-015	1/1/76	450920	4031350	3.00	2.10	
TW-016	2/22/76	450650	4031330	3.00	2.10	
TW-017	0/21/77	450800	4031660	3.00	2.10	
TW-018	0/21/77	451080	4031700	3.00	2.10	
TW-019		451260	4031770	3.00	2.10	
TW-020	1/1/76	451140	4031770	3.00	2.10	
TW-021	6/1/76	450880	4031380	3.00	2.10	
TW-022		450950	4031790	3.00	2.10	
TW-023		451010	4031910	3.00	2.10	
TW-024		450980	4032040	3.00	2.10	
TW-025		451110	4032050	3.00	2.10	
TW-026		451230	4032020	3.00	2.10	
TW-027		451120	4032070	3.00	2.10	
TW-028		451270	4032220	3.00	2.10	
TW-029		451270	4032210	3.00	2.10	
TW-030		451090	4032200	3.00	2.10	
TW-031	7/1/76	451110	4032180	3.00	2.10	
TW-032		451080	4032120	3.00	2.10	
TW-033		450850	4032080	3.00	2.10	
TW-034		450910	4032070	3.00	2.10	
TW-035		450720	4032650	3.00	2.10	
TW-036		450830	4031970	3.00	2.10	
TW-037		450760	4031910	3.00	2.10	
TW-038		450760	4031880	3.00	2.10	
TW-039	6/1/76	450480	4031670	3.00	2.10	
TW-040		449480	4029960	3.00	2.10	
TW-041		449210	4030070	3.00	2.10	
TW-042		449270	4030100	3.00	2.10	
TW-043		449280	4030180	3.00	2.10	
TW-044		449280	4030260	3.00	2.10	

Pueblo - Groundwater Hydrographic Claim
Supplemental Claim

(Shading denotes changes from 1989 BIA submittal)

Domestic Wells:

Well no.	Drilling Date	Location		Annual Diversion Acre-feet	Annual Depletion Acre-feet	Comments
		UTM Coordinates System	Meters			
		Easting	Northing			
TW-046		449260	4030510	3.00	2.10	
TW-048		449460	4030970	3.00	2.10	
TW-049		449400	4030780	3.00	2.10	
TW-050		449880	4030990	3.00	2.10	
TW-051		449520	4030890	3.00	2.10	
TW-052		450450	4031170	3.00	2.10	
TW-053		450390	4031570	3.00	2.10	
TW-054		450520	4031840	3.00	2.10	
TW-055		450600	4032090	3.00	2.10	
TW-056		451190	4032220	3.00	2.10	
TW-057		451380	4032340	3.00	2.10	
TW-058		451510	4032340	3.00	2.10	
TW-059		451510	4032210	3.00	2.10	
TW-060		451440	4032390	3.00	2.10	
TW-061		451490	4032310	3.00	2.10	
TW-062		451370	4032300	3.00	2.10	
TW-063		451690	4032350	3.00	2.10	
TW-064		451360	4032520	3.00	2.10	
TW-065		451310	4032550	3.00	2.10	
TW-066		451280	4032540	3.00	2.10	
TW-067		451480	4032660	3.00	2.10	
TW-068		451630	4032470	3.00	2.10	
TW-069		451650	4032380	3.00	2.10	
TW-070		450120	4041350	3.00	2.10	
TW-071		447760	4039600	3.00	2.10	
TW-073		447000	4037790	3.00	2.10	
TW-074	5/18/76	447000	4037520	3.00	2.10	
TW-075		446960	4035620	3.00	2.10	
TW-076		447200	4035680	3.00	2.10	
TW-077		447560	4035630	3.00	2.10	
TW-078		446870	4035320	3.00	2.10	
TW-079	6/22/76	448080	4033700	3.00	2.10	
TW-080		446890	4033180	3.00	2.10	
TW-081		446950	4035210	3.00	2.10	
TW-082	3/22/79	447210	4035350	3.00	2.10	
TW-083		448240	4033980	3.00	2.10	
TW-084	5/24/76	448370	4034250	3.00	2.10	
TW-085		448520	4034200	3.00	2.10	
TW-086		448670	4034560	3.00	2.10	
TW-087		448880	4030790	3.00	2.10	
TW-088		448910	4030690	3.00	2.10	

s Pueblo - Groundwater Hydrographic Claim.
Supplemental Claim

(Shading denotes changes from 1989 BIA submittal)

Domestic Wells:

Well no.	Drilling Date	Location		Annual Diversion Acre-feet	Annual Deplction Acre-feet	Comments
		UTM Coordinates System, Meters				
		Easting	Northing			
TW-089		449630	4031480	3.00	2.10	
TW-090		449930	4031540	3.00	2.10	
TW-092		450550	4032280	3.00	2.10	
TW-093		450670	4032240	3.00	2.10	
TW-094		450660	4032290	3.00	2.10	
TW-095		450760	4032300	3.00	2.10	
TW-096		450740	4032390	3.00	2.10	
TW-097		450750	4032340	3.00	2.10	
TW-098		450700	4032420	3.00	2.10	
TW-099	6/29/76	450810	4032380	3.00	2.10	
TW-100		450860	4032410	3.00	2.10	
TW-101		450900	4032420	3.00	2.10	
TW-102		450870	4032320	3.00	2.10	
TW-103		450800	4032430	3.00	2.10	
TW-104		450910	4032420	3.00	2.10	
TW-105		450860	4032510	3.00	2.10	
TW-107		450990	4032450	3.00	2.10	
TW-108		451030	4032350	3.00	2.10	
TW-109		450980	4032450	3.00	2.10	
TW-110		451020	4032490	3.00	2.10	
TW-111		450990	4032480	3.00	2.10	
TW-112		450930	4032350	3.00	2.10	
TW-113		450770	4032620	3.00	2.10	
TW-114		450730	4032600	3.00	2.10	
TW-115		450790	4032630	3.00	2.10	
TW-116		450730	4032670	3.00	2.10	
TW-117		450670	4032700	3.00	2.10	
TW-118		450480	4032540	3.00	2.10	
TW-119		450620	4032740	3.00	2.10	
TW-120		450430	4033020	3.00	2.10	
TW-121		450450	4032910	3.00	2.10	
TW-122	6/23/76	450580	4033070	3.00	2.10	
TW-123	6/22/76	450610	4033060	3.00	2.10	
TW-124		450710	4033080	3.00	2.10	
TW-125		450830	4032970	3.00	2.10	
TW-126		450860	4032840	3.00	2.10	
TW-127		450690	4032960	3.00	2.10	
TW-128		450820	4032760	3.00	2.10	
TW-129		450850	4032790	3.00	2.10	
TW-130		450920	4032770	3.00	2.10	
TW-131		450920	4032790	3.00	2.10	

Pueblo - Groundwater Hydrographic Claim
Supplemental Claim

(Shading denotes changes from 1989 BIA submittal)

Domestic Wells:

Well no.	Drilling Date	Location		Annual Diversion Acre-feet	Annual Depletion Acre-feet	Comments
		UTM Coordinates System	Meters Easting Northing			
TW-132		450980	4032730	3.00	2.10	
TW-133		450940	4032720	3.00	2.10	
TW-134		450890	4032690	3.00	2.10	
TW-135		450950	4032680	3.00	2.10	
TW-136		451080	4032710	3.00	2.10	
TW-137		451100	4032700	3.00	2.10	
TW-138		451730	4031770	3.00	2.10	
TW-139		451020	4032800	3.00	2.10	
TW-140		451090	4032860	3.00	2.10	
TW-141	12/77	450980	4032980	3.00	2.10	
TW-142		451010	4033170	3.00	2.10	
TW-143		450760	4033370	3.00	2.10	
TW-144	6/24/76	450600	4033370	3.00	2.10	
TW-145	6/30/76	450790	4033660	3.00	2.10	
TW-146	6/4/76	450720	4033770	3.00	2.10	
TW-148	7/8/76	450850	4033740	3.00	2.10	
TW-151		451070	4032810	3.00	2.10	
TW-152		451070	4032850	3.00	2.10	
TW-153		451020	4032940	3.00	2.10	
TW-155		451120	4033020	3.00	2.10	
TW-156		451250	4032980	3.00	2.10	
TW-157		451250	4032820	3.00	2.10	
TW-158		451170	4032720	3.00	2.10	
TW-159		451200	4032710	3.00	2.10	
TW-160		451480	4032850	3.00	2.10	
TW-162		450700	4032400	3.00	2.10	
TW-175		449440	4039960	3.00	2.10	
TW-176		451160	4032140	3.00	2.10	
TW-177		451190	4032440	3.00	2.10	
TW-179		451440	4032030	3.00	2.10	
TW-180		451680	4032490	3.00	2.10	
TW-206	6/1/76	450940	4032080	3.00	2.10	
TW-207		450970	4032490	3.00	2.10	
TW-208		450720	4032490	3.00	2.10	
TW-209		450690	4032490	3.00	2.10	
TW-210		449240	4030340	3.00	2.10	
TW-211		450970	4032120	3.00	2.10	
TW-212		450650	4031860	3.00	2.10	
TW-213		447260	4035760	3.00	2.10	not included in 89
TW-214		447280	4038350	3.00	2.10	not included in 89
TW-215		447000	4039050	3.00	2.10	not included in 89

s Pueblo - Groundwater Hydrographic Claim.
Supplemental Claim

(Shading denotes changes from 1989 BIA submittal)

Domestic Wells:

Well no.	Drilling Date	Location		Annual Diversion Acre-feet	Annual Depletion Acre-feet	Comments
		UTM Coordinate System, Meters	Eastings Northings			
TW-218				3.00	2.10	not included in 89
TW-219	7/27/95			3.00	2.10	not included in 89
TW-220	7/27/95			3.00	2.10	not included in 89
TW-221	2/17/95			3.00	2.10	not included in 89
TW-222	2/17/95			3.00	2.10	not included in 89
				504.00	352.80	TOTAL

Pueblo - Groundwater Hydrographic Claim
Supplemental Claim

(Shading denotes changes from 1989 BIA submittal)

Municipal Wells:

Well no.	Drilling Date	Location		Annual Diversion Acre-feet	Annual Depletion Acre-feet	Comments
		UTM Coordinate System	Meters			
		Easting	Northing			
TW-011	12/14/79	450140	4030420	57.80	47.46	
TW-012	12/21/79	450260	4030470	20.50	14.21	
TW-147	12/10/79	450670	4033750	74.50	52.22	
TW-150	12/3/79	451020	4032850	50.40	35.28	
				213.10	149.17	Community system subtotal
TW-161	7/7/65	451300	4032150	54.30	38.01	
TW-004		449860	4029950	24.20	16.94	
TW-005		449920	4029880	6.10	4.27	
TW-091		450470	4032210	24.20	16.84	
TW-149		451050	4032960	24.20	16.94	
TW-178		451000	4032810	104.50	73.22	
TW-205	2/76	449330	4030040	24.20	16.94	
TW-173		448370	4033280	386.80	270.41	TW-173 changed from Livestock to Public Supply
				861.20	602.84	TOTAL

The water right associated with Public Supply wells has been estimated at 60% of the well's maximum capacity.

(Shading denotes changes from 1987 CIA submittal)

Livestock and Observation Wells:

Well no.	Drilling Date	Location		Annual Diversion Acre-feet	Annual Depletion Acre-feet	Comments
		UTM Easting	UTM Northing			
TW-045		449270	4030340	3.00	3.00	
TW-047		449320	4030410	3.00	3.00	
TW-072		447540	4039780	3.00	3.00	
TW-106		451010	4032480	3.00	3.00	
TW-154		451110	4032870	3.00	3.00	
TW-163	3/7/88	442600	4039400	3.00	3.00	
TW-164	3/7/80	443910	4040000	3.00	3.00	
TW-165	3/7/86	446340	4033510	3.00	3.00	
TW-166	3/7/86	439560	4029190	3.00	3.00	
TW-167	3/7/83	436720	4026820	3.00	3.00	
TW-168	3/7/86	449800	4029810	3.00	3.00	
TW-169		450580	4029640	3.00	3.00	
TW-170	3/7/86	449580	4033180	3.00	3.00	
TW-171*	3/7/87	442470	4028190	3.00	3.00	
TW-172	3/7/87	442450	4028190	3.00	3.00	
(TW-172 changed to Public Supply)						
TW-174		451080	4039970	3.00	3.00	
TW-181	3/7/88	444290	4038970	3.00	3.00	
TW-182*	1/7/88	444280	4038950	3.00	3.00	
TW-183		444300	4038130	3.00	3.00	
TW-184	4/7/89	444280	4038930	3.00	3.00	
TW-185	6/7/89	442470	4028900	3.00	3.00	
TW-186	5/7/89	441550	4035740	3.00	3.00	
TW-187	4/7/89	444590	4035710	3.00	3.00	
TW-189*	6/7/89	449590	4033170	3.00	3.00	
TW-190*	6/7/89	449600	4033180	3.00	3.00	
TW-191*	6/7/89	449590	4033200	3.00	3.00	
TW-192*	6/7/89	449160	4033430	3.00	3.00	
TW-193*	6/7/89	449270	4033490	3.00	3.00	
TW-194*	6/7/89	449910	4034570	3.00	3.00	
TW-195*	6/7/89	448970	4034630	3.00	3.00	
TW-196	5/7/89	448930	4034810	3.00	3.00	
TW-197*	5/7/86	448340	4034830	3.00	3.00	
TW-198*	6/7/89	448480	4036740	3.00	3.00	
TW-199*	6/7/89	449300	4037130	3.00	3.00	
TW-200*	6/7/89	449840	4037610	3.00	3.00	
TW-201*	6/7/89	450080	4038960	3.00	3.00	
TW-202	6/7/89	449480	4030790	3.00	3.00	
TW-203*	6/7/89	449490	4030750	3.00	3.00	
TW-204*	6/7/89	449200	4033760	3.00	3.00	
TW-216*	3/7/92	446740	4030410	3.00	3.00	not included in 89
TW-217	3/7/92	446750	4030390	3.00	3.00	not included in 89
TW-223*	Fall 95	450440	4034595	3.00	3.00	not included in 89
TW-224*	7/7/96	449048	4038167	3.00	3.00	not included in 89
TW-225*	Fall 95	448643	4039524	3.00	3.00	not included in 89
TW-226*		447548	4035929	3.00	3.00	not included in 89
TW-227*	3/7/96	447571	4036024	3.00	3.00	not included in 89
TW-228*	7/7/96	448904	4031024	3.00	3.00	not included in 89
TW-229*	7/7/96	448952	4031000	3.00	3.00	not included in 89
TW-230*	7/7/96	449312	4029405	3.00	3.00	not included in 89
TW-231*	1996	447738	4038318	3.00	3.00	not included in 89, drilling in progress
				150.00	150.00	
				TOTAL		

* = Observation Well

**TRADITIONAL, RELIGIOUS, CEREMONIAL
SITES AND INSTREAM FLOWS**

**Prepared For
The Taos Pueblo**

**Prepared By
LEE WILSON AND ASSOCIATES, INC.
Santa Fe, New Mexico**

October, 1996

ATTACHMENT 4

Taos Pueblo has a right to maintain water supplies needed for its traditional, religious, ceremonial sites, wilderness and instream flow needs, and a right to preserve the water levels in wetland areas such as the Buffalo Pasture for religious purposes including ceremonial fishing, gathering of wetlands plants and hunting of animals of the wetlands habitat. These rights are explained further below.

Within the mountain watersheds of the Rio Pueblo de Taos and Rio Lucero, the members of Taos Pueblo make use of all surface waters, including lakes, in-stream flows and springflows, for traditional, religious, ceremonial, fishery and wilderness purposes. The waters so used include, but are not limited to, the lakes and springs identified in Attachment A to this submittal and in the Livestock Impoundment Claim. The Indians of Taos Pueblo have depended upon the lands of the watershed and the waters therein "since time immemorial for water supply, forage for their domestic livestock, wood and timber for their personal use, and as the scene of certain religious ceremonials" (from Public Law 91-550, by which the U.S. Congress declared the land of the watershed to be held by the United States in trust for the Pueblo de Taos). Traditional, religious and ceremonial uses of such lakes, springs and streamflows require that flows not be significantly diminished by acts of man. To protect and sustain these uses, Taos Pueblo must have the right to: (a) the undiminished supply of water to all perennial lakes within its mountain watersheds, to the maintenance of water levels in these lakes, to the undiminished supply of ground water to all springs within its mountain watersheds, and to the maintenance of virgin flows in these springs; (b) the undiminished supply of ground water and runoff to all streams within its mountain watersheds, and to the maintenance of virgin flows in these streams, including but not limited to the undiminished supply to all sites identified in Attachment A and the Livestock Impoundment Claim. Taos Pueblo owns all lands within these watersheds and, consequently, it claims the right to prevent diversion of water from its lands for use on lands owned by others.

In lowland areas, the surface flows of the Rio Pueblo de Taos, Rio Lucero, and Arroyo Seco sustain fisheries which the Pueblo uses for both ceremonial purposes and sustenance. To protect and sustain these uses, Taos Pueblo claims the right to protect the virgin in-stream flows of these streams against diversions for use on lands owned by others.

In the area of the Buffalo Pasture, shallow ground water maintains a wetland environment, which is a religious area of prime importance for ceremonial purposes, including gathering of wetlands plants and animals. To protect and sustain this wetland and similar wetland areas, and to protect the vital religious uses that the wetlands support, Taos Pueblo claims the right to maintain the present levels of shallow ground water in the Buffalo Pasture and other wetland areas, and to prevent diversions of ground water which would lower the water table in these areas. The water levels in Bureau of Indian Affairs' Observation Well OW-5 shallow, near the Buffalo Pasture, are presented in Attachment B of this submittal for reference.

The table following this page summarizes the quantification of this claim.

Taos Pueblo Claim for Ceremonial, Religious, Traditional, Wilderness and Instream Needs
October 1996

MOUNTAIN WATERSHED

<u>Lakes</u>	<u>Identification</u>	<u>Date of 1st use</u>	<u>Period of use</u>	<u>Claim</u>
	Mountain Lakes are identified in the claim for Livestock Water Impoundments	Aboriginal	Perennial	See the claim for Livestock Water Impoundments
<u>Streams</u>	<u>Identification</u>	<u>Date of 1st use</u>	<u>Period of use</u>	<u>Claim - Instream Flow (Gage #)¹</u>
	Rio Pueblo de Taos	Aboriginal	Perennial	8,540 - 47,800 AFY, average 20,000 AFY (T4)
	Rio Lucero	Aboriginal	Perennial	8,700 - 35,800 AFY, average 15,700 AFY (T3)
	Arroyo Seco	Aboriginal	Perennial	1,200 - 4,700 AFY, average 2,100 AFY (T1)
<u>Springs</u>	<u>Identification</u>	<u>Date of 1st use</u>	<u>Period of use</u>	<u>Claim</u>
	See Attachment A	Aboriginal	Perennial	Data are unavailable at this time

LOWLAND AREAS

<u>Streams</u>	<u>Identification</u>	<u>Date of 1st use</u>	<u>Period of use</u>	<u>Claim - Instream Flow (Gage #)</u>
	Rio Pueblo de Taos	Aboriginal	Perennial	8,540 - 47,800 AFY, average 20,000 AFY (T4) 25,500 - 170,500 AFY, average 30,100 AFY (T5)
	Rio Lucero	Aboriginal	Perennial	(see Rio Pueblo de Taos, T5)
	Arroyo Seco	Aboriginal	Perennial	1,200 - 4,700 AFY, average 2,100 AFY (T1) average 1,410 AFY (T2) ²
<u>Springs</u>	<u>Identification</u>	<u>Date of 1st use</u>	<u>Period of use</u>	<u>Claim</u>
	Ponce de Leon (Latitude/Longitude: 361925/1053620)	Aboriginal	Perennial	Data are unavailable at this time
<u>Wetlands</u>	<u>Identification</u>	<u>Date of 1st use</u>	<u>Period of use</u>	<u>Claim</u>
	Buffalo Pasture, other wetland areas	Aboriginal	Perennial	Historic water levels maintained to preserve these ecosystems and their ceremonial uses. Quantification would require modeling; as a current approximation, Attachment B shows water levels in BIA observation well OW-5 shallow (TW-189) near Buffalo Pasture. Maintenance of water levels in this range is the minimum request to preserve the wetland system. Pueblo reserves right to modify claim if additional quantification is obtained.

Note: Location data are not provided for ceremonial sites on Pueblo lands in order to protect the confidentiality of these sites.

1. The gage numbers are boundary stations on or near Taos Pueblo lands as listed in Surface Water Inventory, Taos, San Juan and Santa Clara Pueblos, Volume I. Main Report: Taos Pueblo, Lee Wilson and Associates, Inc., 1983.
2. Data on annual variability are not available at this time for this gage.

ATTACHMENT A

Partial List of the Upper Springs, Taos Pueblo

Compiled by Taos Pueblo

1. Goat Spring
2. Rotten Spring
3. Cricket Spring
4. First Pick Spring
5. Horse Drinking Spring
6. Pua Pi Spring
7. Kwí Qweo Creek Spring
8. Water Read
9. South Crow Creek Spring
10. North Crow Creek Spring
11. Heron Spring
12. Deer Lake
13. Pah Wee Creek
14. Dry Lake Spring
15. Apache Springs Creek
16. Blue Rock Spring (southeast)
17. Wild Onion Spring
18. Drywood Good Spring
19. Willow Lake Spring
20. Blue Lake (main)
21. Grinding Stone Spring
22. Star Lake
23. Ol' Man Spring
24. Water Bird Lake & Spring
25. Larkspur Spring Drainage Creek
26. Deer Hole Creek Spring
27. Creek Junction
28. Heron Spring Creek (north)
29. Dry Wood Spring
30. Blueberry Spring
31. Next Lake (#1)
32. Next Lake (#2)
33. Hummingbird Lake
34. Birchwood
35. Buffalo Grass Creek (north)
36. Gray Water Lake Spring
37. Shirt Sleeve Spring
38. Oakwood Spring and Drainage
39. Pah Yeo Spring & Creek
40. Tsee-bee-kee Spring
41. Cornbread Spring
42. Waterfall Drainage
43. Eagle Home Ridge Creek (spring)
44. Bluejay Saddle Spring
45. Ol' Man Spring (lower)
46. Smoke Near Song Spring
47. Hanging Rock Spring
48. Water Silt Drainage (spring)
49. Skin Spring
50. Iron Spring & Creek
51. Man River Creek (spring)
52. Bluebird Tail Drainage (spring)
53. Spoon Creek (spring)
54. Grass Hat Drainage (Taos Peak)
55. Spoon Creek Drainage (east)
(Ba-lío-ba Creek)
56. Red Paint Spring

