

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*)
State Engineer,)
)
Plaintiff,)
)
vs.)
)
R. LEE AAMODT, et al.,)
)
Defendants,)
)
And)
)
UNITED STATES OF AMERICA,)
PUEBLO DE NAMBÉ,)
PUEBLO DE POJOAQUE,)
PUEBLO DE SAN ILDEFONSO,)
and PUEBLO DE TESUQUE,)
)
Plaintiffs-in-Intervention.)

No. 66cv06639 MV/WPL
Subfile No. : RG-60971

**MOTION TO ENTER SUBFILE ORDERS ADJUDICATING THE POST-1982
DOMESTIC WELL WATER RIGHT CLAIMS OF WILLIAM GARCIA AND LUANN
GARCIA UNDER SUBFILE PM-60971 PURSUANT TO THE POST-1982 WELL
STIPULATION AND SETTLEMENT AGREEMENT.**

COMES NOW Plaintiff State of New Mexico, ex. Rel. State Engineer (State Engineer) and hereby requests the Court to approve and enter an order adjudicating the post-1982 domestic well water rights claims of William and Luann Garcia under Subfile PM-60971 pursuant to the *Post-1982 Domestic Well Stipulation and Settlement Agreement*, in the form attached hereto as Exhibit A, and in support thereof states as follows:

1. In 1999, William and Luann Garcia (Garcias) were the permittees for post-1982 domestic well number RG-58199.

2. On October 21, 1999, the Court adopted the *Post-1982 Domestic Well Stipulation and Settlement Agreement* (No. 5549) (Settlement Agreement).

3. Pursuant to the Settlement Agreement, Defendants Garcias received notice of an opportunity to participate in the Settlement, which they did by returning Signature Page to the State Engineer.

4. Defendants Garcias sent Signature Pages signed on July 6, 2000, to the State Engineer.

5. Due to administrative error or inadvertence, the State Engineer did not file the signed Signature Page with the Court.

6. Under these circumstances the State does not object to Defendants Garcias being granted an opportunity to participate in the Settlement Agreement by the filing of their signed Signature Page at this time.

7. Attached as Exhibit B is Defendants Garcias signed signature page indicating their agreement to the terms of the Settlement Agreement.

8. Defendants Garcias have approved the filing of this Motion.

WHEREFORE, the State requests the Court approve and enter an order adjudicating the post-1982 domestic well water rights claims of Defendants Garcias under Subfile PM-60971, pursuant to the Settlement Agreement, in the form attached hereto as Exhibit A.

Electronically Filed,

/s/ Barbara Brill

Barbara Brill

Edward C. Bagley

Special Assistant Attorneys General

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Attorneys for Plaintiff State of New Mexico

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of January, 2011, I filed the forgoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic filing, to be served via electronic mail. Defendants William and Luann Garcia were served by mail at 92-B County Rd. 84, Santa Fe, NM 87506.

/s/ Barbara Brill