

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

STATE OF NEW MEXICO, ex rel. STATE)
ENGINEER,)
)
Plaintiff,)
v.)
)
R. LEE AAMODT, et.al.,)
)
Defendants,)
)
And)
)
UNITED STATES OF AMERICA,)
PUEBLO DE NAMBE,)
PUEBLO DE POJOAQUE,)
PUEBLO DE SAN ILDEFONSO,)
and PUEBLO DE TESUQUE,)

No. 66cv6639 WJ/WPL

Acequia de los Romeros

Subfile No. 21.30
OSE File No. RG-86925

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADD OMITTED GROUNDWATER
POINT OF DIVERSION FOR DOMESTIC/LIVESTOCK WELL (SUBFILE NO. 21.30)**

Pursuant to Section A.2 of the July 23, 2013, *Procedural Order for Correcting Subfile Errors* (Doc. 7909), the State of New Mexico (“State”), by and through its counsel, requests the Court to enter the attached Order providing the legal description of the point of diversion (i.e., well location) for the groundwater right adjudicated for domestic and livestock use under Subfile No. 21.30. The State offers the following grounds for this motion:

1. On March 14, 1969, the Court entered an “Order” under Subfile 21.30 (“Subfile Order”) adjudicating a groundwater right for domestic and/or livestock use to Sam Romero. The Subfile Order gave no Office of the State Engineer (“OSE”) file number for the right, but the State has determined that this right and its associated well were designated as OSE File No. RG-86925. The Subfile Order is attached as *Exhibit 1*.

2. The Subfile Order omitted a legal description for the domestic/livestock well, and instead described the point of diversion as “at Cuyamunge.” Accordingly, Subsection B of Paragraph 5 of the Subfile Order should be corrected to give a complete legal description of the well location for the domestic/livestock groundwater right adjudicated under Subfile 21.30 as follows:

Purpose: Non NMSA § 72-12-1 and -1.1 Domestic use for One Household and/or Livestock (Groundwater Only)

State Engineer File No.: RG-86925

Priority: 1948

Point of Diversion: X=570,843 and Y=1,771,043 on the New Mexico State Plane Coordinate System, Central Zone, 1927 N.A.D.

Place of Use: Within the property owned by the Defendant(s) served by the well

Amount of Water: Not to exceed a diversion of 3.0 acre-feet per year from the well described above or the historic beneficial use, whichever is less.

3. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 21.30 should remain as stated in the October 9, 1969, Subfile Order and subsequent orders of this Court.

4. The State is serving a copy of this motion and a proposed order granting the motion on all parties or persons who, according to the records of the State, may have an ownership interest in Subfile No. 21.30. The State’s proposed order is attached as *Exhibit 2*.

WHEREFORE, the State requests that the Court enter the attached order correcting the March 14, 1969, Subfile Order entered in Subfile No. 21.30 to provide a complete description of the well location for the domestic/livestock groundwater right adjudicated thereunder (RG-86925) as set forth above in paragraph 2 of the motion.

Electronically Filed,

By /s/ Brett J. Olsen

Brett J. Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2015, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means, and to the following person(s) by U.S. mail:

/s/ Brett Olsen
Brett J. Olsen

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