

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

Ortiz Ditch

Subfile No. 11.119

OSE File No. RG-16833

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADD OMITTED GROUNDWATER  
POINT OF DIVERSION FOR DOMESTIC/LIVESTOCK WELL (SUBFILE NO. 11.119)**

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. 11.119. The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” under Subfile 11.119 (“Subfile Order”) adjudicating a groundwater right for domestic and/or livestock use to Fedencio Baca. 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 later designated as OSE File No. RG-16833. 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 “Nambe area.” Accordingly, Subsection B of Paragraph 5 of the Subfile Order should be corrected to include an accurate legal description of the domestic/livestock well 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-16833**

**Priority: 1941**

**Point of Diversion: X=581,844 and Y=1,779,139 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. 11.119 should remain as stated in the May 8, 1968, 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. 11.119. The State’s proposed order is attached as *Exhibit 2*.

WHEREFORE, the State requests that the Court enter the attached order correcting the May 8, 1968, Subfile Order entered in Subfile No. 11.119 as set forth above in paragraph 2 of the motion, by adding an accurate legal description of the domestic/livestock well (RG-16833).

Electronically Filed,

By /s/ Brett J. Olsen

Brett J. Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 6, 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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