

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

STATE OF NEW MEXICO, ex rel. STATE)	
ENGINEER,)	
)	
Plaintiff,)	
v.)	
)	No. 66cv6639 WJ/WPL
R. LEE AAMODT, et.al.,)	
)	
Defendants,)	
)	
And)	Acequia del Rio
)	
UNITED STATES OF AMERICA,)	Subfile No. 2.36
PUEBLO DE NAMBE,)	OSE File Nos. RG-56157 & RG-56157-X
PUEBLO DE POJOAQUE,)	
PUEBLO DE SAN ILDEFONSO,)	
and PUEBLO DE TESUQUE,)	

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADD OMITTED
SUPPLEMENTAL GROUNDWATER POINTS OF DIVERSION FOR
IRRIGATION WATER RIGHT (SUBFILE NO. 2.36)**

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 identifying two supplemental groundwater points of diversion for the irrigation water right adjudicated under Subfile No. 2.36. The State offers the following grounds for this motion:

1. On May 3, 1974, the Court entered an “Order” under Subfile No. 2.36 (“Subfile Order”) adjudicating a surface water right to Julio Gonzales for irrigation of 3.27 acres (“Tract 2.36”) from the Acequia del Rio. Subpart A of Paragraph 5 of the Subfile Order describes the surface water point of diversion for the water right. Subpart A of Paragraph 5 also references a

“private well” but states that there is “no right” associated with this well. A copy of the Subfile Order is attached hereto as *Exhibit 1*.

2. The files of the Office of the State Engineer reflect that two wells were drilled in or about 1952 for supplemental irrigation of Tract 2.36. These wells have been designated as RG-56157 and RG-56157-X. *See Exhibit 2*.

3. The Subfile Order should be corrected to identify both wells (RG-56157 and RG-56157-X) as supplemental groundwater points of diversion for the irrigation water right. Accordingly, the State proposes the following correction to “Point of Diversion” in Subpart A of Paragraph 5 of the Subfile Order to describe the two omitted wells:

Groundwater: Well No. RG-56157 located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ T. 14N, R. 8E

Groundwater: Well No. RG-56157-X located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ T. 14N, R. 8E

4. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 2.36 should remain as stated in the Subfile Order and subsequent orders of this Court.

5. 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. 2.36. The State’s proposed order is attached as *Exhibit 3*.

WHEREFORE, the State requests that the Court enter the attached order correcting the May 3, 1974, Subfile Order as set forth above in paragraph 3 of the motion, by identifying omitted Well Nos. RG-56157 and RG-56157-X as supplemental groundwater points of diversion for the surface water irrigation right under Subfile No. 2.36.

Electronically Filed,

By /s/ Brett J. Olsen

Brett J. Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 12, 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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