

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

Subfile No. DS-141

OSE File No. RG-10743

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADD
OMITTED GROUNDWATER POINT OF DIVERSION AND CLARIFY PURPOSE OF
USE FOR DOMESTIC WELL (SUBFILE NO. DS-141)**

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) and clarifying the purpose of use for the groundwater right adjudicated under Subfile No. DS-141. The State offers the following grounds for this motion:

1. On March 14, 1969, the Court entered an “Order” (“Subfile Order”) adjudicating a groundwater right under Subfile No. DS-141 for domestic and/or livestock use in the name of D.M. Pierce. Subfile Order, attached as *Exhibit 1*. Office of the State Engineer (“OSE”) records reflect that the groundwater right adjudicated under Subfile No. DS-141 is Well No. RG-10743

which was permitted for domestic use only on or about April 3, 1964. *See* Permit to Appropriate Underground Waters in Accordance with Section 75-11-1 New Mexico Statutes, attached as *Exhibit 2*.

2. The Subfile Order omitted a legal description for Well No. RG-10743, and instead described the point of diversion as “[w]ithin the Juan de Gabaldon Grant.” *See* Subfile Order, ¶5.B.

3. Accordingly, Subsection B of Paragraph 5 of the Subfile Order should be corrected to include the legal description of Well No. RG-10743 and clarify the purpose of use as follows:

Purpose: Domestic use for One Household pursuant to
NMSA § 72-12-1 and -1.1

State Engineer File No.: RG-10743

Priority: April 3, 1964

Point of Diversion: Location: X=601,300 Y=1,724,991
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.

4. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. DS-141 should remain as stated in the March 14, 1969, 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. DS-141. The State's proposed order is attached as *Exhibit 3*.

WHEREFORE, the State requests that the Court enter the attached order correcting the March 14, 1969, Order as set forth above in paragraph 3 of the motion, by adding the legal description and clarifying the purpose of use of the well and groundwater right (RG-10743) adjudicated under Subfile No. DS-141.

Electronically Filed,

By /s/ Brett J. Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 20, 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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