

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 MV/WPL

Acequia Larga  
Subfile No. 5.12  
OSE File No. RG-6163

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADD OMITTED GROUNDWATER  
POINT OF DIVERSION FOR DOMESTIC/LIVESTOCK WELL (SUBFILE NO. 5.12)**

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 groundwater point of diversion (i.e., well location) for a domestic/livestock well, Well No. RG-6163, that was omitted from previous orders entered under Subfile No. 5.12. The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” under Subfile 5.12, adjudicating a groundwater right for domestic and/or livestock use to Ben Lujan (“Subfile Order”). The groundwater right and associated well are identified in the Subfile Order as Office of the State Engineer (“OSE”) File No. RG-6163. The Subfile Order omitted a legal description of the

location of Well No. RG-6163, and instead described the point of diversion as “[w]ithin the Jacona Grant.” A copy of the Subfile Order is attached as *Exhibit 1*.

2. On April 10, 1969, the Court entered an “Amended Order” that made certain changes to the amount of surface water right acreage adjudicated under Subfile No. 5.12, but restated the point of diversion for Well No. RG-6163 as “[w]ithin the Jacona Grant.” A copy of the Amended Order is attached jointly with the Subfile Order as *Exhibit 1*.

3. Accordingly, Section 5.B of the Amended Order entered in Subfile No. 5.12 should be corrected to give the complete and accurate legal description of the point of diversion for Well No. RG-6163 as follows:

**B. Purpose – Domestic and/or Stock (underground water):**

**State Engineer File No.: RG-6163**

**Priority: June 19, 1961**

**Point of Diversion: X=554,839 Y=1,778,195 on the New Mexico State Plane  
Coordinate System, Central Zone, 1927 N.A.D.**

4. Except as requested by this motion, all other elements of the rights adjudicated under Subfile 5.12 should remain as stated in the Amended 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. 5.12. The State’s proposed order is attached as *Exhibit 2*.

WHEREFORE, the State requests that the Court enter the attached order correcting Section 5.B of the April 10, 1969, Amended Order entered in Subfile No. 5.12 to give the complete and accurate legal description for the point of diversion of the groundwater right adjudicated for domestic and/or livestock use (Well No. RG-6163) as described in paragraph 3 above.

Electronically Filed,  
By /s/ Brett J. Olsen  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 22, 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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