

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 Barranco del Jacona  
Subfile No. 5.17  
OSE File No. RG-16610

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADD OMITTED GROUNDWATER  
POINT OF DIVERSION FOR DOMESTIC/LIVESTOCK WELL (SUBFILE NO. 5.17)**

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

1. On August 7, 1968, the Court entered an “Order” under Subfile 5.17 adjudicating a groundwater right for domestic and/or livestock use to Felix Lujan (“Subfile Order”). The Subfile Order omitted a legal description of the location of the well and instead described the point of diversion as “[w]ithin the Jacona Grant.” A copy of the Subfile Order is attached as *Exhibit 1*. The groundwater right was subsequently designated as Office of the State Engineer

(“OSE”) File No. 16610 as part of a May 2, 1969 application filed with OSE to drill a replacement well.

2. On June 29, 1977, the Court entered an “Amended Order” making certain changes to the surface water right acreage under Subfile No. 5.17, but omitting reference to the domestic/groundwater right adjudicated under the August 7, 1968, Subfile Order. *See* Amended Order attached jointly with Subfile Order as *Exhibit 1*.

3. Accordingly, the June 29, 1977, Amended Order entered in Subfile No. 5.17 should be corrected to reference the groundwater right adjudicated for domestic/livestock uses under Subfile No. 5.17 (RG-16610) and provide a complete and accurate description of the well location as follows:

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

**State Engineer File No.: RG-16610**

**Priority: 1934**

**Point of Diversion: X= 554,672 Y= 1,778,469 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 5.17 should remain as stated in the June 29, 1977, 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. 5.17. The State’s proposed order is attached as *Exhibit 2*.

WHEREFORE, the State requests that the Court enter the attached order correcting the June 29, 1977, Amended Order entered in Subfile No. 5.17 to reference the groundwater right adjudicated for domestic/livestock uses under Subfile No. 5.17 (RG-16610)

and provide a complete and accurate description of the well location as described in paragraph 3 above.

Electronically Filed,

By /s/ Brett J. Olsen

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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