

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 del Cajon Grande

Subfile No. 29.4

OSE File No. RG-2655

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADD OMITTED GROUNDWATER
POINT OF DIVERSION FOR DOMESTIC WELL (SUBFILE NO. 29.4)**

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 use under Subfile No. 29.4.

The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” under Subfile 29.4 adjudicating a groundwater right for domestic use to Ray Johnson (“Subfile Order”). The Subfile Order states that the groundwater right and associated domestic well were designated by the Office of the State Engineer (“OSE”) as File No. RG-2655. However, the Subfile Order omitted a legal

description of the location of Well No. RG-2655, and instead described the point of diversion as “[w]ithin the Juan de Gabaldon Grant.” The Subfile Order is attached as *Exhibit 1*.

2. Subpart B of Paragraph 5 of the May 8, 1968, Subfile Order entered in Subfile No. 29.4 should be corrected to provide a legal description of the well location for the domestic groundwater right as follows:

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

State Engineer File No.: RG-2655

Priority: 1958

Point of Diversion: X= 601,204 Y= 1,725,159 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 29.4 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. 29.4. The State’s proposed order is attached as *Exhibit 2*.

WHEREFORE, the State requests that the Court enter the attached order correcting Subpart B of Paragraph 5 of the May 8, 1968, Subfile Order entered in Subfile No. 29.4 to provide the legal description of the well location for the domestic groundwater right adjudicated thereunder (RG-2655) as described in paragraph 2 above.

Electronically Filed,

By /s/ Brett J. Olsen

Brett J. Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 9, 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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