

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. 29.9
OSE File No. RG-5256, RG-64427

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADD OMITTED GROUNDWATER
POINT OF DIVERSION FOR DOMESTIC/LIVESTOCK WELL (SUBFILE NO. 29.9)**

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

1. On March 14, 1969, the Court entered an “Order” under Subfile 29.9 (“Subfile Order”) adjudicating two groundwater rights for domestic and/or livestock use to George Miller. The Subfile Order identified one right and its associated well as Office of the State Engineer (“OSE”) File No. RG-5256. The Subfile Order gave no file number for the other right, but the

State has determined that this right and its associated well were later designated as OSE File No. RG-64427. The Subfile Order is attached as *Exhibit 1*.

2. The Subfile Order omitted a legal description for both domestic/livestock wells (RG-5256 and RG-64427), and instead described the point of diversion for each as “[w]ithin the Juan de Gabaldon Grant.” Accordingly, Subsection B of Paragraph 5 of the Subfile Order should be corrected to give a complete legal description of the well location for each of the domestic/livestock groundwater rights adjudicated under Subfile 29.9 as follows:

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

State Engineer File No.: RG-5256

Priority: October 13, 1960

Point of Diversion: X= 599,188 Y= 1,726,064 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.

- 2. Purpose: Non NMSA § 72-12-1 and -1.1 Domestic use for One Household and/or Livestock (Groundwater Only)**

State Engineer File No.: RG-64427

Priority: July, 1956

Point of Diversion: X= 599,251 Y= 1,726,250 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 No. 29.9 should remain as stated in the March 14, 1969, 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. 29.9. The State's proposed order is attached as *Exhibit 2*.

WHEREFORE, the State requests that the Court enter the attached order correcting the March 14, 1969, Subfile Order entered in Subfile No. 29.9 to provide a complete description of the well location for each of the domestic/livestock groundwater rights adjudicated thereunder (RG-5256 and RG-64427) 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 10, 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
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