

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. 29.5
OSE File No. RG-87922

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADD OMITTED GROUNDWATER
POINT OF DIVERSION FOR DOMESTIC/LIVESTOCK WELL (SUBFILE NO. 29.5)**

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

1. On May 8, 1968, the Court entered an “Order” under Subfile 29.5 adjudicating a groundwater right for domestic and/or livestock use to Sue Bergere (“Subfile Order”). The groundwater right and associated well were designated by the Office of the State Engineer (“OSE”) as File No. RG-87922. The Subfile Order omitted a legal description of the location of

Well No. RG-87922, 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. 29.5 should therefore be corrected to give the legal description for the point of diversion of the domestic/livestock groundwater right as follows:

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

State Engineer File No.: RG-87922

Priority: February 12, 1954

Point of Diversion: X= 601,017 Y= 1,725,408 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. 29.5 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. 29.5. 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, Order entered in Subfile No. 29.5 to describe the point of diversion (well location) for the domestic/livestock groundwater right, OSE File No. RG-87922, as set forth in paragraph 2 above.

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

I HEREBY CERTIFY that on July 29, 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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