

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

Garduno Ditch

Subfile No. 10.138

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADD OMITTED GROUNDWATER
POINT OF DIVERSION FOR DOMESTIC/LIVESTOCK WELL (SUBFILE NO. 10.138)**

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 two groundwater rights adjudicated for domestic and livestock use under Subfile No. 10.138. The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” under Subfile 10.138 (“Subfile Order”) adjudicating two groundwater rights for domestic and/or livestock use to Amadeo Ortiz. The Subfile Order is attached as *Exhibit 1*.

2. The Subfile Order omitted a legal description for the domestic/livestock wells, and instead described one well as “[n]ear [the] house” and the other as “in the basement of [the]

house.” Accordingly, Subsection B of Paragraph 5 of the Subfile Order should be corrected to give a complete legal description of the well location for the two domestic/livestock groundwater rights adjudicated under Subfile 10.138 as follows:

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

1. State Engineer File No.: None

Priority: 1948

Point of Diversion: SE ¼ NE ¼ SE ¼ Section 9, T.19N, R. 9E

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. State Engineer File No.: None

Priority: 1944

Point of Diversion: SE ¼ NE ¼ SE ¼ Section 9, T.19N, R. 9E

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. 10.138 should remain as stated in the 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. 10.138. The State's proposed order is attached as *Exhibit 2*.

WHEREFORE, the State requests that the Court enter the attached order correcting the May 8, 1968, Subfile Order entered in Subfile No. 10.138 to provide a complete description of the well location for the adjudicated domestic/livestock groundwater rights 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 September 16, 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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