

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

Tesuque Indian Pueblo Ditch No. 7  
a/k/a Mitchell Ditch or Spring Ditch  
Subfile Nos. 27.69, 27.69-A, 27.69-B,  
27.69-C, 27.70

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SURFACE WATER POINT OF DIVERSION FOR SUBFILES  
SERVED BY TESUQUE INDIAN PUEBLO DITCH NO. 7**

Pursuant to 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 correct a point of diversion-legal description error in the subfile orders for surface water irrigation water rights served by the Tesuque Indian Pueblo Ditch No. 7. The State offers the following grounds for this motion:

1. Subfile orders adjudicating surface water irrigation rights under the Tesuque Indian Pueblo Ditch No. 7 were entered in the following subfiles: 27.69, 27.69-A, 27.69-B, 27.69-C, 27.70. The subfile orders contain the following incorrect legal description of the ditch’s point of diversion on the Rio Tesuque: “Tesuque Indian Pueblo Ditch (also known as the Mitchell or Spring Ditch) is located in the SW ¼ SW ¼ SE ¼ , Sec. 24, T. 18 N., R. 9 E.”

2. The State therefore requests that each subfile order adjudicating surface water irrigation rights served by the Tesuque Indian Pueblo Ditch No. 7 be corrected to describe the surface water point of diversion as follows:

The Tesuque Indian Pueblo Ditch No. 7 (also known as the Mitchell or Spring Ditch) diverts water from the Rio Tesuque in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Sec. 25, T. 18 N., R. 9. E., at a point located at X: 592,791 and Y: 1,735,129, NM State Plane Coordinate System, Central Zone, NAD 1927.

This legal description incorporates information from the Agreement on Water Rights between the State and the Tesuque Indian Pueblo Ditch No. 7 filed with the Court on April 20, 1978, and from the State's 2015 field inspection of the ditch's point of diversion.

3. 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 the above-referenced subfiles. The State's proposed order is attached as *Exhibit 1*.

WHEREFORE, the State requests that the Court enter the attached order correcting each subfile order (Subfile Nos. 27.69, 27.69-A, 27.69-B, 27.69-C, 27.70) adjudicating surface water irrigation rights under the Tesuque Indian Pueblo Ditch No. 7 to describe the surface water point of diversion as set forth in paragraph 2 above and in the attached order.

Electronically Filed,

By /s/ Brett Olsen

Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 1-25-16, 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 served the following by U.S. Mail:

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*/s/ Brett Olsen*

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