

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, )  
 )  
Plaintiffs-in-Intervention.)  
\_\_\_\_\_ )

NO. 66cv6639 WJ/WPL

Subfile: RG-24640

**UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING PRE-1982 DOMESTIC  
WELL SUBFILE RG-24640 FOR DEBORAH J. DURAN AND ENTER REVISED  
SIGNED CONSENT ORDER**

The State of New Mexico ex rel. State Engineer (“State”) hereby moves the Court to, pursuant to Fed. R. Civ. P. 60(b), vacate its March 12, 2014 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 8213), and enter the Consent Order adjudicating the Pre-1982 domestic well water right associated with subfile RG-24640 attached hereto as Exhibit A, and in support thereof, states as follows:

1. On January 28, 2014, the State forwarded to the Court a proposed Order Adjudicating Pre-1982 Domestic Well Water Rights under subfile RG-24640 for Defendant Deborah J. Duran.

2. The attorney for the State, Barbara Brill, correctly certified in that document that the Defendant had not submitted a request for consultation.

3. On March 12, 2014, the Court entered the *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 8213). The purpose of use was identified as “Domestic use for One Household.” *Id.*

4. Subsequent to the entry of the *Order*, Defendant Deborah J. Duran, Anthony R. Duran and Donna L. Duran contacted the State, and alerted it to the fact that Deborah J. Duran had no interest in the well, and that Donna L. Duran was a co-owner of the well with Anthony R. Duran, and that the well was being used for multiple households.

5. The State undertook an investigation of these assertions, and found them to be correct.

6. Donna L. Duran and Anthony R. Duran, and the State have signed a Consent Order adjudicating the Pre-1982 water right under subfile RG-24640 consistent with the above described investigation. The Consent Order is attached hereto as Exhibit A.

7. Contemporaneously with the filing of this Motion, the State will submit the Consent Order to the Special Master.

8. Defendant Deborah J. Duran, Donna L. Duran and Anthony R. Duran do not oppose this motion.

WHEREFORE, the State requests that the Court vacate its March 12, 2014 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 8213), and enter the Consent Order adjudicating the Pre-1982 domestic well water right associated with subfile RG-24640, attached hereto as Exhibit A.

Electronically Filed

/s/ Edward C. Bagley

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Edward C. Bagley  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 5, 2016 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 upon the following by United States First Class mail:

Anthony R. Duran  
Donna L. Duran  
Deborah J. Duran  
75 Feather Road  
Santa Fe, NM 87506