

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-33612

UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING PRE-1982 DOMESTIC WELL SUBFILE RG-33612 FOR GRACE ROMERO AND FLORENCIO A. ROMERO 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 September 3, 2015 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10305), and enter the Consent Order adjudicating the Pre-1982 domestic well water right associated with subfile RG-33612 attached hereto as Exhibit A, and in support thereof, states as follows:

1. On July 24, 2015, the State forwarded to the Court a proposed Order Adjudicating Pre-1982 Domestic Well Water Rights under subfile RG-33612 for Defendants Grace Romero and Florencio A. Romero.

2. The attorney for the State, Edward C. Bagley, correctly certified in that document that the Defendants had not submitted a request for consultation.

3. On September 3, 2015, the Court entered the *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10305).

4. Subsequent to the entry of the *Order*, Defendants Grace Romero, Florencio A. Romero, Martha Trujillo and Alex Trujillo contacted the State, and alerted it to the fact the true owners were Defendants Martha Trujillo and Alex Trujillo, that they had been beneficially using a greater amount of water than the *Order* reflected, and the location of the well as described by the *Order* was not accurate.

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

6. Defendants Martha Trujillo and Alex Trujillo and the State have signed a Consent Order adjudicating the Pre-1982 water right under subfile RG-33612 consistent with the above described investigation, the actual quantity of water beneficially used from the well, and the actual location of the well. 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. Defendants Grace Romero, Florencio A. Romero, Martha Trujillo and Alex Trujillo do not oppose this motion.

WHEREFORE, the State requests that the Court vacate its September 3, 2015 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10305), and enter the Consent Order adjudicating the pre-1982 domestic well water right associated with subfile RG-33612 attached hereto as Exhibit A.

Electronically Filed

/s/ Edward C. Bagley

Edward C. Bagley
Special Assistant Attorney General
Attorney for State of New Mexico
P.O. Box 25102
Santa Fe, NM 87504-5102
Telephone: (505) 827-6150

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 12, 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:

Martha Trujillo
Alex Trujillo
30 El Callejoncito Road
Santa Fe, New Mexico 87506

Grace Romero
Florencio Romero
4-B Molino Viejo
Santa Fe, New Mexico 87506