

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: PM-39163

**UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING PRE-1982
DOMESTIC WELL SUBFILE PM-39163 FOR CASAS DE SAN JUAN MASTER AND
CONDO. ASSOCIATIONS AND ENTER REVISED SIGNED CONSENT ORDER**

The State of New Mexico ex rel. State Engineer (“State”) hereby moves for the Court to, pursuant to Fed. R. Civ. P. 60(b), vacate its January 12, 2016 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10440), and enter the Consent Order adjudicating the pre-1982 domestic well water right associated with subfile RG-39163 attached hereto as Exhibit A, and in support thereof, states as follows:

1. On October 15, 2015, the State forwarded several proposed consent orders to Defendant Casas de San Juan Master and Condo. Assoc. to adjudicate numerous domestic well water rights owned by them. Included amongst these was the consent order for the water right

associated with pre-1982 well RG-39163. Casas de San Juan signed and returned the consent orders, and the State forwarded these on to the Court.

2. On January 12, 2016, the Court entered its *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10440), adjudicating the water right associated with RG-39163 to Casas de San Juan.

3. Sometime thereafter, William H. Crouse, Jr. and Susan S. Crouse contacted Casas de San Juan, and alerted it to the fact that they were the true owners of the water right associated with RG-39163.

3. Casas de San Juan does not disagree with the Crouses that they are the true owners of that water right.

4. William H. Crouse, Jr. and Susan S. Crouse have signed a Consent Order adjudicating the Pre-1982 water right under subfile RG-39163 to them, a copy of which is attached hereto as Exhibit A. Upon the Court vacating the January 12, 2016 *Order Adjudicating Pre-1982 Domestic Well Water Rights*, the State will submit the new Consent Order to the Special Master.

7. William H. Crouse, Jr. and Susan S. Crouse, and counsel for Defendants Casas de San Juan Master and Condo. Assoc. have been contacted and do not oppose this motion.

WHEREFORE, the State requests that the Court vacate its January 12, 2016 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10440), and enter the Consent Order adjudicating the pre-1982 domestic well water right associated with subfile RG-39163 attached hereto as Exhibit A.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 13, 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 on the following by United States mail:

William Crouse
Susan Crouse
P.O. Box 631227
Nacogdoches, TX 74963