

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-68896

**UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING POST-1982  
DOMESTIC WELL SUBFILE PM-68896 FOR MELISSA A. GOMEZ AND DANNY L.  
GOMEZ 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 January 5, 2011 *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7232), and enter the Consent Order adjudicating the Post-1982 domestic well water right associated with subfile PM-68896 attached hereto as Exhibit A, and in support thereof, states as follows:

1. On November 30, 2010, the State forwarded to the Court a proposed Order Adjudicating Post-1982 Domestic Well Water Rights under subfile PM-68896 for Defendants Melissa A. Gomez and Danny L. Gomez.

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

3. On January 5, 2011, the Court entered the *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7232). The purpose of use was identified as “Domestic use for One Household.” *Id.*

4. Subsequent to the entry of the *Order*, Defendants Melissa A. Gomez and Danny L. Gomez contacted the State, and alerted it to the fact that they had been beneficially using water for multiple households.

5. The State undertook an investigation of the Defendants’ assertion, and found it to be correct.

6. Defendants Melissa A. Gomez and Danny L. Gomez and the State have signed a Consent Order adjudicating the Post-1982 water right under subfile PM-68896 consistent with the above described investigation, and the multiple household use character 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 Melissa A. Gomez and Danny L. Gomez do not oppose this motion.

WHEREFORE, the State requests that the Court vacate its January 5, 2011 *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7232), and enter the Consent Order adjudicating the post-1982 domestic well water right associated with subfile PM-68896 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 upon the following by United States First Class mail:

Melissa A. Gomez  
Danny L. Gomez  
11 W. Gutierrez #3585  
Santa Fe, NM 87506