

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-19953

UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING PRE-1982 DOMESTIC WELL SUBFILE RG-19953 FOR VIOLA A. MONDRAGON AND ROBERT E. MONDRAGON 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 12, 2016 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10462), and enter the Consent Order adjudicating the Pre-1982 domestic well water right associated with subfile RG-19953 attached hereto as Exhibit A, and in support thereof, states as follows:

1. On October 27, 2015, the State forwarded to the Court a proposed Order Adjudicating Pre-1982 Domestic Well Water Rights under subfile RG-19953 for Defendants Viola A. Mondragon and Robert E. Mondragon.

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

3. On January 12, 2016, the Court entered the *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10462). The purpose of use was identified as “Domestic use for One Household.” *Id.*

4. Subsequent to the entry of the *Order*, Defendants Viola A. Mondragon and Robert E. Mondragon contacted the State, and alerted it to the fact that they had been beneficially using water for multiple households, and in a larger amount per household than had been recognized in the *Order*.

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

6. Defendants Viola A. Mondragon and Robert E. Mondragon and the State have signed a Consent Order adjudicating the Pre-1982 water right under subfile RG-19953 consistent with the above described investigation, the multiple household use character of the well, and the greater quantity of use per household. 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 Viola A. Mondragon and Robert E. Mondragon 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. 10462), and enter the Consent Order adjudicating the pre-1982 domestic well water right associated with subfile RG-19953 attached hereto as Exhibit A.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 14, 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:

Viola A. Mondragon
Robert E. Mondragon
205 Camino de Rincon
Santa Fe, NM 87506