

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-79942

UNOPPOSED MOTION TO VACATE CONSENT ORDER ADJUDICATING PRE-BASIN DOMESTIC WELL SUBFILE RG-79942 FOR MARY BETH HALLMAN AND JACK ELDRIDGE 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 *Consent Order Adjudicating Pre-Basin Domestic Well Water Rights* (No. 10453), and enter the revised Consent Order adjudicating the Pre-Basin domestic well water right associated with subfile RG-79942 attached hereto as Exhibit A, and in support thereof, states as follows:

1. On December 10, 2015, the State forwarded to the Court a Consent Order Adjudicating Pre-Basin Domestic Well Water Rights under subfile RG-79942 for Defendants Mary Beth Hallman and Jack Eldridge.

2. Defendants Mary Beth Hallman and Jack Eldridge had reviewed and signed the Consent Order.

3. On January 12, 2016, the Court entered the *Consent Order Adjudicating Pre-Basin Domestic Well Water Rights* (No. 10453). The purpose of use was identified as “Domestic use for One Household.” *Id.*

4. Subsequent to the entry of the *Consent Order*, Defendants Mary Beth Hallman and Jack Eldridge contacted the State, and alerted it to the fact they had been beneficially using a greater amount of water than the *Consent Order* reflected, and that the well was serving multiple households.

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

6. Defendants Mary Beth Hallman and Jack Eldridge and the State have now signed a revised Consent Order adjudicating the Pre-Basin water right under subfile RG-79942 consistent with the above described investigation, the actual quantity of water beneficially used from the well, and the multiple 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 Mary Beth Hallman and Jack Eldridge do not oppose this motion.

WHEREFORE, the State requests that the Court vacate the January 12, 2016 *Consent Order Adjudicating Pre-Basin Domestic Well Water Rights* (No. 10453), and enter the revised Consent Order adjudicating the pre-Basin domestic well water right associated with subfile RG-79942 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 18, 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:

Mary Beth Hallman
Jack Eldridge
91 B State Road 503
Santa Fe, NM 87506-8980