

**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**

**UNOPPOSED MOTION TO AMEND THE ORDERS ADJUDICATING FIFTEEN (15)  
POST-1982 DOMESTIC WELL WATER RIGHTS FROM DOMESTIC USE FOR ONE  
HOUSEHOLD TO DOMESTIC USE FOR MULTIPLE HOUSEHOLDS**

The State of New Mexico ex rel. State Engineer (“State”) hereby moves the Court to, pursuant to Fed. R. Civ. P. 60(b), amend fifteen (15) *Orders Adjudicating Post-1982 Domestic Well Water Rights* (Nos. 7284, 7265, 7644, 7485, 7267, 7268, 7365, 7347, 7615, 7285, 7426, 7728, 7255, 7734, and 8062) to have the Purpose on page 2 read “Domestic Use for Multiple Households pursuant to NMSA § 72-12-1 and -1.1”; and the Amount of Water on that same page to read “Not to exceed a diversion and consumption of 0.5 acre feet per year per household, from the well described above but in no event may the aggregate use of those households served by the well exceed 3.00 acre feet per year, unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance. Well will be shared among multiple households pursuant

to property covenant or agreement addressing water sharing.” In support thereof, the State states as follows:

1. The following fifteen (15) post-1982 domestic well subfiles were adjudicated by *Orders Adjudicating Post-1982 Domestic Well Water Rights* on the date and with the docket number and to the party or parties indicated:

PM-60012	January 5, 2011	Doc. No. 7284	Juniper Trust
PM-39359	January 5, 2011	Doc. No. 7265	Henry Paul Roybal
PM-72440	May 21, 2012	Doc. No. 7644	Peter J. Gomez
PM-82374	September 30, 2011	Doc. No. 7485	Jake G. Eagle Hannah Eagle
PM-60938	January 5, 2011	Doc. No. 7267	Billy W. Roybal Cordelia Roybal
PM-62800	January 5, 2011	Doc. No. 7268	Billy W. Roybal Cordelia Roybal
PM-71794	March 31, 2011	Doc. No. 7365	Peggy Jo Trujillo Ronald Trujillo
PM-64277	March 30, 2011	Doc. No. 7347	Mary Bustos Trust
PM-77821	May 14, 2012	Doc. No. 7615	Reese P. Fullerton Anne S. Fullerton
PM-63756	January 5, 2011	Doc. No. 7285	Pete A. Valdez
PM-54789	June 23, 2011	Doc. No. 7426	Sylvia A. Pulliam Edgar M. Pulliam, Jr.
PM-48715	July 26, 2012	Doc. No. 7728	Sylvia A. Pulliam

			Edgar M. Pulliam, Jr.
PM-40836	January 5, 2011	Doc. No. 7255	Pete A. Montoya
PM-53985	July 26, 2012	Doc. No. 7734	George Vigil Annie Vigil
PM-92702	December 18, 2013	Doc. No. 8062	Patricia H. Grodd Michael S. Stone

2. On page 2 of each of these fifteen (15) *Orders*, the Purpose of the water right is identified as “Domestic use for One Household pursuant to NMSA § 72-12-1 and -1.1”.

3. With regard to each of the fifteen (15) *Orders*, the attorney for the State correctly certified in that document that the Defendants had not submitted a request for consultation.

4. Subsequent to the entry of the fifteen (15) *Orders*, Defendants contacted the State, and alerted it to the fact that each of the fifteen (15) post-1982 domestic well water rights served multiple households, not one household as the *Orders* stated.

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

6. To address the fact that these are all multiple household wells, the State requests the Court to amend the Purpose of “Domestic use for One Household pursuant to NMSA § 72-12-1 and -1.1” stated on page 2 of each of these fifteen (15) *Orders* to instead read “Domestic Use for Multiple Households pursuant to NMSA § 72-12-1 and -1.1”.

7. The State also requests the Court amend the Amount of Water, which is currently stated on page 2 of each of the fifteen (15) *Orders* as

Not to exceed a diversion and consumption of 0.5 acre feet per year from the well described above unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance

to instead read:

Not to exceed a diversion and consumption of 0.5 acre feet per year per household, from the well described above but in no event may the aggregate use of those households served by the well exceed 3.00 acre feet per year, unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance. Well will be shared among multiple households pursuant to property covenant or agreement addressing water sharing.

8. Defendants Juniper Trust, Henry Paul Roybal, Peter J. Gomez, Jake G. Eagle, Hannah Eagle, Billy W. Roybal, Cordelia Roybal, Billy W. Roybal, Cordelia Roybal, Peggy Jo Trujillo, Ronald Trujillo, Mary Bustos Trust, Reese P. Fullerton, Anne S. Fullerton, Pete A. Valdez, Sylvia A. Pulliam, Edgar M. Pulliam, Jr., Pete A. Montoya, George Vigil, Annie Vigil, Patricia H. Grodd, and Michael S. Stone do not oppose this motion.

WHEREFORE, the State requests that the Court amend the fifteen (15) above identified *Orders Adjudicating Post-1982 Domestic Well Water Rights* (Nos. 7284, 7265, 7644, 7485, 7267, 7268, 7365, 7347, 7615, 7285, 7426, 7728, 7255, 7734, and 8062) to have the Purpose on page 2 read “Domestic Use for Multiple Households pursuant to NMSA § 72-12-1 and -1.1”; and the Amount of Water on that same page to read “Not to exceed a diversion and consumption of 0.5 acre feet per year per household, from the well described above but in no event may the aggregate use of those households served by the well exceed 3.00 acre feet per year, unless a more restrictive diversion limit applies pursuant to court order, covenant or ordinance. Well will be shared among multiple households pursuant to property covenant or agreement addressing water sharing.”

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 4, 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:

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c/o John Silver, Trustee  
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