

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 SIX (6) PRE-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 six (6) *Orders Adjudicating Pre-1982 Domestic Well Water Rights* (Nos. 10499, 10506, 10451, 10350, 10392 and 10391) 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 0.7 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 six (6) pre-1982 domestic well subfiles were adjudicated by *Orders Adjudicating Pre-1982 Domestic Well Water Rights* on the date and with the docket number and to the party or parties indicated:

RG-28791	January 28, 2016	Doc. No. 10499	Samantha Williams
RG-20437	January 28, 2016	Doc. No. 10506	Charles Herrera
RG-37724	January 12, 2016	Doc. No. 10451	Katherine Ferlic Christopher R. Stanek
RG-29033	September 17, 2015	Doc. No. 10350	J. Frederick Stampher, Jr.
RG-27827	October 19, 2015	Doc. No. 10392	William A. Miller
RG-26595	October 19, 2015	Doc. No. 10391	William A. Miller

2. On page 2 of each of these six (6) *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 six (6) *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 six (6) *Orders*, Defendants contacted the State, and alerted it to the fact that each of the six (6) pre-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 six (6) *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 six (6) *Orders* as

Not to exceed a diversion and consumption of 0.7 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 0.7 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 Samantha Williams, Charles Herrera, Katherine Ferlic, Christopher R. Stanek, J. Frederick Stampher, Jr., and William A. Miller do not oppose this motion.

WHEREFORE, the State requests that the Court amend the six (6) above identified *Orders Adjudicating Pre-1982 Domestic Well Water Rights* (Nos. 10499, 10506, 10451, 10350, 10392, and 10391) 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 0.7 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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