

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

**MOTION TO CORRECT 314 SUBFILE ORDERS SUBJECT TO POST-1982
DOMESTIC WELLS STIPULATION AND SETTLEMENT AGREEMENT BY
ADOPTING PRIORITY DATES FOR DOMESTIC WELLS**

The State of New Mexico (State), by and through its counsel, requests the Court to correct the subfile orders entered in 314 subfiles that are subject to the Post-1982 Domestic Wells Stipulation and Settlement Agreement filed May 27, 1999 (Doc. 5516), by adopting priority dates for said domestic wells. The State offers the following grounds for this motion:

1. Each subfile order for the 314 subfiles listed in the table below adjudicates a domestic well water right, but does not state a priority date for the domestic well water right.
2. The domestic wells are subject to permits issued by the State Engineer under NMSA 1978, Section 72-12-1 (1997); and therefore, each domestic well adjudicated under the subfiles listed in the table below has a permit.
3. Pursuant to NMSA 1978, Section 72-1-2 (1997), claims to water rights initiated after March 19, 1907 “shall relate back to the date of the receipt of an application” to put the

water to beneficial use. Therefore, the State used the date of application and information contained in the permits for the domestic wells in the 314 subfiles to obtain the priority dates proposed in the table below.

4. The State proposes that the Court adopt the priority date for the domestic well water right that corresponds to the subfile number in the table below:

	Subfile No.	Priority Date
1.	PM-36837	08/17/1981
2.	PM-37469	02/08/1982
3.	PM-38028	05/20/1982
4.	PM-39153	01/13/1983
5.	PM-39155	01/13/1983
6.	PM-39175	01/13/1983
7.	PM-39294	02/08/1983
8.	PM-39759	05/03/1983
9.	PM-39829	05/11/1983
10.	PM-39836	05/12/1983
11.	PM-39888	05/16/1983
12.	PM-39927	05/27/1983
13.	PM-39928	05/31/1983
14.	PM-40005	06/13/1983
15.	PM-40064	06/22/1983
16.	PM-40167	07/05/1983
17.	PM-40246	07/18/1983
18.	PM-40247	07/18/1983
19.	PM-40345	07/29/1983
20.	PM-40429	08/09/1983
21.	PM-40516	08/19/1983
22.	PM-40555	08/26/1983
23.	PM-40790	10/05/1983
24.	PM-40977	11/09/1983
25.	PM-41138	01/03/1984
26.	PM-41219	02/02/1984
27.	PM-41306	02/10/1984
28.	PM-41319	02/13/1984
29.	PM-41342	02/20/1984
30.	PM-41666	04/19/1984
31.	PM-41876	05/29/1984
32.	PM-41937	05/31/1984
33.	PM-42169	07/03/1984
34.	PM-42327	07/23/1984

35.	PM-42339	07/27/1984
36.	PM-42469	08/13/1984
37.	PM-42564	09/10/1984
38.	PM-42625	08/30/1984
39.	PM-42760	10/25/1984
40.	PM-42850	11/13/1984
41.	PM-43081	01/24/1985
42.	PM-43126	02/05/1985
43.	PM-43136	02/12/1985
44.	PM-43313	03/12/1985
45.	PM-43513	04/08/1985
46.	PM-43731	05/21/1985
47.	PM-43981	05/21/1984
48.	PM-44133	07/11/1985
49.	PM-44389	08/20/1985
50.	PM-44452	08/30/1985
51.	PM-45054	01/22/1986
52.	PM-45094	01/30/1986
53.	PM-45119	02/03/1986
54.	PM-45157	02/18/1986
55.	PM-45388	03/31/1986
56.	PM-45584	04/29/1986
57.	PM-45691	05/15/1986
58.	PM-45692	05/15/1986
59.	PM-45966	06/03/1986
60.	PM-45986	07/02/1986
61.	PM-46351	08/29/1986
62.	PM-46372	09/08/1986
63.	PM-46493	09/29/1986
64.	PM-46535	10/08/1986
65.	PM-46692	11/17/1986
66.	PM-46901	01/15/1987
67.	PM-46967	01/16/1987
68.	PM-47275	03/24/1987
69.	PM-47285	03/23/1987
70.	PM-47303	03/27/1987
71.	PM-47359	04/08/1987
72.	PM-47514	05/06/1987
73.	PM-47516	05/04/1987
74.	PM-47715	06/01/1987
75.	PM-47717	06/01/1987
76.	PM-47911	07/08/1987
77.	PM-47969	07/17/1987
78.	PM-48021	07/27/1987
79.	PM-48024	07/24/1987

80.	PM-48394	10/13/1987
81.	PM-48425	10/15/1987
82.	PM-48426	10/19/1987
83.	PM-48505	11/06/1987
84.	PM-48538	11/20/1987
85.	PM-48994	03/16/1988
86.	PM-49012	03/23/1988
87.	PM-49039	03/28/1988
88.	PM-49049	04/01/1988
89.	PM-49077	04/11/1988
90.	PM-49118	04/19/1988
91.	PM-49205	05/02/1988
92.	PM-49298	05/18/1988
93.	PM-49443	06/13/1988
94.	PM-49525	06/20/1988
95.	PM-49531	06/20/1988
96.	PM-49683	08/02/1988
97.	PM-49736	07/26/1988
98.	PM-49738	07/26/1988
99.	PM-49761	08/01/1988
100.	PM-49811	08/11/1988
101.	PM-49843	08/17/1988
102.	PM-49901	09/02/1988
103.	PM-49935	09/12/1988
104.	PM-49991	01/02/1998
105.	PM-50008	10/04/1988
106.	PM-50162	11/14/1988
107.	PM-50186	11/28/1988
108.	PM-50308	01/19/1989
109.	PM-50360	02/03/1989
110.	PM-50417	02/22/1989
111.	PM-50430	02/27/1989
112.	PM-50439	02/28/1989
113.	PM-50484	03/13/1989
114.	PM-50622	04/03/1989
115.	PM-50776	05/05/1989
116.	PM-51081	06/27/1989
117.	PM-51119	07/10/1989
118.	PM-51394	09/01/1989
119.	PM-51455	09/19/1989
120.	PM-51580	10/18/1989
121.	PM-51903	01/30/1990
122.	PM-51987	02/26/1990
123.	PM-52015	03/05/1990
124.	PM-52133	03/26/1990

125.	PM-52256	04/03/1990
126.	PM-52269	05/01/1990
127.	PM-52328	04/30/1990
128.	PM-52332	05/03/1990
129.	PM-52432	04/05/1990
130.	PM-52972	09/25/1990
131.	PM-52980	09/28/1990
132.	PM-53285	01/22/1991
133.	PM-53294	01/25/1991
134.	PM-53431	03/01/1991
135.	PM-53477	03/14/1991
136.	PM-53778	05/10/1991
137.	PM-53785	04/29/1991
138.	PM-53835	05/13/1991
139.	PM-53845	05/20/1991
140.	PM-53846	05/27/1991
141.	PM-53887	05/31/1991
142.	PM-53975	06/11/1991
143.	PM-54129	07/15/1991
144.	PM-54138	07/18/1991
145.	PM-54249	08/09/1991
146.	PM-54253	08/09/1991
147.	PM-54478	09/30/1991
148.	PM-54479	09/30/1991
149.	PM-54663	11/20/1991
150.	PM-54683	11/21/1991
151.	PM-54841	01/13/1992
152.	PM-54956	02/19/1992
153.	PM-54958	11/20/1991
154.	PM-54974	02/24/1992
155.	PM-54976	02/21/1992
156.	PM-54982	02/27/1992
157.	PM-55082	03/13/1992
158.	PM-55084	03/13/1992
159.	PM-55195	04/02/1992
160.	PM-55294	04/11/1992
161.	PM-55464	05/19/1992
162.	PM-55940	08/17/1992
163.	PM-56019	08/27/1992
164.	PM-56022	09/02/1992
165.	PM-56162	09/28/1992
166.	PM-56188	10/05/1992
167.	PM-56340	10/30/1992
168.	PM-56666	01/27/1993
169.	PM-56793	02/17/1993

170.	PM-56960	03/19/1993
171.	PM-57017	03/24/1993
172.	PM-57087	04/01/1993
173.	PM-57089	04/01/1993
174.	PM-57152	03/25/1993
175.	PM-57351	05/10/1993
176.	PM-57561	05/28/1993
177.	PM-58230	09/11/1993
178.	PM-58322	09/24/1993
179.	PM-58397	10/12/1993
180.	PM-58499	10/28/1993
181.	PM-58584	11/01/1993
182.	PM-58854	01/18/1994
183.	PM-58978	02/09/1994
184.	PM-59313	03/14/1994
185.	PM-59315	03/14/1994
186.	PM-59342	03/25/1994
187.	PM-59427	03/03/1994
188.	PM-60243	07/01/1994
189.	PM-60247	07/05/1994
190.	PM-60249	06/29/1994
191.	PM-60305	08/11/1994
192.	PM-60340	07/11/1994
193.	PM-60433	07/27/1994
194.	PM-60742	09/01/1994
195.	PM-60864	09/15/1994
196.	PM-60936	09/21/1994
197.	PM-60947	10/03/1994
198.	PM-61287	12/07/1994
199.	PM-61290	11/16/1994
200.	PM-61521	01/11/1995
201.	PM-61584	02/21/1995
202.	PM-61670	02/08/1995
203.	PM-61729	02/24/1995
204.	PM-61752	02/27/1995
205.	PM-62011	03/03/1995
206.	PM-62109	03/17/1995
207.	PM-62546	06/01/1995
208.	PM-63170	08/21/1995
209.	PM-63276	10/13/1995
210.	PM-63298	09/01/1995
211.	PM-63335	09/22/1995
212.	PM-63346	09/13/1995
213.	PM-64211	02/26/1996
214.	PM-64659	05/07/1996

215.	PM-65073	05/21/1996
216.	PM-65146	05/17/1996
217.	PM-65219	05/30/1996
218.	PM-65348	06/07/1996
219.	PM-65349	06/07/1996
220.	PM-65397	06/19/1996
221.	PM-65398	06/19/1996
222.	PM-65518	06/27/1996
223.	PM-65519	06/27/1996
224.	PM-65634	07/16/1996
225.	PM-65720	07/11/1996
226.	PM-66033	08/09/1996
227.	PM-66089	09/24/1996
228.	PM-66123	08/22/1996
229.	PM-66205	09/30/1996
230.	PM-66280	10/14/1996
231.	PM-66367	10/08/1996
232.	PM-66382	10/24/1996
233.	PM-66384	10/21/1996
234.	PM-66471	11/18/1996
235.	PM-66683	12/12/1996
236.	PM-66753	01/06/1997
237.	PM-66948	02/03/1997
238.	PM-67047	02/22/1997
239.	PM-67128	03/07/1997
240.	PM-67421	04/14/1997
241.	PM-67430	04/10/1997
242.	PM-67434	04/09/1997
243.	PM-67674	05/15/1997
244.	PM-67679	05/23/1997
245.	PM-67725	05/23/1997
246.	PM-67862	06/17/1997
247.	PM-67873	06/17/1997
248.	PM-67916	06/24/1997
249.	PM-68319	08/18/1997
250.	PM-68829	11/10/1997
251.	PM-68950	12/09/1997
252.	PM-68978	12/18/1997
253.	PM-69099	01/21/1998
254.	PM-69552	04/02/1998
255.	PM-69642	04/16/1998
256.	PM-69660	04/20/1998
257.	PM-69673	04/21/1998
258.	PM-69835	05/13/1998
259.	PM-69963	06/03/1998

260.	PM-70046	06/16/1998
261.	PM-70138	06/30/1998
262.	PM-70215	07/13/1998
263.	PM-70297	07/23/1998
264.	PM-70320	05/09/1996
265.	PM-70336	07/16/1998
266.	PM-70581	09/01/1998
267.	PM-70811	10/13/1998
268.	PM-70922	10/29/1998
269.	PM-70927	10/29/1998
270.	PM-70957	11/02/1998
271.	PM-71059	12/02/1998
272.	PM-71111	12/11/1998
273.	PM-71156	11/30/1998
274.	PM-71251	01/14/1999
275.	PM-71403	02/09/1999
276.	PM-71630	03/17/1999
277.	PM-71855	04/20/1999
278.	PM-72132	06/02/1999
279.	PM-72183	06/01/1999
280.	PM-72185	05/28/1999
281.	PM-72187	05/28/1999
282.	PM-72189	05/28/1999
283.	PM-72242	06/16/1999
284.	PM-72243	06/16/1999
285.	PM-72248	06/04/1999
286.	PM-72250	06/17/1999
287.	PM-72251	06/17/1999
288.	PM-72253	06/17/1999
289.	PM-72273	06/17/1999
290.	PM-72274	06/17/1999
291.	PM-72276	06/16/1999
292.	PM-72279	06/16/1999
293.	PM-72284	06/21/1999
294.	PM-72358	06/22/1999
295.	PM-72379	06/22/1999
296.	PM-72380	06/22/1999
297.	PM-72454	07/13/1999
298.	PM-72487	07/06/1999
299.	PM-72504	07/06/1999
300.	PM-72505	07/07/1999
301.	PM-72509	07/14/1999
302.	PM-72610	08/03/1999
303.	PM-72612	08/03/1999
304.	PM-72613	08/05/1999

305.	PM-72620	08/05/1999
306.	PM-72709	08/13/1999
307.	PM-72710	08/13/1999
308.	PM-72726	08/26/1999
309.	PM-72727	08/26/1999
310.	PM-72729	08/26/1999
311.	PM-72771	09/03/1999
312.	PM-72804	09/13/1999
313.	PM-72846	09/17/1999
314.	PM-49683-X	12/18/1992

6. Except as requested by this motion, all other elements of the rights adjudicated under the 314 subfile orders should remain as stated in the subfile orders and subsequent orders of this Court.

7. The State is serving a copy of this Motion and proposed order on all parties or persons who, according to the records of the State, may have an ownership interest in water rights adjudicated under the 314 subfile orders. The State's proposed order is attached as *Exhibit I*.

WHEREFORE, the State requests that the Court enter the attached order correcting the 314 subfile orders entered in the subfiles listed in the table above, by adopting the priority date for the domestic well water right that corresponds with the subfile number listed.

Electronically Filed,

/s/ Kelly Brooks Smith

Kelly Brooks Smith

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 7, 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. A separate Certificate of Service will be filed once parties and individuals who do not receive service through the CM/ECF system are served by U.S. Mail.

/s/ Kelly Brooks Smith _____
Kelly Brooks Smith