

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: PM-68897

**UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING POST-1982
DOMESTIC WELL SUBFILE PM-68897 FOR ALFRED J. TRUJILLO 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 5, 2011 *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7283), and enter the Consent Order adjudicating the Post-1982 domestic well water right associated with subfile PM-68897 attached hereto as Exhibit A, and in support thereof, states as follows:

1. On November 30, 2010, the State forwarded to the Court a proposed Order Adjudicating Post-1982 Domestic Well Water Rights under subfile PM-68897 for Defendant Alfred J. Trujillo.

2. The attorney for the State, Barbara Brill, correctly certified in that document that the Defendant had not submitted a request for consultation.

3. On January 5, 2011, the Court entered the *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7283). The purpose of use was identified as “Domestic use for One Household.” *Id.*

4. Subsequent to the entry of the *Order*, Defendant contacted the State, and alerted it to the fact that he had been beneficially using water for multiple households.

5. The State undertook an investigation of the Defendant’s assertion, and found it to be correct.

6. Defendant and the State have signed a Consent Order adjudicating the Post-1982 water right under subfile PM-68897 consistent with the above described investigation, 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. Defendant does not oppose this motion.

WHEREFORE, the State requests that the Court vacate its January 5, 2011 *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7283), and enter the Consent Order adjudicating the post-1982 domestic well water right associated with subfile PM-68897 attached hereto as Exhibit A.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 15, 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:

Alfred J. Trujillo
P.O. Box 3585
Santa Fe, NM 87501