

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*)
State Engineer,)
))
Plaintiff,)
))
vs.)
))
R. LEE AAMODT, et al.,)
))
Defendants,)
))
And)
))
UNITED STATES OF AMERICA,)
PUEBLO DE NAMBÉ,)
PUEBLO DE POJOAQUE,)
PUEBLO DE SAN ILDEFONSO,)
and PUEBLO DE TESUQUE,)
))
Plaintiffs-in-Intervention.)

No. 66cv06639 MV/WPL
Subfile No. : PM-46197

**MOTION TO ENTER SUBFILE ORDER ADJUDICATING THE POST-1982
DOMESTIC WELL WATER RIGHT CLAIMS OF RUDY SWEENEY, SR. UNDER
SUBFILE PM-46197 PURSUANT TO THE POST-1982 WELL STIPULATION AND
SETTLEMENT AGREEMENT.**

COMES NOW Plaintiff State of New Mexico, ex. Rel. State Engineer (State Engineer) and hereby requests the Court to approve and enter an order adjudicating the post-1982 domestic well water rights claims of Rudy Sweeny, Sr. under Subfile PM-46197 pursuant to the *Post-1982 Domestic Well Stipulation and Settlement Agreement*, in the form attached hereto as Exhibit A, and in support thereof states as follows:

1. In 1999, Defendant Rudy Sweeny, Jr. was the permittee for post-1982 domestic well number RG-46197.

2. On October 21, 1999, the Court adopted the *Post-1982 Domestic Well Stipulation and Settlement Agreement* (No. 5549) (Settlement Agreement).

3. Pursuant to the Settlement Agreement, Defendant Sweeny received notice of an opportunity to participate in the Settlement, which he did by returning a Signature Page to the State Engineer.

4. Defendant Sweeny sent a Signature Page signed on August 10, 2000, to the State Engineer.

5. Due to administrative error or inadvertence, the State Engineer did not file the signed Signature Page with the Court.

6. Under these circumstances the State does not object to Defendant Sweeny being granted an opportunity to participate in the Settlement Agreement by the filing of his signed Signature Page at this time.

7. Attached as Exhibit B is Defendant Sweeny's signed signature page indicating his agreement to the terms of the Settlement Agreement.

WHEREFORE, the State requests the Court approve and enter an order adjudicating the post-1982 domestic well water rights claims of Defendant Sweeny under Subfile PM-46197, pursuant to the Settlement Agreement, in the form attached hereto as Exhibit A.

Electronically Filed

/s/ Edward C. Bagley

Edward C. Bagley
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 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:

Rudy Sweeny, Sr.
Jacona Rd. 24 A
Santa Fe, NM 87501