

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-84574

**MOTION TO AMEND THE JANUARY 5, 2011 ORDER ADJUDICATING POST-1982
DOMESTIC WELL WATER RIGHT TO GREG STRATTON UNDER SUBFILE PM-
84574 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 the January 5, 2011 *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7275) to Greg Stratton under subfile PM-84574 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. On December 8, 2010, the State forwarded to the Court a proposed Order Adjudicating Post-1982 Domestic Well Water Rights under subfile PM-84574 for Defendant Greg Stratton.

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. 7275).

4. On page 2 of the *Order*, the Purpose of the water right is identified as “Domestic use for One Household pursuant to NMSA § 72-12-1 and -1.1”. *Id.*

5. Subsequent to the entry of the *Order*, Defendant’s successors-in-interest, Jean Ogrod and Eugene Ogrod, contacted the State, and alerted it to the fact that the post-1982 domestic well water right served multiple households, not one household as the *Order* stated.

6. The State undertook an investigation of the Ogrods’ assertion, and found it to be correct.

6. To address the fact that this is a multiple household well, 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 the *Order* 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 the *Order* 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 Eugene Ogrod and Jean Ogrod do not oppose this motion. The State was unable to contact Defendant Greg Stratton.

WHEREFORE, the State requests that the Court amend the January 5, 2011 *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7275) to Greg Stratton under subfile PM-84574 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 22, 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:

Jean Ogrod
Eugene Ogrod
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Greg Stratton
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