

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 TWO (2) 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 two (2) *Orders* adjudicating pre-1982 domestic well water rights (Nos. 10658 and 9317) 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 two (2) pre-1982 domestic well subfiles were adjudicated by a *Consent Order Adjudicating Pre-1982 Domestic Well Water Right* and an *Order Adjudicating Pre-1982 Domestic Well Water Rights*, respectively, on the date and with the docket number and to the party or parties indicated:

RG-81436	June 8, 2016	Doc. No. 10658	Larry Rodriguez Rubanna Rodriguez
RG-35779	April 15, 2014	Doc. No. 9317	Dawn Bick Paul Bick

2. On page 2 of each of these two (2) *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. Subsequent to the entry of the two (2) *Orders*, Defendants contacted the State, and alerted it to the fact that each of the two (2) pre-1982 domestic well water rights served multiple households, not one household as the *Orders* stated.

4. The State undertook an investigation of the Defendants’ assertions, and found them to be correct.

5. 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 two (2) *Orders* to instead read “Domestic Use for Multiple Households pursuant to NMSA § 72-12-1 and -1.1”.

6. The State also requests the Court amend the Amount of Water, which is currently stated on page 2 of each of the two (2) *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.

7. Defendants Larry Rodriguez, Rubanna Rodriguez, Dawn Bick and Paul Bick do not oppose this motion.

WHEREFORE, the State requests that the Court amend the two (2) above identified *Orders* adjudicating pre-1982 domestic well water rights (Nos. 10658 and 9317) 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 23, 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:

Larry Rodriguez
Rubanna Rodriguez
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