

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: RG-3735

**MOTION TO AMEND ORDER ADJUDICATING PRE-BASIN DOMESTIC WELL  
SUBFILE RG-3735 FOR DEFENDANT VICTOR L. STEVENSON TO CORRECT  
PRIORITY DATE**

The State of New Mexico ex rel. State Engineer (“State”) hereby moves the Court to, pursuant to Fed. R. Civ. P. 60(b), amend its May 8, 1968 *Order* adjudicating subfile 8.9 to Defendant Victor L. Stevenson to correct the priority date in section B stated for well RG-3735 to state “11/20/1952.” In support thereof, the State states as follows:

1. In 1968, Defendant Victor L. Stevenson signed the State’s Offer of Judgment with regard to his water rights, and shortly thereafter the State forwarded a proposed Order to the Court consistent in all respects with that Offer of Judgment.

2. On May 8, 1968, the Court entered the *Order*, attached hereto as Exhibit A. The *Order* adjudicated, *inter alia*, under section B on page 2, a domestic and stock well water right

under permit number RG-3735. The *Order* provided that the Priority for that domestic and stock well water right was August 18, 1959.

3. Subsequent to the entry of the *Order*, one of Defendant's successors-in-interest, Defendant Gediminas A. Cibas, contacted the State, and alerted it to the fact that the well dated from 1952.

4. In support of this, Defendant Cibas produced a letter from Vernon MacNeil, attached hereto as Exhibit B, who lived on the property between July 15, 1952 and November 20, 1952, and drilled the well during that period.

5. Defendant Cibas also produced the August 18, 1959 well permit, attached hereto as Exhibit C, which stated on the first page that the well was to be "cleaned" and "deepened," indicating that the well existed before 1959.

6. The State undertook an investigation of the Defendant's assertion and supporting documents, and found them to be correct.

7. The State therefore requests the Court amend the Priority stated on page 2 of the May 8, 1968 *Order* for domestic and stock well RG-3735 from "August 18, 1959" to read instead "November 20, 1952."

8. The May 8, 1968 *Order* is correct in all other respects.

9. Defendant Victor L. Stevenson's successors-in-interest, Gediminas A. Cibas and Ina M. Cibas, do not object to this motion. Defendant Victor L. Stevenson could not be contacted.

WHEREFORE, the State requests that the Court amend its May 8, 1968 *Order* adjudicating subfile 8.9 to Defendant Victor L. Stevenson to correct the priority date in section B on page 2 stated for well RG-3735 to state "11/20/1952."

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 28, 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:

Gediminas A. Cibas  
Ina M. Cibas  
120 State Road 503  
Santa Fe, NM 87506