

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-37816

**MOTION TO AMEND ORDER ADJUDICATING PRE-BASIN DOMESTIC WELL
SUBFILE RG-37816 FOR DEFENDANT JAKE C. GONZALES 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 January 31, 1984 *Order* adjudicating subfile RG-37816 to Defendant Jake C. Gonzales to correct the priority date for the domestic and stock well to state “December 31, 1949.” In support thereof, the State states as follows:

1. On July 4, 1983, Defendant Jake C. Gonzales 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 January 31, 1984, the Court entered the *Order*, attached hereto as Exhibit A. The *Order* adjudicated a domestic and stock well water right under subfile RG-37816. The *Order* provided that the Priority for that domestic and stock well water right was April 15, 1982.

3. Subsequent to the entry of the *Order*, Defendant Jake C. Gonzales, contacted the State, and alerted it to the fact that the well dated from the 1940s.

4. In support of this, Defendant Gonzales provided a written statement and certain Santa Fe County Assessor's Office documents, attached hereto as Exhibit B, stating that the well dated from the 1940s.

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

6. The State therefore requests the Court amend the Priority stated on the January 31, 1984 *Order* for domestic and stock well RG-37816 from "1982-04-15" to read instead "December 31, 1949."

7. The January 31, 1984 *Order* is correct in all other respects.

8. Defendant Jake C. Gonzales does not object to this motion.

WHEREFORE, the State requests that the Court amend its January 31, 1984 *Order* adjudicating subfile RG-37816 to Defendant Jake C. Gonzales to correct the priority date to state "December 31, 1949."

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:

Jake C. Gonzales
Rt. 1, Box 128
Santa Fe, NM 87501