

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

EXPEDITED MOTION TO AMEND *ORDER GRANTING PLAINTIFF STATE OF NEW MEXICO’S MOTION TO ESTABLISH PROCEDURES FOR FINAL INTER SE PROCEEDING AND ENTRY OF A FINAL JUDGMENT AND DECREE (DOC. 10849)* TO (1) EXTEND DEADLINE TO FILE MOTION FOR ENTRY OF PROPOSED FINAL JUDGMENT AND DECREE AND (2) CLARIFY THE SCOPE OF SURFACE WATER *INTER SE* PROCEEDINGS

The State of New Mexico, *ex rel.* State Engineer (“State”), hereby moves the Court to amend its September 9, 2016 *Order Granting Plaintiff’s State of New Mexico’s Motion to Establish Procedures for Final Inter Se Proceeding and Entry of a Final Judgment and Decree [Doc. No. 10761]* (Doc. 10849) to: (1) extend the deadline to file the State’s motion for entry of proposed final judgment and decree from November 30, 2016 to December 9, 2016 and (2) clarify the scope of surface water *inter se* proceedings.

1. The State has been diligently working towards completing the adjudication of water rights in the Nambe-Pojoaque-Tesuque stream system (“Pojoaque Basin”). The State currently has a deadline of November 30, 2016 for filing its motion for entry of final judgment and decree that will include an Addendum describing all recognized non-Pueblo water rights in the Pojoaque Basin. *See Order Granting Plaintiff’s State of New Mexico’s Motion to Establish Procedures for Final Inter Se Proceeding and Entry of a Final Judgment and Decree [Doc No.10761]* (Doc. 10849, filed September 9, 2016) (“Procedural Order”).

2. The State requires additional time to prepare the motion and the Addendum summarizing the water rights, given the logistics of reconciling the court filings with its internal database program and the quality assurance procedure intended to ensure the accuracy of the information in the Addendum.

3. The State proposes to file its motion and Addendum by Friday, December 9, 2016 and therefore seeks to amend the Procedural Order. The other deadlines in the Procedural Order will not be affected.

4. The extension of time will not delay the *inter se* proceedings or affect the projected time frame for entry of the Final Judgment and Decree, as required by the Aamodt Litigation Settlement Act, 124 Stat. 3135, § 623.

5. In addition, the State requests that the scope of the *inter se* proceedings be amended to include surface water rights adjudicated in Subfiles 31.1, 31.2, 31.3 and to clarify the scope of the surface water rights of the Las Acequias de Chupadero that are subject to *inter se* objections. Thus, Paragraph 6 of the Procedural Order should be amended as follows (to include the underlined language):

A. all elements of non-Pueblo groundwater rights;

B. the source of water, point of diversion and priority dates of non-Pueblo surface water rights served by Las Acequias de Chupadero from the Rio en Medio; or

C. additional sources of water that have been adjudicated to non-Pueblo surface water rights since 1983, as follows: (1) the Rio Tesuque, Barry's Spring, Dona Inez Spring, Spring "A," Spring "B," and Spring "C" as additional sources of water for non-Pueblo surface water rights served by the Acequia Larga de Jacona, (2) Pojoaque Creek and the Rio Tesuque as additional sources of water for non-Pueblo surface water rights served by the Acequia Ancon de Jacona; and (3) all elements of surface water rights adjudicated under Subfile Nos. 31.1, 31.2, and 31.3.

6. The State proposes to amend the following Court-approved notices attached as exhibits to the Procedural Order, to include the amendments in paragraph 5 above:

A. Exhibit 1 (Doc. 10849-1) - *Notice of Inter Se Proceeding and Deadline for Filing Inter Se Objections to Non-Pueblo Water Rights of the Nambe-Pojoaque-Tesuque Stream System* ("Notice") (notice to be mailed);

B. Exhibit 3 (Doc. 10849-3) – *Notice of Inter Se Proceeding and Deadline for Filing Inter Se Objections to Non-Pueblo Water Rights of the Nambe-Pojoaque-Tesuque Stream System* ("Notice") (notice to be published); and

C. Exhibit 4 (Doc. 1849-4) – *Inter Se Objection* form.

7. The State did not seek concurrence on this Motion Due to the large number of claimants in this adjudication.

WHEREFORE the State requests that the Court enter its Order amending the Procedural Order, as set forth above.

Submitted by:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 29, 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 to the following person(s) by United States Mail:

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