

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, )

No. 66cv6639 WJ/WPL

Subfile No. 10.9,  
RG-60556

Plaintiffs-in-Intervention.

**UNOPPOSED MOTION TO CORRECT PRIORITY DATE FOR  
DOMESTIC/LIVESTOCK RIGHT (SUBFILE NO. 10.9, RG-60556)**

Pursuant to Section A.2 of the July 23, 2013, *Procedural Order for Correcting Subfile Errors* (Doc. 7909), the State of New Mexico (“State”), by and through its counsel, requests the Court to enter the attached order adopting a December 31, 1929 priority date for the groundwater right adjudicated for domestic/livestock use from Well No. RG-60556 under Subfile No. 10.9. The State offers the following grounds for this motion:

1. The attached March 28, 1974, “Amended Order” (“Subfile Order”) entered in Subfile No. 10.9 adjudicated a non-NMSA 1978, Section 72-12-1, pre-basin domestic/livestock groundwater right for diversion from Well No. RG-60556 in the name of Enrique L. Romero. The Subfile Order adopted a 1932 priority for this right. *See* Subfile Order attached as *Exhibit 1*.

2. Enrique Romero's successor in interest to the right adjudicated under File No. RG-60556, Orlando Romero, has submitted evidence (attached as *Exhibit 2*) to the State in support of a request for an earlier priority for the domestic/livestock right adjudicated for diversion from Well No. RG-60556. This evidence includes a December 31, 1929, deed to the subject property referencing a well believed to be Well No. RG-60556. *See Exhibit 2.*

3. The State believes the evidence submitted by Orlando Romero reflects beneficial use of Well No. RG-60556 for domestic/livestock purposes on or before December 31, 1929. The State therefore proposes to correct Paragraph 5.B of the Subfile Order by adopting a priority date of December 31, 1929 for the pre-basin, non-NMSA 1978, Section 72-12-1 domestic/livestock right adjudicated under Subfile 10.9 for diversion from Well No. RG-60556. The State's proposed order granting the motion is attached as *Exhibit 3.*

4. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 10.9 should remain as stated in the March 28, 1974 Amended Order and subsequent orders of this Court.

5. Romero does not oppose the granting of the motion.

WHEREFORE, the State requests that the Court enter the attached order correcting Paragraph 5.B of the March 28, 1974, Amended Order in Subfile No. 10.9 by adopting a priority date of December 31, 1929 for the pre-basin, non-NMSA 1978, Section 72-12-1 domestic/livestock right adjudicated for diversion from Well No. RG-60556.

Electronically filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 5, 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 U.S. mail:

ORLANDO A. ROMERO  
249 STATE ROAD 503  
SANTA FE, NM 87506-9789

/s/ Brett Olsen  
Brett J. Olsen