

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. PM-40836

Plaintiffs-in-Intervention.

**UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING POST-1982
DOMESTIC WELL WATER RIGHTS (SUBFILE NO. PM-40836, PETE A. MONTOYA)**

The State of New Mexico ex rel. State Engineer (“State”) moves the Court pursuant to Fed. R. Civ. P. 60(b), to vacate its January 5, 2011, *Order Adjudicating Post-1982 Domestic Well Water Rights* [Doc. 7255] (“*Order*”) attached as *Exhibit 1*. The State offers the following grounds for the Motion:

1. On January 5, 2011, the Court entered the Order adjudicating post-1982 domestic well water rights under Subfile No. PM-40836 in the name of Defendant Pete A. Montoya.
2. Based on investigation and discussion with the Defendant, the State has determined that domestic well water rights associated with the subject well are pre-basin rights.
3. Accordingly, the State and the Defendant intend to submit a Consent Order adjudicating pre-basin domestic well water rights, and therefore seek to vacate the *Order*.

4. Defendant Pete A. Montoya does not oppose this motion.

WHEREFORE, the State requests that the Court enter the order attached as *Exhibit 2* vacating its January 5, 2011, *Order Adjudicating Post-1982 Domestic Well Water Rights* [Doc. 7255].

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:

Pete A. Montoya
P.O. Box 32184
Santa Fe, NM 87594

/s/ Brett Olsen
Brett J. Olsen