

**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/LCS

Subfile: PM-81106

**UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING SUBFILE PM-81106
FOR MARY BENNETT AND WILLIAM BENNETT**

The State of New Mexico ex rel. State Engineer (“State”) hereby moves for the Court to vacate its January 12, 2016 *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 10439), and in support thereof, states as follows:

1. On December 10, 2015, the State forwarded a proposed Order Adjudicating Post-1982 Domestic Well Water Rights for subfile PM-81106 for Defendants Mary Bennett and William H. Bennett.

2. The attorney for the State, Edward Bagley, certified in that document that the Defendants had not submitted a request for consultation. While that was correct, the State had been in contact for counsel for Defendants regarding the form of a proposed order adjudicating their water rights.

3. Those discussions are not yet concluded.

4. It was through inadvertence that the State forwarded the proposed Order on to the Court for entry.

5. Counsel for Defendants does not oppose this motion.

WHEREFORE, the State requests that the Court vacate its January 12, 2016 *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 10439).

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 11, 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.