

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel. STATE)
ENGINEER,)

Plaintiff,)

v.)

No. 66cv6639 MV/WPL

R. LEE AAMODT, et.al.,)

Defendants,)

And)

Acequia Larga de Jacona
a/k/a Acequia Larga

UNITED STATES OF AMERICA,)

PUEBLO DE NAMBE,)

PUEBLO DE POJOAQUE,)

PUEBLO DE SAN ILDEFONSO,)

and PUEBLO DE TESUQUE,)

Plaintiffs-in-Intervention.)

5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.15-A,
6.1, 6.1-A, 6.1-B, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7,
6.8, 6.9, 6.9-A, 6.9-B, 6.10, 6.11, 6.12, 6.13,
6.13-A, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19,
6.20, 6.21, 6.22, 6.23, 6.24, 6.24-A, 6.25,
6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32,
6.32-A, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38,
6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.44-A,
6.45, 6.46, 6.47, 6.48, 6.49, 7.57, 7.58, 7.59,
7.60, 7.61, 7.62

**MOTION TO CORRECT SUBFILE ORDERS TO ADD SOURCES OF WATER
AND POINTS OF DIVERSION TO WATER RIGHTS SERVED
BY THE ACEQUIA LARGA DE JACONA**

Pursuant to 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 correct all subfile orders for water rights served by the Acequia Larga de Jacona by identifying additional sources of water and points of diversion that were omitted from the subfile orders.

The State offers the following grounds for this motion:

1. Subfile orders adjudicating water rights served by the Acequia Larga de Jacona were entered in the following subfiles: 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.15-A, 6.1, 6.1-A, 6.1-B, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.9-A, 6.9-B, 6.10, 6.11, 6.12, 6.13, 6.13-A, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.24-A, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32, 6.32-A, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.44-A, 6.45, 6.46, 6.47, 6.48, and 6.49. Orders adjudicating “no right” under the Acequia Larga de Jacona were entered in the following subfiles: 7.57, 7.58, 7.59, 7.60, 7.61, and 7.62.

2. The Acequia Larga de Jacona diverts surface water from the Pojoaque River, the Rio Tesuque, and five (5) springs. However, subfile orders under the Acequia Larga de Jacona currently reference only the ditch’s point of diversion on the Pojoaque River.

3. Accordingly, the subfile orders adjudicating water rights served by the Acequia Larga de Jacona, including the six (6) “no right” subfiles, should be corrected to clarify the Acequia Larga de Jacona’s point of diversion on the Pojoaque River and describe the omitted sources of water and points of diversion as follows¹:

Point of Diversion:

Surface:

The Acequia Larga de Jacona diverts water from the Pojoaque River in the NE ¼ NW ¼ NE ¼ Sec. 7, T. 19 N., R. 9. E., at a point located at X: 567,243 and Y: 1,781,899, NM State Plane Coordinate System, Central Zone, NAD 1927.

The Acequia Larga de Jacona also diverts water from the Rio Tesuque in the NE ¼ NW ¼ NE ¼ Sec. 7, T. 19 N., R. 9. E., at a point located at X: 564,365 and Y: 1,780,322, NM State Plane Coordinate System, Central Zone, NAD 1927.

¹ Most of the subfile orders reference surface water irrigation rights under the Acequia Larga de Jacona at paragraph 5.A.

The following springs are also sources of water for the Acequia Larga de Jacona:

Barry's Spring - located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T. 19 N, R. 9 E., at a point located at X: 567, 809 and Y: 1,782,489 NM State Plane Coordinate System, Central Zone, NAD 1927.

Doña Inez Spring - located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T. 19 N, R. 9 E., at a point located at X: 566,070 and Y: 1,781,377 NM State Plane Coordinate System, Central Zone, NAD 1927.

Spring "A" – located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T. 19 N, R. 9 E., at a point located at X: 565,739 and Y: 1,781,583 NM State Plane Coordinate System, Central Zone, NAD 1927.

Spring "B" – located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T. 19 N, R. 9 E., at a point located at X: 564,739 and Y: 1,781,133 NM State Plane Coordinate System, Central Zone, NAD 1927.

Spring "C" – located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T. 19 N, R. 9 E., at a point located at X: 564,445 and Y: 1,780,809 NM State Plane Coordinate System, Central Zone, NAD 1927.

4. The State is serving a copy of this motion and a proposed order granting the motion on all parties or persons who, according to the records of the State, may have an ownership interest in the above-referenced subfiles. The State's proposed order is attached as *Exhibit 1*.

WHEREFORE, the State requests that the Court enter the attached order correcting each subfile order adjudicating a water right or "no right" served by the Acequia Larga de Jacona to clarify the ditch's point of diversion on the Pojoaque River and add the previously omitted sources of water and points of diversion as described in paragraph 3 above.

Electronically Filed,

By /s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 12, 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.

A separate Certificate of Service will be filed once parties and individuals who do not receive service through the CM/ECF system are served by U.S. Mail.

/s/ Brett Olsen

Brett Olsen