

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

Questa Ditch  
Subfile No. 14.2  
RG-9393

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE FOR  
SUPPLEMENTAL GROUNDWATER IRRIGATION WATER RIGHT  
(SUBFILE NO. 14.2)**

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 correct the subfile order entered in Subfile No. 14.2 by adopting a July 12, 1963, priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-9393. The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” (“Subfile Order”) in Subfile 14.2 identifying Well No. RG-9393 as a groundwater point of diversion for irrigation of 1.39 acres as shown on Hydrographic Survey Map Sheet No. 14, Tract 2 (Tract 14.2). The Subfile Order,

attached as *Exhibit 1*, omitted a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from this well.

2. On May 8, the Court entered an “Order” in Subfile 14.1, attached as *Exhibit 2*, adopting a July 12, 1963 priority for the domestic/livestock right adjudicated for diversion from the same well, RG-9393. This priority date is based upon the filing date of Application No. RG-9393 for Permit to Change Partial Point of Diversion. Permit No. RG-9393, attached as *Exhibit 3*, provides for use of Well No. RG-9393 for supplemental irrigation of Tract 14.2 and for domestic purposes.

3. The State therefore proposes to adopt the same July 12, 1963 priority based upon Permit No. RG-9393 for the supplemental groundwater irrigation water right adjudicated under Subfile 14.2 for diversion from Well No. RG-9393 for irrigation of Tract 14.2. Accordingly, “Point of Diversion” in subpart A of Paragraph 5 of the Subfile Order should be corrected to state the following:

Groundwater:	Well No. RG-9393 located in the NE ¼ SW ¼ SE ¼ Sec. 25, T. 19N, R. 9E.
Priority:	7/12/63

4. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 14.2 should remain as stated in the Subfile Order and subsequent orders of this Court.

5. The State is serving a copy of this motion and a proposed order on all parties or persons who, according to the records of the State, may have an ownership interest in Subfile No. 14.2. The State’s proposed order is attached as *Exhibit 4*.

WHEREFORE, the State requests that the Court enter the attached order correcting the May 8, 1968 Order entered in Subfile No. 14.2 by adopting a July 12, 1963 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-9393.

Electronically Filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 30, 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:

/s/ Brett Olsen

Brett J. Olsen

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