

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

STATE OF NEW MEXICO, ex rel. STATE)	
ENGINEER,)	
)	
Plaintiff,)	
v.)	
)	No. 66cv6639 WJ/WPL
R. LEE AAMODT, et.al.,)	
)	
Defendants,)	
)	
And)	Acequia de las Joyas
)	
UNITED STATES OF AMERICA,)	Subfile No. 8.21A
PUEBLO DE NAMBE,)	OSE File No. RG-95170
PUEBLO DE POJOAQUE,)	
PUEBLO DE SAN ILDEFONSO,)	
and PUEBLO DE TESUQUE,)	

Plaintiffs-in-Intervention.

**UNOPPOSED MOTION TO CORRECT SUBFILE ORDER TO ADD SUPPLEMENTAL
GROUNDWATER IRRIGATION WATER RIGHT (SUBFILE NO. 8.21A)**

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 identifying Well No. RG-95170 as the point of diversion for a supplemental groundwater irrigation water right under Subfile No. 8.21A. The State offers the following grounds for this motion:

1. On December 2, 1969, the Court entered an “Order” (“Subfile Order”) adjudicating several water rights by default judgment, including a surface water right under Subfile 8.21A in the name of Clay Buchanan for irrigation of 1.57 acres. The relevant portion of the Subfile Order is attached as *Exhibit 1*.

2. The Subfile Order omitted reference to a pre-basin domestic well on the property that was recently adjudicated in the name of Kenny B. Kalfin by *Consent Order Adjudicating Pre-Basin Domestic Well Water Rights* (Doc. 10456, January 12, 2016) attached as *Exhibit 2*. This well has been designated as Office of the State Engineer (“OSE”) File No. RG-95170.

3. The State’s records show that Kenny B. Kalfin (“Kalfin”) is successor to Defendant Clay Buchanan in whose name Subfile No. 8.21A was originally adjudicated.

4. Documents submitted by Kalfin reflect pre-basin use of Well No. RG-95170 for supplemental irrigation of Tract 8.21A. *See Exhibit 3*. Based on review of these documents, the State proposes to identify Well No. RG-95170 as a groundwater point of diversion for supplemental irrigation of Tract 8.21A by making the following correction to “Point of Diversion” in subpart A of Paragraph 38 of the Subfile Order:

Groundwater:	Well No. RG-95170
	Location: X=571,637 Y=1,782,660
	on the New Mexico State Plane Coordinate System,
	Central Zone, 1927 N.A.D.
Priority:	12/31/1944

5. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 8.21A should remain as stated in the Subfile Order and subsequent orders of this Court.

6. Kalfin does not oppose entry of the proposed order attached as *Exhibit 4*.

WHEREFORE, the State requests that the Court enter the attached order correcting the December 2, 1969 Subfile Order as set forth above in paragraph 4, by identifying Well No. RG-95170 as the point of diversion for a supplemental groundwater irrigation water right under Subfile No. 8.21A.

Electronically Filed,

By /s/ Brett J. Olsen

Brett J. Olsen

Attorneys for State of New Mexico

P.O. Box 25102

Santa Fe, NM 87504-5102

Telephone: (505) 827-6150

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 6, 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