

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

Acequia Larga de Jacona
Subfile Nos. 5.15, 5.15A

Acequia del Barranco de Jacona
Subfile No. 5.18A

RG-7781

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE FOR
SUPPLEMENTAL GROUNDWATER IRRIGATION WATER RIGHT
(SUBFILE NOS. 5.15, 5.15A & 5.18A)**

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 orders entered in Subfile Nos. 5.15, 5.15A and 5.18A by adopting a July 3, 1962, priority for the supplemental groundwater irrigation water right adjudicated under each subfile for diversion from Well No. RG-7781. The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” (“Subfile Order 5.15”) identifying Well No. RG-7781 as a supplemental groundwater point of diversion for irrigation of 7.72 acres as shown on Hydrographic Survey Map Sheet No. 5, Tract 15 (Tract 5.15). Subfile Order 5.15,

attached as *Exhibit 1*, omitted a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-7781.

2. On May 8, 1968, the Court entered an “Order” (“Subfile Order 5.15A”) identifying Well No. RG-7781 as a supplemental groundwater point of diversion for irrigation of 2.09 acres as shown on Hydrographic Survey Map Sheet No. 5, Tract 15A (Tract 5.15A). Subfile Order 5.15A, attached as *Exhibit 2*, omitted a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-7781 (identified in Subfile Order 5.15A as ‘RG-7781-A’).

3. On May 8, 1968, the Court entered an “Order” (“Subfile Order 5.18A”) identifying Well No. RG-7781 as a supplemental groundwater point of diversion for irrigation of 0.55 acres as shown on Hydrographic Survey Map Sheet No. 5, Tract 18A (Tract 5.18A). Subfile Order 5.18A, attached as *Exhibit 3*, omitted a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-7781.

4. The State proposes that the Court adopt a July 3, 1962 priority for the supplemental groundwater irrigation water rights adjudicated under Subfile Nos. 5.15, 5.15A and 5.18A, based upon *Permit to Change Partial Point of Diversion RG-7781 amending 01728 and 01729*, attached as *Exhibit 4*, which provides for supplemental irrigation of Tracts 5.15, 5.15A and 5.18 from Well No. RG-7781. The State further proposes that “Point of Diversion” in subpart A of Paragraph 5 of Subfile Order 5.15, Subfile Order 5.15A, and Subfile Order 5.18A should be corrected to state the following:

Groundwater:	Well No. RG-7781, New Mexico Coordinate System, Central Zone: X = 554,090 and Y= 1,778,060
Priority:	7/3/1962

5. Except as requested by this motion, all other elements of the rights adjudicated under Subfile Nos. 5.15, 5.15A and 5.18A should remain as stated in Subfile Order 5.15, Subfile Order 5.15A, and Subfile Order 5.18A, and subsequent orders of this Court.

6. 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 Nos. 5.15, 5.15A and 5.18A. The State's proposed order is attached as *Exhibit 5*.

WHEREFORE, the State requests that the Court enter the attached order:

(a) correcting the May 8, 1968 Order entered in Subfile No. 5.15 by adopting a July 3, 1962 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-7781;

(b) correcting the May 8, 1968 Order entered in Subfile No. 5.15A by adopting a July 3, 1962 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-7781; and

(c) correcting the May 8, 1968 Order entered in Subfile No. 5.18A by adopting a July 3, 1962 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-7781.

Electronically Filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 19, 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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