

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 de las Joyas
Subfile No. 8.29
RG-3836

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE FOR
SUPPLEMENTAL GROUNDWATER IRRIGATION WATER RIGHT
(SUBFILE NO. 8.29)**

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. 8.29 by adopting a March 24, 1960, priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-3836. The State offers the following grounds for this motion:

1. On April 6, 1976, the Court entered an “Amended Order” (“Subfile Order”) in Subfile 8.29 identifying Well No. RG-3836 as a groundwater point of diversion for irrigation supplemental to the Acequia de las Joyas of 5.84 acres as shown on Hydrographic Survey Map Sheet No. 8, Tract 29 (Tract 8.29). 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. The State proposes to adopt a March 24, 1960 priority based upon Permit to Change Partial Point of Diversion No. RG-3836, attached as *Exhibit 2*, providing for supplemental use of Well No. RG-3836 for irrigation of Tract 8.29. The State further proposes that “Point of Diversion” in Paragraph 4 of the Subfile Order should be corrected to state the following:

Groundwater:	Well No. RG-3836 located in the SW ¼ NW ¼ SW ¼ Sec. 5, T. 19N, R. 9E.
Priority:	3/24/1960

3. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 8.29 should remain as stated in the Subfile Order and subsequent orders of this Court.

4. 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. 8.29. The State’s proposed order is attached as *Exhibit 3*.

WHEREFORE, the State requests that the Court enter the attached order correcting the April 6, 1976 Amended Order entered in Subfile No. 8.29 by adopting a March 24, 1960 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-3836.

Electronically Filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 20, 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

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