

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

Ancon Ditch
Subfile No. 8.61
RG-5560

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE FOR
SUPPLEMENTAL GROUNDWATER IRRIGATION WATER RIGHT
(SUBFILE NO. 8.61)**

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. 8.61 by adopting a December 31, 1902, priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-5560. The State offers the following grounds for this motion:

1. On March 14, 1969, the Court entered an “Order” (“Subfile Order”) identifying Well No. RG-5560 as a groundwater point of diversion for irrigation supplemental to the Ancon Ditch of 0.23 acres as shown on Hydrographic Survey Map Sheet No. 8, Tract 61 (Tract 8.61).

The Subfile Order, attached as *Exhibit 1*, omitted a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-5560.

2. The State proposes that the Court adopt a December 31, 1902 priority for this supplemental groundwater irrigation water right based upon Declaration of Owner of Underground Water Right No. RG-5560 attached as *Exhibit 2*. The State further proposes that “Point of Diversion” in subpart A of Paragraph 5 of the Subfile Order should be corrected to state the following:

Groundwater:	Well No. RG-5560 located in the SW ¼ SW ¼ SE ¼ Sec. 5, T. 19N, R. 9E
Priority:	12/31/1902

3. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 8.61 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. 8.61. The State’s proposed order is attached as *Exhibit 3*.

WHEREFORE, the State requests that the Court enter the attached order correcting the March 14, 1969 Order entered in Subfile No. 8.61 by adopting a December 31, 1902 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-5560.

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

Brett J. Olsen

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