

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

Cano Ditch
Subfile Nos. 8.1, 8.1A, 8.2, 8.17
RG-5176

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE FOR
SUPPLEMENTAL GROUNDWATER IRRIGATION WATER RIGHT
(SUBFILE NOS. 8.1, 8.1A, 8.2 & 8.17)**

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 Nos. 8.1, 8.1A, 8.2 and 8.17, by adopting a December 31, 1950 priority for the supplemental groundwater irrigation water right adjudicated under each of the foregoing subfiles for diversion from Well No. RG-5176. The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” (“Subfile Order”), attached as *Exhibit 1*, identifying Well No. RG-5176 as a groundwater point of diversion supplemental to the Cano Ditch for irrigation of the following:

a. 28.81 acres as shown on Hydrographic Survey Map Sheet No. 8, Tract 1 (Tract 8.1);

b. 2.35 acres as shown on Hydrographic Survey Map Sheet No. 8, Tract 1A (Tract 8.1A);

c. 12.07 acres as shown on Hydrographic Survey Map Sheet No. 8, Tract 2 (Tract 8.2); and

d. 2.28 acres as shown on Hydrographic Survey Map Sheet No. 8, Tract 17 (Tract 8.17).

2. The Subfile Order also adjudicated a surface water irrigation right under the Acequia de Las Joyas for irrigation of 0.41 acres as shown on Hydrographic Survey Map Sheet No. 8, Tract 16 (Tract 8.16). Well No. RG-5176 was not adjudicated as a groundwater point of diversion for supplemental irrigation of Tract 8.16.

3. The Subfile Order omitted a priority date for the supplemental groundwater irrigation water rights adjudicated for diversion from Well No. RG-5176 for irrigation of Tracts 8.1, 8.1A, 8.2 and 8.17.

4. The State proposes that the Court adopt a December 31, 1950 priority for the supplemental groundwater irrigation water rights adjudicated under Subfile Nos. 8.1, 8.1A, 8.2 and 8.17 based upon Declaration of Owner of Underground Water Right RG-5176 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:	A private well, Well No. RG-5176 located in the NE ¼ NW ¼ NE ¼ Sec. 8, T. 19N, R. 9E.
Priority:	12/31/1950

5. Except as requested by this motion, all other elements of the rights adjudicated under Subfile Nos. 8.1, 8.1A, 8.2 and 8.17 should remain as stated in the Subfile Order 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. 8.1, 8.1A, 8.2 and 8.17. The State's proposed order is attached as *Exhibit 3*.

WHEREFORE, the State requests that the Court enter the attached order correcting the May 8, 1968 Order entered in Subfile Nos. 8.1, 8.1A, 8.2 and 8.17 by adopting a December 31, 1950 priority for the supplemental groundwater irrigation water right adjudicated under each of the foregoing subfiles for diversion from Well No. RG-5176.

Electronically Filed,

/s/ Brett Olsen

Brett J. Olsen

Special Assistant Attorney General

Office of the State Engineer

P.O. Box 25102

Santa Fe, NM 87504-5102

Phone: (505) 827-3866

Attorneys for the State of New Mexico

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 21, 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

VIRGINIA B. GOODWIN
RT. 1, BOX 189
SANTA FE, NM 87501

TRANSFORMATIONS, INC.
P.O. BOX 396
SANTA FE, NM 87504-0396