

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 del Barranco de Jacona

Subfile No. 6.62

RG-11572

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE FOR
SUPPLEMENTAL GROUNDWATER IRRIGATION WATER RIGHT
(SUBFILE NO. 6.62)**

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. 6.62 by adopting a December 31, 1945, priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-11572. The State offers the following grounds for this motion:

1. On March 23, 1978, the Court entered an “Amended Order” (“Subfile Order”) identifying Well No. RG-11572 as a supplemental groundwater point of diversion for irrigation of 3.41 acres as shown on Hydrographic Survey Map Sheet No. 6, Tract 62 (Tract 6.62). 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-11572.

2. The State therefore proposes that the Court adopt a December 31, 1945 priority for this supplemental groundwater irrigation water right based upon the date of drilling claimed in Declaration of Owner of Underground Water Right No. RG-11572 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-11572 located in the NW ¼ SW ¼ SW ¼ Sec. 12, T. 19N, R. 8E
Priority:	12/31/1945

3. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 6.62 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. 6.62. The State’s proposed order is attached as *Exhibit 3*.

WHEREFORE, the State requests that the Court enter the attached order correcting the March 23, 1978 Order entered in Subfile No. 6.62 by adopting a December 31, 1945 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-11572.

Electronically Filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 22, 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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