

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 Barranco del Jacona
Subfile No. 5.19A
OSE File No. RG-18389

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE FOR
SUPPLEMENTAL GROUNDWATER IRRIGATION WATER RIGHT
(SUBFILE NO. 5.19A)**

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. 5.19A by adopting a December 31, 1918, priority for the supplemental groundwater irrigation water right adjudicated for diversion from a “private well” designated by the Office of the New Mexico State Engineer (“OSE”) under File No. RG-18389. The State offers the following grounds for this motion:

1. On April 6, 1976, the Court entered an “Amended Order” (“Subfile Order”) in Subfile No. 5.19A identifying a “private well” as a groundwater point of diversion for irrigation supplemental to the Acequia Barranco de Jacona of 1.25 acres as shown on Hydrographic Survey

Map Sheet No. 5, Tract 19A (“Tract 5.19A”). The Subfile Order, attached as *Exhibit 1*, omitted a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from the “private well.” This well was separately designated by OSE under File No. RG-18389.

2. Based upon a 1992 field inspection and meeting with the subfile defendant, R. Lee Aamodt, the State determined that the well referenced in the Subfile Order was hand dug in or about 1918. This determination is consistent with an August 4, 1968 “Order” entered in Subfile Nos. 5.19 and 5.19A adjudicating a domestic/livestock right for diversion from this same well with a 1918 priority.

3. The State therefore proposes that the Court adopt a December 31, 1918 priority for the supplemental groundwater irrigation water right adjudicated for irrigation of Tract 5.19A from the “private well” referenced in the Subfile Order. The State further proposes that “Groundwater” under “Point of Diversion” in Paragraph 4 of the Subfile Order should be corrected to add the following information regarding the supplemental groundwater irrigation water right associated with the well:

Private well (RG-18389) located within this tract, in the Jacona Grant.
Priority: 12/31/1918

4. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 5.19A should remain as stated in the Subfile Order and subsequent orders of this Court.

5. 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. 5.19A. The State’s proposed order is attached as *Exhibit 2*.

WHEREFORE, the State requests that the Court enter the attached order correcting the April 6, 1976, Order entered in Subfile No. 5.19A by adopting a December 31, 1918 priority for the supplemental groundwater irrigation water right adjudicated for diversion from a private irrigation well (OSE File No. RG-18389) of 1.25 acres as shown on Hydrographic Survey Map Sheet No. 5, Tract 19A.

Electronically Filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 10, 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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