

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 No. 8.1  
RG-5176

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE AND  
CLARIFY PLACE OF USE FOR SUPPLEMENTAL GROUNDWATER  
IRRIGATION WATER RIGHT (SUBFILE NO. 8.1)**

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, 8.2, 8.16, and 8.17 by:

- (a) adopting a December 31, 1950 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-5176; and
- (b) clarifying that the place of use of this supplemental groundwater irrigation water right is the water rights acreage adjudicated under Subfile No. 8.1.

The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” (“Subfile Order”) in Subfile Nos. 8.1, 8.2, 8.16, and 8.17, which is attached as *Exhibit 1*. The Subfile Order identifies Well No. RG-5176 as a groundwater point of diversion for irrigation supplemental to the Cano Ditch.<sup>1</sup>

2. The Subfile Order omitted a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-5176. The Subfile Order also failed to clarify which subfile tracts may be irrigated from the well.

3. *Declaration of Owner of Underground Water Right RG-5176* (“Declaration”), attached as *Exhibit 2*, was filed on or about September 1, 1960. The acreage described in the Declaration as having been irrigated from Well No. RG-5176 corresponds to the water rights acreage adjudicated under Subfile 8.1 (“Tract 8.1”). The State thus proposes that the Subfile Order be corrected to clarify that the place of use for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-5176 is Tract 8.1. The State also proposes that the Court adopt a December 31, 1950 priority for the supplemental groundwater irrigation water right based on the date of well drilling stated in the Declaration. *See Exhibit 2*.

4. Accordingly, “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, for irrigation of 28.81 acres described below and as shown on hydrographic survey map sheet No. 8, tract 1.

Priority: 12/31/1950

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<sup>1</sup> 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 irrigation supplemental to the Acequia de las Joyas.

5. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 8.1 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, 8.16, 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, 8.16, and 8.17 by adopting a December 31, 1950 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-5176, and clarifying that the place of use for this right is the water rights acreage adjudicated under Subfile No. 8.1.

Electronically Filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 11, 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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