

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. 5.18

RG-7781

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE FOR
SUPPLEMENTAL GROUNDWATER IRRIGATION WATER RIGHT
(SUBFILE NO. 5.18)**

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. 5.18 by adopting a July 3, 1962, priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-7781. The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” (“Subfile Order”) identifying a “private well,” designated as Office of the State Engineer File No. RG-7781, as a groundwater point of diversion supplemental to the Acequia Barranco de Jacona for irrigation of 1.45 acres as shown on Hydrographic Survey Map Sheet No. 5, Tract 18 (Tract 5.18). The Subfile Order,

attached as *Exhibit 3*, omitted a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-7781.

2. The State proposes that the Court adopt a July 3, 1962 priority for the supplemental groundwater irrigation water rights adjudicated under Subfile No. 5.18, based upon *Permit to Change Partial Point of Diversion RG-7781 amending 01728 and 01729*, attached as *Exhibit 2*, which provides for supplemental irrigation of Tract 5.18 from Well No. RG-7781. The State further proposes that “Point of Diversion” in subpart A of Paragraph 5 of Subfile Order should be corrected to state the following:

Groundwater:	Well No. RG-7781, New Mexico Coordinate System, Central Zone: X = 554,090 and Y= 1,778,060
Priority:	7/3/1962

3. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 5.18 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. 5.18. 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 No. 5.18 by adopting a July 3, 1962 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-7781.

Electronically Filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 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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