

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel. STATE)
ENGINEER,)

Plaintiff,)

v.)

No. 66cv6639 MV/WPL

R. LEE AAMODT, et.al.,)

Defendants,)

And)

Acequia del Rancho
a/k/a El Rancho Ditch

UNITED STATES OF AMERICA,)

PUEBLO DE NAMBE,)

PUEBLO DE POJOAQUE,)

PUEBLO DE SAN ILDEFONSO,)

and PUEBLO DE TESUQUE,)

Plaintiffs-in-Intervention.)

Subfile Nos. RG-24073, 4.52, 4.53, 4.54,
4.55, 5.38, 5.39, 5.40, 5.41, 5.42, 5.43, 5.44,
5.45, 5.46, 5.47, 5.48, 5.49, 5.50, 5.51, 5.52,
5.53, 5.54, 5.55, 5.56, 5.57, 5.58, 5.59, 5.60,
5.61, 5.62, 5.63, 5.64, 5.65, 5.66, 5.67, 5.68,
5.69, 5.70, 5.71, 5.72, 5.73

**MOTION TO CORRECT SUBFILE ORDERS FOR WATER RIGHTS SERVED BY
ACEQUIA DEL RANCHO TO ADOPT PRIORITY DATE FOR SUPPLEMENTAL
GROUNDWATER IRRIGATION WATER RIGHT ADJUDICATED FOR DIVERSION
FROM COMMUNITY IRRIGATION WELL**

Pursuant to 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 adopt a June 1, 1954 priority for the groundwater irrigation water right adjudicated for diversion from the Acequia del Rancho’s community irrigation well, Well No. RG-24073, and correct all subfile orders for water rights served by the Acequia del Rancho to fully describe said right and Well No. RG-24073. The State offers the following grounds for this motion:

1. Subfile orders adjudicating water rights or “no right” on tracts served by the Acequia del Rancho were entered in the following subfiles: 4.52, 4.53, 4.54, 4.55, 5.38, 5.39, 5.40, 5.41, 5.42, 5.43, 5.44, 5.45, 5.46, 5.47, 5.48, 5.49, 5.50, 5.51, 5.52, 5.53, 5.54, 5.55, 5.56, 5.57, 5.58, 5.59, 5.60, 5.61, 5.62, 5.63, 5.64, 5.65, 5.66, 5.67, 5.68, 5.69, 5.70, 5.71, 5.72, and 5.73.

2. In addition to referencing the Acequia del Rancho’s surface water point of diversion, each of the foregoing subfile orders references a community irrigation well which provides supplemental groundwater for irrigation of certain subfile tracts. Whether or not a subfile tract has a right to receive water from the community well is stated in the subfile order. Based on review of Office of the State Engineer files, the State determined that the community well is Well No. RG-24073. *See* Declaration of Owner of Underground Water Right No. RG-24073 (“Declaration No. RG-24073”) attached as *Exhibit 1*.

3. To date, no order has been entered adjudicating a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-24073. The State therefore proposes to adopt a June 1, 1954 priority for this water right based on Declaration No. RG-24073. *See Exhibit 1*.

4. The State further proposes that subfile orders under the Acequia del Rancho should be corrected to fully describe the supplemental groundwater irrigation water right associated with the community well, Well No. RG-24073, as follows:

Purpose – Irrigation

Groundwater:

State Engineer File No: RG-24073

Priority: June 1, 1954

Point of Diversion: Community irrigation well No. RG-24073
located in the SW ¼ NW ¼ SW ¼ Sec. 11,
T. 19 N, R. 8 E.

5. To be clear, the State does not propose in this motion to alter the determination in the subfile orders concerning the right to receive water from the community irrigation well, Well No. RG-24073. Whether a given subfile tract has the right to receive water from the community irrigation well should remain as stated in the subfile order.

6. The State is serving a copy of this motion and a proposed order granting the motion on all parties or persons who, according to the records of the State, may have an ownership interest in the above-referenced subfiles. The State's proposed order is attached as *Exhibit 2*.

WHEREFORE, the State requests that the Court:

(a) adopt a June 1, 1954 priority for the supplemental groundwater irrigation water right adjudicated for diversion from the Acequia del Rancho's community irrigation well, Well No. RG-24073; and

(b) correct the subfile orders entered in the above-referenced subfiles for surface water rights served by the Acequia del Rancho to fully describe the supplemental groundwater irrigation water rights associated with Well No. RG-24073 as set forth in the attached order and in paragraph 4 above.

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 June 13, 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.

A separate Certificate of Service will be filed once parties and individuals who do not receive service through the CM/ECF system are served by U.S. Mail.

/s/ Brett Olsen

Brett Olsen