

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, )	Acequia de los Indios
)	
and )	Subfile Nos. 2.1, 2.2, 2.3, 2.4, 2.5, 2.7, 2.7A,
)	2.7B, 2.8, 2.9, 2.10, 2.11, 2.13, 2.14, 2.15,
UNITED STATES OF AMERICA, )	2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.23, 2.24,
PUEBLO DE NAMBE, )	2.27, 2.30, 2.31, 2.32, 2.33, 2.34, 2.35, 4.56,
PUEBLO DE POJOAQUE, )	4.57, 4.58, 4.59, 4.60, 4.61, 4.62, 4.62A,
PUEBLO DE SAN ILDEFONSO, )	4.63, 4.64, 4.65, 4.66, 4.67, 4.68, 4.68A,
and PUEBLO DE TESUQUE, )	4.68B, 4.69, 4.69A, 4.69B, 4.70, 4.70A,
)	4.71, 4.72, 4.73, 4.74, 4.74A, 4.75, 4.76,
Plaintiffs-in-Intervention. )	4.77, 4.77A, 4.77B, 4.78

**MOTION TO CORRECT SUBFILE ORDERS FOR WATER RIGHTS SERVED BY  
THE ACEQUIA DE LOS INDIOS 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 November 30, 1949 priority for the groundwater irrigation water right adjudicated for diversion from the Acequia de los Indios’s community irrigation well, and to correct all subfile orders for water rights served by the Acequia de los Indios to fully describe said right and well. The State offers the following grounds for this motion:

1. Subfile orders adjudicating surface water irrigation water rights served by the Acequia de los Indios were entered in the following subfiles: 2.1, 2.2, 2.3, 2.4, 2.5, 2.7, 2.7A, 2.7B, 2.8, 2.9, 2.10, 2.11, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.23, 2.24, 2.27,

2.30, 2.31, 2.32, 2.33, 2.34, 2.35, 4.56, 4.57, 4.58, 4.59, 4.60, 4.61, 4.62, 4.62A, 4.63, 4.64, 4.65, 4.66, 4.67, 4.68, 4.68A, 4.68B, 4.69, 4.69A, 4.69B, 4.70, 4.70A, 4.71, 4.72, 4.73, 4.74, 4.74A, 4.75, 4.76, 4.77, 4.77A, 4.77B, and 4.78.

2. In addition to referencing the surface water point of diversion for the Acequia de los Indios, most of the foregoing subfile orders reference a community irrigation well which provides supplemental groundwater for irrigation of certain subfile tracts served by the Acequia de los Indios. Where a subfile tract does not have a right to receive water from the community well, the subfile order states “no right” next to the well description in the order. However, subfile orders entered in the following subfiles do not reference the community irrigation well at all: 2.27 4.60, 4.67 (Amended Order), 4.77, and 4.77B.

3. To date, no order has been entered adjudicating a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from the community irrigation well referenced in most of the subfile orders under the Acequia de los Indios. The State therefore proposes that the Court adopt a November 30, 1949 priority based upon first beneficial use of water as set forth in the April 8, 2016, Affidavit of George Gomez, Presidente and Commissioner of the Acequia de los Indios, attached hereto as *Exhibit 1*.

4. The State further proposes that all subfile orders under the Acequia de los Indios should be corrected to fully describe the supplemental groundwater irrigation water right associated with the community irrigation well as follows:

Purpose – Irrigation

Groundwater:

State Engineer File No.: None

Priority: November 30, 1949

Point of Diversion: The Acequia de los Indios is also supplied with groundwater from a community irrigation well located in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec.10, T. 19N, R. 8E.

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.

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 enter the attached order:

(a) adopting a November 30, 1949 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Acequia de los Indios's community irrigation well; and

(b) correcting the subfile orders entered in the above-referenced subfiles for surface water rights served by the Acequia de los Indios to fully describe the supplemental groundwater irrigation water right associated with the community irrigation well.

Electronically Filed,

/s/ Brett Olsen

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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