

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

Carselo Ditch
Subfile No. 27.50

Acequia del Medio
Subfile No. 27.53

RG-11844

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE FOR
SUPPLEMENTAL GROUNDWATER IRRIGATION WATER RIGHT
(SUBFILE NOS. 27.50 & 27.53)**

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 orders entered in Subfile Nos. 27.50 and 27.53 by adopting a December 31, 1950, priority for the supplemental groundwater irrigation water right adjudicated under each subfile for diversion from Well No. RG-11572. The State offers the following grounds for this motion:

1. On March 14, 1969, the Court entered an “Order” (“Subfile Order 27.50”) identifying Well No. RG-11844 as a groundwater point of diversion for irrigation of 2.20 acres as shown on Hydrographic Survey Map Sheet No. 27, Tract 50 (Tract 27.50). Subfile Order

27.50, attached as *Exhibit 1*, omitted a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-11844.

2. On March 14, 1969, the Court entered an “Order” (“Subfile Order 27.53”) identifying Well No. RG-11844 as a groundwater point of diversion for irrigation of 1.34 acres as shown on Hydrographic Survey Map Sheet No. 27, Tract 53 (Tract 27.53). Subfile Order 27.53, attached as *Exhibit 2*, omitted a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-11844.

3. The State proposes that the Court adopt a December 31, 1950 priority for the supplemental groundwater irrigation water rights adjudicated under Subfile Nos. 27.50 and 27.53 based upon Declaration of Owner of Underground Water Right No. RG-11844 attached as *Exhibit 3*. The State further proposes that “Point of Diversion” in subpart A of Paragraph 5 of both subfile orders, Subfile Order 27.50 and Subfile Order 27.53, should be corrected to state the following:

Groundwater:	Well No. RG-11844 located in the NW ¼ SE ¼ SE ¼ Sec. 25, T. 18N, R. 9E
Priority:	12/31/1950

4. Except as requested by this motion, all other elements of the rights adjudicated under Subfile Nos. 27.50 and 27.53 should remain as stated in Subfile Order 27.50 and Subfile Order 27.53, 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 Nos. 27.50 and 27.53. The State’s proposed order is attached as *Exhibit 4*.

WHEREFORE, the State requests that the Court enter the attached order:

(a) correcting the March 14, 1969 Order entered in Subfile No. 27.50 by adopting a December 31, 1950 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-11844; and

(b) correcting the March 14, 1969 Order entered in Subfile No. 27.53 by adopting a December 31, 1950 priority for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-11844.

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, and to the following person(s) by U.S. mail:

/s/ Brett Olsen
Brett J. Olsen

Subfile No 27.50:

RUTH BEATY
P.O. BOX 177
TESUQUE, NM 87574

LESLIE H. BEATY SR.
P.O. BOX 177
TESUQUE, NM 87574

W. ROGER BEATY
P.O. BOX 185
TESUQUE, NM 87574

DOS NINAS, INC.
P.O. BOX 877
TESUQUE, NM 87574

Subfile No. 27.53:

RUTH BEATY
P.O. BOX 177
TESUQUE, NM 87574

CILENE R. ORTEGA
139 TESUQUE VILLAGE RD.
SANTA FE, NM 87506

CHARLIE A. ORTEGA
139 TESUQUE VILLAGE RD.
SANTA FE, NM 87506

LESLIE H. BEATY SR.
P.O. BOX 177
TESUQUE, NM 87574