

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,)
)
Plaintiffs-in-Intervention.)
_____)

NO. 66cv6639 WJ/WPL

Subfile: RG-17285

UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING PRE-1982 DOMESTIC WELL SUBFILE RG-17285 FOR HELEN P. SANDOVAL AND GENE SANDOVAL AND ENTER REVISED SIGNED CONSENT ORDER

The State of New Mexico ex rel. State Engineer (“State”) hereby moves the Court to vacate its October 19, 2015 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10385), and enter the Consent Order adjudicating the Pre-1982 domestic well water right associated with subfile RG-17285 attached hereto as Exhibit A, and in support thereof, states as follows:

1. On October 5, 2015, the State forwarded to the Court a proposed Order Adjudicating Pre-1982 Domestic Well Water Rights under subfile RG-17285 for Defendants Helen P. Sandoval and Gene Sandoval.

2. The attorney for the State, Edward Bagley, correctly certified in that document that the Defendants had not submitted a request for consultation.

3. On October 19, 2015, the Court entered the *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10385).

4. Subsequent to the entry of the *Order*, Defendant Helen P. Sandoval contacted the State, and alerted it to the fact that she was beneficially using a greater amount of water than the *Order* reflected.

5. The State undertook an investigation of Defendants' assertions, and found them to be correct.

6. Defendant Helen P. Sandoval also advised the State that her husband and co-Defendant, Gene Sandoval, is deceased.

7. Defendant Helen P. Sandoval and the State have both signed a Consent Order adjudicating the Pre-1982 water right under subfile RG-17285 consistent with the above described investigation, and the actual quantity of water beneficially used from the well. The Consent Order is attached hereto as Exhibit A.

8. Contemporaneously with the filing of this Motion, the State will submit the Consent Order to the Special Master.

9. Defendant Helen P. Sandoval does not oppose this motion.

WHEREFORE, the State requests that the Court vacate its October 19, 2015 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10385), and enter the Consent Order adjudicating the Pre-1982 domestic well water right associated with subfile RG-17285 attached hereto as Exhibit A.

Electronically Filed

/s/ Edward C. Bagley

Edward C. Bagley
Special Assistant Attorney General
Attorney for State of New Mexico
P.O. Box 25102
Santa Fe, NM 87504-5102
Telephone: (505) 827-6150

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 21, 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 upon the following by United States First Class mail:

Helen P. Sandoval
23 Rancho Santo Valle
Santa Fe, NM 87506