

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-35367

UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING PRE-1982 DOMESTIC WELL SUBFILE RG-35367 FOR JOSEPH JULIEN ROMERO AND ENTER REVISED SIGNED CONSENT ORDER

The State of New Mexico ex rel. State Engineer (“State”) hereby moves the Court to vacate its April 15, 2014 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 9315), and enter the Consent Order adjudicating the Pre-1982 domestic well water right associated with subfile RG-35367 attached hereto as Exhibit A, and in support thereof, states as follows:

1. On February 11, 2014, the State forwarded to the Court a proposed Order Adjudicating Pre-1982 Domestic Well Water Rights under subfile RG-35367 for Defendant Joseph Julien Romero.

2. The attorney for the State, Barbara Brill, correctly certified in that document that the Defendant had not submitted a request for consultation.

3. On April 15, 2014, the Court entered the *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 9315).

4. Subsequent to the entry of the *Order*, Defendant Joseph Julien Romero contacted the State, and alerted it to the fact that he was beneficially using a greater amount of water than the *Order* reflected.

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

6. Defendant and the State have both signed a Consent Order adjudicating the Pre-1982 water right under subfile RG-35367 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.

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

8. Defendant Joseph Julien Romero does not oppose this motion.

WHEREFORE, the State requests that the Court vacate its April 15, 2014 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 9315), and enter the Consent Order adjudicating the Pre-1982 domestic well water right associated with subfile RG-35367 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:

Joseph Julien Romero
8 Wymas Dr.
Santa Fe, NM 87501