

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-85459

**UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING POST-1982  
DOMESTIC WELL SUBFILE RG-85459 FOR GARY DONTZIG AND ENTER  
REVISED SIGNED CONSENT ORDER**

The State of New Mexico ex rel. State Engineer (“State”) hereby moves the Court to vacate its January 5, 2011 *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7225), and enter the Consent Order adjudicating the Post-1982 domestic well water right associated with subfile RG-85459 attached hereto as Exhibit B, and in support thereof, states as follows:

1. On November 30, 2010, the State forwarded to the Court a proposed Order Adjudicating Post-1982 Domestic Well Water Rights under subfile RG-85459 for Defendant Gary Dontzig.
2. The proposed Order recognized domestic use for one household.

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

4. On January 5, 2011, the Court entered the *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7225).

5. Subsequent to the entry of the *Order*, Defendant Dontzig contacted the State, and alerted it to the fact that permit RG-85459 was for “more than one household,” and that the well associated with it in fact served two (2) households. The Permit RG-85459 is attached hereto as Exhibit A.

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

7. Defendant and the State have both signed a Consent Order adjudicating the Post-1982 water right under subfile RG-85459 consistent with the above described investigation, the multiple household use character of the permit, and the fact that water taken from the well is beneficially used to serve two (2) households. The Consent Order is attached hereto as Exhibit B.

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

9. Defendant Gary Dontzig does not oppose this motion.

WHEREFORE, the State requests that the Court vacate its January 5, 2011 *Order Adjudicating Post-1982 Domestic Well Water Rights* (No. 7225), and enter the Consent Order adjudicating the Post-1982 domestic well water right associated with subfile RG-85459 attached hereto as Exhibit B.

Electronically Filed

/s/ Edward C. Bagley

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Edward C. Bagley  
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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:

Gary Dontzig  
P.O. Box 579  
Tesuque, NM 87574