

STATE OF NEW MEXICO, ex rel. STATE)	
ENGINEER,)	
)	
Plaintiff,)	
v.)	
)	No. 66cv6639 MV/WPL
R. LEE AAMODT, et.al.,)	
)	
Defendants,)	
)	
And)	
)	Acequia del Barranco de Jacona
UNITED STATES OF AMERICA,)	a/k/a Acequia Barranco
PUEBLO DE NAMBE,)	
PUEBLO DE POJOAQUE,)	
PUEBLO DE SAN ILDEFONSO,)	
and PUEBLO DE TESUQUE,)	
)	Subfile Nos. RG-77627, 5.16, 5.17, 5.17-A,
)	5.17-B, 5.18, 5.18-A, 5.19, 5.19-A, 5.20,
Plaintiffs-in-Intervention.)	5.21, 5.22, 5.23, 5.24, 5.25, 5.26, 5.27,
)	5.27-A, 5.27-B, 5.28, 5.29, 5.30, 5.31,
)	5.31-A, 5.32, 5.33, 5.34, 5.35, 5.36, 5.37,
)	6.31-A, 6.60, 6.61, 6.62, 6.63, 6.64, 6.65,
)	6.66, 6.67, 6.68, 6.69, 6.70, 6.71, 6.72, 6.73,
)	6.74, 6.75, 6.76, 6.77, 6.78, 6.79, 6.80, 6.81,
)	6.82, 6.83, 6.84
)	

MOTION TO CORRECT SUBFILE ORDERS FOR WATER RIGHTS SERVED BY ACEQUIA DEL BARRANCO DE JACONA 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 an August 13, 1955 priority for the groundwater irrigation water right adjudicated for diversion from the Acequia del Barranco de Jacona’s community irrigation well, Well No. RG-77627, and correct all subfile orders for water rights served by the Acequia Barranco de Jacona to fully describe said right and Well No. RG-77627. The State offers the following grounds for this motion:

1. Subfile orders adjudicating water rights or “no right” on tracts served by the Acequia Barranco de Jacona were entered in the following subfiles: 5.16, 5.17, 5.17-A, 5.17-B, 5.18, 5.18-A, 5.19, 5.19-A, 5.20, 5.21, 5.22, 5.23, 5.24, 5.25, 5.26, 5.27, 5.27-A, 5.27-B, 5.28, 5.29, 5.30, 5.31, 5.31-A, 5.32, 5.33, 5.34, 5.35, 5.36, 5.37, 6.31-A, 6.60, 6.61, 6.62, 6.63, 6.64, 6.65, 6.66, 6.67, 6.68, 6.69, 6.70, 6.71, 6.72, 6.73, 6.74, 6.75, 6.76, 6.77, 6.78, 6.79, 6.80, 6.81, 6.82, 6.83, 6.84.

2. In addition to referencing the Acequia Barranco de Jacona’s surface water point of diversion, each of the foregoing subfile orders references a community irrigation well which provides supplemental groundwater for irrigation of certain subfile tracts. Whether or not a subfile tract has a right to receive water from the community well is stated in the subfile order. Based on review of Office of the State Engineer files, the State has determined that the community well is Well No. RG-77627. *See* Declaration of Owner of Underground Water Right No. RG-77627 (“Declaration No. RG-77627”) attached as *Exhibit 1*.

3. To date, no order has been entered adjudicating a priority date for the supplemental groundwater irrigation water right adjudicated for diversion from Well No. RG-77627. The State therefore proposes to adopt an August 13, 1955 priority for this water right based on the date of well drilling claimed in Declaration No. RG-77627. *See Exhibit 1*.

4. The State further proposes that subfile orders under the Acequia Barranco de Jacona should be corrected to fully describe the supplemental groundwater irrigation water right associated with the community well, Well No. RG-77627, as follows:

Purpose – Irrigation

Groundwater:

State Engineer File No: RG-77627

Priority: August 13, 1955

Point of Diversion: Community irrigation well No. RG-77627
located in the SE ¼ NE ¼ SW ¼ Sec. 12, T.
19 N, R. 8 E.

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, Well No. RG-77627. 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:

(a) adopt an August 13, 1955 priority for the supplemental groundwater irrigation water right adjudicated for diversion from the Acequia del Barranco de Jacona's community irrigation well, Well No. RG-77627; and

(b) correct the subfile orders entered in the above-referenced subfiles for water rights served by the Acequia del Barranco de Jacona to fully describe the supplemental groundwater irrigation water rights associated with Well No. RG-77627 as set forth in the attached order and in paragraph 4 above.

Electronically Filed,

By /s/ Brett Olsen

Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 22, 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 individuals who do not receive service through the CM/ECF system are served by U.S. Mail.

/s/ Brett Olsen

Brett Olsen