

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

Ancon Ditch  
Subfile No. 8.61  
RG-5560

Plaintiffs-in-Intervention.

**MOTION TO VACATE ORDER GRANTING MOTION TO CORRECT SUBFILE  
ORDER TO ADOPT PRIORITY DATE FOR SUPPLEMENTAL  
GROUNDWATER IRRIGATION WATER RIGHT  
(SUBFILE NO. 8.61)**

The State of New Mexico ex rel. State Engineer (“State”) hereby moves the Court to vacate its June 8, 2016, *Order Granting Motion to Correct Subfile Order to Adopt Priority Date for Supplemental Groundwater Irrigation Water Right (Subfile No. 8.61)* [No. 10652] (the “Order”) attached as *Exhibit 1*, and in support thereof, states as follows:

1. On May 28, 2016, the State forwarded to the Court a proposed form of the Order granting the State’s *Motion to Correct Subfile Order to Adopt Priority Date for Supplemental Groundwater Irrigation Water Right (Subfile No. 8.61)* [Doc. 10572, filed April 20, 2016] (the “Motion”).

2. Counsel for the State, Brett J. Olsen, certified in the Motion that copies of the Motion, including a proposed form of order, were served electronically and/or via U.S. Mail on all parties or persons who, according to the records of the State, may have an ownership interest in the subject subfile, Subfile No. 8.61.

3. No objections or responses to the Motion were filed. However, in reviewing the certificate of service to the Motion, the State determined that the Motion was mailed to individuals associated with a different subfile and may not have been mailed to the proper recipients.

4. Accordingly, the Order should be vacated to allow the State to serve the Motion by U.S. Mail on all individuals who, according to the State's records, may have an ownership interest in Subfile No. 8.61. Those individuals are identified in the certificate of service hereto.

5. A proposed form of order granting this motion is attached as *Exhibit 2*.

WHEREFORE, the State requests that the Court vacate its June 8, 2016, *Order Granting Motion to Correct Subfile Order to Adopt Priority Date for Supplemental Groundwater Irrigation Water Right (Subfile No. 8.61)* [Doc. 10652].

Electronically Filed,

/s/ Brett Olsen

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Attorneys for the State of New Mexico

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 23, 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

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