

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

Chupadero Irrigation Co. Ditch

Subfile No. 15.3A

OSE File No. RG-78264

Plaintiffs-in-Intervention.

**UNOPPOSED MOTION TO CORRECT SUBFILE ORDER TO ADD OMITTED
SUPPLEMENTAL GROUNDWATER IRRIGATION
WATER RIGHT (SUBFILE NO. 15.3A)**

Pursuant to Section A.2 of 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 enter the attached Order:

a. correcting the May 8, 1968 subfile order entered in Subfile No. 15.3A by adding Well No. RG-78264 as the point of diversion for a previously omitted supplemental groundwater irrigation water right; and

b. adopting a December 31, 1951 priority for the supplemental groundwater irrigation water right to be adjudicated for diversion from Well No. RG-78264.

The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” under Subfile No. 15.3A (“Subfile Order”) adjudicating a surface water irrigation water right to Raymondo Martinez for irrigation of 1.44 acres (“Tract 15.3A”) served by the Chupadero Irrigation Co. Ditch. Subpart A of Paragraph 5 of the Subfile Order describes the surface water point of diversion for the water right under the Chupadero Irrigation Co. Ditch. Subpart A of Paragraph 5 does not identify a groundwater point of diversion. Subpart B of Paragraph 5 adjudicates a domestic/livestock well with a priority of 1951. A copy of the Subfile Order is attached hereto as *Exhibit 1*.

2. Based on Declaration of Owner of Underground Water Right No. RG-78264 (the “Declaration”) attached as *Exhibit 2*, and the April 26, 2016 field inspection by Hydrographic Survey Division staff, the State has determined that the domestic/livestock well adjudicated in the Subfile Order is Well No. RG-78264. The field inspection also found that Well No. RG-78264 is being used to irrigate Tract 15.3A as claimed in the Declaration.

3. The State proposes to correct the Subfile Order by adjudicating a supplemental groundwater irrigation water right for irrigation of Tract 15.3A from Well No. RG-78264. The State further proposes a December 31, 1951 priority for this right based upon the Subfile Order and the Declaration. *See Exhibits 1-2*.

4. Accordingly, “Point of Diversion” in Subpart A of Paragraph 5 of the Subfile Order should be corrected as follows to describe the supplemental groundwater irrigation water right under Subfile No. 15.3A:

Groundwater: Well No. RG-78264 located in the NE ¼ NW ¼ NW ¼, Section 6,
T. 18N, R. 10E.

Priority: 12/31/1951

5. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 15.3A should remain as stated in the Subfile Order and subsequent orders of this Court.

6. The owner of the rights adjudicated under Subfile No. 15.3A, Paul White, does not oppose entry of the attached proposed order granting the motion. *See Exhibit 3.*

WHEREFORE, the State requests that the Court enter the attached order correcting the May 8, 1968, Subfile Order as set forth above in paragraphs 3 and 4 of the motion.

Electronically Filed,
/s/ Brett Olsen
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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

PAUL MARK WHITE
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