

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

Subfile No. RG-14010

Plaintiffs-in-Intervention.

**UNOPPOSED MOTION TO CORRECT PRIORITY DATE FOR
DOMESTIC/LIVESTOCK RIGHT (SUBFILE NO. RG-14010)**

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 adopting a December 31, 1946 priority date for the groundwater right adjudicated for domestic/livestock use under Subfile No. RG-14010. The State offers the following grounds for this motion:

1. The attached January 31, 1984, “Order” (“Subfile Order”) entered in Subfile No. RG-14010 adjudicated a groundwater right for domestic and/or livestock use under NMSA 1978, Section 72-12-1, for diversion from Well No. RG-14010, in the name of Ramon Gomez, Jr. The Subfile Order adopted a June 10, 1966 priority for this right. *See* Subfile Order, *Exhibit 1* hereto.

2. The subfile defendant, Ramon Gomez, Jr., has submitted evidence to the State in support of his request for a 1946 priority for the domestic/livestock right adjudicated for diversion from Well No. RG-14010. This evidence consists of a 1949 photograph and four affidavits of family members with personal knowledge concerning the history of the well. These materials are attached as *Exhibit 2*. Having reviewed these materials, that State believes there is sufficient evidence on which to conclude first beneficial use of water for this right occurred in or about 1946. The State therefore proposes to correct the Subfile Order by adopting a priority date of December 31, 1946 for the domestic/livestock right adjudicated for diversion from Well No. RG-14010, and clarifying that said domestic/livestock right is a pre-basin, non-NMSA 1978, Section 72-12-1 and -1.1 right.

3. 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 Subfile No. RG-14010. The State's proposed order is attached as *Exhibit 3*.

WHEREFORE, the State requests that the Court enter the attached order correcting the January 31, 1984, "Order" by adopting a December 31, 1946 priority for the groundwater right adjudicated for domestic and/or livestock use under Subfile No. RG-14010.

Electronically Filed,
By /s/ Brett J. 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

Ramon Gomez
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