

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
Acequia de los Indios
Subfile Nos. 4.60 & 4.77

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO REMOVE REFERENCE TO
DOMESTIC/LIVESTOCK RIGHT AND WELL (SUBFILE NOS. 4.60 & 4.77)**

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 correct the September 5, 1967 subfile order entered in Subfile Nos. 4.60 & 4.77 by removing reference to Well No. RG-778 and the related groundwater water right adjudicated for domestic/livestock use. The State offers the following grounds for this motion:

1. On April 23, 1957, the Office of the State Engineer granted Application No. RG-778 for Permit to appropriate the Underground Waters of the State of New Mexico (“Permit No. RG-778”) to Celdon R. Lujan. The Domestic Well Permit, attached as *Exhibit 1*, provided for appropriation of groundwater from Well No. RG-778 to be drilled in the W ½ NE ¼ SE ¼

Section 8, Township 19N, Range 8E, for stock and household domestic use at a location within the W ½ NE W ½ NE ¼ SE ¼ Section 8, Township 19N, Range 8E.

2. On September 5, 1967, the Court entered an “Order” under Subfile No. 2.34 adjudicating a groundwater water right to Celedon R. Lujan for domestic/livestock use from Well No. RG-778, with a priority of April 23, 1957 (“Subfile Order 2.34”). *See* Subfile Order 2.34, attached as *Exhibit 2*, ¶5.B.

3. On September 5, 1967, the Court entered an “Order” under Subfile Nos. 4.60 & 4.77 in the name of Pedro R. Gomez that references a groundwater right for domestic/livestock use from the same well, RG-778 (“Subfile Order 4.60 & 4.77”). *See* Subfile Order 4.60 & 4.77, attached as *Exhibit 3*, ¶5.B.

4. Review of Permit No. RG-778 and the two subfile orders confirms that Well No. RG-778 and the related domestic/livestock right are associated with Subfile No. 2.34 and should not have been referenced in Subfile Order 4.60 & 4.77.

5. Accordingly, Subfile Order 4.60 & 4.77 should be corrected by removing reference to Well No. RG-778 and the related domestic/livestock groundwater right.

6. Except as requested by this motion, all other elements of the rights adjudicated under Subfile Nos. 4.60 & 4.77 should remain as stated in the September 5, 1967 Order and subsequent orders of this Court.

7. 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 Nos. 4.60 & 4.77. The State’s proposed order is attached as *Exhibit 4*.

WHEREFORE, the State requests that the Court enter the attached order correcting the September 5, 1967 Order entered in Subfile Nos. 4.60 & 4.77 by removing reference to Well No. RG-778 and the related domestic/livestock groundwater right.

Electronically Filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 7, 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:

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