

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel. STATE)
ENGINEER,)

Plaintiff,)

v.)

No. 66cv6639 WJ/WPL

R. LEE AAMODT, et.al.,)

Defendants,)

And)

UNITED STATES OF AMERICA,)

Acequia Barranco Blanco

PUEBLO DE NAMBE,)

Acequia Larga de Jacona

PUEBLO DE SAN ILDEFONSO, and)

Subfile No. 6.2

PUEBLO DE TESUQUE,)

Plaintiffs-in-Intervention)

MOTION TO CORRECT SUBFILE ORDER TO CLARIFY POINTS OF DIVERSION
(SUBFILE NO. 6.2)

Pursuant to Section A.1 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 clarify the points of diversion for the surface water irrigation water right adjudicated under Subfile No. 6.2. The State offers the following grounds for this motion:

1. The same surface water irrigation water right was inadvertently adjudicated twice under two different subfiles: 19.15 and 6.2. A March 14, 1969 Order entered in Subfile No. 19.15 adjudicated a surface water irrigation water right appurtenant to 0.11 acres served by the Acequia Barranco Blanco in the name of Efrocenia (Celia) Trujillo. *Exhibit 1*. A separate March 14, 1969 Order entered in Subfile No. 6.2 adjudicated a surface water irrigation water right appurtenant to the same 0.11 acres under the Acequia Larga de Jacona in the name of Ms. Trujillo. *Exhibit 2*.

2. The Order entered in Subfile No. 19.15 was subsequently vacated by Order dated December 18, 2013 (Doc. 8063). Thus, the water right is currently referenced in the Court record under Subfile 6.2 only.

3. Paragraph 5.A of the March 14, 1969 Order in Subfile No. 6.2 (“Subfile Order”) contains a location description of the point of diversion for the Acequia Larga de Jacona which is one of two ditches serving the 0.11 acre subfile tract and the surface water irrigation water appurtenant thereto. *See Exhibit 2*. As set forth in the now-vacated March 14, 1969 Order in Subfile No. 19.15, the subfile tract is also irrigated from the Acequia Barranco Blanco. *See Exhibit 1*.

4. Paragraph 5.A of the Subfile Order should therefore be corrected to (a) clarify that the subfile tract is irrigated from both the Acequia Larga de Jacona and the Acequia Barranco Blanco; and (b) provide the location description for both ditches as follow:

Point of Diversion:

Surface: The surface water irrigation water right appurtenant to the acreage described below is served by two ditches, the Acequia Barranco Blanco and the Acequia Larga de Jacona.

The Acequia Barranco Blanco is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, T. 19 N, R. 9 E., within the Pojoaque Pueblo Grant.

The Acequia Larga de Jacona is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7, T. 19 N, R. 9 E.

5. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 6.2 should remain as stated in the Subfile Order and subsequent orders of this Court.

6. A copy of the State’s proposed order granting the motion is attached as *Exhibit 3*. Because the motion seeks only to clarify an element of the subject water right, the State is not

required to serve copies of the motion by U.S. mail on defendants of record or persons who, according to the State's records, may have an interest in the right. *Procedural Order for Correcting Subfile Errors*, Sec. A.1 (Doc. 7909, July 23, 2013).

WHEREFORE, the State requests that the Court enter the attached order clarifying that the surface water irrigation water adjudicated under Subfile No. 6.2 is served by both the Acequia Barranco Blanco and the Acequia Larga de Jacona, and providing the location description of both ditches.

Respectfully Submitted,

/s/ Brett Olsen
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 8, 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 served the following by U.S. Mail.

/s/ Brett Olsen
Brett Olsen