

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, )  
) )  
Plaintiffs-in-Intervention. )

No. 66cv6639 WJ/WPL

**UNOPPOSED MOTION TO STRIKE WITHOUT PREJUDICE DEFENDANT PAUL  
WHITE’S JANUARY 8, 2016 OBJECTION TO ORDER TO SHOW CAUSE AS BEING  
UNTIMELY**

The State of New Mexico, *ex rel.* State Engineer (“State”), hereby moves the Court to strike without prejudice Defendant Paul White’s January 8, 2016 *Objection to Order to Show Cause Filed 12/28/15* (No. 10436) as being untimely, and in support thereof, states as follows:

1. On December 28, 2015, the Court entered its *Order to Show Cause* (No. 10426) regarding the adjudication of priority dates for water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero. The *Order to Show Cause* provided

that “if you object to the priority date stated for your ditch above, you must file a form objection.” *Id.* at 3 (emphasis added).

2. On January 8, 2016, Defendant Paul White filed his *Objection to Order to Show Cause Filed 12/28/15* (No. 10436). Defendant Paul White objected not to the priority date for his ditch, but rather to the priority date associated with certain other ditches – specifically the Frank V. Ortiz Ditch No. 1 and the Frank V. Ortiz Ditch No. 2.

4. Because Defendant’s *Objection* is not to the “the priority date stated for [his own] ditch,” but rather to the priority dates for ditches other than his own, his objection is premature, and not contemplated by either the December 28, 2015 *Order to Show Cause*, or the December 28, 2015 *Procedural and Scheduling Order for the Adjudication of Priority Dates for Water Diverted From the Rio En Medio and Conveyed Through a Common Ditch to the Rio Chupadero* (No. 10425).

5. Defendant will nevertheless have the opportunity to raise his objection to the priority dates associated with the Frank V. Ortiz Ditch No. 1 and the Frank V. Ortiz Ditch No. 2 during the later *inter se* phase of this water rights adjudication lawsuit.

6. Defendant Paul White does not object to this Motion.

WHEREFORE, the State of New Mexico, *ex rel.* State Engineer (“State”), hereby moves the Court to strike without prejudice Defendant Paul White’s January 8, 2016 *Objection to Order to Show Cause Filed 12/28/15* (No. 10436) as being untimely.

Respectfully submitted this 15th day of July, 2016.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 15, 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.