

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

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

Plaintiff, )

v. )

No. 66cv6639 MV/WPL

R. LEE AAMODT, et.al., )

Defendants, )

And )

Acequia del Medio (Ortiz Branch)

UNITED STATES OF AMERICA, )

PUEBLO DE NAMBE, )

PUEBLO DE POJOAQUE, )

PUEBLO DE SAN ILDEFONSO, )

and PUEBLO DE TESUQUE, )

Subfile Nos. 1.2, 1.2A, 1.2B, 1.7, 2.45 &  
2.46, 2.48, 2.50, 2.52, 2.53

Plaintiffs-in-Intervention. )

**MOTION TO CORRECT LEGAL DESCRIPTION OF SURFACE WATER POINT OF  
DIVERSION FOR WATER RIGHTS SERVED BY  
THE ACEQUIA DEL MEDIO (ORTIZ BRANCH)**

Pursuant to 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 a clerical error in the legal description of the surface water point of diversion for surface water irrigation water rights served by the Acequia del Medio (Ortiz Branch). The State offers the following grounds for this motion:

1. Orders adjudicating water rights or “no right” on tracts served by the Acequia del Medio (Ortiz Branch) were entered in the following subfiles: 1.2, 1.2A, 1.2B, 1.7, 2.45 & 2.46, 2.48, 2.50, 2.52, and 2.53 (the “Subfile Orders”). The Subfile Orders contain the following

incorrect Public Lands Survey System information in the legal description for the Acequia del Medio's surface water point of diversion: SW ¼ NE ¼ NE ¼, Sec. 9, T. 19 N., R. 8 E.

2. The State requests that each Subfile Order be corrected to accurately describe the surface water point of diversion for the Acequia del Medio (Ortiz Branch) as follows:

The Acequia del Medio is located in the NW ¼ SW ¼ NE ¼, Sec. 9, T. 19 N., R. 8 E., within the San Ildefonso Pueblo Grant and diverts out of the south bank of the Pojoaque River. The Ortiz Branch divides from the Acequia del Medio at a point 0.4 miles below the diversion.

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 the above-referenced subfiles. The State's proposed order is attached as *Exhibit 1*.

WHEREFORE, the State requests that the Court correct the orders entered in Subfile Nos. 1.2, 1.2A, 1.2B, 1.7, 2.45 & 2.46, 2.48, 2.50, 2.52, and 2.53 adjudicating water rights or "no right" on tracts served by the Acequia del Medio (Ortiz Branch), to accurately describe the surface water point of diversion as set forth in paragraph 2 above and in the attached order.

Electronically Filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 28, 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

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