

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.)

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

THIS MATTER is before the Court on the State of New Mexico’s *Motion to Correct Legal Description of Surface Water Point of Diversion for Water Rights Served by the Acequia del Medio (Ortiz Branch)* (Doc. _____, _____), filed pursuant to the Court’s July 23, 2013, *Procedural Order for Correcting Subfile Errors* (Doc. 7909).

Subfile 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. As set forth in the State’s Motion, the subfile orders contain incorrect Public Lands Survey System information in the legal description for the Acequia del Medio’s surface water point of diversion. The State therefore requests an order correcting the legal

description in the subfile orders. Having been fully advised in the premises, the Court finds the Motion well taken.

IT IS THEREFORE ORDERED that the subfile 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) are corrected to accurately describe the ditch’s surface water point of diversion as follows:

The Acequia del Medio is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, 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.

Except as expressly corrected by this Order, all other elements of the rights adjudicated under the above-referenced subfiles should remain as stated in the subfile orders and subsequent orders of the Court.

WILLIAM P. JOHNSON
UNITED STATES DISTRICT JUDGE

Recommended for approval:

SPECIAL MASTER PIERRE LEVY