

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 No. 2.1  
RG-64443

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO ADOPT PRIORITY DATE FOR  
SUPPLEMENTAL GROUNDWATER IRRIGATION WATER RIGHT  
(SUBFILE NO. 2.1)**

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, order entered in Subfile No. 2.1 by adopting a June 15, 1946 priority for the supplemental groundwater irrigation water right adjudicated for diversion from a private well (RG-64443) for irrigation supplemental to the Acequia de los Indios.

The State offers the following grounds for this motion:

1. On September 5, 1967, the Court entered an “Order” (“Subfile Order”) in Subfile No 2.1 which is attached as *Exhibit 1*. In addition to referencing the “community irrigation well” that supplies supplemental groundwater to subfile tracts irrigated from the Acequia de los Indios,

the Subfile Order adjudicated a groundwater irrigation water right supplemental to the Acequia de Los Indios for diversion from a private irrigation well located in the NW ¼ NW ¼ SE ¼, Sec. 9, T. 19N, R. 8E. The Subfile Order omitted a priority date for this right.

2. The private irrigation well identified in the Subfile Order was designated by the Office of the State Engineer as RG-64443. The State proposes that the Court adopt a June 15, 1946 priority for the supplemental groundwater irrigation water right associated with Well No. RG-64443 based on the date of drilling claimed in *Declaration of Owner of Underground Water Right RG-64443*, dated February 12, 1996, and attached as *Exhibit 2*. The State further proposes that the following correction be made to the “Groundwater” point of diversion in subpart A of Paragraph 5 of the Subfile Order:

2) Well No. RG-64443 located in the NW ¼ NW ¼ SE ¼, Sec. 9, T. 19N, R. 8E

Priority: 6/15/1946

3. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 2.1 should remain as stated in the Subfile Order and subsequent orders of this Court.

4. The State is serving a copy of this motion and a proposed order on all parties or persons who, according to the records of the State, may have an ownership interest in Subfile No. 2.1. The State’s proposed order is attached as *Exhibit 3*.

WHEREFORE, the State requests that the Court enter the attached order correcting the September 5, 1967, order entered in Subfile No. 2.1 as set forth in paragraph 2 above.

Electronically Filed,  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 1, 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:

/s/ Brett Olsen  
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