

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

STATE OF NEW MEXICO, *ex rel.*
State Engineer,
Plaintiff,

v.

No. Civ. 66-06639 WJ/WPL

R. LEE AAMODT *et al.*
Defendants,

and

UNITED STATES OF AMERICA,
PUEBLO DE NAMBÉ,
PUEBLO DE POJOAQUE,
PUEBLO DE SAN ILDEFONSO,
and PUEBLO DE TESUQUE,
Plaintiffs-in-Intervention.

Acequia Ancon de Jacona
a/k/a Acequia de Jacona
6.51, 6.52, 6.53, 6.54, 6.55, 6.56, 6.56-A,
6.57, 6.58, 6.59

**ORDER GRANTING MOTION TO ADD OMITTED SOURCES OF
WATER AND POINTS OF DIVERSION TO SUBFILE ORDERS
FOR SURFACE WATER RIGHTS SERVED
BY THE ACEQUIA ANCON DE JACONA [DOC. NO. 10501]**

THIS MATTER is before the Court on the State of New Mexico's *Motion to Add Omitted Sources of Water and Points of Diversion to Subfile Orders for Surface Water Rights Served by the Acequia Ancon de Jacona*, filed January 28, 2016 [Doc. No. 10501], filed pursuant to the Court's July 23, 2013, *Procedural Order for Correcting Subfile Errors* [Doc. No. 7909]. The Special Master has jurisdiction pursuant to the *Procedural Order*. No party has filed a response to the motion.

Subfile orders adjudicating surface water irrigation rights under the Acequia Ancon de Jacona were entered in the following subfiles: 6.51, 6.52, 6.53, 6.54, 6.55, 6.56, 6.56-A, 6.57,

6.58, 6.59. As set forth in the State's Motion, the subfile orders for these rights omit reference to Pojoaque Creek and the Rio Tesuque as additional sources of water. The State therefore requests an order correcting these subfile orders by: (a) adding the Pojoaque Creek and the Rio Tesuque as additional sources of water; and (b) providing the legal description for the Acequia Ancon de Jacona's point of diversion on each stream. Having been fully advised in the premises, the Court finds the Motion well taken, and that the State's proposed source of water and point of diversion information should be adopted and added to all subfile orders adjudicating surface water irrigation rights under the Acequia Ancon de Jacona.

IT IS THEREFORE ORDERED that paragraph 5.A of each subfile order adjudicating a surface water irrigation right under the Acequia Ancon de Jacona is hereby corrected to add the following source of water and point of diversion information:

The Acequia Ancon de Jacona also diverts water from the Pojoaque Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T. 19 N., R. 9. E., at a point located at X: 564,448 and Y: 1,781,617, NM State Plane Coordinate System, Central Zone, NAD 1927.

The Acequia Ancon de Jacona also diverts water from the Rio Tesuque in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, T. 19 N., R. 8. E., at a point located at X: 563,410 and Y: 1,780,704, NM State Plane Coordinate System, Central Zone, NAD 1927.

IT IS FURTHER ORDERED that Plaintiff the State of New Mexico shall mail a conformed copy of this Order to all persons, not listed on the Court's CM/ECF system, whom the State has determined may have an interest in the subject water rights based upon the State's ongoing review of county records, OSE Water Rights Database records, and court records.

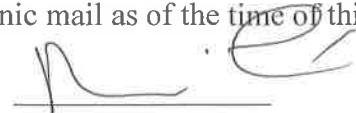
THE PARTIES ARE NOTIFIED THAT WITHIN 20 DAYS OF SERVICE of a copy of this order, report, or recommendations, they may file written objections with the Clerk of the Court pursuant to Federal Rule of Civil Procedure 53(f)(2). A party must file any objections with the Clerk of the

Court within the twenty-day period if that party wants the District Judge to hear their objections. If no objections are filed within the twenty-day period, the District Judge may adopt the order, report or recommendations in whole.



Pierre Levy
Special Master

I hereby certify that on the date of filing, I caused the foregoing to be filed electronically through the CM/ECF system which caused the parties on the Court's service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail as of the time of this filing.



Pierre Levy

August 8, 2016