

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

STATE OF NEW MEXICO, ex rel. STATE )	
ENGINEER, )	
)	
Plaintiff, )	
v. )	
)	No. 66cv6639 WJ/WPL
R. LEE AAMODT, et.al., )	
)	
Defendants, )	
)	
And )	
)	Acequia Larga de Jacona
UNITED STATES OF AMERICA, )	a/k/a Acequia Larga
PUEBLO DE NAMBE, )	
PUEBLO DE POJOAQUE, )	
PUEBLO DE SAN ILDEFONSO, )	
and PUEBLO DE TESUQUE, )	5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.15-A,
)	6.1, 6.1-A, 6.1-B, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7,
Plaintiffs-in-Intervention. )	6.8, 6.9, 6.9-A, 6.9-B, 6.10, 6.11, 6.12, 6.13,
)	6.13-A, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19,
)	6.20, 6.21, 6.22, 6.23, 6.24, 6.24-A, 6.25,
)	6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32,
)	6.32-A, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38,
)	6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.44-A,
)	6.45, 6.46, 6.47, 6.48, 6.49, 7.57, 7.58, 7.59,
)	7.60, 7.61, 7.62

**ORDER GRANTING MOTION TO CORRECT SUBFILE ORDERS TO ADD SOURCES OF WATER AND POINTS OF DIVERSION TO WATER RIGHTS SERVED BY THE ACEQUIA LARGA DE JACONA [DOC. NO. 10537]**

THIS MATTER is before the Court on the State of New Mexico’s *Motion to Correct Subfile Orders to Add Sources of Water and Points of Diversion for Surface Water Rights Served by the Acequia Larga de Jacona* , filed March 12, 2016 [Doc. No. 10537], 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 water rights appurtenant served by the Acequia Larga de Jacona were entered in the following subfiles: 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.15-A, 6.1, 6.1-A, 6.1-B, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.9-A, 6.9-B, 6.10, 6.11, 6.12, 6.13, 6.13-A, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.24-A, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32, 6.32-A, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.44-A, 6.45, 6.46, 6.47, 6.48, and 6.49. Orders adjudicating “no right” under the Acequia Larga de Jacona were entered in the following subfiles: 7.57, 7.58, 7.59, 7.60, 7.61, and 7.62.

As set forth in the State’s motion, the Acequia Larga de Jacona diverts surface water from the Pojoaque River, the Rio Tesuque, and five (5) springs. However, subfile orders under the Acequia Larga de Jacona reference only the ditch’s point of diversion on the Pojoaque River. The State therefore requests an order correcting the subfile orders under the Acequia Larga de Jacona, to clarify the Acequia Larga de Jacona’s point of diversion on the Pojoaque River and add the omitted sources of water and points of diversion. 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 subfiles under the Acequia Larga de Jacona.

IT IS THEREFORE ORDERED that the subfile orders adjudicating water rights or “no right” in the above-number subfiles under the Acequia Larga de Jacona are hereby corrected to add the following source of water and point of diversion information:

Point of Diversion:

Surface:

The Acequia Larga de Jacona diverts water from the Pojoaque River in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Sec. 7, T. 19 N., R. 9. E., at a point located at X: 567,243 and Y: 1,781,899, NM State Plane Coordinate System, Central Zone, NAD 1927.

The Acequia Larga de Jacona also diverts water from the Rio Tesuque in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Sec. 7, T. 19 N., R. 9. E., at a point located at X: 564,365 and Y: 1,780,322, NM State Plane Coordinate System, Central Zone, NAD 1927.

The following springs are also sources of water for the Acequia Larga de Jacona:

Barry's Spring - located in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Sec. 6, T. 19 N, R. 9 E., at a point located at X: 567, 809 and Y: 1,782,489 NM State Plane Coordinate System, Central Zone, NAD 1927.

Doña Inez Spring - located in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec. 7, T. 19 N, R. 9 E., at a point located at X: 566,070 and Y: 1,781,377 NM State Plane Coordinate System, Central Zone, NAD 1927.

Spring "A" – located in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec. 7, T. 19 N, R. 9 E., at a point located at X: 565,739 and Y: 1,781,583 NM State Plane Coordinate System, Central Zone, NAD 1927.


Spring "B" – located in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec. 7, T. 19 N, R. 9 E., at a point located at X: 564,739 and Y: 1,781,133 NM State Plane Coordinate System, Central Zone, NAD 1927.

Spring "C" – located in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec. 7, T. 19 N, R. 9 E., at a point located at X: 564,445 and Y: 1,780,809 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.**

  
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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.

August 8, 2016

  
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Pierre Levy