

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, )  
) )  
Plaintiffs-in-Intervention. )

No. 66cv6639 WJ/WPL

**MOTION FOR ORDER ADJUDICATING PRIORITY DATES FOR WATER  
DIVERTED FROM THE RIO EN MEDIO AND CONVEYED THROUGH A COMMON  
DITCH TO THE RIO CHUPADERO**

The State of New Mexico, *ex rel.* State Engineer (“State”), hereby moves the Court to enter an order for the adjudication of priority dates for water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero, in the form attached hereto as Exhibit A, and in support thereof, states as follows:

1. On December 28, 2015, the Court entered its *Procedural and Scheduling Order for the Adjudication of Priority Dates for Water Diverted From the Rio en Medio and Conveyed*

*Through a Common Ditch to the Rio Chupadero* (“*Procedural and Scheduling Order*”) (No. 10425), and its associated *Order to Show Cause* (No. 10426).

2. By January 31, 2016 the State served the *Order to Show Cause* on all subfile defendants with water rights served by water diverted from the Rio En Medio and conveyed through a common ditch to the Rio Chupadero.

3. On January 8, 2016, prior to service of the *Order to Show Cause*, Defendant Paul White had filed his *Objection to Order to Show Cause Filed 12/28/15* (No. 10436). Defendant Paul White objected not to the priority date for his ditch, but rather to the priority date associated with certain other ditches—specifically the Frank V. Ortiz Ditch No. 1 and the Frank V. Ortiz Ditch No. 2.

4. On August 2, 2016, the Court entered its *Order* granting the State’s July 11, 2016 *Unopposed Motion to Strike Without Prejudice Defendant Paul White’s January 8, 2016 Objection to Order to Show Cause as Being Untimely* (No. 10779).

5. No other objections were filed.

6. The *Procedural and Scheduling Order* at 3-4 provides:

In the absence of objections to the priority dates proposed by the State for water diverted from the Rio en Medio and conveyed through a common ditch to community and private ditches on the Rio Chupadero, the Court may enter final orders with respect to the priority dates of all water diverted from the Rio en Medio and conveyed through a common ditch to water rights served by community and private ditches on the Rio Chupadero.

7. As there are no objections to the priority dates proposed by the State, the State hereby requests the Court enter a final order with respect to the priority dates of all water

diverted from the Rio en Medio and conveyed through a common ditch to water rights served by community and private ditches on the Rio Chupadero, in the form attached hereto as Exhibit A.

8. Given the large number of potential opposing parties and counsel, contacting all of them in advance of filing would not be possible, so opposition has been assumed with regard to this Motion.

WHEREFORE, the State of New Mexico, *ex rel.* State Engineer hereby moves the Court enter a final order with respect to the priority dates of all water diverted from the Rio en Medio and conveyed through a common ditch to water rights served by community and private ditches on the Rio Chupadero, in the form attached hereto as Exhibit A.

Respectfully submitted this 19th day of August, 2016.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 19, 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.