

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
Community Ditch
Subfile No. 11.107
RG-13307

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO REMOVE REFERENCE TO
DOMESTIC/LIVESTOCK RIGHT AND WELL (SUBFILE NO. 11.107)**

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 subfile order entered in Subfile No. 11.107 by removing reference to Well No. RG-13307 and the related groundwater water right adjudicated for domestic/livestock use. The State offers the following grounds for this motion:

1. On October 27, 1965, the Office of the State Engineer granted Application No. RG-13307 to Appropriate Underground Waters in Accordance with Section 75-11-1 New Mexico Statutes (“Domestic Well Permit”) to Rosendo Romero. The Domestic Well Permit, attached as *Exhibit 1*, provided for appropriation of groundwater from Well No. RG-13307

located in the SW ¼ SE ¼ NW ¼ Section 10, Township 19N, Range 9E, for household domestic use.

2. On September 5, 1967, the Court entered an “Order” under Subfile No. 11.107 adjudicating a groundwater water right to Rosendo Romero for domestic/livestock use from Well No. RG-13307, with a priority of October 23, 1965 (“Subfile Order 11.107”). *See* Subfile Order 11.107, attached as *Exhibit 2*, ¶5.B.

3. On May 8, 1968, the Court entered an “Order” under Subfile Nos. 11.55 & 11.67 in the name of Rosendo Romero adjudicating a groundwater right for domestic/livestock use from the same well, RG-13307, with the same priority date (“Subfile Order 11.55 & 11.67”). *See* Subfile Order 11.55 & 11.67, attached as *Exhibit 3*, ¶5.B.

4. Review of Permit No. RG-778 in conjunction with OSE files and the two subfile orders confirms that Well No. RG-13307 and the related domestic/livestock right are associated with Subfile No. 11.55 and should not have been referenced in Subfile Order 11.107.

5. Accordingly, Subfile Order 11.107 should be corrected by removing reference to Well No. RG-13307 and the related domestic/livestock groundwater right.

6. Except as requested by this motion, all other elements of the rights adjudicated under Subfile No. 11.107 should remain as stated in the September 5, 1967 Order and subsequent orders of this Court.

7. The State is serving a copy of this motion and a proposed order granting the motion on all parties or persons who, according to the records of the State, may have an ownership interest in Subfile No. 11.107. The State’s proposed order is attached as *Exhibit 4*.

WHEREFORE, the State requests that the Court enter the attached order correcting the September 5, 1967 Order entered in Subfile No. 11.107 by removing reference to Well No. RG-13307 and the related domestic/livestock groundwater right.

Electronically Filed,

/s/ Brett Olsen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 24, 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:

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