

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

Subfile Nos. 3.3 & 3.3A, DS-193
RG-10899

Plaintiffs-in-Intervention.

**MOTION TO CORRECT SUBFILE ORDER TO REMOVE REFERENCE TO
DOMESTIC/LIVESTOCK RIGHT AND WELL (SUBFILE NOS. 3.3 & 3.3A)**

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 March 14, 1969 subfile order entered in Subfile Nos. 3.3 & 3.3A by removing reference to Well No. RG-10899 and the related groundwater water right adjudicated for domestic/livestock use. The State offers the following grounds for this motion:

1. On May 8, 1968, the Court entered an “Order” under Subfile No. DS-193 in the name of Eloy and Armando Barros adjudicating a groundwater right for domestic/livestock use from Well No. RG-10899 located in the SW ¼ SE ¼ SE ¼ Sec. 5, T. 19N, R. 8E (“Subfile Order DS-193”). See Subfile Order DS-193, attached as *Exhibit 3*, ¶5.B.

2. On March 14, 1969, the Court entered an “Order” under Subfile No. 3.3 & 3.3A adjudicating a groundwater right to Victoria Chavez for domestic/livestock use from the same well, RG-10899 (“Subfile Order 3.3 & 3.3A”). *See* Subfile Order 3.3 & 3.3A, attached as *Exhibit 2*, ¶5.B.

3. Review of the two subfile orders in conjunction with the records of the State indicates that the subject domestic/livestock right was incorrectly double-adjudicated under Subfile Order 3.3 & 3.3A. Accordingly, Subfile Order 3.3 & 3.3A should be corrected by removing reference to Well No. RG-10899 and the related domestic/livestock groundwater right.

4. Except as requested by this motion, all other elements of the rights adjudicated under Subfile Nos. 3.3 & 3.3A should remain as stated in the March 14, 1969 Order and subsequent orders of this Court.

5. 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 Nos. 3.3 & 3.3A, DS-193, and RG-10899. The State’s proposed order is attached as *Exhibit 3*.

WHEREFORE, the State requests that the Court enter the attached order correcting the March 14, 1969 Order entered in Subfile Nos. 3.3 & 3.3A by removing reference to Well No. RG-10899 and the related domestic/livestock groundwater right.

Electronically Filed,
/s/ Brett Olsen
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 21, 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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