

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

Subfile: RG-37062

UNOPPOSED MOTION TO VACATE ORDER ADJUDICATING PRE-1982 DOMESTIC WELL SUBFILE RG-37062 FOR JACQUELINE WEST AND GEOFFREY B. WEST AND ENTER REVISED SIGNED CONSENT ORDER

The State of New Mexico ex rel. State Engineer (“State”) hereby moves the Court to pursuant to Fed. R. Civ. P. 60(b) vacate its January 28, 2016 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10502), and enter the Consent Order adjudicating the Pre-1982 domestic well water right associated with subfile RG-37062 attached hereto as Exhibit A, and in support thereof, states as follows:

1. On January 12, 2016, the State forwarded to the Court a proposed Order Adjudicating Pre-1982 Domestic Well Water Rights under subfile RG-37062 for Defendants Jacqueline West and Geoffrey B. West.

2. The attorney for the State, Edward Bagley, correctly certified in that document that the Defendants had not submitted a request for consultation.

3. On January 28, 2016, the Court entered the *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10502).

4. Subsequent to the entry of the *Order*, Defendants Jacqueline West and Geoffrey B. West contacted the State, and alerted it to the fact that they were beneficially using a greater amount of water than the *Order* reflected.

5. The State undertook an investigation of Defendants' assertions, and found them to be correct.

6. Defendants and the State have both signed a Consent Order adjudicating the Pre-1982 water right under subfile RG-37062 consistent with the above described investigation, and the actual quantity of water beneficially used from the well. The Consent Order is attached hereto as Exhibit A.

7. Contemporaneously with the filing of this Motion, the State will submit the Consent Order to the Special Master.

8. Defendants Jacqueline West and Geoffrey B. West do not oppose this motion.

WHEREFORE, the State requests that the Court vacate its January 28, 2016 *Order Adjudicating Pre-1982 Domestic Well Water Rights* (No. 10502), and enter the Consent Order adjudicating the pre-1982 domestic well water right associated with subfile RG-37062 attached hereto as Exhibit A.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 28, 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.