

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

**UNOPPOSED MOTION TO VACATE FEBRUARY 1, 2001 INTERIM ORDER
ADJUDICATING SUBFILE RG-63335**

The State of New Mexico *ex rel.* State Engineer (“State”) hereby moves the Court to vacate the February 1, 2001 *Interim Order* (No. 5694) adjudicating subfile RG-63335, and in support thereof, state as follows:

1. On May 8, 1968, the Court entered its *Order* (attached hereto as Exhibit A) adjudicating, *inter alia*, a domestic and stock underground water right with a priority date of 1946 to Defendant Marguerita Trujillo.

2. On October 24, 1995, Defendants Leroy Morales and Lillian Morales, successors-in-interest to Marguerite Trujillo, were issued permit RG-63335 (attached hereto as Exhibit B) to develop a new domestic well.

3. In fact, Defendants Leroy Morales and Lillian Morales had not intended to develop an entirely new domestic well. Rather, they wanted only to change the location of the existing 1946 domestic and stock well that had been adjudicated on May 8, 1968.

4. On February 1, 2001, the Court entered its *Interim Order* (No. 5694) (attached hereto as Exhibit C), adjudicating the water right associated with permit RG-63335 to Leroy Morales and Lillian Morales.

5. The domestic well water right adjudicated by the October 24, 1995 *Order* is the same water right as was adjudicated by the May 8, 1968 *Order*. As a result, the same water right has been adjudicated twice.

6. Defendant Tina Lujan is the successor-in-interest to Defendants Leroy Morales and Lillian Morales. See January 3, 2016 State Engineer Change of Ownership, attached hereto as Exhibit D.

7. Defendants Tina Lujan, Leroy Morales and Lillian Morales do not object to this motion. The State understands Defendant Marguerita Trujillo is deceased.

WHEREFORE, the State of New Mexico, *ex rel.* State Engineer, hereby moves the Court to vacate the February 1, 2001 *Interim Order* (No. 5694) adjudicating subfile RG-63335.

Respectfully submitted this 28th day of March, 2017.

Electronically Filed

/s/ Edward C. Bagley

Edward C. Bagley
Special Assistant Attorney General
Attorney for State of New Mexico
P.O. Box 25102
Santa Fe, NM 87504-5102
Telephone: (505) 827-6150

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 28, 2017, 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 on the following by United States first class mail:

Tina Lujan
1396 Bishops Lodge Road
Santa Fe, NM 87506

Leroy Morales
Lillian Morales
2427 Verdea de Encanto
Santa Fe, NM 87505

Marguerita Trujillo
28 AA Grazing Elk
Santa Fe, NM 87506