

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-19098

MOTION TO AMEND ORDER ADJUDICATING
DOMESTIC WELL SUBFILE RG-19098 FOR DEFENDANT PAULINE CABLE TO
CORRECT PRIORITY DATE

The State of New Mexico ex rel. State Engineer (“State”) hereby moves the Court to, pursuant to Fed. R. Civ. P. 60(b), amend its October 31, 1984 *Order* adjudicating subfile RG-19098 to Defendant Pauline P. Cable to correct the priority date for the domestic and livestock well to state “December 1946.” In support thereof, the State states as follows:

1. Prior to October 31, 1984, Defendant Pauline P. Cable signed the State’s Offer of Judgment with regard to her water rights, and shortly thereafter the State forwarded a proposed Order to the Court consistent in all respects with that Offer of Judgment.

2. On October 31, 1984, the Court entered the *Order*, attached hereto as Exhibit A. The *Order* adjudicated a domestic and stock well water right under subfile RG-19098. The *Order* provided that the Priority for that domestic and stock well water right was 1971-06-10.

3. Subsequent to the entry of the *Order*, On February 17, 1986, Defendant Pauline Cable filed a Declaration of Owner of Underground Water Right with the Office of the State Engineer (attached hereto as Exhibit B), stating the priority of the well was December 1946.

4. The State undertook an investigation of the Defendant's assertion and supporting documents, and found them to be correct.

5. The State therefore requests the Court amend the Priority stated on the October 31, 1984 *Order* for domestic and stock well RG-19098 from "1971-06-10" to read instead "December 1946."

7. The October 31, 1984 *Order* is correct in all other respects.

8. Seth Fullerton, Esq., attorney for Defendant Pauline D. Cable, has been contacted, and does not object to this motion.

WHEREFORE, the State requests that the Court amend its October 31, 1984 *Order* adjudicating subfile RG-19098 to Defendant Pauline D. Cable to correct the priority date to state "December 1946."

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 8, 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.