

**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. 66-cv-6639 WJ/WPL

Subfile No. 17.1

**ORDER GRANTING MOTION TO CORRECT SUBFILE  
ORDER [DOC. NO. 11433]**

THIS MATTER is before the Special Master on Defendant Las Acequias de Chupadero’s Motion to Correct Subfile Order [Doc. No. 11433], filed March 16, 2017. The Special Master had determined that this matter is within the Order of Reference [Doc. No. 6336], as amended [Doc. No. 7736]. *See* Order Overruling Plaintiff the State of New Mexico’s Objections [Doc. No. 11495] to Motion to Correct Subfile Order (Subfile No. 17.1) [Doc. No. 11433] and Ordering Further Briefing, filed June 16, 2017 (“June 16 Order”).

In the June 16 Order, entered after review of the pleadings and two telephonic conferences with the parties, the parties were ordered to further brief certain issues. *Id.* Defendant The Christian Brothers Major Superior (“Christian Brothers”) was to have filed a response to the

motion on or before noon on Wednesday, June 21, 2017. Christian Brothers did not file a timely response, and did not seek an extension of time. Consent to grant the motion is deemed. *See* D.N.M. LR-Civ. 7.1.

THEREFORE,

IT IS HEREBY ORDERED that Defendant Las Acequias de Chupadero's Motion to Correct Subfile Order [Doc. No. 11433], filed March 16, 2017 be, and hereby is, **granted**.

IT IS FURTHER ORDERED that a surface water right appurtenant to 0.72 acres is hereby adjudicated under Subfile 17.1A in the name of the Las Acequias de Chupadero, and all other elements of this surface water right are identical to those adjudicated under the May 8, 1968, Order in Subfile No. 17.1, and subsequent orders of the Court.

IT IS FURTHER ORDERED that Paragraph 5.A of the May 8, 1968, Order adjudicating a surface water right appurtenant to 0.72 acres under Subfile 17.1 in the name of Christian Brothers Major Superiors is hereby corrected to describe the location and amount of water rights acreage remaining in Subfile 17.1 as follows:

**Part of S<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Sec. 5, T. 18 N., R. 10 E., and  
Part of N<sup>1</sup>/<sub>2</sub>, Sec. 8, T. 18 N., R. 10 E., as shown on the  
hydrographic survey map sheet No. 17, Tract 1. 19.92 acres**

Except as expressly corrected by this Order, all other elements of the water rights adjudicated under the May 8, 1968, Order in Subfile No. 17.1 remain as stated in said Order and subsequent orders of the Court.

**THE PARTIES ARE NOTIFIED THAT WITHIN 14 DAYS OF SERVICE [Doc. No. 10791] of a copy of this order, report, or recommendation, they may file written objections with the Clerk of the Court pursuant to Federal Rule of Civil Procedure 53(f)(2). A party may file any objections with the Clerk of Court within the fourteen day period if that party wants the District Court to hear their objections. If no objections are filed within the fourteen day period, the District Judge may adopt the order, report or recommendation in whole.**

/s/ Pierre Levy  
Pierre Levy, Special Master

June 23, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that on the date of filing I caused the foregoing to be filed electronically through the CM/ECF system which caused the parties on the electronic service list as of the time of filing, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

                  /s/ Pierre Levy  
Pierre Levy