

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rutherford & Plaza Blanca

Subfile No(s).

CHRU-001-0016

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's May 22, 2007 Motion for Default Judgment (Docket No. 8653). The Court, being fully advised, finds that the State's motion is well-taken and should be GRANTED. The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 7, Rutherford & Plaza Blanca (April 30, 2002) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause are as follows:

ELIPIO G. MERCURE

Subfile No.: CHRU-001-0016

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 1545 & 1699

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location: X= 1,548,909 **feet Y=** 2,103,084 **feet**

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	7.1 acres
Total	7.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRU-001-0016

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

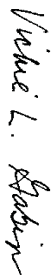
IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

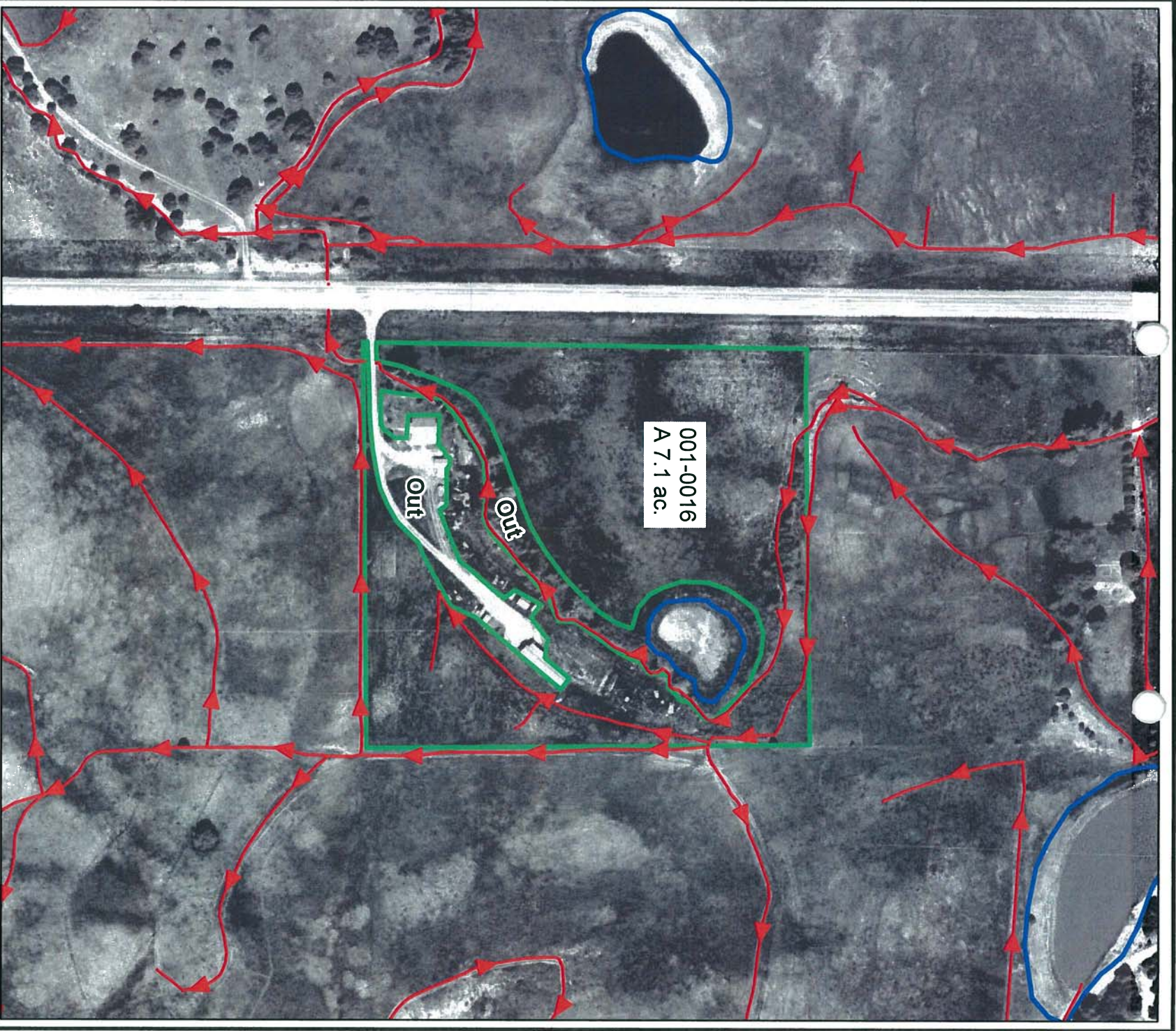


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER



LEGEND

- Irrigated Tract Boundary
- No Right Tract Boundary
- Seeped Area
- Operable Ditch
- Inoperable Ditch
- Stock Ponds / Reservoir
- Point of Diversion
- Fallow
- No Right



1 inch = 200 feet



STATE OF NEW MEXICO
 Office of the State Engineer
 John R. D'Antonio, Jr., P.E.,
 State Engineer

Rio Chama Hydrographic Survey
 Rutheron & Plaza Blanca Section

Subfile Number
CHRU 001-0016
 Willow Creek
 Mesa Ditch
AMENDED
 July 5, 2006

