

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 NAMBÉ, )  
 PUEBLO DE POJOAQUE, )  
 PUEBLO DE SAN ILDEFONSO, )  
 and PUEBLO DE TESUQUE, )  
 )  
 Plaintiffs-in-Intervention, )  
 \_\_\_\_\_ )

NO. 66cv6639 WJ/WPL

ORDER TO SHOW CAUSE

This matter comes before the Court pursuant to the State of New Mexico’s (“State’s”) March 13, 2015 *Motion to Enter Procedural and Scheduling Order for the Adjudication of Priority Dates for Water Diverted From the Rio en Medio and Conveyed Through a Common Ditch to the Rio Chupadero* [Doc. No. 10129].

This matter falls within the jurisdiction of the Special Master. *See* [Doc. No. 6336]. For good cause shown, I hereby GRANT the application.

This Court has determined the priority dates for native water diverted from the Rio Chupadero to for water rights served by community or private ditches on the Rio Chupadero in its August 27, 2014 *Order Granting State of New Mexico’s Motion for Order Making Final Determination of Priority Dates for Surface Water Rights in the Nambe-Pojoaque-Tesuque*

*Stream System* (No. 9546). It did not address the priority dates for water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero for water rights served by ditches in the Rio Chupadero Basin. The purpose of this proceeding is to determine those priority dates.

IT IS THEREFORE ORDERED THAT all individual subfile defendants whose water rights are served by water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero appear and show cause, if any, **why the priority date for water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero should not be determined to be the priority date proposed by the State for that Defendant's ditch for water diverted from the Rio en Medio, below.**

YOU ARE HEREBY NOTIFIED that if you disagree with the State's proposed determination of the priority date for water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero for your ditch, you must file an objection as described below. The priority dates proposed for the water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero, and thence to water rights served by the Rio Chupadero community and private ditches below are:

RIO CHUPADERO

1.	Rafael Vigil Ditch	1888
2.	Martinez Ditch	1888
3.	Torres Ditch	1882
4.	Jimenez Ditch No. 2	1882
5.	Jimenez Ditch No. 1	1886
6.	Vicente Ortiz Ditch No. 3	1886
7.	Vicente Ortiz Ditch No. 2	1878
8.	Acequia del Medio de Chupadero	1878
9.	Vincente Ortiz Ditch No. 1	1878
10.	J.V. Jiminez Ditch	1878

11.	Sanchez Ditch	1878
12.	Chupadero Irrigation Co. Ditch	1878
13.	Anthony N. Chavez Ditch	1878
14.	Frank V. Ortiz Ditch No. 2	1878
15.	Frank V. Ortiz Ditch No. 1	1907

These priority dates described above will apply to water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero for all individual irrigation water rights served by the ditches listed, unless individual water right holders file objections. As explained above, separate priority dates have already been adjudicated for native (non-imported) water diverted from the Rio Chupadero for the water rights served by these ditches, and those priority dates adjudicated for native water will not be affected by these priority date determinations.

**If you agree with the priority dates described above, you do not need to take any action, and the Court will enter an Order that recognizes this element of your water rights.**

**If you disagree, you must follow the instructions below.**

**This will be your only opportunity in these proceedings to object to the determination of the priority date for water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero for your water right. Failure to respond prior to the deadline set by the Court will bar any objections you may have to the proposed priority dates.**

IT IS THEREFORE ORDERED THAT if you object to the priority date stated for your ditch above, you must file the form entitled **Objection to Order to Show Cause** with the Court, in person or by mail FOR RECEIPT NO LATER THAN **MARCH 31, 2016**

TO:

United States District Court Clerk  
106 South Federal Place  
Santa Fe, NM 87501

If you timely file an objection, the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to this element of your water right. If you fail to timely object and to attend the scheduling and pretrial conference you may not raise objections in the future.

**Any claimant choosing to object must also mail a copy of their Objection to counsel for the State at the following address:**

**Edward Bagley  
Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504**

If you have questions, call or write:

Darcy Bushnell  
Program Director  
Stell Ombudsman Program  
Utton Law Center – UNM School of Law  
1117 Stanford Dr. NE  
Albuquerque, New Mexico 87131-1431  
(877) 775-8333

**IT IS SO ORDERED**

**THE PARTIES ARE NOTIFIED THAT WITHIN 20 DAYS OF SERVICE of a copy of this order, report, or recommendations, they may file written objections with the Clerk of the Court pursuant to Federal Rule of Civil Procedure 53(f)(2). A party must file any objections with the Clerk of the Court within the twenty-day period if that party wants the District Judge to hear their objections. If no objections are filed within the twenty-day period, the District Judge may adopt the order, report or recommendations in whole.**

/s/ Pierre Levy  
Pierre Levy, Special Master

December 28, 2015

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STATE OF NEW MEXICO ex rel. )  
State Engineer, )  
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Plaintiff, )  
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v. )  
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R. LEE AAMODT, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

NO. 66cv6639 WJ/LCS

**OBJECTION TO ORDER TO SHOW CAUSE**

I have been served with the Order to Show Cause concerning the determination of priorities for water diverted from the Rio En Medio and conveyed through a common ditch to the Rio Chupadero. I object to:

\_\_\_\_\_ The priority date proposed for the \_\_\_\_\_ ditch that serves my water right.

I understand that I will be notified of the mandatory scheduling and pretrial conference.

**PLEASE PRINT CLEARLY:**

FULL NAME(s) \_\_\_\_\_ Subfile No. \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

TELEPHONE NO.: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

**MAIL OR HAND-DELIVER FOR RECEIPT  
NO LATER THAN MARCH 31, 2016 TO:**  
United States District Court Clerk  
106 South Federal Place  
Santa Fe, NM 87501