

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, )

No. 66cv6639 MV/WPL

Anthony N. Chavez Ditch

Plaintiffs-in-Intervention.

ORDER GRANTING THE STATE OF NEW MEXICO’S MOTION TO ADD OMITTED  
SOURCE OF WATER AND POINT OF DIVERSION TO SUBFILE ORDERS FOR  
SURFACE WATER RIGHTS SERVED BY THE  
ANTHONY N. CHAVEZ DITCH

THIS MATTER is before the Court on the State of New Mexico’s *Motion to Add Omitted Source of Water and Point of Diversion to Subfile Orders for Surface Water Rights Served by the Anthony N. Chavez Ditch* (Doc. \_\_\_\_\_, May 26, 2015), filed pursuant to the Court’s July 23, 2013, *Procedural Order for Correcting Subfile Errors* (Doc. 7909).

The following subfiles were adjudicated surface irrigation rights under the Anthony N. Chavez Ditch: **18.4**. As set forth in the State’s Motion, the subfile order for this water right omits the legal description for the Anthony N. Chavez Ditch’s point of diversion on the Rio Chupadero, and fails to identify the Rio en Medio as an additional source of water for the Frank V. Ortiz Ditch No. 1. The State therefore requests an order correcting the subfile orders by: (a)

providing the legal description for the Anthony N. Chavez Ditch's point of diversion on the Rio Chupadero; (b) identifying the Rio en Medio as an additional source of water; and (c) providing the legal description for the point of diversion of the common ditch that delivers surface water from the Rio en Medio to the Rio Chupadero for use by water rights owners on the Anthony N. Chavez Ditch. Having been fully advised in the premises, the Court finds the Motion well taken, and that the State's proposed source of water and point of diversion information should be adopted and added to the subfile order adjudicated under the Anthony N. Chavez Ditch, Subfile No. 18.4.

IT IS THEREFORE ORDERED that paragraph 5.A of the subfile order entered in Subfile No. 18.4, adjudicating a surface water irrigation right under the Anthony N. Chavez Ditch, is hereby corrected to include the following omitted point of diversion and source of water information:

The Anthony N. Chavez Ditch diverts from the Rio Chupadero at a point located at X: 419661.78 Y: 3960879.67, NM State Plane Coordinate System NAD 83 UTM, Zone 13N.

The Anthony N. Chavez Ditch also receives water from the Rio en Medio through a common ditch which diverts from the Rio en Medio at a point located at X: 425523.65 Y: 3961646.94, NM State Plane Coordinate System NAD 83 UTM, Zone 13N. This water is delivered through the ditch to the Rio Chupadero and flows downstream in the bed of the Rio Chupadero to the Anthony N. Chavez Ditch's point of diversion on the Rio Chupadero.

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WILLIAM P. JOHNSON  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

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SPECIAL MASTER PIERRE LEVY

