

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

Frank V. Ortiz Ditch No. 2

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
FRANK V. ORTIZ DITCH NO. 2

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 Frank V. Ortiz Ditch No. 2* (Doc. _____, May 27, 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 Frank V. Ortiz Ditch No. 1: **18.2, 18.3**. As set forth in the State’s Motion, the subfile orders for these rights omit reference to the Rio en Medio as an additional source of water for the Frank V. Ortiz Ditch No. 2. The State therefore requests an order correcting these subfile orders by: (a) identifying the Rio en Medio as an additional source of water; and (b) 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 Frank V. Ortiz Ditch No. 2. 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 all subfile orders adjudicated under the Frank V. Ortiz Ditch No. 2.

IT IS THEREFORE ORDERED that paragraph 5.A of each subfile order adjudicating a surface water irrigation right under the Frank V. Ortiz Ditch No. 2 is hereby corrected to add the following source of water and point of diversion description:

The Frank V. Ortiz Ditch No. 2 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 Frank V. Ortiz Ditch No. 2's point of diversion on the Rio Chupadero.

WILLIAM P. JOHNSON
UNITED STATES DISTRICT JUDGE

Recommended for approval:

SPECIAL MASTER PIERRE LEVY