

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

FILED
at Santa Fe, NM

JAN - 8 2016

MATTHEW J. DYKMAN
CLERK

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. 66cv6639 WJ/WPL

Objection to Order to Show Cause Filed 12/28/15

I Paul White hereby disagree with the State's proposed determination of priority dates for water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero. The dates should not be determined to be the priority dates proposed by the State for the Frank V. Ortiz ditch No 1 1907 and/or the Frank V. Ortiz ditch No 2 1878.

The 1894 Declaration filed with the County by Chupadero indicated that the water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero (trans-mountain water) would be placed in the Rito del Rito and the Chupadero creek as a conveyance to the existing diversions below on both sides of the conveyance. So any new diversions could only be authorized by the Chupadero Commission. The OSE did not have any authority inside the conveyance.

There were no actions by the Chupadero Commission authorizing the conveyance of water through the common ditch from Rio en Medio to the Frank V. Ortiz ditch No 1 and/or the Frank V. Ortiz ditch No 2. See affidavit (attachment 1) by Francis West (deceased) hydrologist formerly employed by the OSE.

Filed in person to the District Court and mailed by certified mail to Edward Bagley Special Assistant Attorney General.

Signed: *Paul White*
Paul White
January 2, 2016

ATTACHMENT 1

The 1894 Declaration filed with the County by Chupadero indicated that the transmountain water would be placed in the Rito del Rito and the Chupadero creek as a conveyance to the existing diversions below on both sides of the conveyance. So any new diversions could only be authorized by the Chupadero Commission. The OSE did not have any authority inside the conveyance. I am not aware of any such actions.

Francis