

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,)
)
Plaintiffs-in-Intervention.)
_____)

NO. 66cv6639 WJ/WPL

ORDER ADJUDICATING PRIORITY DATES FOR WATER DIVERTED FROM THE
RIO EN MEDIO AND CONVEYED THROUGH A COMMON DITCH TO THE RIO
CHUPADERO

THIS MATTER is before the Court on Plaintiff State of New Mexico’s August 19, 2016
*Motion for Order Adjudicating Priority Dates for Water Diverted From the Rio en Medio and
Conveyed Through a Common Ditch to the Rio Chupadero* (No. _____).

The Court, having reviewed the *Motion*, pertinent portions of the record and the law, and
being otherwise fully advised in the premises finds the *Motion* to be well-taken, and that it
should be GRANTED. Further, the Court FINDS:

Each of the individual subfile defendants with water rights served by water diverted from
the Rio En Medio and conveyed through a common ditch to the Rio Chupadero were served with
the Court’s *Order to Show Cause* (No. 10426) in connection with the adjudication of the
priorities for those surface water rights.

The Court's *Order to Show Cause* required 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, and who disagree with the State's proposed determination of the priority date for their ditch for that water file an objection with the Court by March 31, 2016.

The Court received no timely objections.

IT IS THEREFORE ORDERED that the priority dates for the water diverted from the Rio en Medio and conveyed through a common ditch to the Rio Chupadero, and thence to the 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. 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.

IT IS FURTHER ORDERED that the priority dates in individual subfile orders in the Rio Chupadero tributary of the Nambe-Pojoaque-Tesuque Stream System are adjudicated as follows:

A. All individual subfile orders entered by the Court to date for surface water irrigation use in the Rio Chupadero are amended to incorporate in the description of water rights the priority dates described above.

B. Any diversions and use of the waters of the Rio Chupadero tributary of the Nambe-Pojoaque-Tesuque Stream System by any defendant, his or her successors, representatives, heirs and assigns, except in strict accordance with the water rights described herein is prohibited.

The Court enters this *Order* subject to objection by any other water right owner with standing in a later *inter se* phase of this adjudication suit when water right owners may object between themselves to individual adjudication orders. The rights are also subject to the entry of the final decree in this case.

WILLIAM P. JOHNSON
UNITED STATES DISTRICT JUDGE

Recommended for approval:

SPECIAL MASTER PIERRE LEVY