

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

STATE OF NEW MEXICO, *ex rel.*

State Engineer,

Plaintiff,

v.

No. Civ. 66-06639 WJ/WPL

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.

**ORDER GRANTING MOTION [DOC. NO. 10796],
AND 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 the State of New Mexico's *Motion for Order Adjudicating Priority Dates for Water Diverted From the Rio en Medio and Conveyed Through a Common Ditch to the Rio Chupadero*, filed August 19, 2016 [Doc. No. 10796]. No response to the motion has been filed. The Court, having considered the motion, taken note that this motion was anticipated in the Court's Order making final determination of surface water right priority dates [Doc. No. 9546], taken note of pertinent portions of the record and the law, and being otherwise fully informed, finds that the motion is well taken and 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.

There are no objections of record. *See* [Doc. No. 10779].

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.

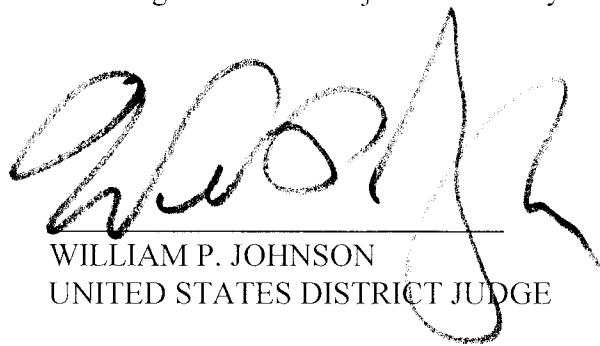
IT IS FURTHER ORDERED that the priority dates in individual subfile orders in the Rio Chupadero tributary of the Nambe-Pojoaque-Tesuque Stream System are adjudicated as follows:

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.

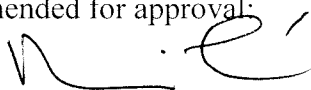
The Court enters this *Order* subject to objection by any other water right owner with standing in a later *inter se* phase of this adjudication suit when water right owners may object

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:



PIERRE LEVY
SPECIAL MASTER