

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

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

Case 6:69-cv-07941-BB

Document 9103

Filed 02/08/2008

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RIO CHAMA STREAM SYSTEM

Rito de Tierra Amarilla, Section 7

Subfile No.: CHTA-003-0011

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico  
and Defendant(s):

**EMILIE LUNA ANTHONY  
ESTATE OF ESTHER BRUNO  
ESTATE OF OLIVIA CARMODY  
MARCELLA HASSON  
FRANK D. LUNA IV  
GILBERT LUNA SR.  
HILARIO LUNA  
SALOMON A. LUNA**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,  
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of

the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered November 19, 2002.

**Source of Water** Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** NUTRITAS DITCH NO. 2

**Location:** X= 1,564,319 feet Y= 2,071,785 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	5.6 acres
Total	5.6 acres

As shown on the 2001 Hydrographic Survey Map CHTA- 3.

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, except in strict accordance with the water rights described herein.

7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree. [Case 6:09-cv-07941-BB Document 91-03 Filed 02/08/2008 Page 3 of 4](#)

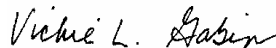
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

SIGNATURE *Salomon A. Luna*  
SALOMON A. LUNA  
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TIEBRA ANAHEIM  
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DATE: 10-2-07

SIGNATURE *Esther Bruno*  
ESTATE OF ESTHER BRUNO  
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DATE: 10-9-07

SIGNATURE *Olivia Carmody*  
ESTATE OF OLIVIA CARMODY  
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Ca 92284  
DATE: 10-25-07

SIGNATURE *Marcella Hasson*  
MARCELLA HASSON  
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LA MIRADA Calif  
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DATE: 12-30-07

SIGNATURE *Marie A. Luna Jacob*  
Power of Attorney HILARIO LUNA  
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DATE: ~~11-10-07~~ *1-18-08*

SIGNATURE *Gilbert Luna Sr.*  
GILBERT LUNA SR.  
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DATE: 1-18-08

SIGNATURE *Frank D. Luna IV*  
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SIGNATURE *Emilie Luna Anthony*  
EMILIE LUNA ANTHONY  
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DATE: 11-10-07

*Ed Newville*  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
1-30-08  
Date

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Consent Order

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