

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

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

Case 6:69-cv-07941-BB

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

Document 9106 Filed 02/08/2008 Page 1 of 5

RIO CHAMA STREAM SYSTEM

Rito de Tierra Amarilla, Section 7

Subfile No.: CHTA-004-0009B

**CONSENT ORDER**

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

**KIM MONTANO  
MARK L. MONTANO**

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.

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)** 0430

**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:** TIERRA AMARILLA COMMUNITY DITCH

**Location:** X= 1,557,188 feet Y= 2,064,714 feet

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

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	0.2 acres
Total	0.2 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-004-0009B

**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.

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 waters 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.

*Bruce D Black*

UNITED STATES DISTRICT JUDGE

Recommended for approval:

*Vivian L. Gabin*

SPECIAL MASTER

SIGNATURE *Kim Montano*  
KIM MONTANO

ADDRESS: 6101 Picture  
Rock Pl NW  
Albuquerque NM 87120  
DATE: 12/4/07

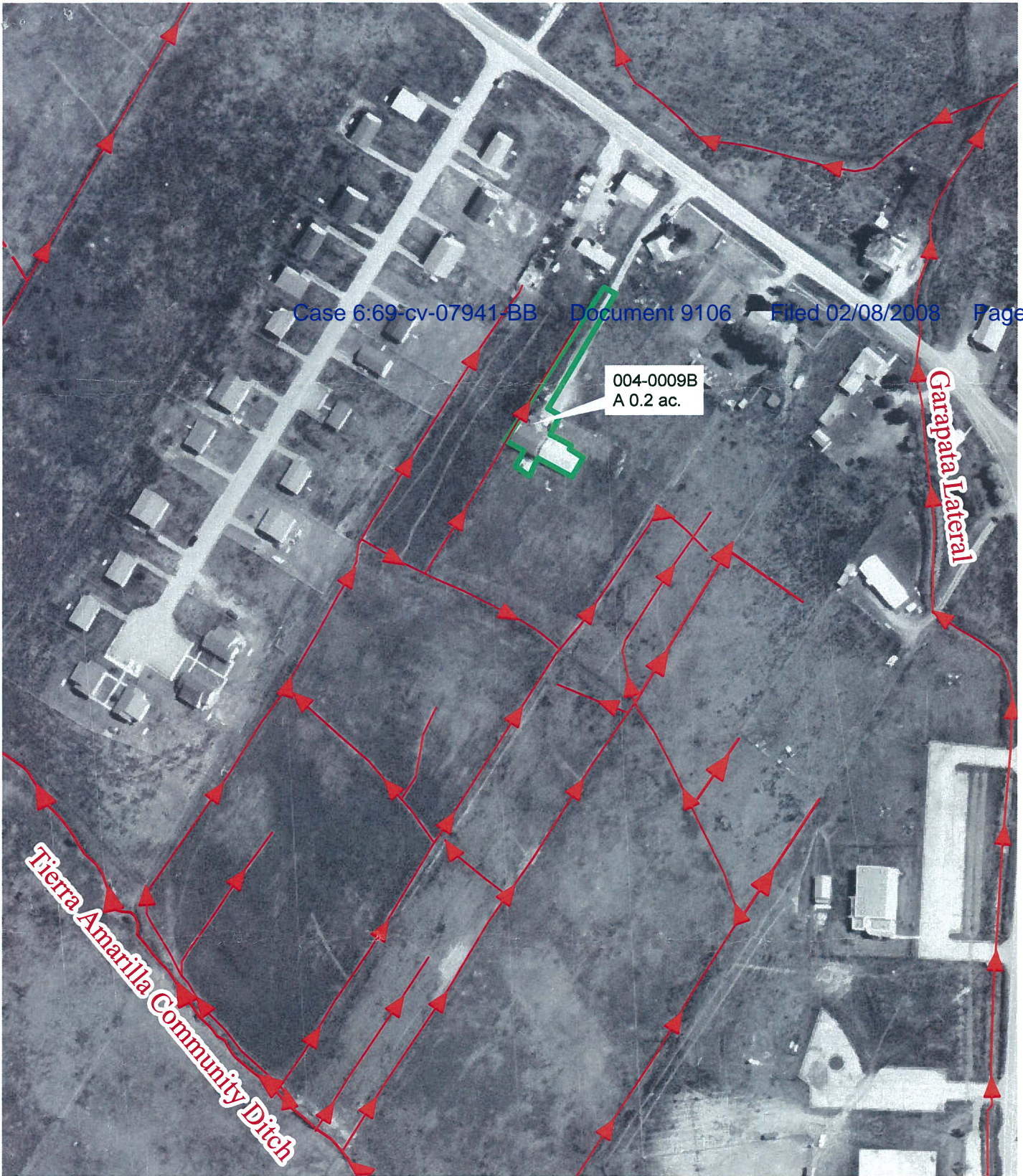
SIGNATURE *Mark L Montano*  
MARK L. MONTANO

ADDRESS: 6101 Picture Rock  
Place NW  
Albuquerque NM 87120  
DATE: 12/4/07

Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

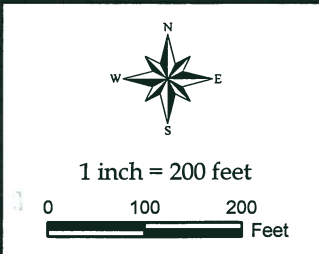
12.12.07  
Date

Case 6:69-cv-07941-BB Document 9106 Filed 02/08/2008 Page 4 of 5



**LEGEND**

	Irrigated Tract Boundary
	No Right Tract Boundary
	Seeped Area
	Operable Ditch
	Inoperable Ditch
	Stock Ponds / Reservoir
	Point of Diversion
	Fallow
	No Right



STATE OF NEW MEXICO  
 Office of the State Engineer  
 John R. D'Antonio, Jr., P.E.,  
 State Engineer

Rio Chama Hydrographic Survey  
 Rito de Tierra Amarilla Section

Subfile Number  
**CHTA 004-0009B**  
 Tierra Amarilla  
 Community Ditch  
 AMENDED October 15, 2007

