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

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

Plaintiff, 69cv07941-BB

vs. RIO CHAMA STREAM SYSTEM

ROMAN ARAGON, et al., Section 5, Rio Gallina

Defendants.

MOTION FOR ORDER MAKING FINAL DETERMINATION OF PRIORITY DATES AND IRRIGATION WATER REQUIREMENTS IN SECTION 5 OF THE RIO CHAMA STREAM SYSTEM, RIO GALLINA

COMES NOW the Plaintiff State of New Mexico, *ex rel.*, State Engineer and respectfully requests the Court to enter its Order making a final determination of priority dates and irrigation water requirements in Section 5 of the Rio Chama Stream System (Rio Gallina). In support of this motion Plaintiff states:

1. Pursuant to the August 8, 2007 Scheduling and Procedural Order for Determination of Priority Dates and Irrigation Water Requirements in the Rio Gallina Section of the Rio Chama Stream System (Docket No. 8752), each of the individual subfile defendants in Section 5, the community ditches (Acequias) in Section 5, and the United States of America have been served with the Court's Notice and Order to Show Cause in connection with the determination of priority dates and irrigation water requirements in Section 5 of the Rio Chama Stream System (Rio Gallina). See Certificate of Service filed September 17, 2007 (Docket No. 8929). Service of the Court's Notice and Order to Show Cause included a copy of a letter from the Special Master explaining the proceedings

and a form Objection and Response to Notice and Order to Show Cause as directed by the September

7, 2007 Order Granting Motion for Approval of Form of Notice and Orders to Show Cause (Docket

No. 8792).

2. The Court's Notice and Order to Show Cause has been published as required in the

Rio Grande Sun once each week for 4 consecutive weeks, the first publication being on the 4th day

of October 2007 and the last publication being on 25th day of October 2007. See Proof of Publication

of Notice and Order to Show Cause filed October 31, 2007 (Docket No. 8980).

3. Pursuant to the Court's Notice and Order to Show Cause, the deadline for the filing

of an objection to the State's proposed determination of priority dates and irrigation water

requirements in Section 5 was December 31, 2007.

4. No objection to the proposed determination of priority dates or irrigation water

requirements in Section 5 has been filed with the Court.

5. Mary E. Humphrey, counsel for the Gallina–Capulin Acequia Association and the

Acequias in Section 5, supports the granting of this motion.

WHEREFORE the Plaintiff State of New Mexico requests that the Court enter its Order

making a final determination of priority dates and irrigation water requirements in Section 5 of the

Rio Chama Stream System (Rio Gallina). A proposed Order granting this motion is attached hereto

as Exhibit 1.

DATED March 19, 2008.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE

Special Assistant Attorney General

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Office of State Engineer P.O. Box 25102 Santa Fe, NM 87504-5102 (505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _	19th	day of March, 2008 I filed	the foregoing	electronically
through the CM/ECF system which	caused t	the parties on the electronic	service list, as	more fully set
forth in the Notice of Electronic Fi	ling, to b	e served via electronic mail	l.	

/s/ Ed Newville
Edward G. Newville