

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

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RIO CHAMA STREAM SYSTEM

Rito de Tierra Amarilla, Section 7

Subfile No.: CHTA-001-0002

**CONSENT ORDER**

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

**AGRIPINA G. SALAZAR  
VICTOR SALAZAR SR.**

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)** NONE

**Priority:** 1870 **Case 6:69-cv-07941-BB Document 9160 Filed 04/07/2008 Page 2 of 6**

**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:** SENA DITCH

**Location:** X= 1,567,050 feet Y= 2,052,298 feet

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

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	44.1 acres
Total	44.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-001-0002

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

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

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

**Priority:** 1870

**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. 1

**Location:** X= 1,562,754 feet Y= 2,057,786 feet

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

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant 33.1 acres  
Total 33.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-001-0002

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

C. **NO RIGHT (Surface Water Only):** Case 6:69-cv-07941-BB Document 9160 Filed 04/07/2008 Page 3 of 6

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

**Priority:** NONE

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

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** SENA DITCH

**Location:** X= 1,567,050 feet Y= 2,052,298 feet

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

**Location and Amount of Acreage**

Within the Tierra Amarilla Grant 74.2 acres  
Total 74.2 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-001-0002

**Amount of Water:** NONE

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

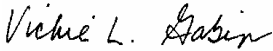
or use of the public surface waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

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.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

SIGNATURE   
AGRIPINA G. SALAZAR

ADDRESS: Box 324  
T.A. N.M.  
87575

DATE: 3-15-08

SIGNATURE   
VICTOR SALAZAR SR.

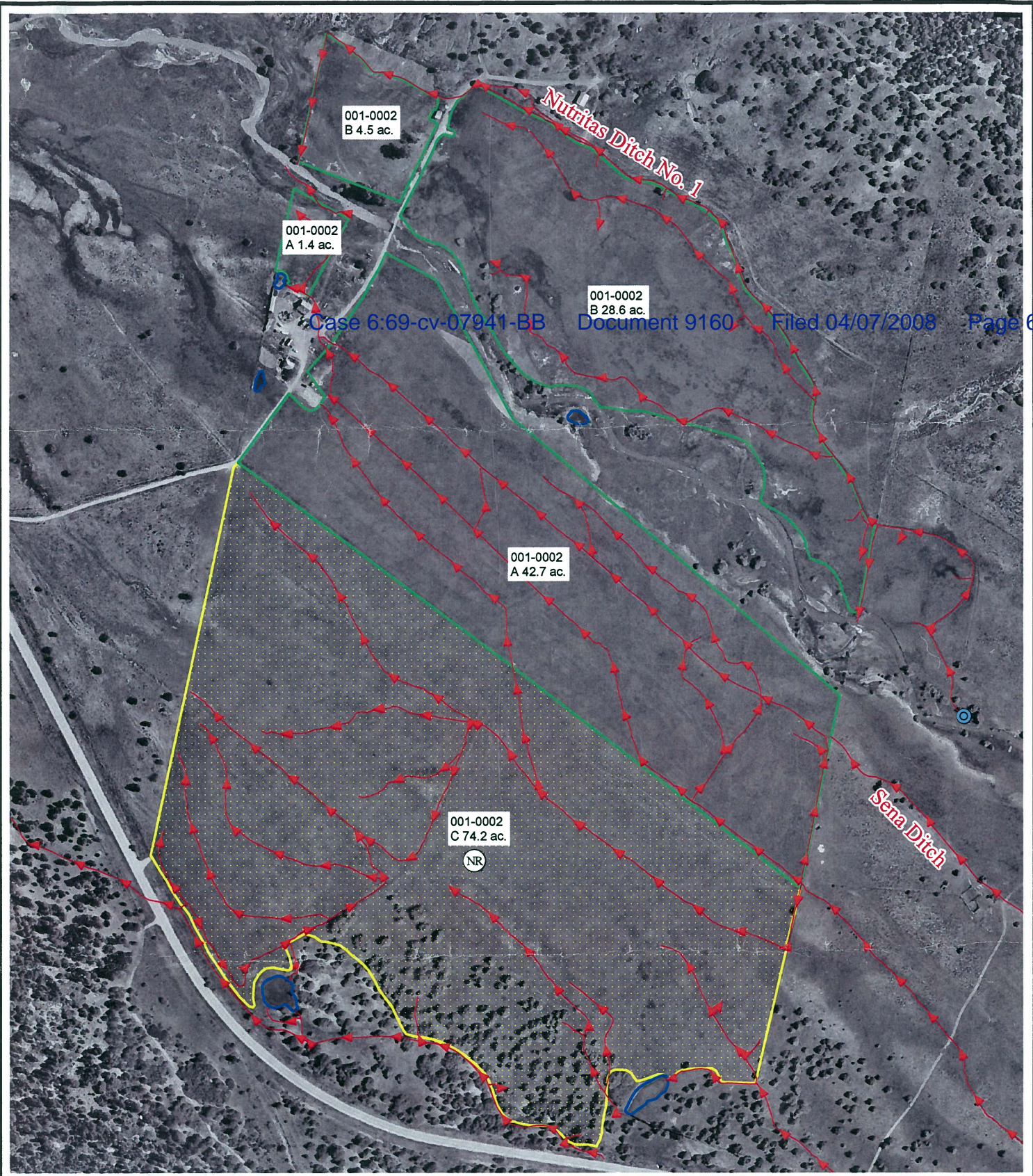
ADDRESS: Box 324  
Tierra Amarilla,  
N.M. 87575

DATE: 3-15-08

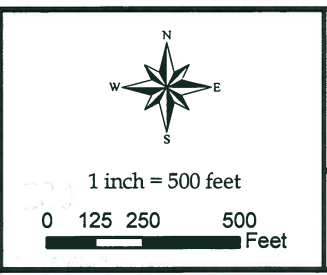
Ed Neville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

3-24-08  
Date

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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 001-0002**  
 Sena Ditch &  
 Nutritas Ditch No.1  
 AMENDED March 3, 2008