

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

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

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 1, Chama Mainstream

Ghost Ranch Ditch
Subfile No. CHCJ-007-0001

MOTION FOR ORDER TO SHOW CAUSE

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and moves the Court to issue its Order to Show Cause to defendant Presbyterian Church (USA) Ghost Ranch at Abiqui with respect to the priority date of the water rights under the Ghost Ranch Ditch in Subfile CHCJ-007-0001 in the Chama Mainstream Section, and as grounds states the following:

1. The Court has approved a Consent Order for defendant Presbyterian Church (USA) Ghost Ranch at Abiquiu (“Defendant”) that recognizes surface water irrigation rights on 33.1 acres of land under the Ghost Ranch Ditch. The priority date of the water rights under the Ghost Ranch Ditch was reserved for future determination. *See* Consent Order filed September 11, 2003 (Doc. No. 7219) (Subfile CHCJ-007-0001).

2. Although the lands under the Ghost Ranch Ditch were surveyed as part of the Rio Canjilon Hydrographic Survey in Section 3, the lands irrigated by the Ghost Ranch Ditch have been included in the Chama Mainstream Section. *See Order Defining Section 1*, filed December 27, 1995 (Doc. No. 4443).

4. In order to enter a final order on the priorities of ditches in Section 1, and to hold comprehensive *inter se* proceedings within Section 1 on priorities, the Court should address and determine the priority date of the Ghost Ranch Ditch at this time.

5. Based upon documentation submitted to the United States Department of the Interior by Jose Ignacio Archuleta in connection with his homestead entry upon lands now irrigated by the Ghost Ranch Ditch, the State proposes that the Court enter an Order that determines a priority date of 1889 for the water rights under the Ghost Ranch Ditch in Subfile CHCJ-007-0001.

6. An Order to Show Cause should be served on Presbyterian Church (USA) Ghost Ranch at Abiquiu that requires the Defendant to notify the Court of any objection it has to a priority date of 1889 for the Ghost Ranch Ditch. A proposed form of order is attached hereto as Exhibit 1.

7. The Ghost Ranch Ditch is a private ditch, and all irrigated lands under that ditch are included in Subfile CHCJ-007-0001.

WHEREFORE the State of New Mexico requests the Court to issue its Order to Show Cause that requires the Presbyterian Church (USA) Ghost Ranch at Abiquiu to file with the Court, no later than 20 days after service of the Order by first-class mail, any objection it has to a priority date of 1889 for the water rights under the Ghost Ranch Ditch described in Subfile CHCJ-007-0001.

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of July, 2009 I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing.

/s/ Ed Newville
EDWARD G. NEWVILLE