

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.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 3: Canjilon Creek

Subfile No. CHCJ-001-0005

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico *ex rel.* State Engineer and Defendant:

CANJILON MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION

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 are in agreement concerning the elements of the Defendant's right to divert and use the public waters of the Rio Chama Stream System, Canjilon Creek, Section 3, as of the date of the Hydrographic Survey Report for the Canjilon subsection of the Rio Chama Stream System, July 14, 2000, and by their signatures appearing below, the State and the Defendant 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 adjudicated by this order.
4. The right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Canjilon Creek, Section 3, as of July 14, 2000, is set forth below:

A. DOMESTIC & SANITATION (Groundwater & Surface Water Combined):

Office of the State Engineer File Nos. RG-22777, 4057 and 4057-S

Priority: January 25, 1970

Source of Water: Shallow groundwater and surface water of Canjilon Creek, a tributary of the Rio Chama

Purpose of Use: DOMESTIC AND SANITARY

Point of Diversion:

Ditch: INFILTRATION GALLERY (4057)
Location: X = 1,602,777 feet Y= 2,004,806 feet

Ditch: INFILTRATION GALLERY (4057-S)
Location: X = 1,617,370 feet Y= 2,024,599 feet

Well No.: RG-22777
Location: X = 1,585,369 feet Y= 1,992,162 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Place of Use::

Service area of Canjilon Mutual Domestic Water Consumers Association

Amount of Water: 18.37 acre feet per annum

5. Defendant has no surface or groundwater rights in the Rio Chama Stream System, Canjilon Creek, Section 3, as of July 14, 2000, other than those set forth in this order and those other orders entered by this Court in this cause. This order does not include any surface or

groundwater rights transferred, or to be transferred, to the Canjilon Mutual Domestic Water Consumers Association under the Application to Change Point of Diversion and Place and/or Purpose of Use From Ground to Surface and Groundwater received by the Office of the State Engineer on May 30, 2008 (OSE File Nos. RG-22777, 4057 and 4057-S). Any surface or groundwater rights transferred to the Association after July 14, 2000, are in addition to those recognized by this order.

6. Defendant, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Canjilon Creek, Section 3, are as set forth herein. The Defendants, 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, Canjilon Creek, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Subfile Order as a final judgment as to the elements of the 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.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for Approval:

Consent Order

Vickie L. Gabin

VICKIE L. GABIN
SPECIAL MASTER

ACCEPTED: Ross A. Mantz / President
Canjilon Mutual Domestic Water
Consumers Association

ADDRESS: P.O. Box 465
CANJILON, NM 87515

DATE: 5/26/09

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

6-16-09
Date