

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

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	69cv07941-BB
Plaintiff,)	
)	RIO CHAMA STREAM SYSTEM
-v-)	
)	Mainstream Section
ROMAN ARAGON <i>et al.</i>)	
)	
Defendants)	
_____)	

NOTICE AND ORDER

The Special Master files this Notice and Order pursuant to the Court’s Order filed November 16, 2010 (Docket No. 9979). The November 16 Order was entered in response to the State of New Mexico’s Motion to Reconsider Directive in Memorandum Opinion and Order filed April 28, 2010, for Service of Additional Notices and Orders to Show Cause (Doc. No. 9710, May 5, 2010). Two matters were remanded to the Special Master: identifying subfile numbers for five water rights; and filing a report regarding the service of orders to show cause were remanded to the Special Master.

Remanded Matters

I find that orders to show cause were not served on the water rights owners associated with the following subfiles:

<u>Subfile</u>	<u>Map & Tract</u>	<u>Ditch Name</u>
287	20.2A	Acequia de Chamita
152	21.15	Acequia de Hernandez
267	22.17	Acequia de Chamita
194	23.22	Acequia de Hernandez
194	23.22A	Acequia de Hernandez

The Court ordered the State of New Mexico, *ex rel.* State Engineer (State), to show cause (within 21 days of the instant Notice and Order) why the owners of these subfiles should not be served with orders to show cause regarding the priority dates for their water rights, and serve this

Notice and Order, and a copy of the State's brief, on these owners. The water rights owners will have 14 days from the date of service to file a response to the State's brief; the State will have 14 days to file a reply. Once the briefing is complete, I will file a report with my recommendations.

Additional Matter

I note *sua sponte* that the Notice of Electronic Filing associated with the November 16 Order omits any mention of service of the Order on the water rights owners associated with the subfiles listed above. In the interests of fairness, and of providing additional information regarding this matter, the Order should be served on those affected. Consequently, I find that the State should include a copy of the November 16 Order with this Notice and Order and the State's brief.

IT IS SO ORDERED.

Vickie L. Gabin

SPECIAL MASTER