

Case: 6:69-cv-07941-BB

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FILED *JK*  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO  
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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, on the relation of	)	
The State Engineer,	)	No. 69cv 07941-BB
	)	
Plaintiff,	)	Rio Chama Stream
	)	System
v.	)	
	)	Section I (mainstream)
ROMAN ARAGON, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM RESPONSE FROM SEVERAL OBJECTING *PRO SE* PARTIES TO THE SPECIAL MASTER'S REPORT (DOC. 9546, FILED 12/16/2009) TO THE STATE OF NEW MEXICO'S MOTION TO LIMIT CONSIDERATION OF OBJECTIONS TO SPECIAL MASTER'S REPORT FILED DECEMBER 16, 2009 TO PARTIES SUBJECT TO THE PRETAIL ORDER ON MAINSTREAM PRIORITIES FILED MARCH 25, 1996 (DOC. 9606, FILED 02/25/2010).**

Comes now, the several *parciente pro se* parties of the Acequia de Chamita (Doc. Nos. 9588-9593, 9596, 9598-9602, 9608-9612, 9618-9620- 9622, 9624-9630, 9632-9637, 9643, 9649) who filed objections to the Special Master's Report (Doc. 9546, Filed 12/16/2009).

These parties, for the record, wish to file a response opposing the State's Motion to Limit the Objecting *Pro se* Parties Number to Those Persons who Filed Timely Objections to the

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Notices and Orders to Show Cause, Doc. No. 3974.19, filed December 7, 1994, (States Motion Doc. 9606, Filed 02/25/2010).

In the United States District Court's Memorandum Opinion and Order (Doc. 9700, Filed 04/28/2010) at page 2 states, "None of the Parties filed a response opposing the State's Motion to Limit Consideration of Objections". As of the filed dates of the two documents (Doc. 9606, Filed 02/25/2010 and Doc. 9700, Filed 04/28/2010), it is so.

Process is its own teacher. We have learned by submergence in this *pro se* adjudication process that we could have and should have responded to the State's motion (Doc. 9606). We know now by the Court's Memorandum Opinion and Order (Doc. 9700, Filed 04/28/2010) and the Court's grant of the State's Motion (Doc. 9606), we are after the fact, late. The State did not request a due date for a response. We just now, for the courts records, would like to register a response.

We feel that all *pro se* parties listed above, in good faith and for fairness filed objections, evidence and exhibits (Doc. 9657, Filed 03/31/2010). The time laps for the Special Master to produce her report (Doc. 9546, 12/16/2009) is real for the life of the Acequia and the parcientes who draw water to irrigate land and crops. Officially, the *pro se* parties did not receive her report until after March 25, 2010. This is, for us, at least 14 actual years. We should, at least be able to respond from the present. We are not at fault for this laps of time.

It is our contention that we were not aware of the assignment of a 1600 priority date to the Acequia de Chamita until reading the Special Master's Report. Please refer to the history provided in 1. A brief background on reasons for the objections:, at 1-4, Amended-Objections to the Assignment of a 1600 Priority Date to Concerned Water Rights of the Parcientes of the Acequia De Chamita (Doc. 9657, Filed 03/31/2010). The Court's Doc. 9700, Filed 04/28/2010 at 3, states, "The Court provided all claimants an opportunity to offer proof of an earlier date

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before the Special Master". To the best of our knowledge this was not the case. We received from the State a notice and order to show cause Doc. No. cv 7941SC, Filed Oct. 12, pm 6:52, 1994. The State assigned a priority date of 1714. The defendants then were sent the Objection to Order to Show Cause and Priority Date, document from Counsel Waltz to sign and return to him. There is no mention in this document of an actual assignment of a 1600 priority date to be proven for the Acequia de Chamita. At this time trust, through the Acequia Commission and RCAA, was placed in Counsel. The only documentary reference to an actual priority date, 1598, was Dr. Hordes' 1992, Historical Abstracts of Acequias Along the Rio Chama, (Exhibit A, Doc. 9657, Filed 03/31/2010, at 9). There was no assignment date known to us, or results of an assignment of dates known until a copy of the Special Master's Report (Doc. 9546, Filed December 16, 2009) was sent on January 14, 2010 (Please refer to Doc. 9657, Filed 03/31/2010, at 1-4).

Acequia de Chamita Commissioner at the time of the hearings on the disputed priority date in August 1996, was Juan D. Archuleta (Subfile No. 229, Doc No. 3974.13). Juan is deceased. His wife has turned over all his Acequia de Chamita records to the current Acequia Treasurer and Commissioner of the Acequia de Chamita, David Ortiz (*Pro se* party, Doc. 5951, Filed 2/16/2010). There is no paper trail on the assignment of a priority date for the Acequia de Chamita in these records. There is no current knowledge that the Acequia Commission officially knew of the 1600 priority date until a meeting was called with Counsel Fred Waltz, Tuesday, January 26, 2010 (Doc. 9657, Filed 03/31/2010, at 2). These events prompted the development of the coalition of the *pro se* parties and the filings of the objection to the Special Master's Report (Doc. 9657, Filed 03/31/2010).

The only real objection the *pro se* parties (rather limited to past or current lists), have to the Special Master's Report is her assignment of the 1600 priority date to the Acequia De

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Chamita only. The current *pro se* parties objecting to this date are sincere in coming before this Court for consideration of a date change to August 11, 1598. They are the defendants who must now live and work with the results of "priority dating" on the ground. These defendants come before the Court without counsel because of a lack of financial resources. The *pro se* parties, therefore, cannot enter into a Document, case law citation back and forth with the State. It is just beyond our expertise. We apologize to the Court for this. However, there must be more to the legal application of a doctrine of fairness than time and cost. Respectfully, the Defendants believe that it is not the number of *pro se* parties that will cost time and treasure. What is important is letting the evidence speak (Doc. 9657, 03/31/2010). All that is wished, is that the objection and evidence for a date change to August 11, 1598 for the Acequia de Chamita only, in the Special Master's Report be considered by this Honorable Court.

In fairness, could it be possible for this Honorable Court to reverse, change, or modify its motion (Doc. 9700, Filed 04/28/2010) to include all the current *pro se* parties who filed an objection with evidence for the August 11, 1598 priority date for the Acequia De Chamita only.

Respectfully submitted for defendants,

By Ron W. Rundstrom (Current, Doc. 9592; Past, Doc. 274, Doc. 3974.19) and

Eloy J. Garcia, Mayordomo (Current, Doc. 9590; Past, Doc. 3974.15)



(Signature of Defendant)

by Ron W. Rundstrom

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Respectfully submitted for defendants,

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