

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 1, Chama Mainstream

Acequia de Esquibel
Subfile No. 529

MOTION FOR ORDER APPROVING AND ADOPTING
STIPULATION ON PRIORITY DATE
OF WATER RIGHTS UNDER ACEQUIA DE ESQUIBEL

The Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), by and through its undersigned counsel, requests the Court to enter an Order approving and adopting the *Stipulation on Priority Date* filed January 14, 2008 (Doc. No. 9068) on the water rights in Subfile 529 (Tract 4.52) in Section 1 of the Chama Mainstream Section, and in support of this Motion states the following:

1. The State and the owners of the water rights in Subfile 529 (Delvin L. Garcia and Sarah L. Garcia) have entered into a stipulation on the priority date (1734) of the water rights in this subfile under the Acequia de Esquibel, a private ditch in Section 1 of the Rio Chama Stream System. *See Stipulation on Priority Date* filed January 14, 2008 (Doc. No. 9068). The original Order entered in this subfile did not include a priority date for those rights. *See Order* filed March 10, 1971 (Doc. No. 1670). The water rights in Subfile 529 are the only water rights under the Acequia de Esquibel.

4. The Court should enter an Order that approves and adopts the *Stipulation on Priority Date* filed January 14, 2008, and that amends the *Order* filed March 10, 1971, to include a priority

date of 1734 for the water rights in Subfile 529.

5. The Order approving and adopting the Stipulation on the priority date of the water rights in Subfile 529, and amending the *Order* filed March 10, 1971, should be entered as a final order subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

6. A proposed Order granting this Motion is attached hereto as Exhibit 1.

WHEREFORE, the State respectfully requests the Court to enter an Order that approves and adopts the *Stipulation on Priority Date* filed January 14, 2008, and that amends the *Order* filed March 10, 1971, to include a priority date of 1734 for the water rights in Subfile 529.

FURTHER, the State requests that the Court enter the requested Order as a final judgment, subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of April, 2011, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail addressed as follows:

Delvin A. Garcia
Sarah L. Garcia
P.O. Box 701
Abiquiu, NM 87510

/s/ Ed Newville
EDWARD G. NEWVILLE