

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 Abeyta y Trujillo

ORDER ON PRIORITY DATE OF WATER RIGHTS
UNDER ACEQUIA DE ABEYTA Y TRUJILLO

THIS MATTER is before the Court following the April ____ 2011, *Motion for Order on Priority Date of Water Rights Under Acequia de Abeyta y Trujillo* in Section 1 of the Rio Chama Stream System (Chama Mainstream) (Doc. No. _____).

The Court finds:

1. Pursuant to the *Amended Order on the Adjudication of Water right Priorities* (Doc. 3497, filed July 8, 1994), all know and unknown claimants of water rights under the Acequia de Abeyta y Trujillo were served with a Notice and Order to Show Cause setting forth a priority date of 1735 for their water rights under this acequia. *See Certificate of Service* filed October 20, 1994 (Doc. No. 3526.A); *New Mexico's Certificate of Publication for Priority Date Notices and Orders to Show Cause* filed November 29, 1995 (Doc. No. 4413). The commissioners of the Acequia de Abeyta y Trujillo (a community ditch) were served with a Notice and Order to Show Cause setting forth a priority date of 1735 for the water rights under this acequia. *See Certificate of Service* filed December

12, 1994 (Doc. No. 3979.33).

3. No objections to the proposed priority date of 1735 for water rights under the Acequia de Abeyta y Trujillo were filed by either individual water users or the Acequia de Abeyta y Trujillo.

4. There is no just reason for a delay for the entry of a final judgment as to the priority date of the water rights for lands irrigated by the Acequia de Abeyta y Trujillo.

IT IS ORDERED, THEREFORE, that 1735 is the priority date of the water rights under the Acequia de Abeyta y Trujillo.

IT IS FURTHER ORDERED, that the priority dates in all subfile orders heretofore entered in the Chama Mainstream Section that describe irrigation water rights under the Acequia de Abeyta y Trujillo are revised and amended as follows:

Priority: 1735

The individual subfiles in the Chama Mainstream Section affected by the above provision of this Order are listed in Appendix 1 attached hereto.

IT IS FURTHER ORDERED, that the Court enters this 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.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

SPECIAL MASTER VICKIE L. GABIN