

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

Gallina Canyon Ditch
Subfile No. GAL 10.1

MOTION FOR ORDER APPROVING AND ADOPTING THE
STIPULATION ON PRIORITY DATE
OF WATER RIGHTS UNDER GALLINA CANYON DITCH

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 October 18, 2005 (Doc. No. 8031) on the water rights in Subfile GAL 10.1 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 GAL (Vista, Ltd.) have entered into a stipulation on the priority date (1897) of the water rights in this subfile under the Gallina Canyon Ditch, a private ditch in Section 1 of the Rio Chama Stream System. *See Stipulation on Priority Date* filed October 18, 2005 (Doc. No. 8031). The original Order entered in this subfile did not include a priority date for those rights. *See Order* filed April 11, 1997 (Doc. No. 5632). The water rights in Subfile GAL 10.1 are the only water rights under the Gallina Canyon Ditch.

4. The Court should enter an Order that approves and adopts the *Stipulation on Priority Date* filed October 18, 2005, and that amends the *Order* filed April 11, 1997, to include a priority date

of 1897 for the water rights in GAL 10.1

5. The Order approving and adopting the Stipulation on the priority date of the water rights in Subfile GAL 10.1, and amending the *Order* filed April 11, 1997, 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 October 18, 2005 (Doc. No. 8031), and that amends the *Order* filed April 11, 1997 (Doc. No. 5632) to include a priority date of 1897 for the water rights in Subfile GAL 10.2.

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

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th 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.

/s/ Ed Newville
EDWARD G. NEWVILLE