

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.

Desert

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 1, Chama Mainstream

Acequia de Monastery of Christ in the
Desert

Subfile No. X-1

**MOTION FOR ORDER APPROVING AND ADOPTING THE
STIPULATION ON PRIORITY DATE OF WATER RIGHTS
UNDER ACEQUIA DE MONASTERY OF CHRIST IN THE DESERT**

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 April 21, 2010 (Doc. No. 9688) on the water rights in X-1 in Section 1 of the Chama Mainstream Section, and in support of this Motion states the following:

1. The State and the owner of the water rights in Subfile X-1 (Monastery of Christ in the Desert) have entered into a stipulation on the priority date (1904) of the water rights in this subfile under the Acequia de Monastery of Christ in the Desert, a private ditch in Section 1 of the Rio Chama Stream System. *See Stipulation on Priority Date* filed March 21, 2010 (Doc. No. 9688). The State and the owner of the water rights in Subfile X-1 are in agreement that there is no basis to redetermine or reconsider the priority date (1904) of the water rights described in the Order filed March 10, 1971 (Doc. No. 1670) in Subfile X-1.

4. The Court should enter an Order that approves and adopts the *Stipulation on Priority Date* filed March 21, 2010, and that confirms the priority date of 1904 included in the *Order* filed March 10, 1971.

5. The Order approving and adopting the *Stipulation* on the priority date of the water rights in Subfile X-1, and confirming the priority date of 1904 included in 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 April 21, 2010 (Doc. No. 9688), and that confirms the priority date included in the *Order* filed March 10, 1971 (Doc. No. 1670).

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 19th 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