

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 7, Rio Brazos

NOTICE AND ORDER TO SHOW CAUSE

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE THE SURFACE OR UNDERGROUND WATERS OF THE RIO BRAZOS SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM

AND TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO USE SURFACE WATER FOR IRRIGATION PURPOSES IN THE RIO BRAZOS SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM AND WHOSE NAMES APPEAR BELOW:

PARKVIEW DITCH PRIORITY 1861

Defendants: Agapita Abeyta, Jose Gabriel Abeyta, Margaret Abeyta, Roque N. Abeyta, Fred Anderson, Archdiocese of Santa Fe, Frank J. Archuleta, Jose Belarmino Archuleta, Juanita Archuleta, Pedro Archuleta, Richard Archuleta, Sammy Archuleta, Beronice I. Archuleta, Joysree B. Aubrey, Marshall J. Blanton, Dorothy T. Blanton Trust Agreement, Connie Byrd, Jose A. Candelaria, Benito Casados, Sylvia Casados, Tomas A. Casados, Vernon R. Casados, Casados Family Trust, Elaine Chavez, Fernando Chavez, Cecil L. Cox, Audrey M. Eaton, Hugh L. Eaton, Lisa H. Eaton, Karel Fordyce, Teresa Galdean, Joyce Gallegos, Richard I. Gallegos, George K. Galvan, Valentina V. Galvan, Frances D. Garcia, Thomas Gaylor, Glenn Godwin & Theresa Godwin Family Trust, Maria Elena Gomez, Theodore Gonzales, Gloria Jean Grasmick, Josephine Hays, Vangie Cordova Herrea, Dennis R. Herrera, Highland Ventures, Inc., Tito Jaramillo, Charles E. Knapp, Acencion Labrier, Marron Family Limited Partnership, Llp, Anselmo Lopez, Otilia Lopez, Elisa M. Salazar Mackenzie, Bernabe Madrid, Caroline Madrid, David Maestas, Dolores L. Maez, Emery Maez, Alice Martinez, Anthony R. Martinez, Ascencion D. Martinez, Candy S. Martinez, Chris H. Martinez, Conrad V. Martinez, Eduardo T. Martinez, Estate of Nicolas Martinez, Gilbert A. Martinez Jr., Joanne C. Martinez, Joe E. Martinez, Johnny C. Martinez, Jose L. Martinez, Jose Lucas Martinez, Larry H.

Martinez, Loide Martinez, Manuel G. Martinez Jr., Max A. Martinez, Philomena M. Martinez, Polly Martinez, Priscilla Martinez, Rose L. Martinez, Margarita E. Mercure, Yolanda M. Montaña, Lorraine E. Montoya, Travis G. Moseley, NM State Game Commission, Eloy S. Olivas, Juanita I. Olivas, Henry A. Palm, Willa S. Palm, Walter Joseph Piña, Letitia Rhodes, Jose I. Rivera, Praxedes Rivera, Tito A. Rivera, Anthony M. Romero, Melvin K. Roybal, Jose B. Roybal Living Trust, Doris Salazar, Jose B. Salazar, Manuel S. Salazar, Maria D.M. Salazar, Robert A. Salazar, Angelina Sanchez, Eloy Sanchez, Hazel T. Sanchez, Joyce L. Sanchez, Ralph Sanchez, Levi A. Sandoval, Rufina L. Sandoval, David Schwartz Bypass Trust, Johnny P. Silva, Christie L. Spill, Dolores Torrez, Joe M. Torrez, Juanita Torrez, Reyes Salomon Torrez, Robert Torrez, Victoria M. Torrez, Fernando Trujillo Sr., Fernando Trujillo III, Fernando Trujillo Jr., Horacio Trujillo, Manuel D. Trujillo, Marcella Doreen Burbank Trujillo, Margarita R. Trujillo, Viola Trujillo, Bernadette Trujillo-salazar, Bernie Ulibarri, Frank Valdez, Grace G. Valdez, Leo V. Valdez, Teofila Valdez, Diolinda Varoz, Anthony L. Vigil, Marcia Sue Vigil, Rudy Gilbert Vigil

ENSENADA DITCH PRIORITY 1861

Defendants: Emilie Luna Anthony, David F. Baca, Gloria F. Baca, Estate of Esther Bruno, Pauline Bustos, Estate of Olivia Carmody, Cynthia Casados, Casados Partnership, Tony Casados, Sr. & Sons, Prtnrshp., Ashley D. Cordova, Ben R. Cordova, Clyde C. Cordova, Cynthia A. Cordova, Deborah Cordova, Donald P. Cordova, Genevieve Cordova, Georgia M. Cordova, Hazel Cordova, Hazel Ann Cordova, James P. Cordova, Monica A. Cordova, Nelda Cordova, Olivia J. Cordova, Orlando M. Cordova, Paul M. Cordova, Sharon Cordova, Tomas R. Cordova, Cecil L. Cox, Bruce R. Duran, Gumercindo F.c. Duran, Michelle L. Duran, Edulia Estrada, Ramon Estrada, Eugene B. Foote, Mary V. Foote, Karel Fordyce, Maria F. Gallegos, Roseann Gallegos, Ernestine Garcia, Pete Garcia, Peter Garcia Jr., Thomas Gaylor, Maria Elena Gomez, Theodore Gonzales, Marcella Hasson, Louis R. Jaramillo, Tito Jaramillo, Acencion Labrier, Roy C. Lopez, Frank D. Luna IV, Gilbert Luna Sr., Hilario Luna, Salomon A. Luna, Bernabe Madrid, Caroline Madrid, Agapito "Pete" Maestas, Albert M. Martinez, Alice Martinez, Anthony R. Martinez, Chris Martinez, Chris R. Martinez, Eddie Martinez, Gloria Martinez, Jacob Martinez, Joe L. Martinez, Jose Lucas Martinez, Joseph A. Martinez, Larry Martinez, Lionel E. Martinez II, Loyola Martinez, Luis E. Martinez, Manuel G. Martinez Jr., Mary Ida B. Martinez, Orlando Martinez, Raymond L. Martinez, Rebecca Martinez, Roberto Martinez, Rose Martinez, Socorro Martinez, Manuel and Alice Martinez Trust, Amelia Montano, Vicente Montano, Sixto Montoya, Don Dell Mulder, Charles Mahlon Murphy, Tira L. Ouellete, Ferlinda Pesata, Jose B. Rivera, Oralia Rivera, Anna S. Rodela, Joseph Ray Rodela, Loyda Rodela, Maria Elena Rodela, Ronald B. Rodela, Steven Rodela, Carlos J. Romero Jr., Pedro Romero, Janet Rosas, Jose B. Roybal Living Trust, Angelina Sanchez, Eloy Sanchez, Joe R. Sanchez, Robert F. Sanchez, Mikael Saunders, Howard M. Sleeper, Estate, Bernie Ulibarri, George A. Valdez, Joe I. Valdez, Miguel Valdez, Olivia M. Valdez, Tive Valdez, Geraldine Valencia, Larry Valencia, Margaret M. Valerio, Velasquez, Inc., Marcia Sue Vigil, Rudy Gilbert Vigil, Hugh Walter Wilson

PORVENIR DITCH PRIORITY 1894

Defendants: Andrews Living Trust, Nancy Bell, Tony Casados, Sr. & Sons, Prtnrshp., D. Mario

Chavez, Emily Ulibarri Chavez, Michael Fonte, Acencion Labrier, Frank A. Maestas, Lucy P. Maestas, Rose Ellen Marquez Manning, Alice Martinez, Chris Martinez, Chris R. Martinez, Eddie Martinez, Frank A. Martinez, Frank R. Martinez, Laverne Martinez, Lilliana R. Martinez, Louisa Martinez, Manuel A. Martinez Jr., Manuel G. Martinez Jr., Robert A. Martinez, Roberto Martinez, Rosa D. Martinez, Rose M. Martinez, Tracy Martinez, Berta J. Romero, Hope R. Roybal, Joseph G. Roybal, Jose B. Roybal Living Trust, Margaret Royball, Joseph David Sanchez, Manuel D. Trujillo, Manuel De Atocha Trujillo, Marcella Doreen Burbank Trujillo, Henry Ulibarri, Mabel C. Ulibarri, Velasquez, Inc., Dorothy Wardlow, T.J. Wardlow

LOS BRAZOS COMMUNITY DITCH **PRIORITY 1861**

Defendants: Elviria S. Abeyta, Jose M. Abeyta, Margarita V. Atencio, Silviano Atencio, Lily Bateman, Bidal A. Candelaria, Consuelo J. Candelaria, Olivia M. Cordova, Epimania B. Gallegos, Frank A. Gallegos, Harold M. Gallegos, Mary F. Gallegos, Carole Gomez, Michael Gomez, Rita Madrid, Debra Patricia Martinez, Estefanita Abeyta Martinez, Jose Maria Martinez Jr., Medardo Sanchez, Rita Trujillo, Abel Valdez, Cleo B. Valdez, Crystal H. Valdez, Gloria C. Valdez, Joe B. Valdez, Justiniano A. Valdez, Manuel F. Valdez, Prescilla Valdez, Roxanne H. Valdez, Theresa Valdez, Charlie S. Vance, Lorraine T. Vance, Carla A. Vigil

OJITOS DITCH **PRIORITY 1861**

Defendants: Donaldo Abeyta, Eloisa S. Abeyta, Gregorio Abeyta, Teodoro E. Abeyta, Marshall J. Blanton, Dorothy T. Blanton Trust Agreement, Mary Alice Casados, Russell Casados, Elizabeth Chavez, Whitney Durell, Felix R. Gallegos, Leontina Gallegos, Gallegos Family Trust, Maria Abeyta Garcia, Ida S. Martinez, Jonetta L. Martinez, Nicholas Martinez Estate, Robert Martinez Jr., Robert A. Martinez, Delfin O. and Francis Quintana Trust, Doris Salazar, Fernando Salazar, Jose B. Salazar, Bernie Ulibarri, Michael C. Ulibarri,

MARTINEZ DITCH **PRIORITY 1861**

Defendants: Eloisa S. Abeyta, Elizabeth Chavez, Whitney Durell, Ida S. Martinez, Jonetta L. Martinez, Robert Martinez Jr., Robert A. Martinez, Walter Joseph Piña, Delfin O. and Francis Quintana Trust, Fernando Salazar

BRAZITO DITCH LATERAL **PRIORITY 1861**

Defendants: Elviria S. Abeyta, Jose M. Abeyta, Ruby Abeyta, Natividad Chavez Ranch Properties, LLC, Codling Family Trust, Frank A. Gallegos, Mary F. Gallegos, Jose Maria Martinez Jr., Eloy S. Olivas, Juanita I. Olivas, Joe Pino, Juanita Pino, Miguel Antonio Salazar, Jose A. Sanchez, Pauline Sanchez, Sanchez Family Trust, The El Llano Co., Inc., Abel Valdez, Joe B. Valdez, Prescilla Valdez

LA PUENTE DITCH **PRIORITY 1861**

Defendants: Gale A. Abeyta, Mark D. Abeyta, Sherry J. Abeyta, Beronice Ignacita Archuleta, Beverly Ann Archuleta, Pedro Antonio Archuleta Iv, Lillie Chavez, Rudolph A. Chavez, Vivian Chavez, Dorene Tafoya Cleland, Max Cleland, Christine M. Cordova, Joseph G. Cordova, Prescilla Hunnel, Laguna Vista Townsite Inc., Felix Madrid, Norma E. Madrid, Darlene A. Manuele, Carlos R. Manzanares, Debbie Manzanares, Joann L. Manzanares, Juan F. Manzanares, Mariano S. Manzanares, Mary Leah Manzanares, Ruben Manzanares Jr., Tony J & Natividad M. Manzanares Family Trust, Lorenzo Zuniga Jr. and Maria E. Varela Family Trust, Juan A. Martinez, Leroy J. Martinez, Navora Martinez, Rosina Martinez, Stephanie E. Martinez, Teresa S. Martinez, Elaine L. Mayer, Frederick L. Mayer, Baudelia M. Mercure, Vincente Mercure, Joyce Nenninger, Emma Padilla, Richard Padilla, Estate of Amelia C. Pond, Harry Sanchez, Theresa Sanchez, Andrew M. Tafoya, Jose P. Tafoya, Kathy R. Tafoya, Lisa Tafoya, Lorraine Tafoya, Lucy Tafoya, Lucy M. Tafoya, Stella D. Tafoya, Felicitas Trujillo, Phillip G. Trujillo, Willie Trujillo Jr., Ernesto R. Ulibarri, Rosemary Ulibarri

ACEQUIA DE LAS TRES PLUMAS PRIORITY 1880

Defendants: Elviria S. Abeyta, Jose M. Abeyta, Jose Damian Eturriaga, Frank A. Gallegos, Harold M. Gallegos, Mary F. Gallegos, Jose Maria Martinez Jr., John P. Zamora, Maria De La Luz Zamora

CHAVEZ CREEK DITCH PRIORITY 1892

Defendants: Tony Casados, Sr. & Sons, Prtnrshp.

PRIORITY 1894

Defendants: Alvin Eversgerd, Belva Eversgerd, Anthony T. Garcia, Debbie L. Garcia, J. Patrick Garcia, J. Placido Garcia Jr., Munira K. Garcia

CHAVEZ CREEK DITCH NO. 2 PRIORITY February 19, 1915

Defendants: Joe and Rosina Garcia Revocable Trust

RICE DITCH PRIORITY March 25, 1935

Defendants: Marshall J. Blanton, Dorothy T. Blanton Trust Agreement

PHIL CORKIN INFILTRATION GALLERY PRIORITY October 22, 1945

Defendants: Corkin's Lodge

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water right and ditch, or the priority dates for any other community or private ditch in the Brazos Subsection of Section 7 of the Rio Chama Stream System ("Brazos Subsection") as described above.

The priority dates for the ditches listed above will apply to all individual irrigation water rights served by the ditches listed, unless you or other persons file objections. The priority dates for ditches listed above will also apply to a spring that serves as a source of water for irrigators under those ditches, and which is described on individual subfile orders filed with the Court. Defendants that have previously agreed to a priority date for their water rights in the Brazos Subsection in subfile orders filed with the Court may not object to the dates of their own water rights, but may file objections to the proposed determination of the priority dates of other water users.

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Brazos Subsection for lands irrigated under pre-1907 ditches as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.78 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.63 acre-feet per acre per annum.

The ditches in the Brazos Subsection to which the above amounts apply are all of the ditches identified above with the exception of Chavez Creek No. 2, Rice Ditch and Phil Corkin Infiltration Gallery.

You are hereby notified that you are required to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use on lands in the Brazos Subsection that are irrigated under final licenses issued by the Office of the State Engineer, as described below:

Chavez Creek Ditch No. 2:

- a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 1.34 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 2.23 acre-feet per acre per annum.

Rice Ditch:

- a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 1.51 acre-feet per acre per annum.

- c. The project diversion requirement (PDR) is 2.52 acre-feet per acre per annum.

Phil Corkin Infiltration Gallery:

- a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 1.50 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 2.50 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The "Project Diversion Requirement" ("PDR") or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stock ponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons you may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for surface water irrigation use in the Brazos Subsection as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Brazos Subsection. Subsequent *inter se* proceedings in the Brazos Subsection will not include the opportunity to object to those determinations.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Brazos Subsection as stated above, you must file your objection with the Court, in person or by mail, **FOR RECEIPT NO LATER THAN September 2, 2011:**

United States District Court Clerk
333 Lomas Blvd. NW, Suite 270
Albuquerque, NM 87102

If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights. If you fail to timely object and attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

or,

John W. Utton
Attorney for Asociación de Acéquias Norteñas de Rio Arriba
Sheehan & Sheehan, P.A.
P.O. Box 271
Albuquerque, NM 87103-0271
(505) 699-1445 telephone
(505) 842-8890 facsimile

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

VICKIE L. GABIN
SPECIAL MASTER