

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/LFG

RIO CHAMA STREAM SYSTEM

Section 7, Rio Brazos

Subfile No. CHRB-004-0062

**MOTION TO AMEND CONSENT ORDER**  
**DESCRIBING THE WATER RIGHTS OF THE ENSENADA MUTUAL**  
**DOMESTIC WATER CONSUMERS ASSOCIATION IN SUBFILE CHRB-004-0062**

The plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) moves the Court to amend the Default Order entered on April 24, 2008 (Doc. No. 9177) in Subfile CHRB-004-0062 describing the water rights of defendant Ensenada Mutual Domestic Water Consumers Association and as grounds therefore plaintiff states:

1. The Default Order entered on April 24, 2008 in Subfile CHRB-004-0062 that describes the water rights of the Ensenada Mutual Domestic Water Consumers Association (“the Association”) does not include a description of the amount of water or the priority of the Association’s water rights. These elements of the Association’s water rights were reserved for future determination. *See* Default Order at 2. The State has reviewed the information in the water rights files of the Office of the State Engineer with the staff of the Water Rights Division, and the State believes the Association presently has the right to divert and use 48.0 acre-feet of groundwater per annum with a priority of February 2, 1961.

2. Counsel for the State has written to the Board of Directors of the Association in order to learn if the Association agrees with the State's assessment of the Association's water rights, but to date the State has not received a response that would indicate if the Association agrees or disagrees with the State's assessment.

WHEREFORE, the plaintiff State of New Mexico requests the Court to amend the Default Order entered on April 24, 2008 in Subfile CHRB-004-0062 to include the description of the elements of the Association's water rights as described above.

Respectfully submitted,

/s/ Ed Newville

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 9th day of July 2012, 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 parties via first class mail addressed as stated.

/s/ Ed Newville  
EDWARD G. NEWVILLE

Ensenada Mutual Domestic Water Consumers Association  
Vincente Montaña, President  
P.O. Box 226  
Tierra Amarilla, NM 87575