

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-MV/LFG

RIO CHAMA STREAM SYSTEM
Section 7: Village of Chama

Subfile No. **CHCV-001-0010**

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and Defendant:

RANCHO LOBO, LTD.

concerning the Defendant’s right to use the public waters of the Rio Chama Stream System, as set forth below, finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer, the Defendant and the subject matter of this suit.
2. The State and the above-named Defendant are in agreement concerning the Defendant’s right to divert and use the public waters of the Rio Chama Stream System, Village of Chama, Section 7, and by their signatures appearing below, the State and the Defendant have approved and accepted the elements of Defendant’s water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to elements of the

claims of the Defendant adjudicated by this order.

- 4. The right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Village of Chama, Section 7, is set forth below:

A. STORAGE IMPOUNDMENT (Surface Water Only):

Office of the State Engineer File No: 1545-A

Amount of Water & Priority:

0.32 acre-feet per annum December 4, 1922

Source of Water: Surface water of an unnamed tributary of Wolf Creek, a tributary of the Rio Chama.

Purpose of Use: Fish & Recreation

Point of Diversion:

Pond: Dean's Lake

Location: X= 1,577,467 feet Y= 2,168,425 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Within the Tierra Amarilla Grant 5.1 acres

Total 5.1 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0010

Pond Volume: 29.0 acre-feet

Dam Height: 18.8 feet

B. STORAGE IMPOUNDMENT (Surface Water Only):

Office of the State Engineer File No: 1545-A

Amount of Water & Priority:

1.01 acre-feet per annum December 4, 1922

Source of Water: Surface water of an unnamed tributary of Wolf Creek, a tributary of the Rio Chama.

Purpose of Use: Fish & Recreation

Point of Diversion:

Pond: Upper Lake

Location: X= 1,558,925 feet Y= 2,161,064 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Within the Tierra Amarilla Grant 0.74 acres

Total 0.74 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0010

Pond Volume: 9.55 acre-feet

Dam Height: 24.3 feet

C. STORAGE IMPOUNDMENT (Surface Water Only):

Office of the State Engineer File No: 1545-A

Amount of Water & Priority:

2.60 acre-feet per annum December 4, 1922

Source of Water: Surface water of an unnamed tributary of Wolf Creek, a tributary of the Rio Chama.

Purpose of Use: Fish & Recreation

Point of Diversion:

Pond: Lower Lake

Location: X= 1,561,040 feet Y= 2,165,980 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Within the Tierra Amarilla Grant 1.9 acres

Total 1.9 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-001-0010


Pond Volume: 19.4 acre-feet

Dam Height: 24.9 feet

5. Defendant has no surface water rights in the Rio Chama Stream System, Village of Chama, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Village of Chama, Section 7, are as set forth herein. The Defendant, his or her successors, representatives, heirs and assigns, is enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:

Lorenzo F. Garcia

LORENZO F. GARCIA
UNITED STATES MAGISTRATE JUDGE

ACCEPTED:

Pat C. Lobo

Rancho Lobo, Ltd.

ADDRESS: 12221 Merit Dr. Ste 750
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DATE:

7/5/12

E. G. Newville

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