

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-005-0005

**JOINT MOTION OF THE STATE OF NEW MEXICO
AND THE JICARILLA APACHE NATION
TO AMEND CONSENT ORDER IN SUBFILE CHCV-005-0005**

The plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and defendant Jicarilla Apache Nation ("Nation") jointly move the Court to amend the mapping of the irrigated lands in the Consent Order entered in Subfile CHCV-005-0005 (April 21, 2006, Doc. No. 8237), and as grounds therefore state the following:

1. In the *Consent Order on the Water Rights of the Jicarilla Apache Nation Established Under State Law on Recently Acquired Lands* filed on March 6, 2013 (Doc. No. 10899), the State and the Nation agreed to submit a joint motion and a proposed order to revise the mapping of the irrigated lands in Subfiles CHCV-005-0005 and CHCV-006-0006 to show that 55.70 acres of those lands have been retired from irrigation and are without irrigation water rights ("No Right"). See March 6, 2013 Consent Order at 25. The location of the lands where the irrigation water rights are to be retired was identified in Exhibit C to the March 6, 2013 Consent Order.

2. In order to retire 2.65 acres of land from irrigation in Subfile CHCV-005-0005, the State

and the Nation have agreed to revise Subparts (C) and (D) of the Consent Order entered in Subfile CHCV-005-0005 (Doc. No. 8237) as follows:

C. NO RIGHT (Groundwater Only):

Office of the State Engineer File No. NONE

Priority: NONE

Source of Water: Underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin.

Purpose of Use: NO RIGHT

Point of Diversion:

Well: VAUGHN WELL NO. 1

Location: X = 1,554,039 feet Y = 2,143,216 feet

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

Location and Amount of Acreage

Within the Tierra Amarilla Grant

133.45 acres

Total 133.45 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHCV-005-0005.

Amount of Water: NONE

D. IRRIGATED LANDS (Groundwater Only):

Office of the State Engineer File No. NONE

Priority: August 14, 1963

Source of Water: Underground waters of the Rio Chama Stream System and Rio Grande Underground Water Basin.

Purpose of Use: IRRIGATION

Point of Diversion:

Well: VAUGHN WELL NO. 1

Location: X = 1,554,039 feet Y = 2,143,216 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Within the Tierra Amarilla Grant	<u>88.15 acres</u>
Total	88.15 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHCV-005-0005.

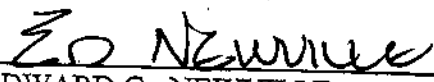
Amount of Water: Reserved for future determination by court order entered November 19, 2002.

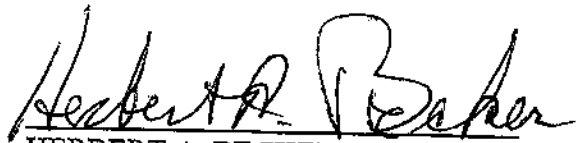
3. A copy of a revised subfile map dated June 4, 2012 showing all of the lands described in Subfile CHCV-005-0005, and to be attached to the Consent Order filed on April 21, 2006 (Doc. No. 8237), is attached hereto as Exhibit 1.

4. Counsel for the United States, Bradley S. Bridgewater, has reviewed this motion and states that the United States does not oppose the motion.

WHEREFORE, the plaintiff State of New Mexico and the Jicarilla Apache Nation request the Court to amend the Consent Order filed on April 21, 2006 in Subfile CHCV-005-0005 as described above, and to attach the revised subfile map attached hereto to the Consent Order filed on April 21, 2006 in Subfile CHCV-005-0005.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6 day of ^{MAY} April 2013, 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.


EDWARD G. NEWVILLE