

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-006-0006

**JOINT MOTION OF THE STATE OF NEW MEXICO
AND THE JICARILLA APACHE NATION
TO AMEND CONSENT ORDER IN SUBFILE CHCV-006-0006**

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-006-0006 (April 21, 2006, Doc. No. 8236), 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 53.05 acres of land from irrigation in Subfile CHCV-006-0006, the

State and the Nation have agreed to revise Subparts (A) and (C) of the Consent Order in Subfile CHCV-006-0006, and to add two additional Subparts labeled (E) and (F), as follows:

A. 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

50.75 acres

Total 50.75 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHCV-006-0006

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

C. IRRIGATED LANDS (Groundwater Only):

Office of the State Engineer File No. RG-25502

Priority: April 25, 1964

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: IRON SPRING WELL

Location: X = 1,554,850 feet Y = 2,127,901 feet

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

Location and Amount of Acreage

Within the Tierra Amarilla Grant

5.10 acres

Total 5.10 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHCV-006-0006

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

E. 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

21.65 acres

Total 21.65 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHCV-006-0006.

Amount of Water: NONE

F. 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: IRON SPRING WELL

Location: X = 1,554,850 feet Y = 2,127,901 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Within the Tierra Amarilla Grant	<u>31.40 acres</u>
Total	31.40 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHCV-006-0006

Amount of Water: NONE

3. A copy of a revised subfile map dated June 4, 2012 showing the lands described in Subfile CHCV-006-0006, and to be attached to the Consent Order filed on April 21, 2006 (Doc. No. 8236) 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-006-0006 as described above, and to attach the revised subfile map attached hereto to the Consent Order filed on April 21, 2006 in Subfile CHCV-006-0006 .

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th 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 by electronic mail.

Edward G. Newville
EDWARD G. NEWVILLE