

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the	)	
relation of State Engineer,	)	
	)	
Plaintiff,	)	
	)	69cv07941- MV/LFG
-v-	)	
	)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,	)	
	)	Section 7: Tierra Amarilla
Defendants.	)	
_____	)	

**STATEMENT OF CLAIMS**  
**OF THE ASOCIACIÓN DE ACÉQUIAS NORTEÑAS DE RIO ARRIBA**  
**AND THE TIERRA AMARILLA COMMUNITY DITCH**  
**REGARDING IRRIGATION REQUIREMENTS**

The Asociación de Acéquias Norteñas de Rio Arriba and the Tierra Amarilla Community Ditch, also known as the Acéquia de Tierra Amarilla, on its own behalf and on behalf of its members (collectively the “Acéquias”) hereby file their statement of claims, pursuant to the Court’s *Notice and Order* filed June 20, 2014 [Doc. 11028] and the Court’s *Order Granting Motion for Extension of Time*, filed August 26, 2014 [Doc. 11047]. The *Order Granting Motion for Extension of Time* granted the Acéquias until October 13, 2014 either to file a statement of claims or a notice that the Acéquias and the State have resolved objections. The Acéquias and the State have made progress in resolving the objections and the Acéquias are still hopeful a resolution will be reached. For the time being, however, the Acéquias restate and incorporate herein *Objections of the Asociación de Acéquias Norteñas de Rio Arriba and the Tierra Amarilla Community Ditch* filed July 28, 2010 [Doc. 9922]. In particular, the Acéquias claim the following:

1. The proposed PDR of 4.38 acre-feet per acre per annum should exclude the quantity needed for livestock watering from the ditch during non-irrigation months of the year. That purpose is a separate and additional beneficial use aside from water needed to satisfy irrigation requirements.

2. The proposed irrigation requirements would impose an annual volume maximum that is incompatible with the variable supply conditions of the Rito de Tierra Amarilla. The proposed irrigation requirements are based upon calculating a crop demand and do not consider availability of supply. If the Tierra Amarilla Community Ditch received its water from a regulated supply, such as from a storage reservoir or from a reliable surface flow, it could operate based on its monthly or even weekly demand. But because flows of the stream are highly unregulated and variable, the ditch cannot operate that way. Instead, the ditch's operations are necessarily supply driven: when water is available, the ditch diverts as much as it can use, because its mayordomo does not know how long the water will last and when it will come back. In the spring, when flows are typically higher, the ditch will divert at its maximum capacity. After flows from snow-melt runoff drop, supply to the ditch will depend on the vagaries of summer precipitation patterns. Enforcement of the proposed PDR would put the Tierra Amarilla Community Ditch in the precarious position of having to choose whether to give up some of its snow-melt runoff supply for the uncertain prospect of summer rain flows. That result is not practical and is contrary to the ditch's historic and lawful practices. The ditch requires a PDR of 2,563 acre-feet per annum in recognition of its historic irrigation practices, based upon the quantity of its maximum historic diversion for beneficial use in times of high flows.

WHEREFORE, the Asociación de Acéquias Norteñas de Rio Arriba and the Tierra Amarilla Community Ditch request the Court recognize quantities for irrigation requirements as stated herein.

Respectfully Submitted,

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Rio Arriba and the Tierra Amarilla Community Ditch*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 13th day of October, 2014, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel listed on the electronic service list, as more fully reflected on the Notice of Electronic Filing, to be served via electronic mail, and served the non-CM/ECF participants via first class mail.

/s/John W. Utton  
JOHN W. UTTON