

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

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM
Section 3, Canjilon Creek

Subfile No.: CHCJ-004-0005
CHCJ-004-0033
CHCJ-004-0051
CHCJ-004-0053
CHCJ-004-0056
CHCJ-004-0057
CHCJ-004-0058

**MOTION TO AMEND CONSENT ORDERS DESCRIBING THE WATER RIGHTS
ASSOCIATED WITH THE ACEQUIA DEL ORILLA DITCH**

The plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) moves the Court to amend seven *Consent Orders* associated with the Acequia Del Orilla Ditch. As grounds therefore plaintiff states:

1. The *Consent Orders* entered by the Court for subfiles CHCJ-004-0005 (Doc. No. 6563 entered on February 26, 2002), CHCJ-004-0033 (Doc. No. 6845 entered on September 4, 2002), CHCJ-004-0051 (Doc. No. 6635 entered on April 10, 2002), CHCJ-004-0053 (Doc. No. 6977 entered on December 5, 2002), CHCJ-004-0056 (Doc. No. 7499 entered on June 30, 2004), CHCJ-004-0057 (Doc. No. 6416 entered on December 4, 2001) and CHCJ-004-0058 (Doc. No. 6415 entered on December 4, 2001) describe the location of the X and Y coordinates for the Acequia Del Orilla Ditch as follows:

Point of Diversion:

Ditch Name: ACEQUIA DEL ORILLA DITCH
Location X: 1,615,187 feet **Y:** 2,007,978 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

2. Upon further inspection and review by the State, the above X and Y coordinates for the Acequia Del Orilla Ditch as stated in the entered *Consent Orders* are incorrect. Subfiles CHCJ-004-0005, CHCJ-004-0033, CHCJ-004-0051, CHCJ-004-0053, CHCJ-004-0056, CHCJ-004-0057 and CHCJ-004-0058 are the only subfiles associated with the Acequia Del Orilla Ditch that are affected by this motion.

3. The correct X and Y coordinates for the Acequia Del Orilla Ditch are as follows:

Point of Diversion:

Ditch Name: ACEQUIA DEL ORILLA DITCH
Location X: 1,584,012 feet **Y:** 1,991,249 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

WHEREFORE, the State requests the Court amend the *Consent Orders* entered for subfiles CHCJ-004-0005 (Doc. No. 6563), CHCJ-004-0033 (Doc. No. 6845), CHCJ-004-0051 (Doc. No. 6635), CHCJ-004-0053 (Doc. No. 6977), CHCJ-004-0056 (Doc. No. 7499), CHCJ-004-0057 (Doc. No. 6416) and CHCJ-004-0058 (Doc. No. 6415) describing irrigation under the Acequia Del Orilla Ditch as described in paragraph 3 above.

Pursuant to the Court's February 4, 2013 *Order* (Doc. No. 10891), the State requests the Clerk of the Court to mail copies of the approved Order requested in this Motion to the parties listed below at the address listed.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of April, 2014, 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, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

CHCJ-004-0005
Lawrence Vigil
P.O. Box 1193
Española, NM 87532

CHCJ-004-0033
Angelina G. Martinez
1937 North 7th St.
Colorado Springs, Co 80907

CHCJ-004-0051
Richard Dant
103-B Camino Los Abuelos
Santa Fe, NM 87508

CHCJ-004-0053
Theresita M. Trujillo
P.O. Box 28
Abiquiu, NM 87510

CHCJ-004-0056
Danny J. Garcia
Velma Garcia
P.O. Box 572
Canjilon, NM 87515

CHCH-004-0057
Juan C. Martinez
Longinia O. Martinez
P.O. Box 573
Canjilon, NM 87515

CHCJ-004-0058
Karla B. Vigil
Vicente Vigil
1414 Hickox St.
Santa Fe, NM 87505

/s/ Ed Newville
EDWARD G. NEWVILLE