

8/20/14

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

14 AUG 25 PM 4: 22

CLERK-ALBUQUERQUE

To U.S. District Court;

Please find enclosed
order for irrigating my property

Please Be advised that to
The best of my knowledge I have
no claims according to the
"Treaty of Guadalupe Hidalgo"

Signed Gordon Schlegel

P.O. Box 309

Terre Amarilla, N.M., 87575

Phone# 575-588-0176

AVS 20-2014 →

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: Tierra Amarilla,

NOTICE AND ORDER

THIS MATTER is before the Court on the *Motion by the State of New Mexico for an Order to Require Defendants in Section 7 to File Statements of Claims Based on the Treaty of Guadalupe Hidalgo*. (Doc. 11013, filed May 23, 2014).

Having reviewed the Motion and being otherwise fully advised in the premises, I find the request to be well-taken, and that it should be GRANTED.

IT IS ORDERED, THEREFORE, that defendants in the Tierra Amarilla subsection that signed and approved an individual consent order file a statement of any claim of right to the use of water that is based on the Treaty of Guadalupe Hidalgo ("the Treaty") **on or before August 29, 2014**.

A statement of claims shall include all of the following information:

- (1) The caption and civil action number (69cv07941-MV/LFG) of this case;
- (2) The defendant's name, mailing address and phone number;
- (3) The subfile number describing the defendant's water rights in the Tierra Amarilla

subsection;

- (4) A short and concise statement of the defendant's claim of right to the use of water that is based on the Treaty;
- (5) The general factual and legal grounds for the defendant's claims; and
- (6) A statement of the relief requested from the court.

Defendants, or their attorney, must file the statement of claims with the Clerk of the United States District Court, District of New Mexico, 333 Lomas N.W., Suite 270, Albuquerque, NM 87102.

A defendant's failure to timely file a statement of claims with the Court will thereafter preclude them from raising any claims of right to the use of water based on the Treaty in these proceedings.

After the deadline for filing statements of Treaty-based claims has passed, the State shall file a motion with a proposed order that addresses the following matters:

- a. A proposed schedule for discovery including initial disclosures, disclosure of expert testimony and reports, identification of lay witnesses and exchange of exhibits;
- b. Scheduling of any anticipated dispositive motions; and
- c. Scheduling of a final pretrial conference and entry of a pretrial order.

IT IS FURTHER ORDERED that the State shall file a certificate of service listing the defendants to whom this Order is mailed and the date of mailing. Defendants represented by counsel that have entered an appearance in these proceedings are served electronically by entry of this Order.

IT IS SO ORDERED.

Lorenzo F. Garcia

Lorenzo F. Garcia
United States Magistrate Judge

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

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

Plaintiff,

v.

Case 6:69-cv-07941-BB

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

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RIO CHAMA STREAM SYSTEM

Rito de Tierra Amarilla, Section 7

Subfile No.: CHTA-002-0001

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

ELLIS GORDON SCHLEGEL

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 parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, and by their signatures appearing below, the State and the Defendant(s) 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 the elements of the claims of the Defendant(s) adjudicated by this order.

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: 1870

Source of Water Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

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Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: LUJAN DITCH

Location: X= 1,557,984 feet Y= 2,061,823 feet

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

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant

Total

2.3 acres

2.3 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-002-0001

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

- 5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
- 6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, except in strict accordance with the water rights described herein.

7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

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

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters 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.

Bruce D Black
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin
SPECIAL MASTER

SIGNATURE Ellis Gordon Schlegel
ELLIS GORDON SCHLEGEL

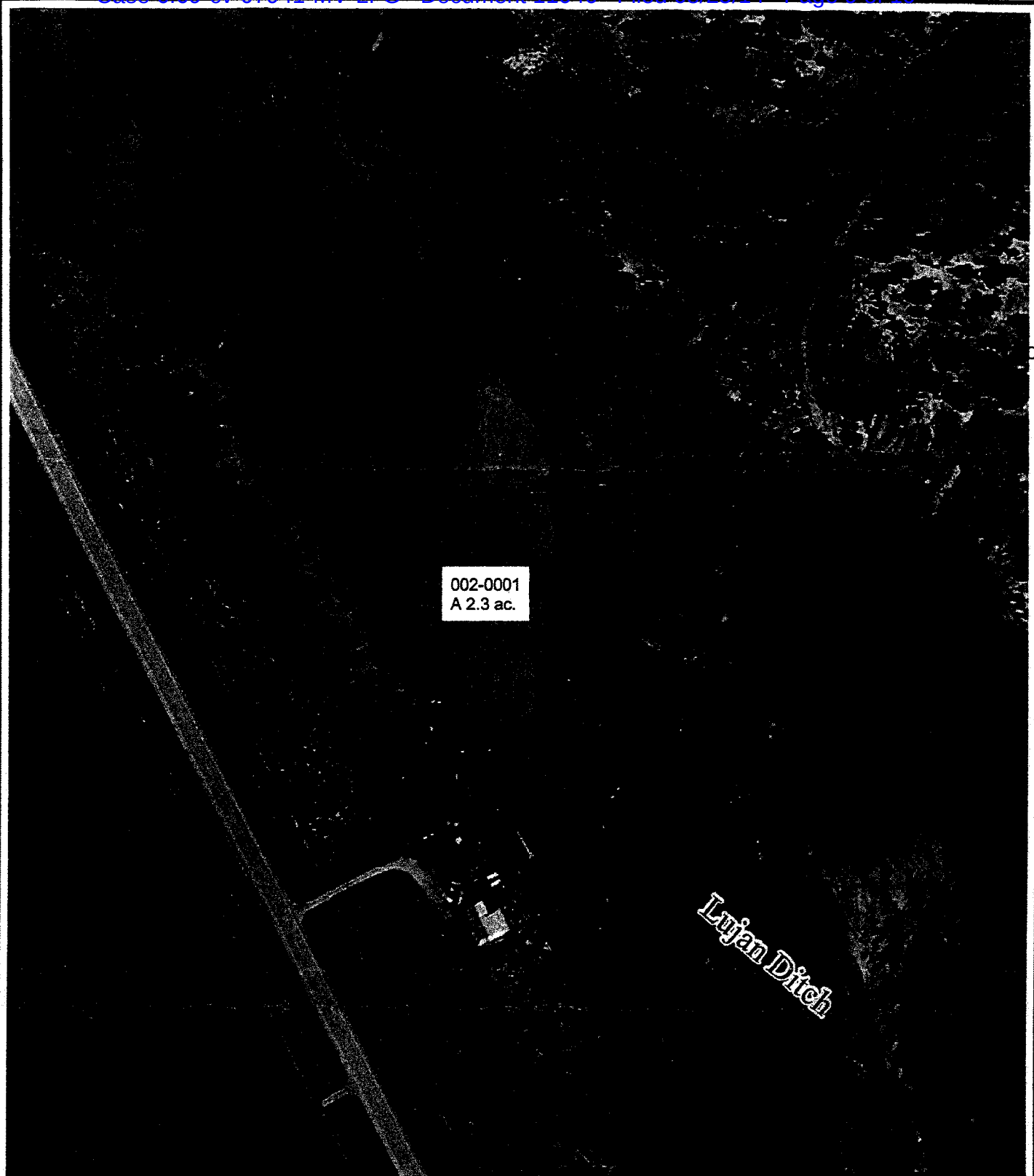
ADDRESS: P.O. Box 309
Tierra Amarilla, N.M.
87575

DATE: 3/10/08

Ed Neville
EDWARD G. NEWVILLE
Special Assistant Attorney General

3-24-08
Date










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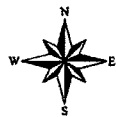


002-0001
A 2.3 ac.

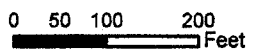
Lujan Ditch

LEGEND

-  Irrigated-Tract Boundary
-  No Right Tract Boundary
-  Seeped Area
-  Operable Ditch
-  Inoperable Ditch
-  Stock Ponds / Reservoir
-  Point of Diversion
-  Fallow
-  No Right



1 inch = 200 feet



STATE OF NEW MEXICO
 Office of the State Engineer
 John R. D'Antonio, Jr., P.E.,
 State Engineer

Subfile Number
 CHTA 002-0001
 Lujan Ditch
 AMENDED
 February 26, 2008

Rio Chama Hydrographic Survey
 Rito de Tierra Amarilla Section



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AUG 25 2014

MATTHEW J. DYKMAN
CLERK

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*U.S Dist Court of N.M.
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