

FILED

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

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

SEP 30 2016

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

MATTHEW J. DYKMAN

CLERK

69cv07941 MV/KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rito Vallecitos

Subfile No. CHRO-001-0001

CONSENT ORDER

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

**BERNARDO ARCHULETA
ESTATE OF BERNARDO & IDA ARCHULETA
ELFIDO AUDELIO LOPEZ
ELOY TRUJILLO
FLOYD TRUJILLO
FRANCES TRUJILLO
ISABEL W. TRUJILLO
VIRGIL F. TRUJILLO**

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 the elements of Defendant's right to divert and use the public waters of

the Rio Chama Stream System, Section 1: Rio del Oso & Rito Vallecitos, 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, Section 1: Rio del Oso & Rito Vallecitos, is set forth below:

A. POND(S) (Surface Water Only):

Office of the State Engineer File No(s): NONE

Priority: 1895

Source of Water: Surface water of the Rito Vallecitos, a tributary of the Rio Chama.

Purpose of Use: STORAGE FOR IRRIGATION

Point of Diversion:

River: RITO VALLECITOS

Location X: 1,609,887 feet Location Y: 1,843,898 feet

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

Pond Location and Surface Area:

Within the Juan Jose Lobato Land Grant	0.33 acres
Total	0.33 acres

As shown on the 2016 Hydrographic Survey Map CHRO-1.

Pond Depth: 12.5 feet

Pond Volume: 2.48 acre-feet

B. POND(S) (Surface Water Only):

Office of the State Engineer File No(s): NONE

Priority: 1895

Source of Water: Surface water of the Rito Vallecitos, a tributary of the Rio Chama.

Purpose of Use: STORAGE FOR IRRIGATION

Point of Diversion:

River: RITO VALLECITOS

Location X: 1,610,223 feet Location Y: 1,844,611 feet

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

Pond Location and Surface Area:

Within the Juan Jose Lobato Land Grant	<u>0.18</u> acres
Total	0.18 acres

As shown on the 2016 Hydrographic Survey Map CHRO-1.

Pond Depth: 5.5 feet

Pond Volume: 0.59 acre-feet

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Section 1: Rio del Oso & Rito Vallecitos, 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, Section 1: Rio del Oso & Rito Vallecitos, 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, Section 1: Rio del Oso & Rito Vallecitos, 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, Section 1: Rio del Oso & Rito Vallecitos, 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.

MARTHA VÁZQUEZ
UNITED STATES DISTRICT JUDGE

Approved:

KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE

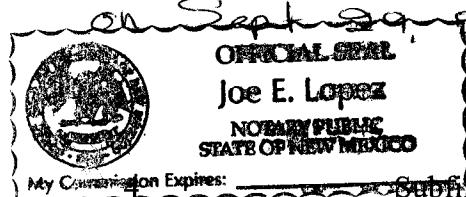
ACCEPTED: Virginia Lopez ACCEPTED: _____
ESTATE OF BERNARDO & IDA ARCHULETA VIRGIL F. TRUJILLO

ADDRESS: PO. Box 11 ADDRESS: _____
Abiquiu N.M. _____
87510 _____

DATE: 9-29-16 DATE: _____

Sworn and Subscribed to before me by Virginia Lopez

Joe E. Lopez



My Commission Expires: _____ Subfile No. CHRO-001-0001

Consent Order

ACCEPTED: _____
ISABEL W. TRUJILLO

ADDRESS: _____

DATE: _____

ACCEPTED: _____
ELOY TRUJILLO

ADDRESS: _____

DATE: _____

ACCEPTED: _____
BERNARDO ARCHULETA

ADDRESS: _____

DATE: _____

ACCEPTED: _____
FLOYD TRUJILLO

ADDRESS: _____

DATE: _____

ACCEPTED: _____
ELFIDO AUDELIO LOPEZ

ADDRESS: _____

DATE: _____

ACCEPTED: _____
FRANCES TRUJILLO

ADDRESS: _____

DATE: _____

Kelly Brooks Smith
Special Assistant Attorney General

Date

FROM:

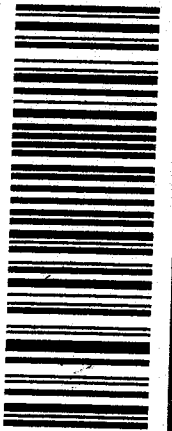
Virginia Lopez
P.O. Box 11
Abiquiu, NM 87510

TO:

United States District Court
District of New Mexico
Office of the Court
Suite 270
333 Lomas Blvd. N.W.
Albuquerque, NM 87102

first class

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL



7015 1730 0001 5412 6580



1000



871

RECEIVED
At Albuquerque

SEP 30 2016

MATTHEW J DYK
BY CLK