

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/KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rito
Vallecitos

**STATE OF NEW MEXICO'S MOTION TO JOIN
ADDITIONAL PARTY DEFENDANTS**

COMES NOW Plaintiff State of New Mexico (State) and respectfully requests the Court join as additional party defendants the persons or entities named below. The State further requests the Court order the additional party defendants to answer the State's Complaint in this action, filed August 7, 1969, as required in an civil action in the United States District Court or suffer default judgment against them. In support of this Motion, the State asserts:

1. The persons listed in Exhibit 1 attached hereto are diverting and using or may claim the right to divert and use surface water for irrigation purposes from the Rio del Oso and Rito Vallecitos in Section 1 of the Rio Chama stream system. These waters belong to the public and are subject to appropriation in accordance with the laws of the state. This Court has exclusive jurisdiction to adjudicate all claims to the right to divert, store, or use public waters in the Rio Chama stream system.

2. The persons or entities listed in Exhibit 1 are located or have property located in

the Rio del Oso and Rito Vallecitos in Section 1 of the Rio Chama stream system, and may be diverting and using surface water for irrigation purposes and are associated with the subfile numbers listed.

WHEREFORE, the State respectfully requests that the Court approve joinder of the persons listed in Exhibit 1.

Respectfully submitted,

/s/ Kelly Brooks Smith

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Certificate of Service

I certify that on June 10, 2016, 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 via electronic mail.

/s/ Kelly Brooks Smith
Kelly Brooks Smith