

**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

Subfile No. CHRO-005-0001

CONSENT ORDER

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

BENJAMIN ENRIQUE JARAMILLO

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. IRRIGATED LANDS (Surface Water Only):

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

Priority: 1887

Source of Water: Surface water of the Rio del Oso, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: ACEQUIA DE LOS RECHUELOS

Location X: 1,608,390 feet Location Y: 1,836,374 feet

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

Location and Amount of Irrigated Acreage:

Within the Juan Jose Lobato Land Grant	9.3 acres
Total	9.3 acres

As shown on the 2016 Hydrographic Survey Map CHRO-5.

Amount of Water (acre-feet per acre per year, not to exceed):

Consumptive Irrigation Requirement = 1.25

Farm Delivery Requirement = 3.13

Project Diversion Requirement = 5.22

B. IRRIGATED LANDS (Surface Water Only):

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

Priority: 1887

Source of Water: ACEQUIA DE LOS RECHUELOS: Surface water of the Rio del Oso, a tributary of the Rio Chama.

SPRING NO. 1: Surface water of a spring, a tributary of the Rio del Oso.

SPRING NO. 2: Surface water of a spring, a tributary of the Rio del Oso.

SPRING NO. 3: Surface water of a spring, a tributary of the Rio del Oso.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: ACEQUIA DE LOS RECHUELOS

Location X: 1,608,390 feet Location Y: 1,836,374 feet

Spring: SPRING NO. 1

Location X: 1,612,493 feet Location Y: 1,835,575 feet

Spring: SPRING NO. 2

Location X: 1,612,617 feet Location Y: 1,836,044 feet

Spring: SPRING NO. 3

Location X: 1,613,151 feet Location Y: 1,837,449 feet

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

Location and Amount of Irrigated Acreage:

Within the Juan Jose Lobato Land Grant	8.6 acres
Total	8.6 acres

As shown on the 2016 Hydrographic Survey Map CHRO-5.

Amount of Water (acre-feet per acre per year, not to exceed):

Consumptive Irrigation Requirement = 1.25

Farm Delivery Requirement = 3.13

Project Diversion Requirement = 5.22

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

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

Priority: 10/04/1963

Source of Water: ACEQUIA DE LOS RECHUELOS: Surface water of the Rio del Oso, a tributary of the Rio Chama.

SPRING NO. 1: Surface water of a spring, a tributary of the Rio del Oso.

SPRING NO. 2: Surface water of a spring, a tributary of the Rio del Oso.

SPRING NO. 3: Surface water of a spring, a tributary of the Rio del Oso.

Purpose of Use: LIVESTOCK WATERING

Point of Diversion:

Ditch: ACEQUIA DE LOS RECHUELOS

Location X: 1,608,390 feet Location Y: 1,836,374 feet

Spring: SPRING NO. 1

Location X: 1,612,493 feet Location Y: 1,835,575 feet

Spring: SPRING NO. 2

Location X: 1,612,617 feet Location Y: 1,836,044 feet

Spring: SPRING NO. 3

Location X: 1,613,151 feet Location Y: 1,837,449 feet

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

Pond Location and Surface Area:

Within the Juan Jose Lobato Land Grant	0.02 acres
Total	0.02 acres

As shown on the 2016 Hydrographic Survey Map CHRO-5.

Pond Depth: 3.0 feet

Pond Volume: 0.04 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:

Benjamin Enrique Jaramillo
BENJAMIN ENRIQUE JARAMILLO

ADDRESS:

P.O. Box 14
Abiquiu N.M. 87510

DATE:

9-1-16

Kelly Brooks Smith
Special Assistant Attorney General

Date