

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 3: Rio Cebolla

Subfile No. CHCB-002-0001B

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendants:

**CHARLIE CHACON
GERALDA M. CHACON**

concerning the Defendants' 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 Defendants are in agreement concerning certain elements of Defendants' right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendants have approved and accepted the elements of the Defendants' 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 Defendants adjudicated by this order.

4. The rights of the Defendants to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, are set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No. 0636, 2738

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: Irrigation

Point of Diversion:

Ditch Name: CHACON DITCH

Location X: 1,576,085 feet **Y:** 2,020,306 feet

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

Location and Amount of Acreage:

Township 27N, Range 04E, Section 25, N.M.P.M.

Pt. NW¼

30.0

Total 30.0 acres

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

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. Pond (Surface Water Only):

Office of the State Engineer File No. NONE

Priority: 1923

Source of Water: Surface waters of the Rito del Medio, a tributary of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: LIVESTOCK WATERING

Point of Diversion:

Ditch Name: ALFALFITA DITCH

Location X: 1,577,714 feet **Y:** 2,021,173 feet

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

Pond Location and Surface Area:

Township 27N, Range 04E, Section 25, N.M.P.M.
Pt. NW¼

0.03

Total 0.03 acres

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

Pond Depth: 3.0 feet

Pond Volume: 0.054 acre-feet

C. NO RIGHT

Office of the State Engineer File No. NONE

Priority: NONE

Source of Water: Surface waters of the Rito del Medio, a tributary of the Rito del Tanque, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch Name: ALFALFITA DITCH

Location X: 1,577,714 feet **Y:** 2,021,173 feet

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

Location and Amount of Acreage:

Township 27N, Range 04E, Section 25, N.M.P.M.
Pt. NW¼

5.6

Total 5.6 acres

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


Amount of Water: NONE

5. Defendants have no surface water rights in the Rio Chama Stream system, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendants, their successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, 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 Defendants to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendants, their successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of the Defendants' water 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

ACCEPTED:

Charlie Chacon

Charlie Chacon

ADDRESS: *1007A Zepherino Dr # 8*

Espanola, N.M.

DATE: *2/6/17*

Geralda M. Chacon

Geralda M. Chacon

ADDRESS: *1007A S. Prince Dr.*

Espanola, NM 87532

DATE: *Feb. 6 - 2017*

Ted J. Trujillo

TED J. TRUJILLO

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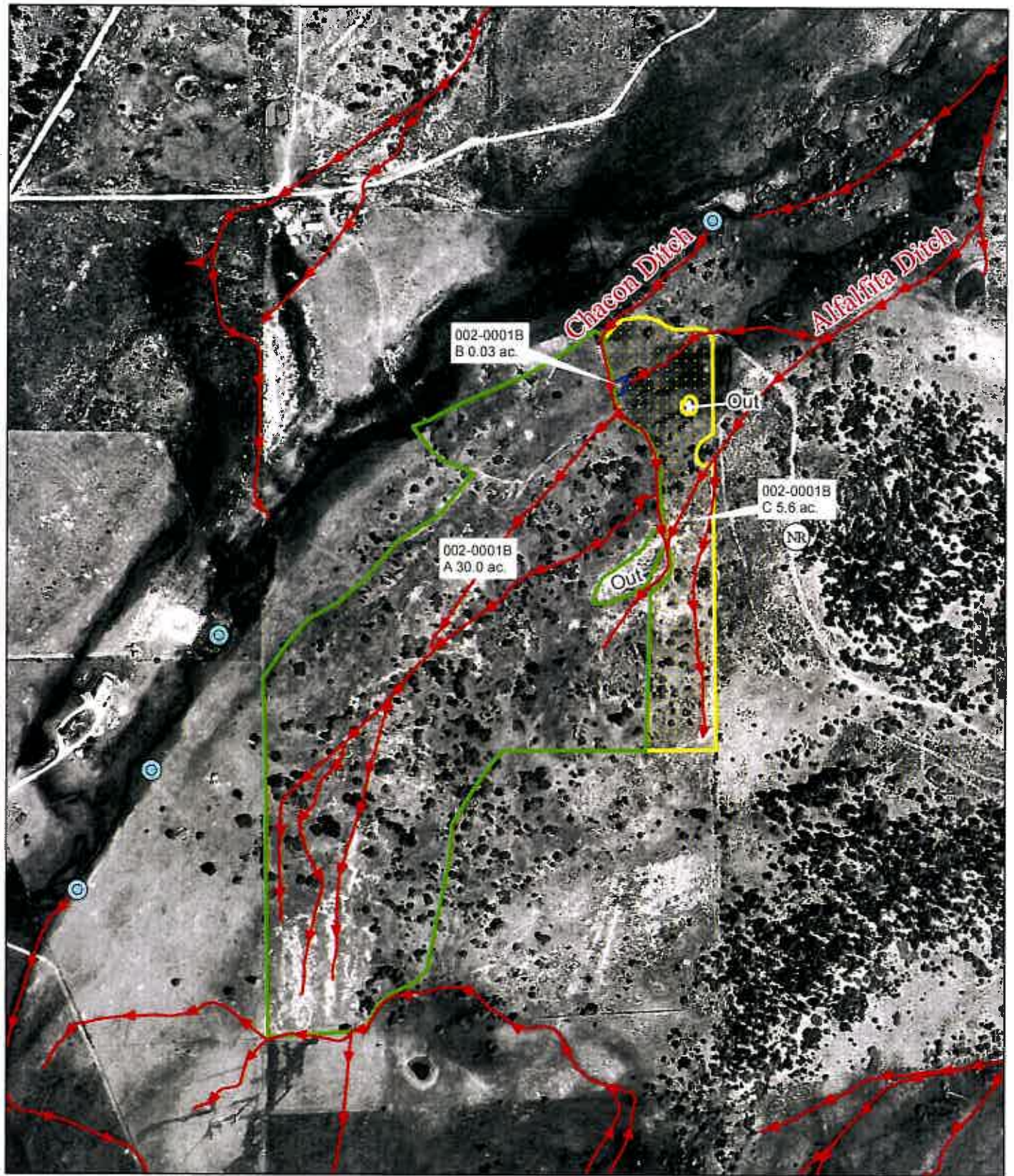
Special Assistant Attorney General

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<p>LEGEND</p> <ul style="list-style-type: none"> Irrigated Tract Boundary No Right Tract Boundary Seeped Area ▶ Operable Ditch - - - Inoperable Ditch Stock Ponds / Reservoir ⊙ Point of Diversion ⊙ Well ⊙ Spring ⊙ Fallow NR No Right 		<p>1 inch = 400 feet</p>	<p>STATE OF NEW MEXICO Office of the State Engineer Tom Blaine, P.E., State Engineer</p> <hr/> <p>Rio Chama Hydrographic Survey Rio Cebolla Section</p>	<p>Subfile Number CHCB 002-0001B Chacon Ditch & Alfalfita Ditch AMENDED January 31, 2017</p>
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