

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

**MOTION FOR APPROVAL OF PROPOSED SCHEDULING AND PROCEDURAL
ORDER FOR DETERMINATION OF PRIORITY DATES AND
IRRIGATION WATER REQUIREMENTS IN THE RIO CEBOLLA SUBSECTION
OF SECTION 3 OF THE RIO CHAMA STREAM SYSTEM**

The Plaintiff State of New Mexico, *ex rel.* State Engineer (“the State”), respectfully requests the Court to enter its Order approving: (1) the proposed *Scheduling and Procedural Order for Determination of Priority Dates and Irrigation Water Requirements in the Rio Cebolla Subsection of Section 3 of the Rio Chama Stream System*; (2) the form of *Notice and Order to Show Cause in the Rio Cebolla Subsection of Section 3 of the Rio Chama Stream System* (“Notice”) to be served on individual defendants in the Rio Cebolla Subsection of Section 3 of the Rio Chama Stream System (“Cebolla Subsection”), and; (3) the form of *Public Notice and Order to Show Cause* (“Public Notice”) to be published in the *Rio Grande Sun*. In support of this Motion, Plaintiff states the following:

1. Under the July 25, 2000 *Procedural Order for the Adjudication of Water Rights Claims in the Rio Nutrias, Rio Cebolla and Canjilon Creek Sections of the Rio Chama Stream*

System (Doc. 5913), as amended August 8, 2001 (Doc. 6321), the adjudication of priority dates and irrigation water requirements will be initiated by the State following the completion of individual subfile activity. As individual subfile activity in all subsections of Section 3 has been completed, the only remaining elements to adjudicate in the Cebolla Subsection for surface water irrigation use are priority dates and irrigation water requirements.

2. The State proposes the determination of the priority dates and irrigation water requirements for surface water irrigation rights in the Cebolla Subsection as described in the proposed *Scheduling and Procedural Order for Determination of Priority Dates and Irrigation Water Requirements in the Rio Cebolla Subsection of Section 3 of the Rio Chama Stream System* attached hereto as Exhibit 1.

3. The proposed Notice to be served on defendants in the Cebolla Subsection is attached hereto as Exhibit 2.

4. The proposed Public Notice to be published in the *Rio Grande Sun* is attached hereto as Exhibit 3.

WHEREFORE, the State of New Mexico respectfully requests that the Court approve the proposed *Scheduling and Procedural Order for Determination of Priority Dates and Irrigation Water Requirements in the Rio Cebolla Subsection of Section 3 of the Rio Chama Stream System*, attached hereto as Exhibit 1; the proposed form of Notice to be served on individual defendants, attached hereto as Exhibit 2; and the form of Public Notice for publication in the *Rio Grande Sun*, attached hereto as Exhibit 3.

Respectfully submitted,

/s/ Felicity Strachan

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Certificate of Service

I certify that on July 31, 2017, 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/ Felicity Strachan

Felicity Strachan