

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

STATE OF NEW MEXICO *ex rel.*
State Engineer, *et al.*,

Plaintiffs,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 MV/KK
Rio Chama Adjudication

Section 3: Rio Cebolla

Subfile No. CHCB-001-0007

ORDER OVERRULING OBJECTION TO PROPOSED PRIORITY DATE

THIS MATTER is before the Court on the State of New Mexico's ("State") Motion to Dismiss Objection to the State's Proposed Priority Date in Subfile No. CHCB-001-0007 in the Rio Cebolla Subsection of Section 3 of the Rio Chama Stream System, Doc. 11313, filed December 12, 2017.

The Court ordered Defendants in the Rio Cebolla Subsection of Section 3 of the Rio Chama Stream System ("Rio Cebolla Subsection") to file an objection with the Court if they disagreed with the State's proposed determination of the priority date for their water rights, or the priority date for any other water rights, for irrigated lands in the Rio Cebolla Subsection. *See* Doc. 11281, filed September 11, 2017. That Order also stated: "In cases where defendants in the Cebolla Subsection have previously agreed with the State on the priority for their water rights, and those priority dates have been incorporated into subfile orders entered by the Court, those priority dates cannot be challenged by those defendants." Doc. 11281 at 3.


Defendants Charlie Chacon and Geralda M. Chacon filed Objections to the proposed priority dates proposed for the Sanchez Ditch and the proposed irrigation water requirements for the Acequia Madre de Cebolla and the Acequia Pinavetal. *See* Doc. 11310, filed December 11,

2017. Defendants Chacon have a water right, Subfile No. CHCB-001-0007, on the Sanchez Ditch with a priority date of 1905. *See* Doc. 11243, filed March 16, 2017.

The State asks the Court to overrule Defendants Chacon's Objection to the State's proposed priority date for Defendants Chacon's water rights under the Sanchez Ditch, Subfile No. CHCB-001-0007, because Defendants Chacon have previously agreed with the State on the priority for their water right, and that priority date has been incorporated into a subfile order entered by the Court. Defendants Chacon have not filed a response opposing the State's Motion.

The Court will overrule Defendants Chacon's Objections to the extent they object to the priority date for their water right because they have previously agreed with the State on the priority for their water right, and that priority date has been incorporated into a subfile order entered by the Court. This Order does not overrule Defendants Chacon's Objections to the extent they object to the proposed priority dates for other water rights on the Sanchez Ditch or the proposed irrigation water requirements for the Acequia Madre de Cebolla and the Acequia Pinavetal.

IT IS ORDERED that the State of New Mexico's Motion to Dismiss Objection to the State's Proposed Priority Date in Subfile No. CHCB-001-0007 in the Rio Cebolla Subsection of Section 3 of the Rio Chama Stream System, Doc. 11313, filed December 12, 2017, is **GRANTED**.



MARTHA YAQUEZ
UNITED STATES DISTRICT JUDGE