

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 & Rio
Vallecito

Subfile Nos.: CHRO-001-0004
CHRO-001-0005
CHRO-002-0002

**MOTION TO AMEND CONSENT ORDERS ENTERED BY THE COURT IN SUBFILE
NOS. CHRO-001-0004, CHRO-001-0005, AND CHRO-002-0002**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), and respectfully requests that this Court grant its motion to amend Consent Orders entered by the Court in Subfile Nos. CHRO-001-0004, CHRO-001-0005, and CHRO-002-0002 in the Rio del Oso & Rio Vallecito Subsection as follows:

1. In the Consent Order for Subfile No. CHRO-001-0004 (Estate of Elfido Lopez, Doc. 11241, filed 03/16/17), under Header A, the priority date should be changed from 1895 to 1807.
2. In the Consent Order for Subfile No. CHRO-001-0005 (Frances and Eloy Trujillo, Doc. 11240, filed 03/16/17), under Header A, the priority date should be changed from 1895 to 1807.
3. In the Consent Order for Subfile No. CHRO-002-0002 (Estate of Bernardo Archuleta, Doc. 11257, filed 05/18/17), under Headers A and B, the priority date should be

changed from 1882 to 1807.

The claimants under the subfile numbers listed above have pre-1907 surface water rights under the Lopez Community Ditch and/or the Mora Ranch Community Ditch. Moving forward, the State proposes to recognize a priority date of 1807 for all pre-1907 surface water rights under these two community ditches.

The State proposes these amendments at the request of certain *parciantes*, and based on an additional review of historical documents and consultation with *parciantes* regarding local water usage.

If this motion is granted, the State requests, pursuant to this Court's Order under Docket No. 10891 (filed 02/04/13), that the Clerk of Court mail a copy of the Order to the defendants named below at the addresses listed.

Estate of Elfido Lopez
c/o Delvin Lopez, Personal Representative
517 N. Cambridge
Gilbert, AZ 85233

Mr. & Mrs. Eloy Trujillo
Rural Route 4, Box 220
Ohkay Owingeh, NM 87566

Estate of Bernardo Archuleta
c/o Virginia Lopez
P.O. Box 11
Abiquiu, NM 87510

Respectfully submitted,

/s/ Felicity Strachan
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Certificate of Service

I certify that on September 6, 2018, 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