

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

Canjilon Creek, Section 3

Subfile No. CHCJ-004-0011B

CONSENT ORDER

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

SAMANTHA BUGLOVSKY
SCOTT BUGLOVSKY
TOBY J. LEYBA

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, Canjilon Creek, Section 3, 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, Canjilon Creek, Section 3, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No(s): 0611

Priority: 1888

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: BRAZITO DITCH

Location X: 1,592,250 feet Location Y: 2,001,395 feet

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

Location and Amount of Irrigated Acreage:

Section 20, Township 26N, Range 05E, N.M.P.M.

Pt. NW¼	0.1 acres
Total	<u>0.1 acres</u>

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-004-0011B

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

Consumptive Irrigation Requirement = 1.16

Farm Delivery Requirement = 2.90

Project Diversion Requirement = 4.83

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Canjilon Creek, Section 3, 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, Canjilon Creek, 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 Defendant(s) to divert and use the waters of the Rio Chama Stream System, Canjilon Creek, Section 3, 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, Canjilon Creek, Section 3, 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

ACCEPTED: Toby J. Leyba
TOBY J. LEYBA

ADDRESS: P.O. Box 404
Canjilon, NM 87515

DATE: 9/3/18

ACCEPTED: Scott Buglovsky
SCOTT BUGLOVSKY

ADDRESS: P.O. Box 404
Canjilon, NM 87515

DATE: 9/2/18

ACCEPTED: Samantha Buglovsky
SAMANTHA BUGLOVSKY

ADDRESS: P.O. Box 404
Canjilon, NM 87515









DATE: 9/2/18

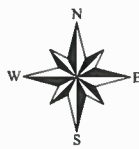
Kelly Brooks Smith
Kelly Brooks Smith
Special Assistant Attorney General

1-5-18 19
Date

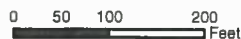


LEGEND

-  Irrigated Tract Boundary
-  No Right Tract Boundary
-  Seeped Area
-  Operable Ditch
-  Inoperable Ditch
-  Stock Ponds / Reservoir
-  Point of Diversion
-  Fallow
-  No Right



1 inch = 200 feet



STATE OF NEW MEXICO
Office of the State Engineer
Tom Blaine, P. E., State Engineer

Subfile Number
CHCJ 004-0011B
Brazito Ditch
AMENDED
July 23, 2018

Rio Chama Hydrographic Survey
CANJILON CREEK SECTION



Date of Aerial Imagery: 1995