TAOS COUNTY
VALERIE RAEL MONTOYA, CLERK
000459130
Book 1119 Page 150
1 of 3
01/27/2022 10:51:06 AM
BY GEORGIAS

SPECIAL WARRANTY DEED
(WATER RIGHTS)

The Weimer Properties LLC, a Colorado limited liability company, qualified to do business in New Mexico ("Grantor"), for valuable consideration, grants to **ETRS Partners, LLC**, a New Mexico limited liability company ("Grantee"), whose notice address is c/o Everett Trujillo 1509 High Rock Place NE, Albuquerque, NM 87112, all of Grantor's right, title, and interest in and to the consumptive use surface water rights permitted for use in Taos County, more particularly described as follows:

> 5.0 acre-feet per annum of consumptive use pre-1907 priority surface water rights comprising a portion of those water rights described in New Mexico Office of the State Engineer ("OSE") File No. SD-00931, and permitted for municipal purposes within the Town of Taos under the terms and conditions in OSE Permit No. SD-00931 into RG-07339 et al.

with special warranty covenants.

WITNESS THE HAND of the undersigned Grantor this 21 day of Jan., 2022.

The Weimer Properties LLC,
a Colorado limited liability company

By: Roels Cunnyngham
Roels Cunnyngham, Manager

ACKNOWLEDGMENT

STATE OF New Mexico)
)ss
COUNTY OF Taos)

This instrument was acknowledged before me on this ____ day of January, 2022 by Roels Cunnyngham, Manager of The Weimer Properties LLC, a Colorado limited liability company, on behalf of said entity.

OFFICIAL SEAL
GLORIA VIGIL-GODINA
NOTARY PUBLIC-State of New Mexico
My Commission Expires 3/4/2024

Gloria Vigil-Godina
Notary Public

My Commission Expires: 3/4/2024

TAOS COUNTY
VALERIE RAEL MONTOYA, CLERK
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BY GEORGIAS

ASSIGNMENT

This Assignment is entered into as of the 21 day of January 2022 by and between **The Weimer Properties, LLC**, a Colorado limited liability company qualified to do business in New Mexico, ("Assignor") and **ETRS Partners, LLC** ("Assignee").

RECITALS

A. Assignor has purchased from The Weimer Properties, LLC, 5.0 acre-fee per year of Water Rights, which are a portion of the Water Rights under Office of the State Engineer ("OSE") File No. SD-00931 (Subfile 8.6), transferred into OSE Permit No. RG-07339 et al. Capitalized terms used herein without definition shall have the meanings ascribed to such terms in the Purchase Agreement.

B. Pursuant to Town of Taos Municipal Code, Taos, N.M., Ordinance 21-02, ch. 13.04, art. II, §§ 13.01.100 (2021), the transfer into OSE Permit No. RG-07339, effectuated on December 26, 1984, placed the Assignor's Water Rights in trust of the Town of Taos, where they have been held to date.

C. Assignor desires to assign all its right title and interest in and to the 5.0 acre-feet of Water Rights held in trust with the Town of Taos to the Assignee, and the Assignee agrees to accept such assignment upon the terms and conditions hereinafter set forth.

AGREEMENT

NOW, THEREFORE, in consideration of the above premises, the mutual agreements and covenants hereinafter expressed, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Assignor hereby assigns, transfers, and conveys to Assignee all of Seller's right, title, and interest in and to 5.0 acre-feet of the Water Rights held in Trust with the Town of Taos.

2. The Assignee hereby accepts such assignment, and further expressly assumes and agrees to keep, perform, and fulfill all the terms, covenants, obligations and conditions required to be kept, performed, and fulfilled as an owner under the Town of Taos's ownership records.

3. This Assignment shall be binding upon and inure to the benefit of the parties, their respective heirs, personal representatives, successors, and assigns.

[Remainder of this page intentionally blank, signatures on following page]

IN WITNESS WHEREOF, the parties have caused this Assignment to be executed as of the date first above written.

The Weimer Properties, LLC,
a Colorado limited liability company,

TAOS COUNTY
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BY GEORGIAS

By: Roels Cunnyngham
Roels Cunnyngham, Manager

ETRS Partners, LLC,
a New Mexico limited liability company

By:_____
Everett Trujillo, Manager

TAOS COUNTY CLERK RECORDER SEAL TAOS

Water Right Summary



get image list

WR File Number:	SD 00931	**Subbasin:**	RPDT	**Cross Reference:**	SD-00932
Primary Purpose:	IRR IRRIGATION				
Primary Status:	ADJ Adjudicated				
Total Acres:	0.000	**Subfile:**		**Header:**	
Total Diversion:	0.000	**Cause/Case:**	07896 & 07939		
Owner:	JUAN MANUEL LUCERO COMM. DITCH	**Owner Class:**	Owner		
Contact:	SEE SD-931-1 THRU SD-931-11				

Comment: SEE ORDER TRANSACTION DATED 09/02/1970 FOR IMAGED DITCH GUIDE.

Documents on File

(acre-feet per annum)

Transaction Images	Trn #	Doc	File/Act	Status 1	Status 2	Transaction Desc.	From/To	Acres	Diversion	Consumptive
get images	679762	ORDER	1970-09-02	ADJ	PRC	SD 00931	T	0.000	0.000	
get images	679731	DCL	1941-08-22	DCL	PRC	SD 00931	T	998.000	2495.000	

Current Points of Diversion

POD Number	Well Tag	Source	Q64	Q16	Q4	Sec	Tws	Rng	X	Y	Map	Other Location Desc
SD 00931									449978.2	4038171.2		
SD 00932 POD1									446592.6	4038870.2		
SD 00932 POD2									446592.6	4038870.2		

*** UTM location was derived from PLSS - see Help**

Priority Summary

Priority	Status	Acres	Diversion	POD Number	Source
1878-12-31	ADJ	0.000	0.000	SD 00931	

Place of Use

Q256	Q64	Q16	Q4	Sec	Tws	Rng	Acres	Diversion	CU	Use	Priority	Status	Other Location Desc
							0.000	0.000		IRR		ADJ	SEE FILE NOS. SD-00931-1 THRU SD-00931-11 FOR PLACES OF USE.

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

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Point of Diversion Summary

quarters are 1=NW 2=NE 3=SW 4=SE
quarters are smallest to largest

NAD83 UTM in meters

Well Tag	POD Nbr	Q64	Q16	Q4	Sec	Tws	Rng	X	Y	Map
	SD 00931							449978.2	4038171.2	

*** UTM location was derived from PLSS - see Help**

River Name:	RIO PUEBLO
Source:	PA
Ditch Name:	JUAN MANUEL LUCERO COMM. DITCH
Start Date:	**Finish Date:**

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

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Point of Diversion Summary

quarters are 1=NW 2=NE 3=SW 4=SE
quarters are smallest to largest

NAD83 UTM in meters

Well Tag	POD Nbr	Q64	Q16	Q4	Sec	Tws	Rng	X	Y	Map
	SD 00932 POD1							446592.6	4038870.2	

*** UTM location was derived from PLSS - see Help**

River Name:	RIO PUEBLO
Source:	ES
Ditch Name:	UPPER MANUEL ANDRES TRUJILLO
Start Date:	**Finish Date:**

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

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Point of Diversion Summary

quarters are 1=NW 2=NE 3=SW 4=SE
quarters are smallest to largest

NAD83 UTM in meters

Well Tag	POD Nbr	Q64	Q16	Q4	Sec	Tws	Rng	X	Y	Map
	SD 00932 POD2							446592.6	4038870.2	

*** UTM location was derived from PLSS - see Help**

River Name:	RIO PUEBLO
Source:	ES
Ditch Name:	LOWER MANUEL ANDRES TRUJILLO
Start Date:	**Finish Date:**

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

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Transaction Summary

ORDER Order of District Court

Transaction Number:	679762	**Transaction Desc:**	SD 00931	**File Date:**	1970-09-02
Primary Status:	ADJ Adjudicated				
Secondary Status:	PRC Processed				
Person Assigned:	*******				
Applicant:	JUAN MANUEL LUCERO COMM. DITCH				
Contact:	SEE SD-931-1 THRU SD-931-11				

Events

Event Images	Date	Type	Description	Comment	Processed By
get images	1970-09-02	APP	Application Received	*	*******
	1970-09-02	FTN	Finalize non-published Trans.		*******
	2020-11-24	QAT	Quality Assurance Completed	SQ2	*******
	2021-04-15	QAT	Quality Assurance Completed	IMAGE	*******
	2021-04-15	ARW	WRAB Main File Rm Arch Sect	SD 00931 Archived	*******

Water Right Information

WR File Nbr	Acres	Diversion	Consumptive	Purpose of Use
SD 00931	0.000	0.000		IRR IRRIGATION

Point of Diversion

POD Nbr	Easting	Northing	Map	Grant
SD 00931	449978.2	4038171.2		

*** UTM location was derived from PLSS - see Help**

Place of Use

Q256	Q64	Q16	Q4	Sec	Tws	Rng	Acres	Diversion	Consumptive	Use	Priority	Status	Other Loc Desc
							0.000	0.000		IRR		ADJ	SEE FILE NOS. SD-00931-1 THRU SD-00931-11 FOR PLACES OF USE.

Remarks:

THE IMAGED DITCH GUIDE LISTS THE WATER RIGHT FILE NUMBER & NAME ASSIGNED TO EACH SUBFILE. SEE SD-00931-1 THRU SD-00931-11 FOR INDIVIDUAL WATER RIGHTS UNDER THIS FILE.

SEE SD-00932 FOR THE DITCH GUIDE FOR OTHER INDIVIDUAL WATER RIGHTS THAT USE SD-00931 AS A POINT OF DIVERSION.

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

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Juan Manuel Lucero Community
FILE NO. SD-00931
Sorted by File Number/Subfile

The following guide lists the water right file number assigned to each subfile on the Juan Manuel Lucero Community Ditch. This is the owner and acreage provided by the Taos Adjudication. Changes of ownership, splits, etc. will need to be researched under the suffix shown with the possible addition of an A, B, C, etc. For example, if file no. SD-00931-2 is split between four new owners, it will become SD-00931-2, SD-00931-2A, SD-00931-2B, and SD-00931-2C.

WR File No.	Order Date	Subfile	Adjudicated No.	Defendant Name	Map/Tract	Priority	Acres	Duty	Diversion
SD-00931		Order							
SD-00931-1	4/26/1972	8.4	057, 0931	Arturo J. Montoya	Map 8, Tr. 4	12/31/1878	1.50	2.76	4.14
SD-00931-2	4/26/1972	8.5	057, 0931	J. J. Montoya	Map 8, Tr. 5	12/31/1878	13.10	2.76	36.16
SD-00931-3	9/2/1970	8.6	057, 0931	Margaret C. Fowler	Map 8, Tr. 6	12/31/1878	28.80	2.76	79.49
SD-00931-4	6/14/1971	8.7	057, 0931	Jose Manuel Santistevan Estate	Map 8, Tr. 7	12/31/1878	93.00	2.76	256.68
SD-00931-5	4/26/1972	8.8	057, 0931	Felix D. Marinez	Map 8, Tr. 8	12/31/1878	14.70	2.76	40.57
SD-00931-6	12/19/1973	8.9	057, 0931	David Ortiz	Map 8, Tr. 9	12/31/1878	15.30	2.76	42.23
SD-00931-7	9/2/1970	9.5	057, 0931	Martin I. Lucero	Map 9, Tr. 5	12/31/1878	3.20	2.76	8.83
SD-00931-8	9/2/1970	9.6	057, 0931	J.C. Santistevan Estate, Felix J. Santistevan, Executor	Map 9, Tr. 6	12/31/1878	14.10	2.76	38.92
SD-00931-9	6/14/1971	9.7	057, 0931	J. Felix Santistevan	Map 9, Tr. 7	12/31/1878	10.50	2.76	28.98
SD-00931-10	12/19/1973	9.7A	057, 0931	Jose Cruz Santistevan Estate, Armando Santistevan Administrator	Map 9, Tr. 7A	12/31/1878	8.40	2.76	23.18
SD-00931-11	4/26/1972	9.8	057, 0931	Felicberto Martinez, Sr. Estate	Map 9, Tr. 8	12/3/1878	22.20	2.76	61.27
SD-00931-12	3/25/1977	10.3A	057, 0931	Roberto M. Martinez	Map 10, Tr. 3A	12/31/1849	3.10	2.76	8.56

Total		Total
227.90		629.00

Added administratively by the Albuquerque W.A.T.E.R.S. Team

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

STATE OF NEW MEXICO ex rel. STATE ENGINEER and the Plaintiffs, vs. EDUARDO ABEYTA, et al. and CELSO ARELLANO, et al. Defendants.	)	69cv07896-BB Rio Pueblo de Taos Adjudication 69cv7939 BB Rio Hondo Adjudication (Consolidated) Rio Pueblo de Taos Upper Manuel Andres Trujillo Ditch and Lower Manuel Andres Trujillo Ditch

CONSENT ORDER RECOGNIZING SEPARATE ACEQUIA ASSOCIATIONS, CORRECTING HYDROGRAPHIC SURVEY, AND RECOGNIZING PRIOR DECREES

THIS MATTER is before the Court on the Motion to Correct Hydrographic Survey (May 9, 2008, Docket No. 5083) ("Motion") filed by the Upper Manuel Andres Trujillo Community Ditch Association and the Lower Manuel Andres Trujillo Community Ditch Association ("Acequia Associations"). The parties to this Consent Order are the Acequia Associations and the State of New Mexico, ex rel. State Engineer ("State"). This Order incorporates the relevant provisions of the Court's Memorandum Opinion and Order (January 14, 2009, No. 5193).

The Court FINDS as follows:

1. The Court has jurisdiction over the parties.

2. This Consent Order resolves all claims of the Acequia Associations raised by the Motion.

3. The Upper Manuel Andres Trujillo Community Ditch Association and the Lower Manuel Andres Trujillo Community Ditch Association are also known as, respectively, the Upper Manuel Andres Trujillo Community Ditch and Lower Manuel Andres Trujillo Community Ditch.

4. The Upper Manuel Andres Trujillo Ditch and the Lower Manuel Andres Trujillo Ditch are separate and distinct acequias, each with their own commissions, commissioners, and mayordomos, and each providing water to separate and distinct tracts of land or subfiles.

5. The Acequia Associations receive water from a number of different sources as identified in the prior order entered in this cause (docket #4602) as amended (docket #5081) and share a main common point of diversion from the Arroyo Seco Stream, a tributary of the Rio Pueblo de Taos.

6. Those subfiles that receive water exclusively from the Upper Manuel Andres Trujillo Ditch are listed in the attached Exhibit "A."

7. Those subfiles that receive water exclusively from the Lower Manuel Andres Trujillo Ditch are listed in the attached Exhibit "B."[1]

8. The Rio Pueblo de Taos hydrographic survey should be amended to recognize both the Upper Manuel Andres Trujillo Ditch and the Lower Manuel Andres Trujillo Ditch and the separate and distinct subfiles that receive water from each acequia.

9. Orders entered in this cause for the subfiles under each Acequia Association do not indicate whether they receive water from the Upper Manuel Andres Trujillo Ditch or the Lower Manuel Andres Trujillo Ditch.

10. Two decrees were entered in Taos County District Court Cause No. 2638 in 1932 and 1934 which relate to this matter. Copies of said decrees are hereinafter attached as Exhibit C." Any challenge to the validity of the decrees, or action to enforce them, should be the subject of a separate proceeding in the court with original jurisdiction over such an action.

---

[1] Exhibit B also identifies subfiles which receive water from both the Juan Manuel Lucero and the Lower Manuel Andres Trujillo Ditches.

11. The aforesaid Motion and this Consent Order do not affect or change the points of diversion or priority dates of the acequias or subfiles irrigated by them. The Court should amend the table on p. 6 of the February 3, 2003, Memorandum Opinion and Order (No. 3102) to (a) replace the reference to the Manuel Andres Trujillo Ditch with the two ditches and their priorities: The Upper Manuel Andres Trujillo Ditch, with a priority of 1829, and the Lower Manuel Andres Trujillo Ditch, with a priority of 1829; and (b) change the reference to the combined Juan Manuel Lucero & Manuel Andres Trujillo (Ditch) to read "Juan Manuel Lucero and *Lower* Manuel Andres Trujillo Ditch," with a priority of 1829.

12. The changes made by this consent order constitute "clerical corrections" within the meaning of the June 7, 1995, Order of Procedures for Correcting and Amending Subfile Orders (No. 2337) ("Administrative Order").

13. There is no just reason to delay entry of this Consent Order as a final judgment, as between the State and the Acequia Associations.

NOW, THEREFORE, IT IS HEREBY ORDERED and ADJUDICATED that:

a. The Upper Manuel Andres Trujillo Ditch and Lower Manuel Andres Trujillo Ditch shall be recognized as separate and distinct acequias and acequia associations, though they presently share a main common point of diversion.

b. Those subfiles that receive water from the Upper Manuel Andres Trujillo Ditch but not the Lower Manuel Andres Trujillo Ditch are listed in the attached Exhibit "A."

c. Those subfiles that receive water from the Lower Manuel Andres Trujillo Ditch but not the Upper Manuel Andres Trujillo Ditch are listed in the attached Exhibit "B."

d. Map sheets 5, 6, 7, 8, 9, 10, and 16 of the Rio Pueblo de Taos Hydrographic Survey shall be amended or corrected to properly identify the Upper Manuel Andres Trujillo Ditch and the Lower Manuel Andres Trujillo Ditch.

e. The subfiles under each Acequia Association shall be and hereby are amended to identify the acequia by which they receive water according to attached Exhibits "A" and "B."

f. The Court hereby takes judicial notice of the two decrees entered by the State of New Mexico District Court, Taos County, Cause No. 2683, for the limited purpose of recognizing the entry of these decrees. Copies of said decrees are attached as Exhibit "C." Any challenge to the validity of the decrees, or action to enforce them, shall be the subject of a separate proceeding in the court with original jurisdiction over the action.

g. The table on p. 6 of the February 3, 2003, Memorandum Opinion and Order (No. 3102) shall be amended to (1) replace the reference to the Manuel Andres Trujillo Ditch with the two ditches and their priorities: the Upper Manuel Andres Trujillo Ditch, with a priority of 1829, and the Lower Manuel Andres Trujillo Ditch, with a priority of 1929; and (2) change the reference to the combined Juan Manuel Lucero & Manuel Andres Trujillo (Ditch) to read "Juan Manuel Lucero and *Lower* Manuel Andres Trujillo Ditch," with a priority of 1829.

h. This Consent Order shall constitute a final judgment as between the State and the Acequia Associations, including its successors, representatives, and assigns. All other parties with standing shall be provided an opportunity to object to this Consent Order prior to entry of a final decree.

IT IS SO ORDERED.

Bruce D Black

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved for entry:

Vickie L. Gabin

VICKIE L. GABIN
SPECIAL MASTER

APPROVED AND ACCEPTED BY:

DEFENDANT:

UPPER MANUEL ANDRES TRUJILLO DITCH ASSOCIATION

By: Donne LaRue Date: March 20 09
Commissioner

By: Robert Gonzales Date: 3-23-09
Commissioner

By: [signature] Date: 4-3-09
Commissioner

LOWER MANUEL ANDRES TRUJILLO DITCH ASSOCIATION

By: Amaranto CHacon Date: 3-20-09
Commissioner

By: J. Felix Santisteva Date: 3-20-09
Commissioner

By: Mary Ann Romo Date: 3/20/09
Commissioner

Fred J. Waltz, attorney for the Upper Manuel Andres Trujillo Ditch Association and the Lower Manuel Andres Trujillo Ditch Association

Fred J Waltz Date: April 6, 2009
(Signature)

STATE OF NEW MEXICO ex rel. STATE ENGINEER:

By: [signature] Date: 4/24/2009
Special Assistant Attorney General

Exhibit "A"
Upper Manuel Andres Trujillo Subfiles

Subfile Number	Date Filed	Docket Number
5.1	8/10/1973	418.4
5.2	4/8/1971	240.26
6.1	4/8/1971	240.26
6.2	6/6/1972	345.70
6.4	4/8/1971	240.26
6.5	6/6/1972	345.70
6.5A	9/30/1974	584.2
6.5B	9/30/1974	584.4
6.6	6/6/1972	345.71
6.7	6/8/2004	4499
7.1	7/18/1975	778.22
7.1A	7/18/1975	778.20
7.2	4/8/1971	240.28
7.28	11/9/1971	297
7.29	4/8/1971	240.48
7.3	6/6/1972	345.72
7.30	4/8/1971	240.50
7.31	4/8/1971	240.58
7.32	4/8/1971	240.44
7.33	9/13/1973	425.54
7.34	11/9/1971	297
7.35	6/6/1972	345.79
7.36	6/6/1972	345.80
7.37	4/8/1971	240.60
7.38	2/14/1974	460.27
7.39	4/8/1971	240.62
7.3A	5/10/1971	250.100
7.4	2/14/1974	460.27
7.40	6/14/1971	260.6
7.41	6/6/1972	345.79
7.42	6/14/1971	260.12
7.43	6/6/1972	345.81
7.43A	2/14/1974	460.28
7.44	6/14/1971	260.8
7.44A	6/14/1971	260.6
7.45	4/15/1976	879
7.46	4/8/1971	240.64
7.5	6/6/1972	345.73
7.5A	11/25/1975	827.24
7.5B	11/25/1975	827.30
7.5C	11/25/1975	827.28
7.5D	11/25/1975	827.26
7.6	4/8/1971	240.30

Exhibit "B"
Lower Manuel Andres Trujillo Subfiles

Subfile Number	Date Filed	Docket Number
7.10	2/14/1974	460.25
7.11	6/6/1972	345.74
7.12	4/8/1971	240.40
7.13	4/8/1971	240.38
7.14	8/10/1973	418.6
7.15	6/6/1972	345.75
7.16	4/8/1971	240.36
7.17	6/6/1972	345.76
7.18	6/6/1972	345.77
7.19	4/8/1971	240.52
7.20	2/14/1974	460.26
7.21	8/30/1971	273.154
7.22	4/8/1971	240.54
7.23	4/8/1971	240.40
7.24	7/18/1975	778.18
7.25	4/8/1971	240.42
7.26	4/8/1971	240.56
7.27	6/6/1972	345.78
7.7	4/8/1971	240.40
7.8	4/8/1971	240.32
7.9	4/8/1971	240.34
8.1*	5/24/1978	1332
8.10	10/23/2003	4285
8.2*	6/6/1972	345.82
8.3*	2/14/1974	460.29
8.7*	5/24/1978	1330
8.8*	4/26/1972	335.87
8.9*	10/6/2003	4251
9.1*	6/14/1971	260.10
9.2*	11/25/1975	827.22
9.2A*	6/14/1971	260.16
9.2B	2/9/2004	4397
9.3*	6/14/1971	260.20
9.4*	3/25/1977	958.14
9.5*	9/2/1970	214.144
9.6*	9/15/1977	982.20
9.7*	6/14/1971	260.204
9.7A*	12/19/1973	442.31
9.8*	3/25/1977	958.10
10.1*	3/25/1977	958.6
10.1A*	3/25/1977	958.12
10.2*	6/19/1972	352.69
10.2A*	7/18/1975	778.34
10.2B*	11/25/1975	827.42

Subfile Number	Date Filed	Docket Number
10.3*	3/25/1977	958.8
10.4*	5/10/1971	250.10
10.5*	6/17/1975	767
10.6*	5/10/1971	250.8
10.7*	6/6/1972	345.84
10.8*	5/10/1971	250.10
16.1*	6/14/1971	260.208

* Subfiles receive water from both the Lower Manuel Andres Trujillo Ditch and the Juan Manuel Lucero Community Ditch

Civil Cas 2638
NM State Records Center & Archives
404 Montezuma
Santa Fe, New Mexico

Exhibit "C"

STATE OF NEW MEXICO)
) IN THE DISTRICT COURT.
CO NTY OF TAOS.)

- - - - - -

The Manuel Andres Trujillo ditch, a community ditch, Eloisa T. Sisneros, Jose M. Santistevan, Jesus M. Santistevan, Pedro R. Trujillo, Laureano Mares, Telesforo Quintana, Cristobal Quintana, Santiago Martinez, Ramon Mares, Estate of Severino Martinez and Eliseo Santistevan,

Plaintiffs,

vs.

No. 2638

Jose Garcia

Las Colonias Ditch, a community ditch, Feliberto Garcia, Clara Garcia, Juan N. Fresquez, Rafael Martinez, Amadeo Mares, Laureano Garcia, Silas Rival, Victor Martinez, Andres Martinez, Samuel Martinez, Nardoqueo Martinez, Pedro Valencia, Joe Arnold, Jacob C. Moore, Reyes Martinez, Jose A. Lujan, Damian Mascareñas, Ninfa M. de Lujan, and Eutimio Martinez,

Defendants.

FINAL DECREE

The above entitled cause came on to be heard on its final hearing on this 7th day of May, A. D. 1932, before the Hon. H. A. Kiker, Judge of the Eighth Judicial District of the State of New Mexico, sitting for the trial of causes arising under the laws of the said State of New Mexico, in and for the County of Taos, in said State, the plaintiffs being present in court by their attorney, A. W. Rivera, for Cheetham & Rivera, and the defendants being present by their attorney, Floyd W. Beutler, for Barker, Fahy and Beutler, and the court having fully informed in the premises and having heard counsel for both sides the court finds:

FINDINGS OF FACT AND LAW.

1. That the Manuel Andres Trujillo Ditch is a community ditch, organized and existing under the laws of the State of New

STATE'S EXHIBIT
CV 7939 7939
108

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29 Aug 90 J. Richard Salazar
Date

TAOS

Mexico, as a community ditch or acequia, drawing its water from the main channel of the Arroyo Seco Creek or River in Taos County for the purpose of irrigation of agricultural lands on the Main valley of the said Arroyo Seco Creek or river and the plaintiffs, Eloisa T. Sisneros, Jose M. Santistevan, Jesus M. Santistevan, Ramon Mares, Pedro R. Trujillo, Estate of Severino Martinez, Laureano Mares, Eliseo Santistevan, Telesforo Quintana, Cristoval Quintana, and Santiago Martinez, are the owners of the said acequia and legally entitled to theuse of water for irrigation from the said Acequia or community ditch.

2. That the Las Colonias Ditch is a community ditch organized and existing under the laws of the State of New Mexico as a community ditch or acequia, drawing its water from the main channel of the Arroyo Seco Creek or River in Taos County for the purpose of irrigation of agricultural lands of the main valley of said Arroyo Seco Creek or river, and the defendants, Feliberto Garcia, Clara Garcia, Josua Garcia, Juan N. Fresquez, Rafael Martinez, Amadeo Mares, Laureano Garcia, Silas Rival, Victor Martinez, Andres Martinez, Samuel Martinez, Mardoqueo Martinez, Pedro Valencia, Joe Arnold and Jacob C. Moore are the owners and participants of the said Acequia and legally entitled to the use of water for irrigation from said Las Colonias Community ditch or Acequia.

3. That both the plaintiff ditch a The Manuel Andres Trujillo Ditch, and the defendant, The Las Colonias Ditch, are equally entitled to the use of water for irrigation purposes as to priority or siniority and as to the amount of water used or diverted from the said Arroyo Seco Creek or River for such purposes each one of said ditches being entitled to one-half of such waters so diverted from the said stream.

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29 Aug 90 [illegible]
Date [illegible]

FINDINGS OF FACT.

1. As findings of fact the Court finds that the Manuel Andres Trujillo Ditch through its regularly acting ditch commissioners and its regularly acting Mayordomo or Ditch Boss and according to law and common usages, rules and regulations has been drawing water from the said Arroyo Seco Creek or River, and applying it to a beneficial use for domestic and agricultural purposes upon the homes and lands of the defendants, Eloisa T. Sisneros, Jose M. Santistevan, ~~Clodoveo~~ Ramon Mares, Jesus M. Santistevan, Pedro R. Trujillo, Laureano Mares, Telesforo Quintana, Cristoval Quintana and Santiago Martinez, 2 through themselves and their predecessors in title and interest for over eighty years, continuously and without interruption for the irrigation of about two thousand (2000) acres of land on the main valley of the said Arroyo Seco Creek or River.

2. That the Las Colonias Ditch through its regularly acting ditch commissioners and its regularly acting mayordomo or ditch boss and according to law and the common usages, rules and regulations, has been drawing water from the said Arroyo Seco Creek or River and applying it to a beneficial use for domestic and agricultural purposes upon thehomes and lands of the defendants, Feliberto Garcia, Clara Garcia, Josua Garcia, Juan N. Fresquez, Rafael Martinez, Amadeo Mares, Laureano Garcia, Sailas Rival, Victor Martinez, Andres Martinez, Samuel Martinez, Mardoqueo Martinez, Pedro Valencia, Joe Arnold and Jacob C. Moore, (3) through themselves and their predecessors in title and interest for over thirty years continuously and without interruption for the irrigation of about two thousand (2000) acres of land on the main valley of the said Arroyo Seco Creek or river.

3. That about ten years ago, or about the year 1922, the flood waters of the said Arroyo Seco Creek destroyed the diversion dams of both ditches which said diversion dams were located a short distance from each other, and in rebuilding the said dams, by agreement between the commissioners of both ditches, one dam was built and the two

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Date [illegible]

ditches consolidated into the channel of the Manuel Andres Trujillo ditch for a distance of about three hundred (300) yards (4) at which point the two ditches divided from each other, the Las Colonias ditch crossing the Arroyo Seco Creek to the south side of the said creek and the Manuel Andres Trujillo ditch, keeping south side on the North side of the said creek.

NOW THEREFORE, It is ORDERED, ADJUDGED and DECREED as follows, to-wit:

1. That the irrigating ditches or acequias heretofore known as the Manuel Andres Trujillo Ditch and the Las Colonias Ditch shall hereafter be and are hereby decreed to be henceforth one community ditch owned by and to be used for the benefit of the parties heretofore owning rights in the aforesaid Manuel Andres Trujillo Ditch and the Las Colonias Ditch, and the rights of said parties in said community ditch shall be as hereinafter specified.

2. That said community ditch shall hereafter be considered as being divided into two portions, one portion thereof running on the west side of the Arroyo Seco Creek, and which said division shall be known as the Manuel Andres Trujillo division, and that the other division of said ditch shll cross the Arroyo Seco Creek and run on the east side of the said Arroyo Seco Creek which said division shall be known as the Las Colonias division.

3. That hence forward all of those certain lands lying along and obtaining water by and thourch the diversion ditch or acequia hereinbefore referred to as the Manuel Andres Trujillo Ditch, and being the lands presently owned by the following named persons, ~~both plaintiff and defendants~~, to-wit: Eloisa T. Sisneros, Jose M. Santistevan, ~~Clodoveo Mares~~ Ramon, Jesus M. Santistevan, Ramon Mares, Pedro R. Trujillo, Estate of Severino Martinez, Laureano Mares, Eliseo Santistevan, Teleclaro Quintana, Cristobal Quintana, Santiago Martinez, ~~Victor Martinez, Andres Martinez, Samuel martinez, Mardoqueo Martinez, and Pedro Valencia~~, shall be entitled to and

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Date

shall receive water from the portion hereby allotted to the owners of land to be watered by, through and under the said Manuel Andres Trujillo Ditch; and thos certain lands lying along and obtaining water by and through the diversion ditch or acequia hereinbefore referred to as the Las Colonias Ditch and being the lands presently owned by the following named persons, to-wit: Filiberto Garcia, Pedro Valencia, Reyes Martinez, Clara Garcia, Jose A. Lujan, Josue Garcia, ~~xxxxxxxxxxxxxxxxxxxx~~ Damian Mascarenas, Juan N. Fresquez, Mardoqueo Martinez, Amadeo Mares, Samuel Martinez, Laureano Garcia, Nimfa M. Lujan, Silas Rival, Joe Arnold and Eutimio Martinez, shall be e titled to and shall receive water from the portion thereof hereb allotted to the owners of land to be watered by, thourgh and under the said Las Colonias Ditch. 5

4. That henceforward those certain lands presently owned by Jacob Moore and Joe Arnold, lying along the main ditch shall receive water from the community ditch directly , but the said Jacob Moore is hereby required to forthwith construct at his own expense, a diversion ditch, lateral ditch, connecting with said community ditch at a convenient point at or near the extreme north end of his property and to equip the same with a good and sufficient headgate.

5. That all persons owning rights or interests in said Ditch or in the water thereof shall contribute equally to the cleaning and maintenance of said ditch and all ditches connected with said irrigating system, including the DesMontes Ditch, said fatigue work or assessment to be assessed and enforced by the ditch commissioners of said consolidated ditch.

6. That hereafter three ditch commissioners shall be elected for said community ditch, in the manner provided by law and of these three commissioners, two shall be elected during the year 1933 and in all successive odd calendar years from the people owning land under the Las Colonias Division of said ditch and one from among the people owning lands under the Manuel Andres Trujillo division

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29 Aug 90 J. [illegible]

of said ditch; and in the year 1934 and in all succeeding even calendar years two commissioners shall be elected from among the people owning land under the Manuel Andres Trujillo division of said ditch and one from among the people owning lands under the Las Colonias division of said community ditch.

7. That the waters of the said consolidated ditch shall be equally divided between the two divisions of said consolidated ditch at all times when there is an abundance of water, and whenever, in the openion of the ditch commissioners the water has become so low that a division of the water is not advisable, the said ditch commissioners shall permit the whole volume of water to run on one division at a time and equally divide the time so that the whole volume of water shall run not more than three and one-half days at a time on the same division of the ditch for an equal length of time.

8. That the said Jacob Moore and Joe Arnold shall be allowed to divert water into their lateral ditches at such time and in such amounts and in such manner as the mayordomo from the Manuel Andres Trujillo Division, may prescribe, ~~and said parties shall at all times receive water under the division thereof running to the Manuel Andres Trujillo Division.~~

9. That the owners of land under the Manuel Andres Trujillo division of said consolidated ditch (b) shall elect one mayordomo or ditch boss who shall, in the manner now provided by law, manage and control the said division of said consolidated ditch and no more, and likewise the owners of land under the Las Colonias division of said consolidated ditch shall elect one mayordomo or ditch boss who shall, in the manner now provided by law, manage and control said division of said consolidated ditch, and no more, but neither one of the said mayordomos shall have any right to interfere in or with the division of the water at the gate where the two divisions separate. (1)

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29 Aug 90 [illegible]

29 Aug 90 J. Richard Salazar
Date

10. That at any time when th said Arroyo Seco Creek shall become dry and there shall be no water in said ditch, any land owner on either division of said consolidated ditch may procure or obtain a water concession or ausilio from the Arroyo Seco ditch, from the Rebalce ditch or from any other source an shall have the right to run his water through the channel of the consolidated ditch into the corresponding division of said consolidated ditch where the land is located, but he shall give notice that he expects to use the ditch to the mayordomo, at least 48 hours prior to such use, and no person shall interfere with the running of sah water during the time that said ausilio or water concession shall last, but no person shall so use such ditch for more than forty-eight (48) hours at a time in preference to any other land owner who may also desire to use the said ditch for a like purpose.

11. That at such time as the water shall be divided in the manner as in the sixth paragraph hereof prescribed, the mayordomos shall, at such times make such division from the division box of said ditches.

12. It is further ordered that each of the parties hereto shall pay their own costs of suit herein.

Done in open Court at Taos, New Mexico, this 7th day of May, A. D. 1932.

H. A. Kiker
District Judge.

I hereby certify that the foregoing pleading is a true and correct copy of same which has been filed in my office on the 27th day of July 1934
Dated this 16th day of May 1991

Janett Martinez
District Court Clerk
By Irene Salazar
Deputy

State of New Mexico, }
County of Taos. } ss.

I, J. A. DesGeorges, County Clerk & Clerk of the District Court in and for the County of Taos, New Mexico, do hereby certify that the above and foregoing is a true, correct and complete copy and exemplification of the decree made and entered in the above entitled and numbered cause , the original of which is on file in my office and of record.

Witness my hand the seal of this office this the 17th day of May, 1932.

J. A. DesGeorges
Clerk

By _____
Deputy.

STATE OF NEW MEXICO)
: ss. IN THE DISTRICT COURT.
COUNTY OF TAOS)

The Manuel Andres Trujillo Ditch, a Community Ditch, Eloisa T. Sisneros, Jose L. Santistevan, Jesus M. Santistevan, Pedro R. Trujillo, Laureano Mares, Telesforo Quintana, Cristobal Quintana, Santiago Martinez, Ramon Mares, Estate of Severino Martinez, and Eliseo Santistevan, Clodoveo Mares,

Plaintiffs.

vs. No. 2638.

Las Colonias Ditch, a Community Ditch, Feliberto Garcia, Clara Garcia, Juan N. Fresquez, Rafael Martinez, Amadeo Mares, Laureano Garcia, Silas Rival, Victor Martinez, Andres Martinez, Samuel Martinez, Mardoqueo Martinez, Pedro Valencia, Joe Arnold, Jacob C. Moore, Reyes Martinez, Jose A. Lujan, Damian Mascarenas, Nimfa M. Lujan, and Eutimio Martinez, Josue Garcia,

Defendants.

FINAL DECREE.

The above entitled cause came on to be heard on its final hearing on this 27 day of ~~June~~ July, A. D. 1934, before the Honorable Livingston N. Taylor, Judge of the Eighth Judicial District of the State of New Mexico, sitting for the trial of causes arising under the laws of the said State of New Mexico, in and for the County of Taos, in said State, the plaintiffs being present in court by their attorneys, Kiker & Fernandez, and the defendants being present by their attorney, Floyd W. Beutler, and the Court having been fully informed in the premises and having heard counsel for both sides, the Court finds: Findings of fact

1. As findings of fact the Court finds that the Manuel Andres Trujillo Ditch, through its regularly acting ditch commissioners and its regularly acting Mayordomo or Ditch Boss, and according to law and common usages, rules and regulations, has been drawing water from the said Arroyo Seco Creek or River, and applying it to a beneficial use for domestic and agricultural purposes upon the homes and lands of the plaintiffs, Eloisa T.

Sisheros, Jose M. Santistevan, Clodoveo Mares, Jesus M. Santistevan, Pedro R. Trujillo, Laureano Mares, Telesforo Quintana, Cristobal Quintana, Santiago Martinez, Eliseo Santistevan and Estate of Severino Martinez, through themselves and their predecessors in title and interest, for over eighty years, continuously and without interruption, for the irrigation of about two thousand (2000) acres of land on the main valley of the said Arroyo Seco Creek or River, and below the division line known as the Gallegos Line or lindero.

2. That the Las Colonias Ditch, through its regularly acting ditch commissioners, and its regularly acting Mayordomo or Ditch Boss, and according to law and the common usages, rules and regulations, has been drawing water from the said Arroyo Seco Creek or River and applying it to a beneficial use for domestic and agricultural purposes upon the homes and lands of the defendants, Feliberto Garcia, Clara Garcia, Josue Garcia, Juan N. Fresquez, Rafael Martinez, Amadeo Mares, Laureano Garcia, Silas Rival, Victor Martinez, Andres Martinez, Samuel Martinez, Mardoqueo Martinez, Pedro Valencia, Joe Arnold, Jacob C. Moore, Reyes Martinez, Jose A. Lujan, Damian Mascarenas, Nimfa M. Lujan, and Eutimio Martinez, through themselves and their predecessors in title and interest, for over thirty years continuously and without interruption, for the irrigation of about two thousand (2000) acres of land on the main valley of the said Arroyo Seco Creek or River, and above the diversion line known as the Gallegos Line or lindero.

3. That about ten years ago, or about the year 1922, the flood waters of the said Arroyo Seco Creek destroyed the diversion dams of both ditches, which said diversion dams were located a short distance from each other, and in rebuilding the said dams by agreement between the commissioners of both ditches, one dam was built and the two ditches consolidated into the channel of the Manuel Andres Trujillo Ditch for a distance of about three hundred (300) yards, more or less, at which point the two ditches divide from

each other, the Las Colonias Ditch crossing the Arroyo Seco Creek to the south side of the said creek and the Manuel Andres Trujillo Ditch, keeping on the north side of said creek.

CONCLUSIONS OF LAW.

1. That the Manuel Andres Trujillo Ditch is a community ditch, organized and existing under the laws of the State of New Mexico, as a community ditch or acequia, drawing its waters from the main channel of the Arroyo Seco Creek or River in Taos County, for the purpose of irrigation of agricultural lands on the main valley of the said Arroyo Seco Creek or River, and below the division line known as the Gallegos Line, or lindero, and the plaintiffs, Eloisa T. Sisneros, Jose M. Santistevan, Jesus M. Santistevan, Ramon Mares, Pedro R. Trujillo, Estate of Severino Martinez, Laureano Mares, Eliseo Santistevan, Telesforo Quintana, Cristobal Quintana, Santiago Martinez and Clodoveo Mares, are the owners of the said acequia and legally entitled to the use of water for irrigation from the said Acequia or community ditch.

2. That the Las Colonias Ditch is a community ditch, organized and existing under the laws of the State of New Mexico as a community ditch or acequia, drawing its water from the main channel of the Arroyo Seco Creek or River in Taos County for the purpose of irrigation of agricultural lands of the main valley of said Arroyo Seco Creek or River, and above what is known as the Gallegos Line, or Gallegos Lindero, and the defendants, Feliberto Garcia, Clara Garcia, Josue Garcia, Juan N. Fresquez, Rafael Martinez, Amadeo Mares, Laureano Garcia, Silas Rival, Victor Martinez, Andres Martinez, Samuel Martinez, Mardoqueo Martinez, Pedro Valencia, Joe Arnold, Jacob C. Moore, Reyes Martinez, Jose A. Lujan, Damian Mascarenas, Nimfa M. Lujan, and Eutimio Martinez, are the owners and participants of the said acequia, and legally entitled to the use of water for irrigation from said Las Colonias' Community Ditch or Acequia.

3. That both the plaintiff ditch, The Manuel Andres Trujillo Ditch, and the defendant, The Las Colonias Ditch, are equally

entitled to the use of water for irrigation purposes as to priority or seniority, and as to the amount of water used or diverted from the said Arroyo Seco Creek or River, for such purposes each of said ditches being entitled to one-half of such waters so diverted from the said stream.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs, as the Manuel Andres Trujillo Ditch, are entitled to one-half of the waters diverted from the Arroyo Seco through the common diversion dam and headgate of the Manuel Andres Trujillo Community Ditch and the Las Colonias Community Ditch, for the irrigation of their lands situated below the division line known as the Gallegos Line, or Lindero, in the Arroyo Seco Valley; and that the defendants, as the Las Colonias Community Ditch, are entitled to one-half of the waters diverted from the Arroyo Seco through the diversion dam and headgate of the said Manuel Andres Trujillo Community Ditch and the Las Colonias Community Ditch, for the irrigation of their lands situated above the division line known as the Gallegos Line, or Lindero, in the Arroyo Seco Valley.

That plaintiffs and defendants, and their successors in title, shall contribute equally to the cleaning and maintenance of the common portion of said ditches, that is to say, from the point of diversion to the point of division of said community ditches.

That the use of said water shall be divided in the following manner, to-wit: The defendants shall have the uninterrupted use of all the water for the irrigation of their lands, situated above the Gallegos Line, or lindero, through the common diversion works and the Las Colonias Ditch, from twelve o'clock noon on each and every Sunday, until the hour of six o'clock in the evening of the following Wednesday; and the plaintiffs shall have the uninterrupted flow and use of all the water for the irrigation of their lands, situated below the Gallegos Line, or

12 Sunday
12 Monday
24 Tuesday
24 Wednesday
6 PM 18 Wednesday
7 h.

6 AM Thursday
18 Friday
24 Saturday
24 Sunday
12 Noon 12 Sunday

Lindero, through the common diversion works and the Manuel Andres Trujillo Ditch, from six o'clock in the morning of each and every Thursday until the hour of twelve o'clock noon the following Sunday; and that each of said Community Ditches shall have the uninterrupted flow and use of all of the water on alternate weeks for the period from six o'clock p. m. Wednesday to six o'clock, a. m. Thursday, that is to say, the plaintiffs shall have the use of the water during said twelve-hour period one week, and the defendants shall have the use of the water during said twelve-hour period the following week; and that for such portions of land belonging to defendants as lie below the Manuel Andres Ditch, but above said Gallegos Line, or Lindero, and which are entitled to water from the Las Colonias Ditch, the defendant owners thereof shall have the privilege of utilizing the Manuel Andres Trujillo Ditch, as a lateral to convey their said water to their lands during the period of time, and from the waters allotted to the defendants, provided they shall assist in the cleaning and maintenance of that portion of the Manuel Andres Trujillo Ditch, in proportion to their irrigated acreage served through the same.

IT IS FURTHER ORDERED that at the beginning of each irrigation season, in starting the alternate rotation of irrigation as between the plaintiff community ditch and the defendant community ditch, the plaintiff community ditch shall have the first three days of irrigation, as above provided, and the first Wednesday night period, and,

IT IS FURTHER ORDERED that during the period when plaintiffs shall be irrigating in their turn, as above provided, they may use the Arroyo Seco Creek to distribute waters through laterals below the diversion point of the main ditch, and defendants shall in no way interfere with any of the water in the creek, but all of the same shall be under the full control of the plaintiff's Mayordomo, it being understood that all of said waters, whether diverted

into the main ditch, or permitted to run down the Arroyo Seco to the laterals, is, during such period, the exclusive property of plaintiffs as if the same had been diverted at the dam; and, likewise, during the period when defendants shall be irrigating in their turn, as above provided, they may use the Arroyo Seco Creek to distribute waters through laterals below the diversion point of the main ditch, and plaintiffs shall in no way interfere with any of the water in the creek, but all of the same shall be under the full control of the defendants' Mayordomo, it being understood that all of said waters, whether diverted into the main ditch, or permitted to run down the Arroyo Seco to the laterals, is, during such period, the exclusive property of defendants as if the same had been diverted at the dam.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiffs and each of them be, and they are hereby, enjoined from in any way interfering with the use of the waters allotted to defendants in the manner and at the times above specified; and that defendants likewise be and they are hereby enjoined from in any way interfering with the use of the waters allotted to plaintiffs in the manner and at the times above specified.

IT IS FURTHER ORDERED that a certified copy of this decree be served on each of the commissioners of said ditches, and on each of the mayordomos, now acting and charged with the duty of apportioning and distributing said waters.

Done this 23 day of July, 1934.

H.L. Adams
OK Burton

Livingston H. Taylor
District Judge.

OMC-036

FILED
at Santa Fe NM
MAR 14 2005
MATTHEW J. DYKMAN
CLERK

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

STATE OF NEW MEXICO, *ex rel.* STATE ENGINEER, *et al.*,	)	**69cv07896 BB (ACE)**
	)	**Rio Pueblo de Taos**
Plaintiffs,	)	**Adjudication**
	)	
v.	)	**69cv7939 BB (ACE)**
	)	**Rio Hondo Adjudication**
EDUARDO ABEYTA, *et al.*, and CELSO ARELLANO, *et al.*,	)	**(Consolidated)**
	)	
	)	**Rio Pueblo de Taos Section**
Defendants.	)	**Upper and Lower Manuel**
	)	**Andres Trujillo Ditches**

CONSENT ORDER
PARTIALLY RESOLVING JANUARY 17, 2001
MOTIONS TO CORRECT HYDROGRAPHIC SURVEY

This Matter is before the Court on the January 17, 2002, Motions to Correct Hydrographic Survey (Nos. 2957 and 2959) ("Motions") filed by:

UPPER MANUEL ANDRES TRUJILLO DITCH ASSOCIATION
LOWER MANUEL ANDRES TRUJILLO DITCH ASSOCIATION[1]

("Acequias" or "Acequia Associations"). The parties hereto agree and the Court FINDS as follows:

1. The Acequias' Motions allege, among other things, that the Rio Lucero and the Rio Hondo are additional sources of water for the Acequias. The Motions do not claim "springs" as additional sources of water.

[1] In prior Court orders and records, these two Acequias are referred to collectively as Manuel Andres Trujillo Ditch.

4602

2. The parties agree that the Court's November 29, 2001, *Amended Order Adopting Stipulation Between New Mexico and Certain Community Acequias Regarding Declarations of Customary Allocations of Water Between and Among Acequias* (No. 2867) ("Allocation Order") adequately adjudicates the Acequias' rights to receive water from the Rio Lucero and Rio Hondo pursuant to local custom, as between the State and the Acequias.

3. The parties further agree that the State should amend its hydrographic survey, as shown on Exhibit 1 to this Consent Order, to show where water diverted from the Rio Hondo may be released from the Mariposa Ditch into Arroyo Seco for the benefit of the Acequias. (See *Allocation Order*, Attached Stipulation at 5.)

4. Water diverted from the Rio Lucero may also be released from the Acequia Madre del Rio Lucero del Arroyo Seco ("Acequia Madre") into the Arroyo Seco for the benefit of the Acequias. (See *Allocation Order*, Attached Stipulation at 4 -5.) The point at which the Acequia Madre crosses the Arroyo Seco is already adequately depicted on the hydrographic survey.

5. This Consent Order resolves the Motions only insofar as the allegations regarding the Acequias' claims to the Rio Lucero and the Rio Hondo. Other issues raised by the Motions will be resolved by subsequent orders of the Court.

6. There is no just reason to delay entry of this Consent Order as a final judgment, as between the State and the Acequia Associations.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDICATED that:

a. The Acequias' rights to receive water from the Rio Lucero and Rio Hondo pursuant to local custom have previously been adjudicated by the Allocation Order, as between the State and the Acequias.

b. The customs described in the Allocation Order benefit the subfile tracts served by the Association Associations,[2] identified by subfile order on Exhibit 2.

c. The State shall amend its hydrographic survey as shown on Exhibit 1 to this Consent Order, to show where water in the Mariposa Ditch may be released into Arroyo Seco for the benefit of the Acequias pursuant to the Allocation Order.

d. This Consent Order shall constitute a final judgment as between the State and the Acequia Associations, including their successors, representatives, and assigns. All other parties with standing shall be provided an opportunity to object to this Consent Order prior to entry of a partial final decree.

Bruce D. Black

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

Vickie L. Gabin

VICKIE L. GABIN
SPECIAL MASTER

[2] See Footnote 1.

APPROVED AND ACCEPTED BY:

DEFENDANT:

UPPER MANUEL ANDRES TRUJILLO DITCH ASSOCIATION

By: Frank C Gonzales Date: 2-13-05
Name:
Commissioner

By: Louis E. Martinez Date: 2-15-05
Name:
Commissioner

By: Gene LaRue Date: 2/15/05
Name:
Commissioner

LOWER MANUEL ANDRES TRUJILLO DITCH ASSOCIATION

By: Manuel C Vasen Date: 2-18-05
Name:
Commissioner

By: Roger M Rue Date: 2-18-05
Name:
Commissioner

By: Vacant : FJW Date: _____
Name:
Commissioner

By: Fred Waltz Date: 2-28-05
Fred Waltz, Attorney for Upper and Lower
Manuel Andres Trujillo Ditch Associations.

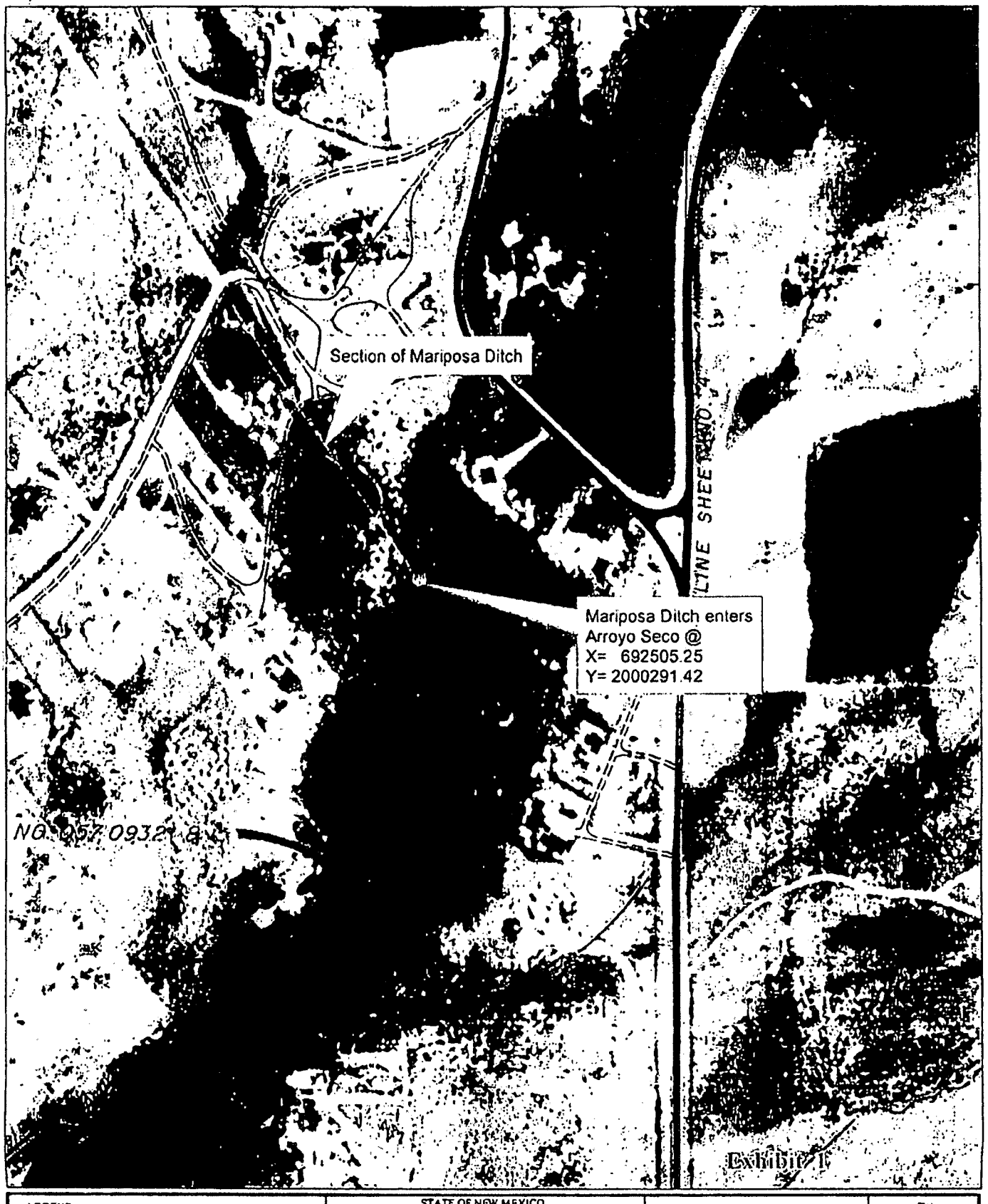
STATE OF NEW MEXICO *ex rel.* STATE ENGINEER:

By: RB Tavares Date: 2/28/05
Special Assistant Attorney General

Exhibit 2

[redacted]		
5.1	8/10/1973	418.004
5.2	4/8/1971	240.026
6.1	4/8/1971	240.026
6.2	6/6/1972	345.070
6.4	4/8/1971	240.026
6.5	6/6/1972	345.070
6.5A	9/30/1974	584.002
6.5B	9/30/1974	584.004
6.6	6/6/1972	345.071
6.7	6/8/2004	4499
7.1	7/18/1975	778.022
7.10	2/14/1974	460.025
7.11	6/6/1972	345.074
7.12	4/8/1971	240.040
7.13	4/8/1971	240.038
7.14	8/10/1973	418.006
7.15	6/6/1972	345.075
7.16	4/8/1971	240.036
7.17	6/6/1972	345.076
7.18	6/6/1972	345.077
7.19	4/8/1971	240.052
7.1A	7/18/1975	778.020
7.2	4/8/1971	240.028
7.20	2/14/1974	460.026
7.21	8/30/1971	273.154
7.22	4/8/1971	240.054
7.23	4/8/1971	240.040
7.24	7/18/1975	778.018
7.25	4/8/1971	240.042
7.26	4/8/1971	240.056
7.27	6/6/1972	345.078
7.28	11/9/1971	297
7.29	4/8/1971	240.048
7.3	6/6/1972	345.072
7.30	4/8/1971	240.050
7.31	4/8/1971	240.058
7.32	4/8/1971	240.044
7.33	9/13/1973	425.054
7.34	11/9/1971	297
7.35	6/6/1972	345.079

7.36	6/6/1972	345.080
7.37	4/8/1971	240.060
7.38	2/14/1974	460.027
7.39	4/8/1971	240.062
7.3A	5/10/1971	250.100
7.4	2/14/1974	460.027
7.40	6/14/1971	260.006
7.41	6/6/1972	345.079
7.42	6/14/1971	260.012
7.43	6/6/1972	345.081
7.43A	2/14/1974	460.028
7.44	6/14/1971	260.008
7.44A	6/14/1971	260.006
7.45	4/15/1976	879
7.46	4/8/1971	240.064
7.5	6/6/1972	345.073
7.5A	11/25/1975	827.024
7.5B	11/25/1975	827.030
7.5C	11/25/1975	827.028
7.5D	11/25/1975	827.026
7.6	4/8/1971	240.030
7.7	4/8/1971	240.040
7.8	4/8/1971	240.032
7.9	4/8/1971	240.034
8.1	5/24/1978	1332
8.10	10/23/2003	4285
8.2	6/6/1972	345.082
8.3	2/14/1974	460.029
9.1	6/14/1971	260.010
9.2	11/25/1975	827.022
9.2A	6/14/1971	260.016
9.2B	2/9/2004	4397
9.3	6/14/1971	260.020
9.4	3/25/1977	958.014



LEGEND	Scale	N	STATE OF NEW MEXICO Office of the State Engineer John R. D'Antonio Jr., P.E., State Engineer	Map 1 Upper & Lower Manuel Andres Trujillo Ditches Amended December 6, 2004	
GPS Point	1"=300'				
Ditch	Feet 0 150 300		Rio Pueblo de Taos & Rio Hondo Hydrographic Survey RIO PUEBLO DE TAOS SECTION		

Transaction Summary

DCL Declaration of a Water Right

Transaction Number:	679731	**Transaction Desc:**	SD 00931	**File Date:**	1941-08-22
Primary Status:	DCL Declared				
Secondary Status:	PRC Processed				
Person Assigned:	*******				
Applicant:	JUAN MANUEL LUCERO COMM. DITCH				

Events

Event Images	Date	Type	Description	Comment	Processed By
get images	1941-08-22	APP	Application Received	*	*******
	1941-08-22	FTN	Finalize non-published Trans.		*******
get images	1941-08-22	TEC	Technical Report	*LIST OF SUBFILES	*******
	2020-11-24	QAT	Quality Assurance Completed	SQ2	*******
	2021-04-15	QAT	Quality Assurance Completed	IMAGE	*******
	2021-04-15	ARW	WRAB Main File Rm Arch Sect	SD 00931 Archived	*******

Water Right Information

WR File Nbr	Acres	Diversion	Consumptive	Purpose of Use
SD 00931	998.000	2495.000		IRR IRRIGATION

Point of Diversion

POD Nbr	Easting	Northing	Map	Grant
SD 00931	449978.2	4038171.2		

*** UTM location was derived from PLSS - see Help**

Place of Use

Q256	Q64	Q16	Q4	Sec	Tws	Rng	Acres	Diversion	Consumptive	Use	Priority	Status	Other Loc Desc
							998.000	2495.000		IRR		DCL	SEE IMAGE FOR LIST OF PLACES OF USE.

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

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DECLARATION OF OWNERSHIP OF WATER RIGHT

PERFECTED PRIOR TO MARCH 19, 1907

(FORM TO BE EXECUTED IN DUPLICATE ACCOMPANIED BY FILING MAP.)
(A FEE OF $1.00 SHALL ACCOMPANY THIS FILING)

FILED
OFFICE STATE ENGINEER
SANTA FE, N. M.
0931

Declaration No. 0931

~~I,~~ We, Juan Manuel Lucero Community Ditch Commissioners,

~~a resident~~ residents of Arroyo Seco Abajo, County of Taos, State of New Mexico, being first duly sworn, upon ~~my oath~~ our respective oaths, declare that ~~I am~~ we are the full (FULL OR PARTIAL) ~~owner~~ owners of a right to make beneficial use of water from Juan Manuel Lucero ditch, a tributary of Rio Lucero, on certain lands in the County of Taos, State of New Mexico, lying under the Juan Manuel Lucero community ditch (NAME OF CANAL, COMMUNITY DITCH, FLOOD-WATER DITCH, DITCH AND RESERVOIR SYSTEM, ETC.) and make these several statements relative thereto:

1. The Juan Manuel Lucero ditch (NAME OF DITCH OR IRRIGATION SYSTEM) was initiated by construction by Juan Manuel Lucero (BY SURVEY, BY FILING, BY STARTING CONSTRUCTION) ~~prior to~~ on or about 1878 (YEAR AND MONTH, IF POSSIBLE), and work thereon was diligently prosecuted and carried to completion and water was applied to beneficial use on 998 acres of land described hereinafter.

1 a. If the system was subsequently extended, fill in following:

The _____ (NAME OF DITCH OR IRRIGATION SYSTEM) was extended or enlarged on or about _____ (YEAR AND MONTH, IF POSSIBLE) and water was applied to beneficial use on an additional _____ acres of land described hereinafter.

(If system was extended or enlarged more than once repeat this paragraph properly filled in).

2. The filing map which accompanies this declaration shows the point of diversion, the location and hydraulic properties of the main canal, or canals, storage works, etc., and shows all irrigated lands and their respective ownerships. As shown on the map, the main canal is 4 feet wide, has a depth of 1 feet of water when running to maximum safe capacity, side slopes of _____ horizontal to _____ vertical, a fall of _____ feet per 1000 feet, and carries a maximum of _____ second feet of water to the irrigated lands. The storage reservoir (if any) holds a maximum of _____ acre feet of water and is filled, on an average, _____ times per year.

3. The irrigated lands to which water is appurtenant, their ownership, acreage, description by legal subdivision (or otherwise of within a grant), and priority date as determined by date of initiation of such rights are given below:

SUBDIVISION	SEC.	TWP.	RGE.	ACREAGE	OWNER	~~Tract~~ PRIORITY DATE
Antonio Martinez Grant	School District 32			12	Tomas Montoya	4
				41	J.M. Bernal	6
				26	Elosio Quintana	27
				78	Jose Manuel Santistevan	1,28
				49	Melchor Santistevan	3
				45	J.H.McCarthy	7
				50	Ambrosio Portillo	8
				40	J.Felix Santistevan	9
				41	Diego C.De Baca	11
				45	J.Cruz Santistevan	12
				20	Palemon Santistevan	12,13
				28	T.M. Sandoval	16
				19	Pedro R. Trujillo	9
				7	Carlos Mares	5
				5	Ramon Mares	24,7

(Over)

SUBDIVISION	SEC.	TWP.	RGE.	ACREAGE	OWNER	Tract PRIORITY DATE
Antonio Martinez Grant	School District 32			3	Palemon Mares	19, 6
				5	Rafael Martinez	1
				27	Clodoveo Mares	16, 4
				25	Watson Land Co.	14, 3
				9	Onesimo Martinez	9, 2
				8	Carlos Trujillo	8, 1
				15	Watson Land Co.	6, 4
	School District 4			38	Santiago Martinez	31, 33, 33
				18	Filemon Martinez	1, 39, 27
				8	Jose M. Quintana	27
				10	J.C. Quintana	26
				24	Benoes Roybal	24
				21	Telesfor Quintana	21
				13	Sebedeo Suazo	19
				39	Alfonso A. Pacheco	16
				27	Secundino Pacheco (estate)	14
				23	Filemon Martinez	11
				14	Secundino Pacheco (estate)	9
				14	Sebedeo Suazo	9
				14	Virginia Martinez	4
				16	Secundino Pacheco (estate)	4
				13	Benjamin Cardenas	3
				117	Edward C. Cabot	2
				640		

4. The amount of water applied to beneficial use on the lands equals _____ acre feet per irrigated acre. The irrigation season is from May to November of each year. Water is / is not used for stock and domestic purposes _____.

(GIVE PERIOD OF USE, IF ANY)

I / We hereby declare that to the best of my / our knowledge and belief the above statements are true and correct and that water has been continuously, uninterruptedly, openly, notoriously and peaceably applied to beneficial uses on the above described lands from the date of the inception of the right to the present time. I / We hereby give notice of ownership of said water right as appurtenant to said lands.

Declarants Alfonso A. Pacheco

Title* Commissioner

Clodoveo Mares

Title* Commissioner

Edward C. Cabot

Title* Commissioner

J. B. Santistevan

Title* Ditch Boss

Title* _____

*Owner, Commissioner, Co-owner, Director, etc.

Subscribed and sworn to before me this 22 day of August, 1941.

My Commission Expires Oct. 28, 1941

Jean Teague

Notary Public.

To Be Filed On Top Of Correspondence And Documents At All Times

Juan Manuel Lucero Community Ditch 0931

Jose Rumaldo & Cora M. Garcia		
Subfile 8.5	7/19/74	1.021 acres
Eleanor S. Roseberry		
Subfile 8.7	7/8/76	12.4 acres
Gregorita S. Romo		
Subfile 8.7	7/8/76	8.6 acres
Elsie M. Santistevan, et al		
Subfile 8.7	7/8/76	7.3 acres
Patricia Ahumada		
Subfile 8.7	7/8/76	7.5 acres
Maria S. Kloster		
Subfile 8.7	7/8/76	8.2 acres
Horacio Santistevan		
Subfile 8.7	7/8/76	10.8 acres
Evangeline A. Gonzales		
Subfile 8.7	7/8/76	10.8 acres
Desideria S. DiMambro		
Subfile 8.7	7/8/76	13.2 acres

contd. on 2

Jose Santistevan Subfile 8.7	7/8/76	14.2 acres
James R. Grainger Subfile 9.7-A	2/13/78	8.4 acres
Georgia C. Day Subfile 8.6	12/27/83	28.8 acres -10.3 -3.9 = 14.60
Barbara Day Edwards S.F. 8.6	2/15/84	10.3 acres
James Colemere Day S.F. 8.6	2/15/84	3.9 acres
James C. Day Subfile 8.6	6/7/85	1.5 acres
Smith's Management Corporation Subfile 8.6	1/20/86	1.0 acres
Smith's Management Corporation SF 8.6	1/20/86	2.0 acres
Luis O. and Bernice T. Torres Subfile 8.6	1/21/86	4.1 acres
Town of Taos SF 8.6	2/21/86	.16 acre
Daniel Carmona SFs 9.3 & 9.7-A	6/30/86	3.9 acres
Town of Taos SF 8.6	6/13/86	.16 acre
Eugene L. Mariani Subfile 8.6	10/6/86	2.0 acres
Town of Taos Subfile 8.6	6/9/86	0.24 acre
Town of Taos Subfile 8.6	11/21/86	.48 acre
TOWN OF TAOS SUBFILE 8.6	3/28/90	0.16 acre

0931

	Town of Taos	10-10-86	.16
	Town of Taos for Church of Jesus Christ of Latter-Day Saints	5-9-90	.4
10.4	John Ferrell	10-31-90	~~2.5~~ 14
SF=8.6CD	Kachina Lodge	10-15-90	5.0
SF=8.6CD	Town of Taos	11-20-90	5.0
SF 10.4	Town of Taos	12-18-90	.16
	El Prado Water	11-30-90	144.5
SUB. 10.4	Rio Grande Ace Hardware	10-23-91	.2
10.2A+10.2	R.S Watkins	5-27-92	10.0
10-4	T. Andrews	6-29-92	~~.5~~ 0.63
10-4	Town of Taos	10-9-92	0.945
10-4	Town of Taos	12-21-92	1.06
10-2A 10.2	Richard Smith	2-1-93	4
SF 8.6	Alex R. Abeyta	5-26-93	