

**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

No. 6:69-cv-07941-KWR-KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rio Vallecito

Subfile No.: CHRO-005-0002

**ORDER GRANTING DEFAULT JUDGMENT AS TO
AGUSTIN & BERNADITA VIGIL ESTATE, SUBFILE NO. CHRO-005-0002**

THIS MATTER is before the Court upon the plaintiff, State of New Mexico, *ex rel.*, State Engineer's *Motion for Default Judgment as to Agustin & Bernadita Vigil Estate, Subfile No. CHRO-005-0002* (Docket No. 11610, filed September 8, 2022). The State of New Mexico ("State") requests that the Court grant judgment against Defendant AGUSTIN & BERNADITA VIGIL ESTATE, finding that the defendant has surface water irrigation rights in the Rio Chama Stream System: Section 1 Rio del Oso & Rio Vallecito in accordance with the *Office of the State Engineer Rio Chama Stream System Section 1 Rio del Oso & Rito Vallecitos Hydrographic Survey*, as amended. The Court, being fully advised, and with no responses opposing the State's motion having been filed, finds that the State's motion is well-taken and should be **GRANTED**.

The Court finds:

1. The Court has jurisdiction over the party and the subject matter herein.

2. Defendant has been legally served with process.
3. Defendant filed and served no answer.
4. Pursuant to the Court's *Procedural Order for the Adjudication of Water Rights Claims in the Rio del Oso & Rito Vallecitos in Section 1 of the Rio Chama Stream System* filed June 28, 2016 ("Procedural Order"), failure by a defendant to timely file and serve an answer is considered grounds for the entry of a default order.
(Procedural Order, Sec. II., C., 2.)
5. Defendant has failed to appear, answer, or otherwise defend in this cause, and is adjudged to be in default.

IT IS THEREFORE ORDERED that the right of the defendant

AGUSTIN & BERNARDITA VIGIL ESTATE
4801 Glenwood Hills Drive NE
Albuquerque, NM 87111

to divert and use the public water of the Rio Chama Stream System, Section 1: Rio del Oso & Rio Vallecito is as follows:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No: NONE

Priority: 1887

Source of Water: Surface water of the Rio del Oso, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: ACEQUIA DE LOS RECHUELOS

Location X: 1,608,390 feet Location Y: 1,836,374 feet

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

Location and Amount of Irrigated Acreage:

Within the Juan Jose Lobato Land Grant	4.7 acres
	<hr/>
Total	4.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.:
CHRO-005-0002

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

Consumptive Irrigation Requirement = 1.25

Farm Delivery Requirement = 3.13

Project Diversion Requirement = 5.22


Defendant has no surface water rights in the Rio Chama Stream System, Section 1:
Rio del Oso & Rio Vallecito other than those set forth in this order and those other orders entered
by this Court in this cause.

These water rights are subject to objection by any other water right owner with
standing in a later (*inter se*) phase of this adjudication suit when water right owners may object
between themselves to individual adjudication orders. The rights are also subject to the entry of
the final decree in this case.

IT IS FURTHER ORDERED that the defendant, his or her successors, representatives, heirs, and assigns are enjoined from any diversion or use of the public waters of the Rio Chama Stream System, Section 1: Rio del Oso 7 Rio Vallecito, except in strict accordance with the rights adjudicated in this order or any other order of the Court.

IT IS ALSO ORDERED that Plaintiff State of New Mexico *ex rel.* State Engineer's Motion for Default Judgment as to Agustin & Bernadita Vigil Estate, Subfile No. CHRO-005-0002, **Doc. 11610**, filed September 8, 2022, is **GRANTED**.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE

