

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

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

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutherford & Plaza Blanca,
Cañones Creek, Village of Chama

**PROOF OF PUBLICATION
OF NOTICE OF PENDENCY OF SUIT**

COMES NOW plaintiff State of New Mexico, *ex rel.* State Engineer, and hereby files proof of publication of the Notice of Pendency of Suit issued by the Clerk of this Court on September 22, 2008, for purpose of service by publication on the following unknown persons:

Heirs of Lucas Martinez CHTA-002-0003, CHTA-003-0001

Heirs of Carlota L. Martinez CHTA-002-0003, CHTA-003-0001

Heirs of Levi Martinez CHTA-002-0003, CHTA-003-0001

Attached as Exhibit A is the Affidavit of Publication signed by Robert Trapp, publisher of the Rio Grande Sun.

DATED: October 27, 2008

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer

P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of October, 2008 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, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Ken Martinez
Walter K. Martinez Law Office
P.O. Box 730
Grants, NM 87020

Frank A. Martinez
346 Forest Rd. 314
Jemez Springs, NM 87025

/s/ Ed Newville
EDWARD G. NEWVILLE

Affidavit of Publication

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO, STATE OF NEW MEXICO, EX REL. STATE ENGINEER PLAINTIFF, VS. ROMAN ARAGON, ET AL., DEFENDANTS, 69CV07941-BB RIO CHAMA STREAM SYSTEM SECTION 7: RITO DE TIERRA AMARILLA, RIO BRAZOS, RUTHERON & PLAZA BLANCA, CAÑONES CREEK, VILLAGE OF CHAMA. NOTICE OF PENDENCY OF SUIT

State of New Mexico
County of Rio Arriba

I, Robert Trapp, being first duly sworn, declare and say I am the publisher of the Rio Grande SUN, a weekly newspaper published in the English language and having a general circulation in the County of Rio Arriba, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1937. The publication, a copy of which is hereto attached, was published in said paper once each week for

isher's Bill

The following unknown persons:

Heirs of Lucas Martinez CHTA-002-0003, CHTA-003-0001

Heirs of Carlota L. Martinez CHTA-002-0003, CHTA-003-0001

Heirs of Levi Martinez CHTA-002-0003, CHTA-003-0001 GREETINGS.

Please take notice that there is pending in the United States District Court for the District of New Mexico an action against you, the general purpose of which is to adjudicate all claims to rights to use the waters of the Rito de Tierra Amarilla, Rio Brazos, Rutherford & Plaza Blanca, Cañones Creek, and Village of Chama subsections of the Rio Chama Stream System (Section 7). Unless you appear and defend in this matter on or before December 1, 2008, any right you may have to use the surface waters of the Rio Chama Stream System (Section 7) for irrigation purposes may be adjudicated by default judgement that conforms to the State Engineer's hydrographic surveys of the Rito de Tierra Amarilla, Rio Brazos, Rutherford & Plaza Blanca, Cañones Creek, and Village of Chama subsections of the Rio Chama Stream System, as amended. The waters that are the subject of the action are located in Rio Arriba County, New Mexico.

The name and address of the plaintiff's attorney is: Edward G. Newville Special Assistant Attorney General

Office of the State Engineer **ived at Rio Grande SUN**
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

WITNESS the hand seal of the United States District Court for the District of New Mexico this 22nd day of September, 2008.

MATTHEW J. DYKMAN DISTRICT COURT CLERK
By: /s/ Matthew J. Dykman (Published October 2, 9, 16, 23, 2008)

By: *Matthew J. Dykman*

is one time at 56.70
3 times at 145.80

Affidavit 5.00

Subtotal 207.50

Tax 16.08

Total 223.58

4 consecutive weeks and on the same day of each week in the regular issue of the paper during the time of publication and the notice was published in the newspaper proper, and not in any supplement. The first publication being on the

2 day of October 2008

and the last publication on the 23 day of

October 2008 payment for said advertisement has been duly made, or assessed as court costs. The undersigned has personal knowledge of the matters and things set forth in this affidavit.

Robert Trapp
Publisher

Subscribed and sworn to before me this 23 day of Oct A.D. 2008

Maria V Lopez Garcia
Maria V. Lopez-Garcia/Notary Public
My commission expires 13 July 2009