

IMPORTANT — READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM.

# Declaration of Owner of Underground Water Right

Declaration No. RG-44530 BASIN NAME Rio Grande Date received August 29, 1985

### STATEMENT

1. Name of Declarant Jose Carlos Ortiz  
Mailing Address Route 5, Box 220 AA  
County of Santa Fe, State of New Mexico 87501

2. Source of water supply shallow (artesian or shallow water aquifer)

3. Describe well location under one of the following subheadings:  
a. SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Sec. 12 Twp. 19N Rge. 8E N.M.P.M. in  
County. Upper Rio Grande Hydrographic Survey

b. Tract No. 16 of Map No. 19 of the Tesuque-Nambe-Pojoaque-San Ildefonso  
c. X = \_\_\_\_\_ feet. Y = \_\_\_\_\_ feet. N. M. Coordinate System \_\_\_\_\_ Zone \_\_\_\_\_  
in the \_\_\_\_\_ Grant.

On land owned by Estate of Elena Ortiz

4. Description of well: date dug prior to 1941 driller unknown depth \_\_\_\_\_ feet.  
open pit

outside diameter of casing \_\_\_\_\_ inches; original capacity \_\_\_\_\_ gal. per min.; present capacity \_\_\_\_\_

gal. per min.; pumping lift \_\_\_\_\_ feet; static water level \_\_\_\_\_ feet (above) (below) land surface;

make and type of pump \_\_\_\_\_

make, type, horsepower, etc., of power plant \_\_\_\_\_

Fractional or percentage interest claimed in well 100%

5. Quantity of water appropriated and beneficially used 3.0 (acre feet per acre) (acre feet per annum)  
for domestic and gardening purposes.

6. Acreage actually irrigated \_\_\_\_\_ acres, located and described as follows (describe only lands actually irrigated):

Subdivision	Sec.	Twp.	Range	Acre Irrigated	Owner

(Note: location of well and acreage actually irrigated must be shown on plat on reverse side.)

7. Water was first applied to beneficial use prior to 1941 and since that time  
month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_  
has been used fully and continuously on all of the above described lands or for the above described purposes except

as follows: The original family well may have been used for centuries, the house being around 250 years old. My mother, Juanita Ortiz, recalls the original open pit well in 1941 when she was married and moved onto adjacent property. Family tradition has it that the well

8. Additional statements or explanations was at least 100 years old at that time. The well was replaced by a professionally drilled well in 1956. See Judge Payne's Order re: Subfile 19.16, Acequia Barranco Blanco. See affidavit of Juanita Ortiz attached.

\_\_\_\_\_

I, Jose Carlos Ortiz, being first duly sworn upon my oath, depose and say that the above is a full and complete statement prepared in accordance with the instructions on the reverse side of this form and submitted in evidence of ownership of a valid underground water right, that I have carefully read each and all of the items contained therein and that the same are true to the best of my knowledge and belief.

Jose Carlos Ortiz, declarant.  
by: \_\_\_\_\_

Subscribed and sworn to before me this 1st day of April, A.D. 19 85

My commission expires 10-19-85 \_\_\_\_\_ Notary Public

UNDER NEW MEXICO LAW, A STATEMENT OF DECLARANT'S CLAIM, ACCEPTANCE FOR FILING DOES NOT CONSTITUTE AN ENDORSEMENT OR REJECTION OF THE CLAIM.

JUDICIAL DEPARTMENT, N.M. EX. 8E  
85AUG30 P 1:42

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

STATE OF NEW MEXICO, ex rel.,  
S. E. REYNOLDS, State Engineer,

Plaintiff,

v.

No. 6639 Civil M  
Subfile 19.16

R. LEE AAMODT, et al.,

Defendants,

and

UNITED STATES OF AMERICA,  
PUEBLO DE NAMBE,  
PUEBLO DE POJOAQUE,  
and PUEBLO DE TESUQUE,

Plaintiffs-in-  
Intervention.

05AUG30 P 1:42  
CLERK OF DISTRICT COURT  
DISTRICT OF NEW MEXICO

AFFIDAVIT OF JUANITA ORTIZ

STATE OF NEW MEXICO     )  
                                  )     ss.  
COUNTY OF SANTA FE     )

I, Juanita Ortiz, being duly sworn, depose and say as follows:

1. In 1941 I married Jose Hilario Ortiz.
2. In that year we moved into a little house located behind the house occupied, and later inherited, by Elena Ortiz, now deceased. The two houses are located in the SE 1/4 of the SE 1/4 of the NE 1/4 of Section 12, Township 19 North, Range 8 East, and near Tract 16, Map Sheet 19, as represented on the Upper Rio Grande Hydrographic Survey (Nambe-Pojoaque-Tesuque).
3. At that time (1941) the domestic needs of both houses were served by an open pit well.



PORTION OF MAP 19  
OF THE  
UPPER RIO GRANDE HYDROGRAPHIC  
SURVEY

4. I am informed and therefore believe and allege that this open well was replaced by a professionally drilled well in 1956. This 1956 well was adjudicated together with subfile 19.16 by Judge Payne's Court Order of March 14, 1969 with apparent disregard of the fact that the well was a replacement for an older well.

5. While my direct recollection of the original well only goes back to 1941, this old family well undoubtedly dates back considerably further, possibly centuries.

6. The old well was used continuously for domestic purposes at least from the time of my own recollection of it in 1941 until it was replaced.

FURTHER AFFIANT SAYETH NAUGHT.

Juanita Ortiz  
JUANITA ORTIZ

SUBSCRIBED AND SWORN TO before me this 1st day of April, 1985, by Juanita Ortiz.

[Signature]  
NOTARY PUBLIC

My Commission Expires:

10-19-85

35AUG30 P 1:42  
NOTARY PUBLIC  
MEXICO



**STATE OF NEW MEXICO**

**STATE ENGINEER OFFICE**

**ALBUQUERQUE**

September 17, 1985

S. E. REYNOLDS  
STATE ENGINEER

DISTRICT 1  
2340 MENAUL N.E. SUITE 206  
ALBUQUERQUE, N.M. 87107-1884  
PHONE: (505) ~~841-1983~~  
841-6335

FILE: RG-44530

Jose Carlos Ortiz  
Route 5, Box 220 AA  
Santa Fe, New Mexico 87501

Dear Sir:

Enclosed is your copy of the above numbered Declaration of Owner of Underground Water Right which has been accepted for filing.

Under New Mexico law a Declaration is only a statement of declarant's claim. Acceptance for filing does not constitute approval or rejection of the claim.

  
D. A. Esparza  
District I

DAE:rs  
cc: Santa Fe SEO ✓