

# Declaration of Owner of Underground Water Right

Rio Grande  
 BASIN NAME

Declaration No. RG-43443 Date received March 20, 1985

STATEMENT

1. Name of Declarant Maria C. Herrera  
 Mailing Address Route 5, Box 290  
 County of Santa Fe, State of New Mexico 87501

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

3. Describe well location under one of the following subheadings:  
 a. SE SE NW 9 of Sec. 9 Twp. 19N R. 8E N.M.P.M. in Survey  
 County. Upper Rio Grande Hydrographic  
 b. Tract No. 4 of Map No. 2 of the Nambe-Pojoaque-Tesuque  
 c. X = \_\_\_\_\_ feet. Y = \_\_\_\_\_ feet. N. M. Coordinate System \_\_\_\_\_  
 in the \_\_\_\_\_ Zone Grant.

On land owned by Maria C. Herrera

4. Description of well: date dug 1943 driller \_\_\_\_\_ depth \_\_\_\_\_ feet.  
 outside diameter of casing open pit inches; original capacity unknown 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	Acres 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 1943 month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_ and since that time has been used fully and continuously on all of the above described lands or for the above described purposes except as follows: This well was hand dug by Bernardino Herrera in 1943 and has been used continuously for domestic and gardening purposes from that time to the present.

8. Additional statements or explanations The purpose of this declaration is to correct an error on the Court Order re: Subfile 2.4 (Acequia de los Indios) in which a priority date of 1954 was assigned to this well though it was constructed in fact in 1943. See affidavit of Bernardino Herrera attached.

I, Maria C. Herrera 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.

Maria C. Herrera declarant.

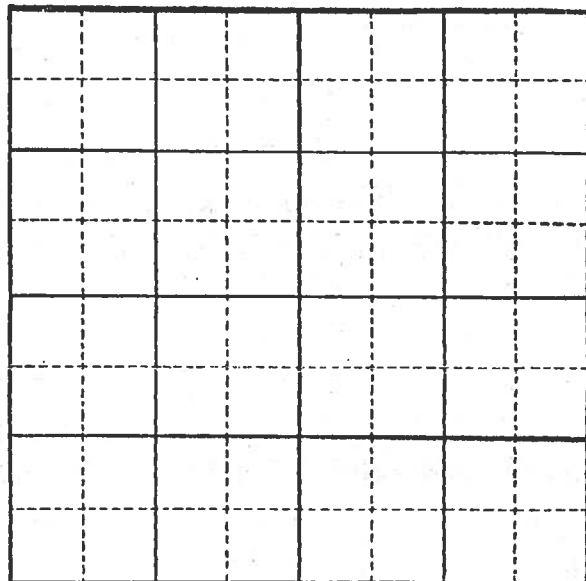
Subscribed and sworn to before me this 17<sup>th</sup> day of March, A.D. 1985  
 My commission expires 11-11-85  
Marcel Mier Notary Public

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UNDER NEW MEXICO WATER RIGHTS ACT, THIS DECLARATION IS ACCEPTANCE FOR FILING INTO THE COURTS OF RECORD OF THE STATE.

Locate well and areas actually irrigated as accurately as possible on following plat:

Section (s) \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, N. M. P. M.



**INSTRUCTIONS**

Declaration shall be executed (preferably typewritten) in triplicate and must be accompanied by a \$1.00 filing fee. Each of triplicate copies must be properly signed and attested.

A separate declaration must be filed for each well in use.

All blanks shall be filled out fully. Required information which cannot be sworn to by declarant shall be supplied by affidavit of person or persons familiar with the facts and shall be submitted herewith.

Secs. 1-3. Complete all blanks.

Sec. 4. Fill out all blanks applicable as fully as possible.

Sec. 5. Irrigation use shall be stated in acre feet of water per acre per year applied on the land. If used for domestic, municipal, or other purposes, state total quantity in acre feet used annually.

Sec. 6. Describe only the acreage actually irrigated. When necessary to clearly define irrigated acreages, describe to nearest 2½ acre subdivision. If located on unsurveyed lands, describe by legal subdivision "as projected" from the nearest government survey corners, or describe by metes and bounds and tie survey to some permanent, easily-located natural object.

Sec. 7. Explain and give dates as nearly as possible of any years when all or part of acreage claimed was not irrigated.

Sec. 8. If well irrigates or supplies supplemental water to any other land than that described above, or if land is also irrigated from any other source, explain under this section. Give any other data necessary to fully describe water right.

If additional space is necessary, use a separate sheet or sheets and attach securely hereto.

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.

R. LEE AAMODT, et al.,

Defendants,

and

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

Plaintiffs-in-  
Intervention.

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

AFFIDAVIT OF BERNARDINO HERRERA

Bernardino Herrera, being first duly sworn upon his oath,  
deposes and states as follows:

1. He is 84 years of age.
2. In 1943 he dug a well by hand which was immediately put to use for domestic purposes and has been used as such ever since.
3. Said well is located in the SE 1/4 of the SE 1/4 of the NW 1/4 of Section 9, Township 19 North, Range 8 East, south of tract 4 of Map Sheet 2 as shown on the Upper Rio Grande Hydrographic Survey of Nambe-Pojoaque-Tesuque, and within the San Idelfonso Grant.

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4. On the court order of March 14, 1969 respecting subfile 2.4 said well is mistakenly assigned 1954 as the priority date. This was the year in which an irrigation well was constructed. Said irrigation well is regarded on the Court Order as a point of diversion from the Acequia de los Indios. The date of the irrigation well was, by mistake, assigned to the domestic well, which by 1954 had already been in existence for eleven years.

5. While the irrigation well, together with irrigated tract 2.4, is still owned by Affiant, the domestic well and the house it serves is presently owned by Affiant's sister, Maria C. Herrera. FURTHER AFFIANT SAYETH NAUGHT.

*Bernardino Herrera*  
BERNARDINO HERRERA

SUBSCRIBED AND SWORN TO before me this 14th day of March, 1985, by BERNARDINO HERRERA.

*Marcia M...*  
NOTARY PUBLIC

My Commission Expires:  
11-11-85

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