

FILED *HR*  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Jessica Trujillo and Jake Scarbrough  
241 County Rd 84  
Santa Fe, NM 87506  
3/24/2017

2017 MAR 24 PM 1:53

CLERK-SANTA FE

Santa Fe Federal Court  
Clerk of the Court

CV 66-6639-WJ/WPL

To the Court,

I, Jessica A. Trujillo, filed an objection (Docket No 11303) in regards to No. Civ. 66cv6639 WJ/WPL, Final Inter Se Proceedings, on January 25, 2017. The objection was based on the issue that the adjudication documents 11186-11 and 11186-9 listed Curtis Novak in regards to subfile PM-41219 (Domestic GroundwaterWell RG-41219) instead of myself. I am listed as the owner in the OSE NMWRRS database. See Exhibit A.

As outlined in document 11418 (309/2017), we met with the Office of the State Engineer and obtained a better understanding of the situation. We were affirmed that we did indeed own the water right in question, but that the 2001 adjudication was under the previous owner, Curtis Novak, which is why his name was on the current adjudication paperwork. Therefore we do not object to the water right; however we would like to submit a Rule 25 Substitution.

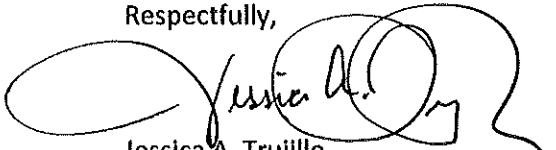
Pursuant to Rule 25(c) of the Federal Rules of Civil Procedure, I, Jessica A. Trujillo (along with my husband, Jake Scarbrough), would respectfully request to move the Court for an order substituting party defendants on the following grounds:

1. Curtis E. Novak was the previous owner of a tract of land located at 241 County Rd. 84, Santa Fe, NM 87506. Along with this property, Mr. Novak owned the water rights described in Subfile PM-41219, for domestic groundwater well (RG-41219), which was adjudicated February 2, 2001.
2. I, Jessica A. Trujillo, have since recorded a deed and filed a change of ownership of water rights application with the New Mexico Office of the State Engineer that transferred the above-described land and water rights to myself on February 27<sup>th</sup>, 2004. The Change of Ownership form submitted for approval to the State Engineer, along with Deed, is attached hereto as Exhibit B.
3. Substitution of Jessica A. Trujillo (and husband, Jake Scarbrough) as defendants in this matter is authorized under Rule 25(c) of the Federal Rules of Civil Procedure and will accurately show the current ownership of the water rights under State Engineer subfile PM-41219 (for well RG-41219).
4. We have spoken with Curtis Novak on this issue, and he was surprised to hear that his name was still showing up on court proceedings. He supports this substitution and can be contacted directly at the following phone number, 760-820-4434. He currently lives in CA.

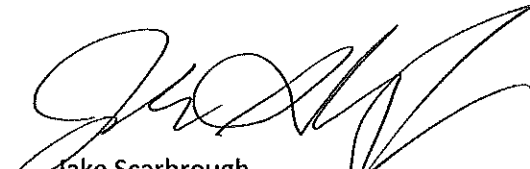
WHEREFORE, Jessica A. Trujillo and Jake Scarbrough respectfully request that they be substituted as parties defendant for Curtis Novak in these legal processions and future processions regarding these water rights.

Please contact Jessica Trujillo 505-699-5787 or Jake Scarbrough 505-363-5159 directly regarding any questions or concerns.

Respectfully,



Jessica A. Trujillo



Jake Scarbrough

Exhibit A

**Ownership in OSE Database**

See following 2 pages.

Mozilla Firefox

nmwrrs.ose.state.nm.us/nmwrrs/ReportProxy?queryData=(\*report%3A'waterRightSummary'%2C%0A'WRFileDiv'%3A\*



## New Mexico Office of the State Engineer Water Right Summary



**WR File Number:** RG 41219      **Subbasin:** NPT      **Cross Reference:** -  
**Primary Purpose:** DOM 72-12-1 DOMESTIC ONE HOUSEHOLD  
**Primary Status:** ADJ ADJUDICATED  
**Total Acres:** 0      **Subfile:** -  
**Total Diversion:** 0.7      **Cause/Case:** -  
**Owner:** JESSICA A. TRUJILLO

**Documents on File**

Trn #	Doc	File/Act	Status		Transaction Desc.	From/ To	Acres	Diversion	Consumptive
			1	2					
<a href="#">298069</a>	<a href="#">COWNF</a>	<a href="#">2004-02-27</a>	CHG	PRC	RG 41219 COWR	T		0.7	
<a href="#">323888</a>	<a href="#">ORDER</a>	<a href="#">2001-02-02</a>	ADJ	PRC	RG 41219	T	0	0.7	
<a href="#">161630</a>	<a href="#">COWNF</a>	<a href="#">1999-03-16</a>	CHG	PRC	RG 41219	T		3	
<a href="#">145189</a>	<a href="#">COWNF</a>	<a href="#">1997-10-03</a>	CHG	PRC	RG 41219	T		3	
<a href="#">339887</a>	<a href="#">72121</a>	<a href="#">1984-02-08</a>	PMT	LOG	RG 41219	T		3	

**Current Points of Diversion**

POD Number	Source	Q		X		Y		Other Location Desc	
		64	Q16	Q4Sec	Tws	Rng			
<a href="#">RG 41219</a>	Shallow	2	3	4	11	19N 08E	404312	3971987	NPT

**Priority Summary**

Priority	Status	Acres	Diversion	Pod Number	Shallow
02-02/1984	ADJ	0	0.7	<a href="#">RG 41219</a>	

**Place of Use**

Q	Q	Acres	Diversion	CU	Use	Priority	Status	Other Location Desc
256	64	0	0.7		DOM		ADJ	NO PLACE OF USE GIVEN

**Source**

Acres	Diversion	CU	Use	Priority	Source Description
0	0.7		DOM		GW

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.

2/7/17 12:53 PM

WATER RIGHT  
SUMMARY

Water Rights Database Lo... X New Mexico Office of the Stat... X http://nmwrrs...trn\_nbr=298069 X +

nmwrrs.ose.state.nm.us/nmwrrs/ReportDispatcher?type=TRANSHHTML&name=TransactionSummaryHTML.jrxml&basir



## New Mexico Office of the State Engineer Transaction Summary

### COWNF Change of Ownership Full

**Transaction Number:** 298069      **Transaction Desc:** RG 41219 COWR      **File Date:** 02/27/2004

**Primary Status:** CHG Change of Ownership

**Secondary Status:** PRC Processed

**Person Assigned:** \*\*\*\*\*

**Applicant:** JESSICA A. TRUJILLO

#### Events

Date	Type	Description	Comment	Processed By
02/27/2004	APP	Application Received	*	*****
02/27/2004	CHG	Change of ownership Full		*****
08/02/2005	QAT	Quality Assurance Completed	IMAGE QC COWNF	*****
09/08/2005	ARV	Rec & Arch - file location	RG 41219 Box: 1143	*****

#### Water Right Information

WR File Nbr	Acres	Diversion	Consumptive	Purpose of Use
RG 41219		0.7		DOM 72-12-1 DOMESTIC ONE HOUSEHOLD

The data is furnished by the NM/OSE/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.

2/7/17 12:56 PM

TRANSACTION  
SUMMARY

Exhibit B

**Change of Ownership Request and Deed**

See following 5 Pages

File Number: \_\_\_\_\_

NEW MEXICO OFFICE OF THE STATE ENGINEER  
CHANGE OF OWNERSHIP OF WATER RIGHT

1. OWNER OF RECORD

Name: Curtis Novak  
Contact: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Address: Rt 5 Box 2440 Home Phone: \_\_\_\_\_  
City: Santa Fe State: NM zip: 87506

NEW OWNER

Name: Jessica A. Trujillo  
Contact: \_\_\_\_\_ Work Phone: 505-665-7022  
Address: 241 County Rd 84 Home Phone: 505-455-3146  
City: Santa Fe State: NM zip: 87506

2. AMOUNT CONVEYED

State Engineer File Number: RG - 41219  
Subfile Number \_\_\_\_\_ of Cause Number \_\_\_\_\_  
Owner of record has conveyed 111 of said right.  
(all or part)  
Diversion Amount: 3.0 acre-feet per annum  
Consumptive Use: \_\_\_\_\_ acre-feet per annum  
Other: \_\_\_\_\_ (units)

2004 FEB 27 AM 10:44  
STATE OF NEW MEXICO  
OFFICE OF THE STATE ENGINEER

3. PURPOSE OF USE

Domestic:  Livestock:  Irrigation:  Municipal:  Industrial:   
Commercial:  Other (specify): \_\_\_\_\_  
Specific use: \_\_\_\_\_

4. PLACE OF USE

\_\_\_\_\_ acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Priority
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

File Number: \_\_\_\_\_  
Form: wr-02

Trn Number: \_\_\_\_\_  
page 1 of 4

File Number: \_\_\_\_\_

NEW MEXICO OFFICE OF THE STATE ENGINEER  
CHANGE OF OWNERSHIP OF WATER RIGHT

5. WELLS TO ACCOMPANY CONVEYED RIGHT

Well File No.	Subdivision	Section	Township	Range
RC-41219	NE 1/4 SW 1/4 SE 1/4	11	19N	8E
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

(I, We) the above owner(s) of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right; (To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

\_\_\_\_\_  
(Signature) (Signature)

7. ADDITIONAL STATEMENTS OR EXPLANATIONS:

Santa Fe County  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

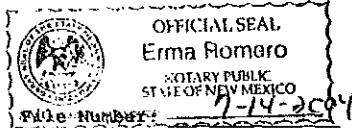
ACKNOWLEDGEMENT FOR NATURAL PERSONS

(I, We) Jessica A. Trujillo affirm that the  
(Please Print)  
foregoing statements are true to the best of (my, our) knowledge and belief.  
Jessica A. Trujillo Applicant Signature  
\_\_\_\_\_  
Applicant Signature

NOTARY

This instrument was acknowledged before me this 27 day of February,  
A.D. 2004, by Jessica A. Trujillo,  
Name of Applicant(s) Name of Applicant(s)

My commission expires 7-14-2004 Erma Romero  
Notary Public



Form: wr-02

Trn Number: \_\_\_\_\_  
page 2 of 4



File No. F253389 MB

### WARRANTY DEED

2655157

Curtis E. Novak and Laura J. Novak, husband and wife

for consideration paid, grant to

Jessica A. Trujillo, a single woman

whose address is 241 County Road 84., Santa Fe, NM 87506

the following described real estate in Santa Fe County, New Mexico:

Tract 2, as shown on plat entitled "Plat of Survey for Richard F. and Donna Roybal, Portion of Exc. 23, PC 61, within the Pojoaque Pueblo Grant in Section 11, T 19 N, R 8 E, NMPM...", filed in the Office of the County Clerk, Santa Fe County, New Mexico on January 2, 1990, recorded in Plat Book 218, page 022, as Document No. 725,888.



1289.896  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO } SS  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON THE 16 DAY OF SEPTEMBER, A.D.  
2003 AT 1:56 O'CLOCK PM  
AND WAS DULY RECORDED IN BOOK 2655  
PAGE 157 OF THE RECORDS OF  
SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE  
REBECCA BUSTAMANTE  
COUNTY CLERK, SANTA FE COUNTY, N.M.  
*Rebecca Bustamante*  
DEPUTY

Subject to: Reservations, restrictions and easements of record and taxes for the year 2000 and thereafter.  
with warranty covenants.

Witness my hand this 11th day of September, 2003.

*Curtis E. Novak*  
Curtis E. Novak

*Laura J. Novak*  
Laura J. Novak

#### ACKNOWLEDGMENT FOR NATURAL PERSONS:

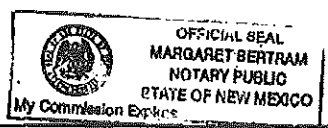
State of New Mexico )  
 ) SS.  
County of Santa Fe )

This instrument was acknowledged before me on the 11th day of September, 2003, by Curtis E. Novak and Laura J. Novak, husband and wife.

My commission expires: 11-1-05

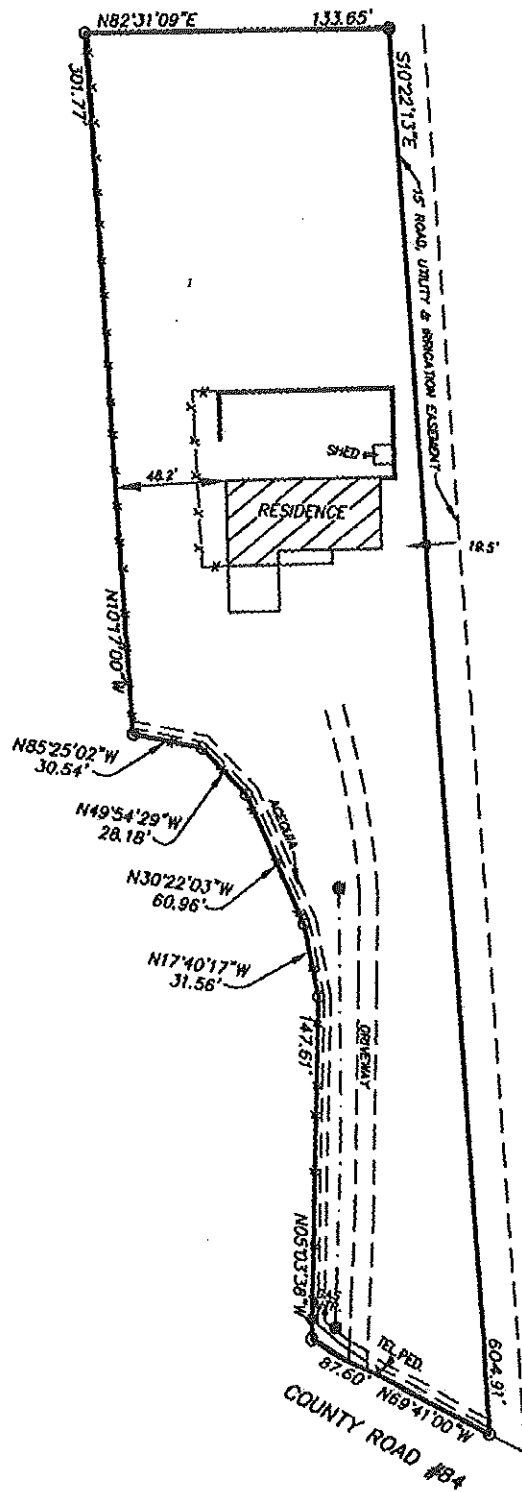
*Margaret Bertram*  
Notary Public

(Seal)



33

EXHIBIT "A"



Scale: 1" = 60'

- Legend**
- Points found.
  - Power poles.
  - Fences.
  - Walls.
  - Concrete.
  - Utility boxes

John R. D Antonio, Jr., P.E.  
State Engineer



Santa Fe Office  
PO BOX 25102  
SANTA FE, NM 87504-5102

**STATE OF NEW MEXICO  
STATE ENGINEER OFFICE**

Trn Nbr: 298069  
File Nbr: RG 41219

Feb. 27, 2004

JESSICA A. TRUJILLO  
241 COUNTY RD 84  
SANTA FE, NM 87506

Greetings:

Enclosed is one original copy of a Change of Ownership of a Water Right submitted to this office for filing. This Change of Ownership is accepted for filing in accordance with Section 72-1-2.1, NMSA 1978 (1996 Supp.), effective May 15, 1996. The acceptance by the State Engineer Office does not constitute validation of the right claimed.

According to Section 72-1-2.1, NMSA 1978 (1996 Supp.), you must record this Change of Ownership with the clerk of the county in which the water is located. The filing shall be public notice of the existence and contents of the instruments so recorded.

The Conditions of Approval of your permit require that your well(s) be metered and that meter readings be submitted to this office in writing.

A form(s) have been enclosed for your convenience for submittal of meter readings. Please make copies of this form(s) for your use. If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent F. Chavez".

Vincent F. Chavez  
(505) 827-6120

Enclosure  
cc: Albuquerque Office

ntrown\_req