


FILED 
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

10 DEC 13 AM 9:51

CLERK-SANTA FE

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, on the relation
The State Engineer,

Plaintiff,

v.

Case No. 69cv-07941-BB

Rio Chama Stream System

Section 1 (mainstream)

ROMAN ARAGON, et al,

Defendants.

Motion to deny States motion to extend.

Comes now this Caballero (david ortiz), descendant of the 1598 Conquering Caballero's, pro se, Commissioner and Parciente of Don Juan de Onate's Acequia today known as the Acequia de Chamita, in the township of Chamita, formerly known as San Gabriel or San Juan y de Los Caballeros to question the States motion for an extension of time.

The State was given 21 days to show cause "why" the owners of water rights associated with certain sub-files under Chamita and Hernandez should NOT be served with orders to show cause regarding priority dates for their water rights. We all know the State does not want to go back 14 years, no matter all the errors and omissions made by the Court, Plaintiff, Lawyers and Acequia Commissioners.

What does it matter who they are? The State does not want to serve them no matter who they are. The Courts order to the State was not to identify the sub-files, but to show why they should not be allowed their day in court and what do they want, August 11, 1598 or 1600.

Your honor if the Court needs to identify these 2 Chamita sub-files as listed in Doc.9983, I can do it within 4 days after you request me to do it. I know who they are and I know where they live. The two (2) from Chamita are identified in Doc.9987. Out of the 86 parcientes listed in that document, probably 80 were not aware of the 1996 trial until I informed them. And I don't think any of them saw all the evidence and exhibits submitted to the Court by the Lawyer.

The Plaintiff's Lawyer called me (david ortiz) via telephone on Dec.6, 2010, approximately 4 PM, requesting a meeting, certain documents and a deposition as stated on the attached document

(not filed in court), received by slow mail on 12/8/2010. He asked if I was represented by counsel. I said no. The only counsel I would allow to represent me is either David Benavides or Ted Trujillo. Is the deposition just to determine the ownership of a certain sub-file? Why just me? Why not the other listed sub-files?

The Plaintiff states, "You are to bring the following documents and other materials in your possession for inspection and copying. I could just give them to the Court or State, which I will do since on Wednesday I have had to schedule a trip to Colorado to take a load of calves for the Thursday calf sale. I will call the plaintiff Lawyer to advise him.

Ask now if you had these water rights on the Acequia de Chamita, would you take 1600 with 2 other Acequias or stand first with August 11, 1598, the establishment date? And if you were in Hernandez you would immediately accept 1600, wouldn't you?

If Special Master Gabin had requested these in Doc.9983, she would have them already. Ask and you shall receive, seek and you shall find, knock and it shall be opened to you.

Case: 6:69-cv-07941-BB

Respectfully Submitted by Defendant David Ortiz,



David Ortiz

(Signature of Defendant)

David Ortiz, Commissioner/Treasurer

DAVID ORTIZ

(Printed name of Defendant)

P.O. Box 1082

(Street address or P.O. Box)

SAN JUAN PEBLO, NM

(City, State and Zip Code) 87566

Tract 17

Map 22

Subfile 267

June 23, 1976

File: 01835
Subfile 267

Mr. David Ortiz
P. O. Box 1082
San Juan Pueblo, New Mexico 87556

Dear Mr. Ortiz:

Enclosed is your copy of Change of Ownership of Water Right
for the above numbered file. Our records have been changed
accordingly.

Very truly yours,

S. E. Reynolds
State Engineer

JKC:fr

By:
J. K. Cousins
Engineer
Water Rights Division

SF - 2 SHORT WARRANTY DEED (Joint Tenants) - Rev. 7-75 - New Mexico Statutory Form

WARRANTY DEED (Joint Tenants)

JUN 17 PM 4:19

ALFREDO M. SALAZAR and ANTONIA M. SALAZAR, husband and wife

STATE ENGINEER OFFICE
SANTA FE, N.M.

to DAVID ORTIZ

whose address is 609 Franklin, Santa Fe, New Mexico 87501

and CECILIA ORTIZ

609 Franklin, Santa Fe, New Mexico 87501

whose address is

as joint tenants the following described real estate in Rio Arriba County, New Mexico:

A certain tract or parcels of land, lying and being situate within and being a portion of Exception 1, Private Claim 247, P. 1 San Juan Pueblo Grant, Sections Nine (9) and Sixteen (16), Township Twenty-one (21) North of Range Eight (8) East of the New Mexico Principal Meridian, New Mexico, vicinity of Chamita, being more particularly bounded and described as follows:

Beginning at a point, U.S.G.L.O. Brass Marker, marked A.P. #4 of Exc. 1, P.C. 247, P.1, San Juan Pueblo Grant, Sec. 16, Twp. 21 N., R. 8 E., N.M.P.M., thence N. 48° 13' W., 200.0 feet; thence N. 19° 42' E., 3711.3 feet; thence S. 83° 28' E., 9.5 feet; thence N. 21° 08' E., 85.00 feet; thence S. 72° 56' E., 78.17 feet; thence N. 20° 26' E., 125.85 feet; thence S. 76° 25' E., 97.20 feet; thence S. 19° 44' W., 4013.6 feet to the point and place of beginning, containing 16.71 acres, more or less.

According to the Plat of Survey entitled "SURVEY REQUESTED BY ALFREDO M. SALAZAR" as prepared by J. C. Lujan, New Mexico Professional Engineer and Land Surveyor, License No. 3522 from notes taken in the field during December, 1975 and as the same was filed for record December 18, 1975 and recorded in Book 121-A, page 584, records of Rio Arriba County, New Mexico.

with warranty covenants.

WITNESS OUR hands and seal, S this 30th day of January, 1976

Alfredo M. Salazar

(Seal)

Antonia M. Salazar

(Seal)

(Seal)

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF Rio Arriba

The foregoing instrument was acknowledged before me this 30th day of January, 1976 by Alfredo M. Salazar and Antonia M. Salazar, husband and wife

My commission expires: 18 January 1978

Notary Public

FOR RECORDER'S USE ONLY
FILED IN THE COUNTY
COUNTY CLERK
JOE A. BRANCH
County Clerk, Rio Arriba County, N.M.
By Deputy

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF
The foregoing instrument was acknowledged before me this day of 19 by of (Name of Officer) of (Title of Officer) (Name of Corporation Acknowledging) corporation, on behalf of said corporation.
My commission expires: Notary Public

