

Case: 6:69-cv-07941-BB

JR.
1 of 5

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

10 AUG 17 AM 8:46

STATE OF NEW MEXICO, on the relation of)
The State Engineer,)
)
Plaintiff,)
)
v.)
)
ROMAN ARAGON, et al.,)
)
Defendants.)

No. 69-cv-07941-BB
CLERK-SANTA FE
Rio Chama Stream
System
Section I (mainstream)

MEMORANDUM:

INFORMATION ON PARCIENTE *PRO SE* PARTY OF THE ACEQUIA DE CHAMITA TINA
GARCIA (AUGUSTINA CANDELARIA GARCIA) - DOCS. 9589 AND 9583, FILED 2/16/2010
AND DOC. 9657, FILED 3/31/2010

1. Tina Garcia (Augustina Candelaria Garcia) filed a timely objection to the Special Master's Report (Doc. 9546, filed 12/16/2009) and the Amended Objections to the Assignment of a 1600 Priority Date to Concerned Water Rights of the Parcientes of the Acequia De Chamita, (Doc. 9657, Filed 3/31/2010)
2. Tina Garcia (Augustina Candelaria Garcia) is at this time a Parciente and current *pro se* defendant (Docs. 9589, 9583, 9657).
3. Tina Garcia (Augustina Candelaria Garcia) as a current Parciente on the Acequia De Chamita (File 242 & 291, Map 20, Tract 16) has a strong interests in having this Honorable Court consider the cumulative evidence provided for a change in the Special Master's Report assignment of a 1600 priority date to the adoption of the right and proper assignment of an August 11, 1598 priority date for the Acequia De Chamita only (Doc. 9657, Filed 3/31/2010; Doc. 9717, Filed 5/14/2010; Doc. 9907, Filed 6/11/2010; Doc. 9907, Filed 6/11/2010; Doc. 9909, Filed 6/23/2010). The priority date for the Acequia De Chamita should reflect its establishment date – August 11, 1598.

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Comes now Tina Garcia (Augustina Candelaria Garcia) as a Heritage Successor-In- Interest to show that as a Parciente who now draws water to irrigate lands off of the Acequia De Chamita, so did her Primos Pobladores forebearers work that Acequia at San Gabriel in 1598 (Doc. 9717, 5/14/10, at 62 footnote, postscript and conclusion at 59).

Tina Garcia (Augustina Candelaria Garcia): Doc. 9589, 9583, 9657)
Heritage Successor-In-Interest

**Genealogical Evidence¹ and
 San Gabriel Settlement and Familial History**

Tina Garcia (Augustina Candelaria Garcia) – Born February 2, 1929 in Chamita, New Mexico
 Maria Antonia Salazar – Born ca 1906 in Chamita, NM married to José Servando Garcia Dec 7, 1924 in Chamita, San Juan Parish, NM.
 José Agustín Salazar – Born Sep 20, 1872 in San Pedro de Chamita, NM married to Maria Guadalupe Montoya Nov 29, 1900 in San Pedro de Chamita, NM
 Maria Andrea Cordova – Born Nov 29, 1837 in San Pedro de Chamita, NM married to Juan Pedro Ygnacio Salazar ca 1856 in Chamita, NM
 José Antonio Enriquez Cordova – Born ca 1812 in San José de Chama, NM married to Maria Petrona Espinosa ca 1835 in Chamita, NM
 Maria Juana Josefa Mestas – Born Jun 24, 1787 in San José de Chama, NM married to Juan de Jesús Cordova ca 1803 in Chama, NM
 Juan Asencio Mestas – Born May 20, 1757 in Santa Cruz Parish, NM married to Maria Rosa Luero in San José de Chama, Santa Clara Parish, NM
 Juana Josefa Archuleta – Born ca 1725 in New Mexico married to Cristóbal Mestas Jun 3, 1745 in Santa Cruz Parish, NM
 Asencio Archuleta – Born ca 1700 in New Mexico married to Getrudis Lugarda Quintana ca 1721 in New Mexico
 Alferez Juan Andres Archuleta – Born ca 1675 in New Mexico married to Maria Josefa Martin Serrano de Salazar ca 1699 in New Mexico
 Juan Antonio Archuleta – Born ca 1646 in New Mexico married to Ysabel Gonzalez ca 1665 in New Mexico
 Juan II de Archuleta – Born ca 1625 in New Mexico married to Maria Lujan ca 1642 in New Mexico
 Juan I de Archuleta – Born ca 1601 in San Gabriel de Yunque, NM married to Maria (unknown) ca 1620 in New Mexico

***Asencio de Arechuleta** – Born ca 1572 in Eibar, Guipuzcoa, Spain married to Ana Perez del Bustillo ca 1600 in San Gabriel Yunque, NM

***Asencio de Arechuleta** is one of the first settlers that came with Onate in 1598, (Hammond and Rey, Onate Colonizer of New Mexico 1595-1628, The University of New Mexico Press, 1953, Salazar Inspections, pgs. 269 & 293); Ana Perez del Bustillo (wife of Asencio de Arechuleta) came on the original Onate expedition in 1598 with her parents Juan Perez del Bustillo & Maria de la Cruz along with her brothers and sisters (Fray Angelico Chavez, Origins of New Mexico Families, 1975 edition, pg. 6 and 87; Juan Perez del Bustillo is also mentioned in Hammond and Rey, Onate, pgs. 259 and 291).

Asencio de Arechuleta's in-laws: While the 1598 Acoma uprising occurred, Arechuleta's in-laws with 67 (approx.) others guarded San Gabriel.^{2,3,4} (Gaspar Perez de Villagra, Historia de la Nueva Mexico, 1610, pg. 241, v-220 & 225; Hammond and Rey, Onate, pg. 461). "The town did not consist of nor possess more than one plaza, well squared off, with only four entries..." (Villagra, pg. 241, v-230). The Governor ordered and assigned 40 of his men to guard the four entries and his house. He named each man his assigned plaza corner post. Asencio's father-in-law was assigned to guard one of the corner posts with six others (ibid, pg. 240, v-240). Three Bustillo females out of 27 females led by Dona Euphemia (wife of Captain Francisco de Sosa Penalosa) guarded the rooftops and high terraces with "discharging flying balls into the air" (ibid, pg. 242, v-265 to 310).⁵

¹ Genealogical Research by: Thomas D. Martinez, TDMResearch, tom.martinez@mindspring.com, 916-801-9319

² Stanley Hordes' (Historian) book, *To the End of the Earth*, published 2005 writes about San Gabriel and the entrada in 1598, "The party continued up the Rio Grande, crossing the dreaded *jornada del muerto* (journey of the dead man), reconnecting with the river just south of Socorro, and continuing up stream until they reached the confluence of the Rio Grande and Rio Chama. Onate established his capital in this location, called San Gabriel del Yunque, just across the Rio Grande from the pueblo of San Juan" pg. 117.

³ Hammond and Rey (eds), Onate, Colonizer of New Mexico, Vol. V, part 1, 1953. This book provides a document from San Gabriel in 1601 that an interview was conducted regarding conditions there (Hammond & Rey, 1953, pg. 672). Several people were interviewed one of them was Captain Alonso Sanchez, Contador and an official of the real hacienda in these provinces. It states that Captain Sanchez joined Onate early on in 1595 and took part in Onates 1598 entrada to New Mexico (Hammond and Rey, Onate, 1953, pg. 683). Captain Sanchez said in this interview that he "... marched with the main body of the royal army and reached this pueblo and camp of San Gabriel, having traveled two hundred and sixty leagues at the pace of the numerous carts which he brought" (Hammond and Rey, Onate, 1953, pg. 694).

⁴ Document Nos. 9657, filed 3/31/2010 and 9717, filed 5/14/2010, Exhibit A at 9 and Exhibit G at 672 & 678 state in describing San Gabriel location, "Juan de Torquemada, in his 1612 Monarquia Indiana... cites Onate's settlement at San Gabriel as located between to banks of two rivers, one having less water than the other. The smaller one [Rio Chama] irrigates all the planting of wheat, and barley and corn, and all the other items that are cultivated in gardens..."

⁵ Historical references, Pat Rundstrom, Researcher

Tina Garcia (Augustina Candelaria Garcia): Doc. 9589, 9583, 9657)
Heritage Successor-In-Interest

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 Asencio Archuleta – Born ca 1700 in New Mexico married to Gertrudis Lugarda Quintana ca 1721 in New Mexico
 Maria Josefa Martín Serrano de Salazar – Born ca 1678 in New Mexico married to Alférez Juan Andrés Archuleta ca 1699 in New Mexico
 Pedro Martín Serrano de Salazar – Born ca 1635 in New Mexico married to Juana Apolonia Arguello ca 1657 in New Mexico
 Luis Martín Serrano – Born ca 1592 in Zacatecas, New Spain married to Catalina de Salazar ca 1629 in New Mexico

***Sargento Hernan Martín Serrano** – Born ca 1558 in Zacatecas, New Spain married to Juana Rodríguez ca 1577 in Zacatecas, New Spain

***Sargento Hernan Martín Serrano** is one of the first settlers that came with Onate in 1598, (Hammond and Rey, Onate Colonizer of New Mexico 1595-1628. The University of New Mexico Press, 1953. Salazar Inspection, pgs. 237-238 & 291).

Hernan Martín Serrano and several other men participated in an interview at San Gabriel on Oct 1601 regarding conditions at San Gabriel. A report of its findings was to be delivered to the Viceroy. On question 14, "...if he knows that in the 3 years we have been here [1601 – 3 years= 1598] we have planted wheat and vegetables and that both the planting and harvest have increased". Serrano replies, "... that ever since we came here, planting and harvesting are on the increase, and he believes that it will always be so in the future" (Hammond and Rey, Onate, pgs. 704, 725 and 726).

Hernan Martín Serrano came to San Gabriel to acquire property to settle and to farm/ranch. In the 1598 Salazar Inspection (the inspection before the entrada into New Mexico), Serrano declared items that would achieve his settlement goals; 15 horses, 2 mules, 20 mares, 6 colts, 22 tame cows, 2 carts, 26 oxen, horseshoes and nails, 7 augers of different sizes, 12 cutting axes, 3 adzes, 2 chisels, grindstone, and a hoe. (Hammond and Rey, Onate, pg. 237-238).²

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² Historical references, Pat Rundstrom, Researcher.

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Respectfully submitted by defendant **Tina Garcia**
(Augustina Candelaria **Garcia**),

Tina Garcia
(Signature of Defendant)
Tina Garcia

TINA Garcia
(Printed name of Defendant)

BOY 1304 San Juan Pueblo M
(Street address or P.O. Box)

(Chamila), Wmey 87566
(City, State and Zip Code)