

I, Robert Trapp, being first duly sworn, declare and say I am the Publisher of the **Rio Grande SUN**, a weekly newspaper published in the English language and having a general circulation in the County of Rio Arriba, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1937. The publication, a copy of which is hereto attached, was published in said paper once each week for 4 consecutive weeks and on the same day of each week in the regular issue of the paper during the time of publication and the notice was published in the newspaper proper, and not in any supplement. The first publication being on the

**Publisher's Bill**

07 day of July, 2011

631 lines one time at 441.70

and the last publication on the 28 day of

July, 2011. Payment for said advertisement has been duly made, or assessed as court costs. The undersigned has personal knowledge of the matters and things set forth in this affidavit.

631 lines 3 times at 1,135.80

Affidavit 5.00

Robert Trapp Publisher

Subtotal 1582.50

Tax 128.58

Subscribed and sworn to before me this 28<sup>th</sup> day of July A.D. 2011

Total 1,711.08

Payment received at **Rio Grande SUN**

Date 06-20-11

María V. López García  
María V. López García /Notary Public  
My commission expires 13 July 2013

By LV

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO STATE OF NEW MEXICO, EX REL. STATE ENGINEER PLAINTIFF,

69CV07941-BB VS. RIO CHAMA STREAM SYSTEM ROMAN ARAGON, ET AL., SECTION 7, RIO BRAZOS DEFENDANTS.

NOTICE AND ORDER TO SHOW CAUSE

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE THE SURFACE OR UNDERGROUND WATERS OF THE RIO BRAZOS SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM AND TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO USE SURFACE WATER FOR IRRIGATION PURPOSES IN THE RIO BRAZOS SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM AND WHOSE NAMES APPEAR BELOW:

PARKVIEW DITCH PRIORITY 1861

Defendants: Agapita Abeyta, Jose Gabriel Abeyta, Margaret Abeyta, Roque N. Abeyta, Fred Anderson, Archdiocese of Santa Fe, Frank J. Archuleta, Jose Belarmino Archuleta, Juanita Archuleta, Pedro Archuleta, Richard Archuleta, Sammy Archuleta, Beronice I. Archuleta, Joysree B. Aubrey, Marshall J. Blanton, Dorothy T. Blanton Trust Agreement, Connie Byrd, Jose A. Candelaria, Benito

Casados, Sylvia Casados, R. Casados, Casados Family Trust, Elaine Chavez, Fernando Chavez, Cecil L. Cox, Audrey M. Eaton, Hugh L. Eaton, Lisa H. Eaton, Karel Fordyce, Teresa Galdean, Joyce Gallegos, Richard I. Gallegos, George K. Galvan, Valentina V. Galvan, Frances D. Garcia, Thomas Gaylor, Glenn Godwin & Theresa Godwin Family Trust, Maria Elena Gomez, Theodore Gonzales, Gloria Jean Grasmick, Josephine Hays, Vangie Cordova Herrera, Dennis R. Herrera, Highland Ventures, Inc., Tito Jaramillo, Charles E. Knapp, Acencion Labrier, Marron Family Limited Partnership, Lip, Anselmo Lopez, Otilia Lopez, Elisa M. Salazar Mackenzie, Bernabe Madrid, Caroline Madrid, David Maestas, Dolores L. Maez, Emery Maez, Alice Martinez, Anthony R. Martinez, Ascencion D. Martinez, Candy S. Martinez, Chris H. Martinez, Conrad V. Martinez, Eduardo T. Martinez, Estate of Nicolas Martinez, Gilbert A. Martinez Jr., Joanne C. Martinez, Joe E. Martinez, Johnny C. Martinez, Jose L. Martinez, Jose Lucas Martinez, Larry H. Martinez, Lolde Martinez, Manuel G. Martinez Jr., Max A. Martinez, Philomena M. Martinez, Polly Martinez, Priscilla Martinez, Rose L. Martinez, Margarita E. Mercure, Yolanda M. MontaZo, Lorraine E. Montoya, Travis G. Moseley, NM State Game Commission, Eloy S. Olivas, Juanita I. Olivas, Henry A. Palm, Willa S. Palm, Walter Joseph Piza, Letitia Rhodes, Jose I. Rivera, Praxedes Rivera, Tito A. Rivera, Anthony M. Romero, Melvin K. Roybal, Jose B. Roybal Living Trust, Doris Salazar, Jose B. Salazar, Manuel S. Salazar, Maria D.M. Salazar, Robert A. Salazar, Angelina Sanchez, Eloy Sanchez, Hazel T. Sanchez, Joyce L. Sanchez, Ralph Sanchez, Levi A. Sandoval, Rufina L. Sandoval, David Schwartz Bypass Trust, Johnny P. Silva, Christie L. Spill, Dolores Torrez, Joe M. Torrez, Juanita Torrez, Reyes Salomon Torrez, Robert Torrez, Victoria M. Torrez, Fernando Trujillo Sr., Fernando Trujillo III, Fernando Trujillo Jr., Horacio Trujillo, Manuel D. Trujillo, Marcella Doreen Burbank Trujillo, Margarita R. Trujillo, Viola Trujillo, Bernadette Trujillo-salazar, Bernice Ulibarri, Frank Valdez, Grace G. Valdez, Leo V. Valdez, Teofila Valdez, Diolinda Varoz, Anthony L. Vigil, Marcia Sue Vigil, Rudy Gilbert Vigil

PORVENIR DITCH PRIORITY 1894

Defendants: Andrews Living Trust, Nancy Bell, Tony Casados, Sr. & Sons, Ptnrshp., D. Mario Chavez, Emily Ulibarri Chavez, Michael Fonte, Acencion Labrier, Frank A. Maestas, Lucy P. Maestas, Rose Ellen Marquez Manning, Alice Martinez, Chris Martinez, Eddie Martinez, Frank A. Martinez, Frank R. Martinez, Laverne Martinez, Lilliana R. Martinez, Louisa Martinez, Manuel A. Martinez Jr., Manuel G. Martinez Jr., Robert A. Martinez, Roberto Martinez, Rosa D. Martinez, Rose M. Martinez, Tracy Martinez, Berta J. Romero, Hope R. Roybal, Joseph G. Roybal, Jose B. Roybal Living Trust, Margaret Roybal, Joseph David Sanchez, Manuel D. Trujillo, Manuel De Atocha Trujillo, Marcella Doreen Burbank Trujillo, Henry Ulibarri, Mabel C. Ulibarri, Velasquez, Inc., Dorothy Wardlow, T.J. Wardlow

ENSENADA DITCH PRIORITY 1861

Defendants: Emilie Luna Anthony, David F. Baca, Gloria F. Baca, Estate of Esther Bruno, Pauline Bustos, Estate of Olivia Carmody, Cynthia Casados, Casados Partnership, Tony Casados, Sr. & Sons, Ptnrshp., Ashley D. Cordova, Ben R. Cordova, Clyde C. Cordova, Cynthia A. Cordova, Deborah Cordova, Donald P. Cordova, Genevieve Cordova, Georgia M. Cordova, Hazel Cordova, Hazel Ann Cordova,

James P. Cordova, Monica A. Cordova, Nelda Cordova, Otilia Cordova, Priscilla Cordova, Paul M. Cordova, Sharon Cordova, Tomas R. Cordova, Cecil L. Cox, Bruce R. Duran, Gumercindo F.C. Duran, Michelle L. Duran, Edulia Estrada, Ramon Estrada, Eugene B. Foote, Mary V. Foote, Karel Fordyce, Maria F. Gallegos, Roseann Gallegos, Ernestine Garcia, Pete Garcia, Peter Garcia Jr., Thomas Gaylor, Maria Elena Gomez, Theodore Gonzales, Marcella Hasson, Louis R. Jaramillo, Tito Jaramillo, Acencion Labrier, Roy C. Lopez, Frank D. Luna IV, Gilbert Luna Sr., Hilario Luna, Salomon A. Luna, Bernabe Madrid, Caroline Madrid, Agapito "Pete" Maestas, Albert M. Martinez, Alice Martinez, Anthony R. Martinez, Chris Martinez, Chris R. Martinez, Edlie Martinez, Gloria Martinez, Jacob Martinez, Joe L. Martinez, Jose Lucas Martinez, Joseph A. Martinez, Larry Martinez, Lionel E. Martinez II, Loyola Martinez, Luis E. Martinez, Manuel G. Martinez Jr., Mary Ida B. Martinez, Orlando Martinez, Raymond L. Martinez, Rebecca Martinez, Roberto Martinez, Rose Martinez, Socorro Martinez, Manuel and Alice Martinez Trust, Amelia Montano, Vicente Montano, Sixto Montoya, Don Dell Mulder, Charles Mahlon Murphy, Tira L. Ouellette, Ferlinda Pesata, Jose B. Rivera, Oralia Rivera, Anna S. Rodela, Joseph Ray Rodela, Loyda Rodela, Maria Elena Rodela, Ronald B. Rodela, Steven Rodela, Carlos J. Romero Jr., Pedro Romero, Janet Rosas, Jose B. Roybal Living Trust, Angelina Sanchez, Eloy Sanchez, Joe R. Sanchez, Robert F. Sanchez, Mikael Saunders, Howard M. Steeper, Estate, Bernice Ulibarri, George A. Valdez, Joe I. Valdez, Miguel Valdez, Olivia M. Valdez, Tive Valdez, Geradine Valencia, Larry Valencia, Margaret M. Valerio, Velasquez, Inc., Marcia Sue Vigil, Rudy Gilbert Vigil, Hugh Walter Wilson

LOS BRAZOS COMMUNITY

Defendants: Elvira S. Abeyta, Jose M. Abeyta, Ruby Abeyta, Natividad Chavez Ranch Properties, LLC, Colding Family Trust, Frank A. Gallegos, Mary F. Gallegos, Jose Maria Martinez Jr., Eloy S. Olivas, Juanita I. Olivas, Joe Pino, Juanita Pino, Miguel Antonio Salazar, Jose A. Sanchez, Pauline Sanchez, Sanchez Family Trust, The El Llano Co., Inc., Abel Valdez, Joe B. Valdez, Prescilla Valdez

MARTINEZ DITCH PRIORITY 1861

Defendants: Eloisa S. Abeyta, Elizabeth Chavez, Whitney Durell, Ida S. Martinez, Jonetta L. Martinez, Robert Martinez Jr., Robert A. Martinez, Walter Joseph Piza, Delfin O. and Francis Quintana Trust, Doris Salazar, Fernando Salazar, Jose B. Salazar, Bernice Ulibarri, Michael C. Ulibarri

BRAZITO DITCH LATERAL PRIORITY 1861

Defendants: Elvira S. Abeyta, Jose M. Abeyta, Ruby Abeyta, Natividad Chavez Ranch Properties, LLC, Colding Family Trust, Frank A. Gallegos, Mary F. Gallegos, Jose Maria Martinez Jr., Eloy S. Olivas, Juanita I. Olivas, Joe Pino, Juanita Pino, Miguel Antonio Salazar, Jose A. Sanchez, Pauline Sanchez, Sanchez Family Trust, The El Llano Co., Inc., Abel Valdez, Joe B. Valdez, Prescilla Valdez

LA PUENTE DITCH PRIORITY 1861

Defendants: Gale A. Abeyta, Mark D. Abeyta, Sherry J. Abeyta, Beronice Ignacita Archuleta, Beverly Ann Archuleta, Pedro Antonio Archuleta IV, Lillie Chavez, Rudolph A. Chavez, Vivian Chavez, Dorene Tafoya Cleland, Max Cleland, Christine M. Cordova, Joseph G. Cordova, Prescilla Hunnel, Laguna Vista Townsite Inc., Felix Madrid, Norma E. Madrid, Darlene A. Manuele, Carlos R. Manzanares, Debbie Manzanares, Joann L. Manzanares, Juan F. Manzanares, Mariano S. Manzanares, Mary Leah Manzanares, Ruben Manzanares Jr., Tony J. & Natividad M. Manzanares Family Trust, Lorenzo Zuniga Jr. and Maria E. Varela Family Trust, Juan A. Martinez, Leroy J. Martinez, Na-

Defendants: Elvira S. Abeyta, Jose M. Abeyta, Ruby Abeyta, Natividad Chavez Ranch Properties, LLC, Colding Family Trust, Frank A. Gallegos, Mary F. Gallegos, Jose Maria Martinez Jr., Eloy S. Olivas, Juanita I. Olivas, Joe Pino, Juanita Pino, Miguel Antonio Salazar, Jose A. Sanchez, Pauline Sanchez, Sanchez Family Trust, The El Llano Co., Inc., Abel Valdez, Joe B. Valdez, Prescilla Valdez

ACEQUIA DE LAS TRES PLUMAS PRIORITY 1880

Defendants: Elvira S. Abeyta, Jose M. Abeyta, Jose Damian Eturriaga, Frank A. Gallegos, Harold M. Gallegos, Mary F. Gallegos, Jose Maria Martinez Jr., John P. Zamora, Maria De La Luz Zamora

CHAVEZ CREEK DITCH PRIORITY 1892

Defendants: Tony Casados, Sr. & Sons, Ptnrshp.

PRIORITY 1894

Defendants: Alvin Eversgerd, Beiva Eversgerd, Anthony T. Garcia, Debbie L. Garcia, J. Patrick Garcia, J. Placido Garcia Jr., Munira K. Garcia

CHAVEZ CREEK DITCH NO. 2 PRIORITY February 19, 1915

Defendants: Joe and Rosina Garcia Revocable Trust

RICE DITCH PRIORITY March 25, 1935

Defendant: Marshall J. Blanton, Dorothy T. Blanton Trust Agreement

PHIL CORKIN INFILTRATION GALLERY PRIORITY October 22, 1945

Defendants: Corkin's Lodge You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water right and ditch, or the priority dates for any other community or private ditch in the Brazos Subsection of Section 7 of the Rio Chama Stream System ("Brazos Subsection") as described above. The priority dates for the ditches listed above will apply to all individual irrigation water rights served by the ditches listed, unless you or other persons file objections. The priority dates for ditches listed above will also apply to a spring that serves as a source of water for irrigators under those ditches, and which is described on individual subfile orders filed with the Court. Defendants that have previously agreed to a priority date for their water rights in the Brazos Subsection in subfile orders filed with the Court may not object to the dates of their own water rights, but may file objections to the proposed determination of the priority dates of other water users. In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water re-

Defendants: Elvira S. Abeyta, Jose M. Abeyta, Ruby Abeyta, Natividad Chavez Ranch Properties, LLC, Colding Family Trust, Frank A. Gallegos, Mary F. Gallegos, Jose Maria Martinez Jr., Eloy S. Olivas, Juanita I. Olivas, Joe Pino, Juanita Pino, Miguel Antonio Salazar, Jose A. Sanchez, Pauline Sanchez, Sanchez Family Trust, The El Llano Co., Inc., Abel Valdez, Joe B. Valdez, Prescilla Valdez

ACEQUIA DE LAS TRES PLUMAS PRIORITY 1880

Defendants: Elvira S. Abeyta, Jose M. Abeyta, Jose Damian Eturriaga, Frank A. Gallegos, Harold M. Gallegos, Mary F. Gallegos, Jose Maria Martinez Jr., John P. Zamora, Maria De La Luz Zamora

CHAVEZ CREEK DITCH PRIORITY 1892

Defendants: Tony Casados, Sr. & Sons, Ptnrshp.

PRIORITY 1894

Defendants: Alvin Eversgerd, Beiva Eversgerd, Anthony T. Garcia, Debbie L. Garcia, J. Patrick Garcia, J. Placido Garcia Jr., Munira K. Garcia

CHAVEZ CREEK DITCH NO. 2 PRIORITY February 19, 1915

Defendants: Joe and Rosina Garcia Revocable Trust

RICE DITCH PRIORITY March 25, 1935

Defendant: Marshall J. Blanton, Dorothy T. Blanton Trust Agreement

PHIL CORKIN INFILTRATION GALLERY PRIORITY October 22, 1945

Defendants: Corkin's Lodge You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water right and ditch, or the priority dates for any other community or private ditch in the Brazos Subsection of Section 7 of the Rio Chama Stream System ("Brazos Subsection") as described above. The priority dates for the ditches listed above will apply to all individual irrigation water rights served by the ditches listed, unless you or other persons file objections. The priority dates for ditches listed above will also apply to a spring that serves as a source of water for irrigators under those ditches, and which is described on individual subfile orders filed with the Court. Defendants that have previously agreed to a priority date for their water rights in the Brazos Subsection in subfile orders filed with the Court may not object to the dates of their own water rights, but may file objections to the proposed determination of the priority dates of other water users. In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water re-

Payment received at \$ Date 06-20 By

LOS BRAZOS COMMUNITY

quirements for surface water irrigation use in the Brazos Subsection for lands irrigated under pre-1907 ditches as described below:

a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum.

b. The farm delivery requirement (FDR) is 2.78 acre-feet per acre per annum.

c. The project diversion requirement (PDR) is 4.63 acre-feet per acre per annum.

The ditches in the Brazos Subsection to which the above amounts apply are all of the ditches identified above with the exception of Chavez Creek No. 2, Rice Ditch and Phil Corkin Infiltration Gallery. You are hereby notified that you are required to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use on lands in the Brazos Subsection that are irrigated under final licenses issued by the Office of the State Engineer, as described below:

**Chavez Creek Ditch No. 2:**

a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum.

b. The farm delivery requirement (FDR) is 1.34 acre-feet per acre per annum.

c. The project diversion requirement (PDR) is 2.23 acre-feet per acre per annum.

**Rice Ditch:**

a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum.

b. The farm delivery requirement (FDR) is 1.51 acre-feet per acre per annum.

c. The project diversion requirement (PDR) is 2.52 acre-feet per acre per annum.

**Phil Corkin**

**Infiltration Gallery:**

a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum.

b. The farm delivery requirement (FDR) is 1.50 acre-feet per acre per annum.

c. The project diversion requirement (PDR) is 2.50 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The "Project Diversion Re-

quirement" ("PDR") or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stock ponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons you may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for surface water irrigation use in the Brazos Subsection as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Brazos Subsection. Subsequent inter se proceedings in the Brazos Subsection will not include the opportunity to object to those determinations.

**IT IS THEREFORE ORDERED THAT** if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Brazos Subsection as stated above, you must file your objection with the Court, in person or by mail, **FOR RECEIPT NO LATER THAN September 2, 2011:**

United States District Court Clerk

333 Lomas Blvd. NW, Suite 270

Albuquerque, NM 87102

If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights. If you fail to timely object and attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville  
Special Assistant

Attorney General  
Office of State Engineer  
P.O. Box 25102

Santa Fe, NM 87504-5102  
(505) 867-7444 phone  
(505) 867-2299 facsimile

or,

John W. Utton

Attorney for Asociación de Acéguas Nortenas de Rio Arriba

Sheehan & Sheehan, P.A.  
P.O. Box 271

Albuquerque, NM 87103-0271

(505) 899-1445 telephone

(505) 842-8890 facsimile

BRUCE D. BLACK

UNITED STATES

DISTRICT JUDGE

Approved: \_\_\_\_\_

VICKIE L. GABIN

SPECIAL MASTER

(Published July 7, 14, 21 28, 2011)