

Affidavit of Publication

State of New Mexico
County of Rio Arriba

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

18th day of August, 2011

and the last publication on the 8th day of

September, 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.

Robert Trapp
Publisher

Subscribed and sworn to before me this 8th day of Sept A.D. 2011

Maria G. Chavez
Maria G. Chavez/Notary Public

My commission expires 21 October 2012

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO STATE OF NEW MEXICO, ex rel. STATE ENGINEER PLAINTIFF, 69cv07941-BB -LFG

VS. RIO CHAMA STREAM SYSTEM ROMAN ARAGON, et al., DEFENDANTS. SECTION 3, RIO NUTRIAS DEFENDANTS. NOTICE OF PROPOSED PARTIAL FINAL JUDGMENT AND DECREE ON SURFACE WATER IRRIGATION RIGHTS IN THE RIO NUTRIAS SUBSECTION OF SECTION 3 OF THE RIO CHAMA STREAM SYSTEM

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE THE PUBLIC SURFACE OR UNDERGROUND WATERS OF THE RIO NUTRIAS SUBSECTION OF SECTION 3 OF THE RIO CHAMA STREAM SYSTEM

You are hereby notified that the State of New Mexico has prepared a Proposed Partial Final Judgment and Decree on Surface Water Irrigation Rights in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System ("Proposed Decree") to be filed in the United States District Court. The Rio Nutrias Subsection includes the watershed of the Rio Nutrias, a tributary of the Rio Chama.

If you have water rights in Rio Nutrias Subsection that may be affected by any of the provisions of the Proposed Decree, you have the right to file inter se objections and offer evidence to the Court in support of those objections. The Court's previous determination of priority dates and irri-

is also available on the Office of the State Engineer website (www.ose.state.nm.us). If you do not wish to object to the determination of the water rights of other individuals, as described in the Proposed Decree, you do not need to take any further action. If objections are filed by any persons, you may participate in the proceedings to resolve those objections as described below. If no objections are filed with the Court, you will be bound by the provisions of the Proposed Decree. If you wish to object, you or your attorney must file an objection with the United States District Court of New Mexico. Objections must be filed in person or by mail to be received by the Court no later than December 15, 2011, at the following address: United States District Court Clerk 333 Lomas Blvd. NW, Suite 270 Albuquerque, NM 87102 Inter se objections must be filed in accordance with the United States District Court of New Mexico Local Rule 5. All objections must have a caption identifying the Case and Case Number (69cv07941-BB). The objection must contain the subfile number of the water right objected to, identify the defendant associated with that water right, provide a brief explanation of the reason for the objection, describe your own water rights in Rio Nutrias Subsection, and be signed by the person making the objection. Blank forms (entitled "Inter Se Objection to Surface Water Irrigation Rights") that may be used for this purpose will be available to the public with the Proposed Decree at the locations described above. If you timely file an inter se objection, the Court will notify you of a mandatory scheduling and pretrial conference where you will learn how objections will be heard by the Court. Further procedures for hearing objections to the Proposed Decree will be determined at the conference. This will be your only opportunity to object to the determination of surface water rights described in the Proposed Decree. If you have water rights in the Rio Nutrias Subsection, you may participate in the proceedings to resolve inter se objections whether or not you

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Date

By [Signature]

the Proposed Decree, you have the right to file inter se objections and offer evidence to the Court in support of those objections. The Court's previous determination of priority dates and irrigation water requirements, by Order filed March 24, 2011, is binding on all claimants, known and unknown, diverting and using water in Rio Nutrias Subsection. Persons using surface or underground water in Rio Nutrias Subsection cannot object to the determination of priority dates and irrigation water requirements of the surface water irrigation rights described in the Proposed Decree. In addition, persons in Rio Nutrias Subsection may not file objections to the previous determination of their own surface water irrigation rights.

Copies of the Proposed Decree with an Addendum that summarizes the water rights adjudicated and decreed therein, and hydrographic survey maps showing the location of all tracts described in the decree, are available for inspection at the Office of the Rio Arriba County Clerk in Tierra Amarilla and in EspaZola. Copies are also available for inspection at the Federal District Court in Santa Fe and in Albuquerque, at the UNM School of Law, and at the Office of the State Engineer at the following addresses:
Office of the Clerk
United States District Court
106 South Federal Place
Santa Fe, New Mexico
Office of the Clerk
United States District Court
333 Lomas Blvd. NW
Albuquerque, New Mexico
Joe M Stell Ombudsman
Program at Utton Center
NM School of Law
1117 Stanford NE Rm.
1216
Albuquerque, New Mexico
Office of the State Engineer
Water Resource Allocation Program
Bataan Memorial Building, Rm. 102
Santa Fe, New Mexico
The Proposed Decree
(without the Addendum)

scribed in the Proposed Decree.

If you have water rights in the Rio Nutrias Subsection, you may participate in the proceedings to resolve inter se objections whether or not you file an inter se objection. If inter se objections are timely filed, the State will prepare a report that summarizes all objections and make the report available for public inspection at the locations described above by February 1, 2012. Persons that elect to participate in the proceedings to resolve inter se objections must file a notice of intent to participate with the Court no later than March 15, 2012. Blank forms (entitled "Notice of Intent to Participate in Inter Se Proceedings") that may be used for this purpose will be available with the report that summarizes inter se objections. All persons having water rights in the Rio Nutrias Subsection will be bound by the outcome of the proceedings to resolve inter se objections.

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
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de
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P.O. Box 271
Albuquerque, NM 87103-0271

(505) 699-1445 telephone

(505) 842-8890 facsimile
/s/ Bruce D. Black

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

/s/ Lorenzo F. Garcia
LORENZO F. GARCIA

UNITES STATES MAGISTRATE JUDGE

(Published August 18,
25, September 1 & 8,
2011)