

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i>	)	
State Engineer	)	69cv07941-MV/KK
	)	RIO CHAMA STREAM SYSTEM
Plaintiff,	)	
	)	Section 3, Rio Cebolla
vs.	)	
	)	Subfile Nos. CHCB-001-0007,
ROMAN ARAGON, <i>et al.</i> ,	)	CHCB-002-0001B, CHCB-002-0002C,
	)	CHCB-002-0009
Defendants.	)	
_____	)	

**AFFIDAVIT OF MICHAEL RECKER**

I, Michael Recker, having been duly sworn, state the following:

1. I am employed as the Manager of the Northern New Mexico Hydrographic Survey Bureau of the New Mexico Office of the State Engineer.

2. The purpose of this affidavit is to respond to the “Affidavit of Stephen D. Hardin”, attached to the *Defendants’ Response and Memorandum in Opposition to the State of New Mexico’s Motion for Partial Summary Judgment Regarding Defendants’ Rights to Water Under the Old Valdez Ditch* filed in this subfile proceeding.

3. In response to paragraph 5 of the Hardin affidavit, Hardin’s Exhibit B, the 1884 Atkinson Survey, includes a designation of “Cult Land”, which Mr. Hardin interprets to depict the presence of cultivation. The “Cult Land” label and hatching appearing to depict cultivated lands only appears on this survey on some lands north of the Cebolla River within the NW quarter of Sec. 25. The “Alfalfita” fields are south of the Cebolla River. The Atkinson Survey does not depict any “Cult Land” label or hatching in the area south of the Cebolla River.

4. In response to paragraph 6 of the Hardin affidavit, the Quintana fields are also south of the Cebolla River, in which there is no “Cult Land” designation.

5. In response to paragraph 7 of the Hardin affidavit, there is approximately 3/4 of an

acre of the 5.0 acre "Alfalfita" field that does overlap the 30 acre transferred area. Utilizing GIS (Geographic Information Systems) ArcMap 10.2 mapping program, I georeferenced and overlaid the Hardin Exhibit A map onto the Chacon Transfer Map. I then drew a polygon over the overlapped area, resulting in the 3/4 acre overlap.

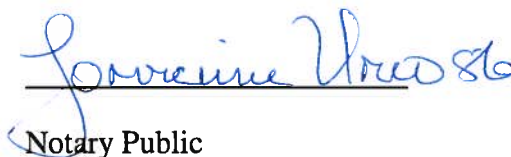
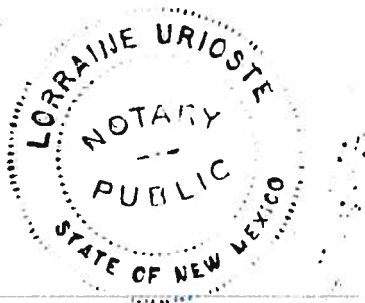
6. In response to paragraph 8 of the Hardin affidavit, the Old Valdez Ditch, as mapped on the OSE Hydrographic Survey, traverses the Chacon property and terminates just within the northern boundary of the Quintana property.

FURTHER AFFIANT SAYETH NAUGHT.



Michael Recker

Subscribed and sworn to before me this 7<sup>th</sup> day of August, 2015.



Notary Public

My commission expires:

12.23.2017