

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

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Tierra Amarilla

Subfiles Nos.: CHTA-003-0002
CHTA-003-0005
CHTA-003-0007

**NOTICE OF WITHDRAWAL OF TREATY OF GUADALUPE HIDALGO-BASED
CLAIMS IN SUBFILE NO. CHTA-003-0007**

Plaintiff State of New Mexico, *ex rel.* State Engineer ("the State") hereby gives notice that Defendant Virginia Martinez (Subfile No. CHTA-003-0007) has withdrawn her claims to the use of water based on the Treaty of Guadalupe Hidalgo ("the Treaty"). *See Withdrawal of Claims to the Use of Water Based on the Treaty of Guadalupe Hidalgo by Virginia Martinez*, attached hereto as Exhibit 1.

In June of 2014, the Court entered a *Notice and Order* (Doc. 11029, filed 6/20/14) requiring defendants in the Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System ("Tierra Amarilla Subsection") to file a statement of claims setting forth any and all claims to the use of water that are based on the Treaty of Guadalupe Hidalgo. Defendant Virginia Martinez's withdrawal of her Treaty-based claims leaves two remaining Treaty-based claims, made by defendants Harry O. Martinez (Subfile No. CHTA-003-0002; *see* Doc. 11038, filed 8/13/14) and Mario R. Martinez

(Subfile No. CHTA-003-0005; *see* Doc. 11040, 8/18/14).

The State has attempted to contact these two defendants in order to confer regarding a pretrial scheduling order pursuant to this Court's *Notice and Order* (Doc. 11029). However, to date, the State has not received any response. If the State and Defendants Harry O. Martinez and Mario R. Martinez cannot come to an agreement regarding those defendants' Treaty-based claims in the next thirty days, the State will file a Request for Pretrial Conference with this Court.

Respectfully submitted,

/s/ Felicity Strachan
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of October, 2017, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Felicity Strachan
FELICITY STRACHAN