

HR

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

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO  
2017 MAY 17 AM 10:36  
CLERK-SANTA FE

STATE OF NEW MEXICO, ex rel. STATE )  
ENGINEER, )  
 )  
Plaintiff, )  
v. )  
 )  
ROMAN ARAGON, et.al., )  
 )  
Defendants, )  
 )

No. 69cv07941 MV/KK  
Rio Chama Stream System

**RESPONSE TO MOTION FOR LEAVE TO WITHDRAW**

Pursuant to D.N.M.LR-Civ. 7.4 (a), I, defendant Tim Seaman, appearing *pro se*, water right claimant and defendant in this adjudication, as well as *parciante* on the Abeyta-Trujillo Ditch, a member ditch of the Rio Chama Acequia Association (“RCAA”), hereby notify the Court that I have taken action to respond to *Motion for Leave to Withdraw Entry of Appearance for the Rio Chama Acequia Association* (Doc. 11250 March 28, 2017) (“Motion”) filed by Peter Thomas White, Esq., (“Movant”). The following facts constitute my Response:

- 1) A meeting of the RCAA Board of Directors (“Board”) was held on 3 May 2017. The meeting was conducted according to the requirements set forth in Articles IV and V of the official RCAA bylaws (“bylaws”), dated 1 April 1987, and filed with the NM Secretary of State Office.
- 2) A total of 30 private and community acequias eligible for membership in the RCAA, as defined in Section 3.1 of the bylaws, were contacted by email, phone, or mail. Postings of the announcement were made at the Medanales and Abiquiu Post Offices, as well as at local businesses. Twenty member acequias were represented at the

meeting, achieving a quorum for conducting RCAA business as defined in Section 4.2. Each acequia was required to pay the annual membership fee and sign an affidavit affirming their eligibility to join RCAA, and identifying their official representative, in accordance with Sections 3.1 and 3.2. Meeting minutes, attendance and voting records are available for review as of 8 May 2017.

- 3) Fred Vigil, the current president of record, was removed from office by the Board with a unanimous vote, as required by Section 4.5 of the bylaws.
- 4) Following Section 4.3 and 4.5 of the bylaws, the Board declared all officer positions vacant, and appointed interim officers to serve until elections can be held at the next annual meeting on the first Wednesday in August, 2017. The following appointments were made: Interim President: Tim Seaman, Abeyta-Trujillo Acequia; Interim Vice President: Carlos Salazar, Rio de Chama Acequia; Interim Secretary: Darel Madrid, Salazar Acequia; Interim Treasurer; Benito Vigil, Salazar Acequia.
- 5) By unanimous vote, the Board passed the following Resolutions:  
  
2017-01: ... TO RESCIND APPLICATION FOR TAX CLEARANCE AND TO AUTHORIZE INTERIM PRESIDENT TO TAKE STEPS TO PREVENT DISSOLUTION OF CORPORATION  
  
2017-02: ... TO CONTINUE GRANT AGREEMENT 2010NMDAACQ01 WITH THE NEW MEXICO DEPARTMENT OF AGRICULTURE (ACDF GRANT) AND TO EXTEND AND/OR UTILIZE ALL CONTRACTS UNDER THAT GRANT  
  
2017-03: ... TO APPLY FOR FUNDING FROM THE ACEQUIA AND COMMUNITY DITCH FUND FOR FISCAL YEAR 2018.

- 6) To date, RCAA officials have taken steps to prevent the dissolution of the corporation with the NM Secretary of State, extend existing grants and contracts with the NM Department of Agriculture under the Acequia and Community Ditch Fund, control bank accounts, and establish a new post office box at the Medanales Post Office (Box 441). Interim officers have also requested a transfer of critical records from the ex-president.

As the Certificate of Service to this Notice indicates, a copy of this Motion has been served on 1) the Movant, 2) the parties listed in Movant's certificate of service accompanying his Motion as "Officers or parciantes of possible member ditches in the Rio Chama Acequia Association", 3) Fred Vigil, former president of the RCAA, and 4) the State of New Mexico. I understand that additional parties that receive notification through the CM/ECF system will be notified upon acceptance of this Response by the clerk of the Court.

Respectfully,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2017, I filed the foregoing Response to Motion for Leave to Withdraw to the following person(s) by U.S. mail:

Fred Vigil  
Post Office Box 687  
Medanales, New Mexico 87548

And to the following persons by electronic mail:

Peter Thomas White [pwhite9098@aol.com](mailto:pwhite9098@aol.com)  
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