

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

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

DEC 14 2018

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

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Rio Brazos

**NOTICE OF CLAIM TO THE USE OF WATER BASED ON THE TREATY OF  
GUADALUPE HIDALGO IN THE RIO BRAZOS SUBSECTION OF SECTION 7  
OF THE RIO CHAMA STREAM SYSTEM**

I have signed and approved a Consent Order in the adjudication of water rights in the Rio Brazos Subsection and would like to make a claim to the use of water based on the Treaty of Guadalupe Hidalgo. I have read the Court's Notice and Order to Show Cause in the Rio Brazos Subsection of Section 7 of the Rio Chama Stream System, and I understand that if I do not follow the instructions described in the Notice, my Treaty-based claim may be dismissed.

★ NAME(S): Agripita Abeyta; Rogue N. Abeyta - IN-TRANSITION TO GOMEZ ABEYTA LLC  
MAILING ADDRESS: P.O. Box 1029 Los Oros, NM 87551 <sup>Transfer</sup> <sub>see copies of</sub> Change of Ownership  
CONTACT PHONE: 575.588.7264  
CONTACT E-MAIL: semirgeh@yahoo.com  
ADDRESS OF PROPERTY: 71 State Rd 514  
CONSENT ORDER SUBFILE NUMBER (IF KNOWN): CHRB007-0039  
SIGNED BY: Cecilia J. Gomez Maria Abeyta-Garcia  
DATE: December 13, 2018 12/13/2018

\*\*\*\*\*SEE REVERSE SIDE FOR FILING INSTRUCTIONS\*\*\*\*\*

- Your completed form may be filed in person or mailed to:

**United States District Court Clerk  
333 Lomas Blvd. NW  
Suite 270  
Albuquerque, NM 87102**

- Alternatively, you may file your completed form in person by bringing it to:

**United States District Court Clerk  
106. S. Federal Place  
Santa Fe, NM 87501**

- **Your completed form must be filed with the Court no later than:**

**TUESDAY, DECEMBER 18, 2018**

- Your Notice of Claim form must include enough contact information to enable the State to contact you in order to set up a conference regarding your Treaty-based claim. Any Notice of Claim form that does not include information sufficient for the State to contact you may not be considered by the Court.
- If you file a Notice of Claim form, please keep a copy of your completed form for your own records.
- If you have any questions about this form, or about the adjudication of water rights on the Rio Chama, please contact:

**Felicity Strachan  
N.M. Office of the State Engineer  
130 S. Capitol Street  
Santa Fe, NM 87501  
Phone: (505) 819-1044  
Email: felicity.strachan@state.nm.us**

**OFFICE OF THE STATE ENGINEER/INTERSTATE STREAM COMMISSION – SANTA FE OFFICE**

OFFICIAL RECEIPT NUMBER: 6 - 43824 DATE: Sept 25, 2018 FILE NO.: SD-00477-81  
 TOTAL: 5.00 RECEIVED: FIVE DOLLARS CHECK NO.: 1859 CASH: \_\_\_\_\_  
 PAYOR: GLMER ABEYTA LLC ADDRESS: PO Box 129 CITY: LOS Ojos STATE: NM  
 ZIP: 87551 RECEIVED BY: \_\_\_\_\_

INSTRUCTIONS: Indicate the number of actions to the left of the appropriate type of filing. Complete the receipt information. Original to payor; pink copy to Program Support/ASD; and yellow copy for Water Rights. If a mistake is made, void the original and all copies and submit to Program Support/ASD as part of your daily deposit.

A. Ground Water Filing Fees		B. Surface Water Filing Fees		C. Well Driller Fees		D. Reproduction of Documents		E. Certification		F. Other		G. Comments:	
1.	Change of Ownership of Water Right	\$ 2.00	1.	Change of Ownership of a Water Right	\$ 5.00	1.	Application for Well Driller's License						
2.	Application to Appropriate or Supplement Domestic 72-12-1 Well	\$ 125.00	2.	Declaration of Water Right	\$ 10.00	2.	Application for Renewal of Well Driller's License						
3.	Application to Repair or Deepen 72-12-1 Well	\$ 75.00	3.	Amended Declaration	\$ 25.00	3.	Application to Amend Well Driller's License						
4.	Application for Replacement 72-12-1 Well	\$ 75.00	4.	Application to Change Point of Diversion and Place and/or Purpose of Use from Surface Water to Surface Water	\$ 200.00								
5.	Application to Change Purpose of Use 72-12-1 Well	\$ 75.00	5.	Application to Change Point of Diversion and Place and/or Purpose of Use from Ground Water to Surface Water	\$ 200.00								
6.	Application for Stock Well	\$ 5.00	6.	Application to Change Point of Diversion	\$ 100.00								
7.	Application to Appropriate Irrigation, Municipal, or Commercial Use	\$ 25.00	7.	Application to Change Place and/or Purpose of Use	\$ 100.00								
8.	Declaration of Water Right	\$ 1.00	8.	Application to Appropriate	\$ 25.00								
9.	Application for Supplemental Non 72-12-1 Well	\$ 25.00	9.	Notice of Intent to Appropriate	\$ 25.00								
10.	Application to Change Place or Purpose of Use Non 72-12-1 Well	\$ 25.00	10.	Application for Extension of Time	\$ 50.00								
11.	Application to Change Point of Diversion and Place and/or Purpose of Use from Surface Water to Ground Water	\$ 50.00	11.	Supplemental Well to a Surface Right	\$ 100.00								
12.	Application to Change Point of Diversion and Place and/or Purpose of Use from Ground Water to Ground Water	\$ 50.00	12.	Return Flow Credit	\$ 100.00								
13.	Application to Change Point of Diversion of Non 72-12-1 Well	\$ 25.00	13.	Proof of Completion of Works	\$ 25.00								
14.	Application to Repair or Deepen Non 72-12-1 Well	\$ 5.00	14.	Proof of Application of Water to Beneficial Use	\$ 25.00								
15.	Application for Test, Expl. Observ. Well	\$ 5.00	15.	Water Development Plan	\$ 100.00								
16.	Application for Extension of Time	\$ 25.00	16.	Declaration of Livestock Water Impoundment	\$ 10.00								
17.	Proof of Application to Beneficial Use	\$ 25.00	17.	Application for Livestock Water Impoundment	\$ 10.00								
18.	Notice of Intent to Appropriate	\$ 25.00											

**All fees are non-refundable.**

File No.



**NEW MEXICO OFFICE OF THE STATE ENGINEER**  
**CHANGE OF OWNERSHIP OF WATER RIGHT (NON-72-12-1) FOR (check one):**



Important: Acceptance of the form for filing by the State Engineer does not constitute verification of the right conveyed.

<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation
<input type="checkbox"/> Trustee	<input type="checkbox"/> Partnership
<input type="checkbox"/> Estate	<input checked="" type="checkbox"/> Limited Liability Co.

**1. OWNER OF RECORD (Seller)**

Name: <u>Rogue N. Abeyta</u>	Name: <u>Agapita G. Abeyta</u>
Phone: <u>NA</u> <input type="checkbox"/> Home <input type="checkbox"/> Cell	Phone: <u>NA</u> <input type="checkbox"/> Home <input type="checkbox"/> Cell
Phone (Work): <u>NA</u>	Phone (Work): <u>NA</u>
a. Owner of Record File No:	b. Sub-file No.: <u>CHR007-0039</u>
	c. Cause No.:

**2. NEW OWNER (Buyer) Note: If more owners need to be listed, attach a separate sheet. Attached?  Yes**

Name: <u>GOMEZ ABEYTA LLC</u>	Name: <u>GOMEZ ABEYTA LLC</u>
Contact or Agent: <u>CECILIA J. GRIMES</u> check here if Agent <input type="checkbox"/>	Contact or Agent: <u>MARIA ABEYTA-GARCIA</u> check here if Agent <input type="checkbox"/>
Mailing Address: <u>P.O. Box 129</u>	Mailing Address: <u>PO Box 586</u>
City: <u>LOS OJOS</u>	City: <u>DULCE</u>
State: <u>NM</u> Zip Code: <u>87551</u>	State: <u>NM</u> Zip Code: <u>87528</u>
Phone: <u>575-588-7264</u> <input checked="" type="checkbox"/> Home <input type="checkbox"/> Cell	Phone: <u>505-320-2849</u> <input type="checkbox"/> Home <input checked="" type="checkbox"/> Cell
Phone (Work):	Phone (Work):
E-mail (optional): <u>semurgch@yahoo.com</u>	E-mail (optional): <u>mabeytagarcia@yahoo.com</u>

Required: Submit warranty deed(s) or other instrument(s) of conveyance properly recorded with the county clerk's office.

**3. PURPOSE OF USE & AMOUNT CONVEYED**

Check all that apply: <input type="checkbox"/> Domestic <input type="checkbox"/> Industrial <input type="checkbox"/> Livestock <input type="checkbox"/> Commercial <input type="checkbox"/> Irrigation <input type="checkbox"/> Other Uses (specify): _____ <input type="checkbox"/> Municipal	Amount of Water (acre-feet per annum): If more details are needed, type "See Comments" in "Other" field below, and explain in Additional Statements Section. Diversion: <u>Rio Brazos Section / Parkview Ditch</u> Consumptive Use: <u>0.8</u> Other (include units): _____
Owner of record has conveyed all or part of said right (please check one) <input checked="" type="checkbox"/> All <input type="checkbox"/> Part	

FOR OSE INTERNAL USE

Change of Ownership, Form wr-02, Rev 11/15/17

File No.:	Tm. No.:	Well Tag ID No. (if applicable):
Trans Desc. (optional):	Sub-Basin:	Receipt No.:

4. LIST ALL KNOWN POINT(S) OF DIVERSION (POD) FOR THE WATER RIGHT CONVEYED

OSE POD No.	Well Tag ID No.	Subdivision and/or Lat/Long or Easting/Northing	Section	Township	Range

Check all that apply:  Well  Pump  Ditch Name Park View Ditch  River Course Rio Brazos Section

5. PLACE(S) OF USE (list each individually)

a. 0.8 Acres of Irrigated Land Described as Follows (applicable to irrigation use only):

b. Legally Described By:	c.	d.	e.	f.	g.
<input type="checkbox"/> Public Land Survey System (PLSS) <input checked="" type="checkbox"/> Hydrographic Survey Report or Map <input type="checkbox"/> Irrigation or Conservation District Map <input type="checkbox"/> Subdivision  PLSS Quarters or Halves, <u>and/or</u> Name of Hydrographic Survey or District, <u>and/or</u> Name and County of Subdivision	PLSS Section <u>and/or</u> * Map No. <u>and/or</u> Lot No.	PLSS Township <u>and/or</u> Tract No. (Please list each tract individually) <u>and/or</u> Block No.	PLSS Range	Acres	Priority
<u>Rio Chama Hydrographic Survey</u> <u>Rio Brazos Section</u>	<u>007-0039</u>			<u>0.8</u>	

h. Other description relating place of use to common landmarks, streets, or other:  
Landmark: St Rd 514 House # 71

i. Place of use is on land owned by:  
Gomez Abeyta LLC: Cecilia J. Grimes and Maria Abeyta Garcia

j. Are there other sources of water for these lands? No  Yes  If yes, describe by OSE file number:

Note: If on Federal or State Land, please provide copy of lease

6. ADDITIONAL STATEMENTS OR EXPLANATIONS

Included Documents

- Certificate of Trust for the Agapita Abeyta and Rogue Abeyta Revocable Trust
- Warranty Deed with survivor total interest to Cecilia J. Grimes & Maria Abeyta Garcia
- Amended Warranty Deed Cecilia J. Grimes & Maria Abeyta Garcia to GOMEZ Abeyta LLC

FOR OSE INTERNAL USE

Change of Ownership, Form wr-02, Rev 11/15/17

File No.:	Trm. No.:	Well Tag ID No. (if applicable):
Trans Desc. (optional):	Sub-Basin:	Receipt No.:

**7. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE**

(to be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

(I, We) the above owner(s) of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right:

Signature Cecilia J. Arimes - Gomez Abeyta LLC Co-Trustee  
 Signature Maria Abeyta - Garcia - Gomez Abeyta LLC Co-Trustee

**ACKNOWLEDGEMENT FOR INDIVIDUAL**

I, We (name of owner(s)), GOMEZ ABEYTA LLC  
 Print Name(s)

affirm that the foregoing statements are true to the best of (my, our) knowledge and belief.

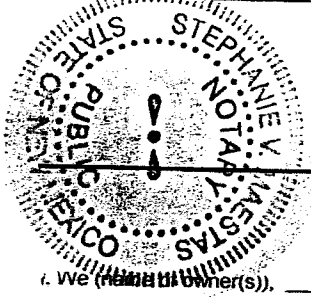
Signature \_\_\_\_\_ Signature \_\_\_\_\_

State of New Mexico )  
 County of Rio Arriba ) ss.

This instrument was acknowledged before me this 20<sup>th</sup> day of July A.D., 20 18, by (name of owner(s)):

Cecilia J. Arimes and Maria Abeyta Garcia

Notary Public: Stephanie V. Mast  
 My commission expires: 8/19/2019



**ACKNOWLEDGEMENT FOR CORPORATION**

I, We (name of owner(s)), \_\_\_\_\_  
 Print Name(s)

affirm that the foregoing statements are true to the best of (my, our) knowledge and belief.

Officer Signature \_\_\_\_\_ Officer Signature \_\_\_\_\_

State of \_\_\_\_\_ )  
 County of \_\_\_\_\_ ) ss.

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_\_, by the following on behalf of said corporation.

Name of Officer: \_\_\_\_\_  
 Title of Officer: \_\_\_\_\_  
 Name of Corporation Acknowledging: \_\_\_\_\_  
 State of Corporation: \_\_\_\_\_

Notary Public: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

**FOR OSE INTERNAL USE**

File No.:	Tm. No.:	Change of Ownership, Form wr-02, Rev 11/15/17	
Trans Desc. (optional):		Well Tag ID No. (if applicable):	Receipt No.:
		Sub-Basin:	



**GOMEZ ABEYTA LLC**

 Cecilia J. Gomes  
PO Box 129  
Los Alamos, NM 87551  
Mailing Address  
\*



7016 2070 0000 4485 8080

**RECEIVED**  
At Albuquerque NM

DEC 14 2018

CLERK

*United States District Court Clerk  
333 Seneca Blvd, NW  
Suite 270  
Albuquerque, NM 87102*



UNITED STATES POSTAGE  
 PITNEY BOWES  
\$ 004.450  
02 1P  
0004725166 DEC 13 2018  
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