

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

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

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Rito de Tierra Amarilla

Subfile Nos.: CHTA-003-0002

CHTA-003-0005

**NOTICE OF WITHDRAWAL OF CLAIMS BASED ON THE TREATY OF
GUADALUPE HIDALGO IN THE RITO DE TIERRA AMARILLA SUBSECTION OF
SECTION 7 OF THE RIO CHAMA STREAM SYSTEM**

Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), gives notice that all claims made in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System (“Tierra Amarilla Subsection”) to the right to the use of water based on the Treaty of Guadalupe Hidalgo have been resolved.

1. On June 20, 2014, the Court entered its *Notice and Order* requiring any defendants in the Rito de Tierra Amarilla Subsection who signed and approved individual consent orders and wished to make a claim for additional water rights under the Treaty of Guadalupe Hidalgo (“Treaty”), to file a statement of claims (Doc. 11029).

2. Three defendants filed a *Response to Notice of Order* under Docket Nos. 11038 (Harry O. Martinez, Subfile No. CHTA-003-0002, filed 08/13/14), 11039 (Virginia Martinez, Subfile No. CHTA-003-0007, filed 08/14/14), and 11040 (Mario R. Martinez, Subfile No. CHTA-003-0005, filed 08/18/14).

3. Defendant Virginia Martinez withdrew her Treaty-based claims to the use of water on October 18, 2017 (*see* Doc. 11290 and 11290-1).

4. Defendant Harry O. Martinez withdrew his Treaty-based claims to the use of water on March 29, 2018. That withdrawal of claims is attached hereto as Exhibit 1.

5. Defendant Mario R. Martinez withdrew his Treaty-based claims to the use of water on March 21, 2018. That withdrawal of claims is attached hereto as Exhibit 2.

6. There are no remaining Treaty-based claims in the Tierra Amarilla Subsection.

7. Accordingly, this Court's January 25, 2018 *Scheduling and Pretrial Order* (Doc. 11323) governing the litigation of Mr. Harry O. Martinez and Mr. Mario R. Martinez's claims to the use of water based on the Treaty is moot.

Respectfully submitted,

/s/ Felicity Strachan

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Certificate of Service

I certify that on April 2, 2018, 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. Additionally, I mailed a copy of this Notice to Harry O. Martinez and Mario R. Martinez at their addresses of record.

/s/ Felicity Strachan

Felicity Strachan