

August 11, 2025

Acequia de Santa Cruz
P. O. Box 1656
Santa Cruz, NM 87567

RE: Surface Water Right Transfer

Dear Commissioners,

With this letter, I am submitting a water right transfer application.

By the 1964 Hydrographic Survey Report, Tract 5.5 was adjudicated 6.61 acres below Acequia del Llano and above Acequia de Santa Cruz. Subsequently, addressed as 580 El Llano Road. In 1969, Joe E. Madrid acquired 9.12 acres of surface water from (4) owners via SCID resolutions. In 1992, the Office of the State Engineer challenged him to produce ownership documentation for 2.75 acres, which he could not. At that time, he transferred 0.5 acres into his well that already had 0.25 acres. Therefore, Tract 5.5 currently has 5.62 acres of surface water ($9.12 - 2.75 - 0.25 - 0.50 = 5.62$).

With this transfer, I'm trying to get back to the 6.61 acres that were originally adjudicated to Tract 5.5. With your approval, I'll do a name change with the OSE and SCID from my father Joe E. Madrid to myself.

I don't believe that this transfer would negatively impact Acequia de Santa Cruz or its membership. It would amount to an insignificant loss of acequia dues. My father and I have been using the water on Tract 5.5 for over 55 years. We have never heard of how our water usage has negatively impacted anyone from Acequia de Santa Cruz. Thank you for your consideration.

Mario R. Madrid

Mario R. Madrid

P. O. Box 109

Santa Cruz, NM 87567

(505) 859-2929

cc: *Jerry Lopez*

WATER RIGHT TRANSFER APPLICATION FORM

A copy of this form must be delivered by certified mail to each of the three commissioners of the acequia.

Name of Applicant: Mario R. Madrid

Address: P. O. Box 109

Santa Cruz, NM 87567

Phone Number: (505) 859-2929

Current point of diversion of water right: OSE Hydrographic Survey Report and NM Coordinate System, Central Zone: X = 570,585, Y = 1,814,340.

Current place of use of water right: (If a Hydrographic Survey is available, provide map name, map number, and tract number. Otherwise, provide a legal description of the tract of land. Attach map.) Tract 6.158, OSE file# SD 02418 189AA, Jerry & Frutosa A. Lopez.

Number of acre-feet per year to transfer: 0.507 acres x 2.8 duty = 1.42 acre-feet/annum

Current purpose of use of water right: Not currently in use. Lost some irrigable land due to structures. No access to water via laterals.

Proposed new point of diversion of water right: Same point of diversion.

Proposed new place of use of water right: OSE Tract 5.5.

Proposed new purpose of use of water right: Agricultural.

Please attach documentation demonstrating you are the true owner of the water right.

See attachments.

If the proposed new place of use is on land already served by the Acequia, explain how the proposed transfer would not exceed the maximum amount of water rights allow on that land:

See attached letter.

Mario R. Madrid

Signature of Applicant

Aug. 11, 2025

Date

FOR ACEQUIA USE ONLY

Received by: _____

Date: _____

Water Right Summary



[get image](#)
[list](#)

WR File Number:	SD 02418 189AA	Subbasin:	RGSC	Cross Reference:	
Primary Purpose:	IRR IRRIGATION				
Primary Status:	ADJ Adjudicated				
Total Acres:	0.507	Subfile:	6.158	Header:	
Total Diversion:	1.420	Cause/Case:	7488		
Owner:	FRUTOSA A. LOPEZ	Owner Class:	Owner		
Owner:	JERRY LOPEZ	Owner Class:	Owner		

Documents on File

(acre)

Transaction Images	Trn #	Doc	File/Act	Status 1	Status 2	Transaction Desc.	From/To	Acres	Diversion
_get images	381109	COWNP	1978-03-31	PMT	APR	SD 02418 189AA	T	0.507	1.420

Current Points of Diversion

POD Number	Well Tag	Source	Q64	Q16	Q4	Sec	Tws	Rng	X	Y	Map	Other Location Desc
SD 02418 POD1									408774.9	3982914.2		

* UTM location was derived from PLSS - see Help

Priority Summary

Priority	Status	Acres	Diversion	POD Number	Source
1695-12-31	ADJ	0.507	1.420	SD 02418 POD1	

Place of Use

Q256	Q64	Q16	Q4	Sec	Tws	Rng	Acres	Diversion	CU	Use	Priority	Status	Other Location Desc
	NE	SE	35	21N	08E	0.507	1.420			IRR	1695-12-31	ADJ	AS SHOWN ON SANTA CRU: MAP 6, TRACT 158

Source

Water Right Summary



get_image
list

WR File Number:	SD 02419 186	Subbasin:	RGSC	Cross Reference:	
Primary Purpose:	IRR IRRIGATION				
Primary Status:	PMT Permit				
Total Acres:	5.620	Subfile:	5.5	Header:	
Total Diversion:	15.736	Cause/Case:	7488		
Owner:	JOE ELISEO MADRID	Owner Class:	Owner		

Documents on File

(acre)

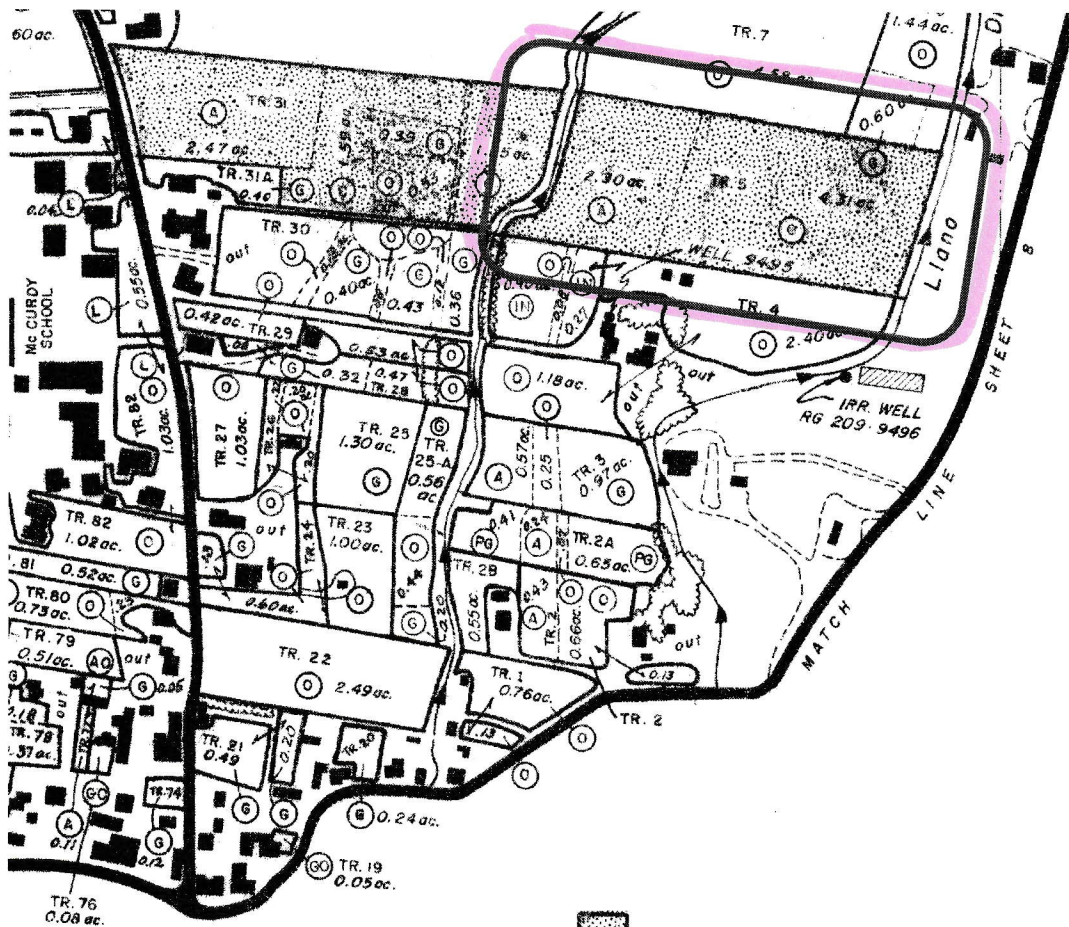
Transaction Images	Trn #	Doc	File/Act	Status 1	Status 2	Transaction Desc.	From/To	Acres	Diversion
	780521	CPDPL	1993-04-13	PMT	PBU	SD 02419 186B	F	0.750	2.100
_get_images	586493	ALTD	1973-02-28	PMT	PCW	SD 02419 186 & RG-22452	T	0.000	0.000
_get_images	474224	COWNP	1970-11-16	PMT	APR	SD 02419 186A	F	5.050	14.140
_get_images	411083	CPDPL	1970-03-26	PMT	APR	SD 02419 186	T	2.830	7.924
_get_images	411064	CPDPL	1969-07-25	PMT	APR	SD 02419 186	T	5.050	14.140
_get_images	411036	CPDPL	1969-05-09	PMT	APR	SD 02419 186	T	3.540	9.912
_get_images	410758	ORDER	1969-04-14	ADJ	PRC	SD 02419 186	T	0.000	0.000
_get_images	381808	SWGW	1967-04-12	PMT	PBU	RG 13113	F	6.610	18.508
_get_images	409466	COWNF	1967-02-08	CHG	PRC	SD 02419 186	T	0.000	0.000
_get_images	381318	HS	1964-06-12	HS	PRC	SD 02419 186	T	6.610	18.508


Current Points of Diversion

POD Number	Well Tag	Source	Q64	Q16	Q4	Sec	Tws	Rng	X	Y	Map	Other Location Desc
RG 22452		Shallow				01	20N	08E	405778.0	3983834.0 *		
SD 02419 POD1									408774.9	3982914.2		

* UTM location was derived from PLSS - see Help

Priority Summary



 NO RIGHT
Water Rights moved from Tract

Range 8 East

Township 20 North

STEREOCOPIATION OF PLANIMETRY FROM PHOTOS RGD 5-7-5-8

STATE OF NEW MEXICO
OFFICE OF STATE ENGINEER
S. E. REYNOLDS, STATE ENGINEER

UPPER RIO GRANDE
HYDROGRAPHIC SURVEY
SANTA CRUZ RIVER SECTION
1963

ENGINEER F. R. ALLEN
SURVEYOR E. COOPER
STEREOCOPIATION BY E. L. GONZALES
TRACED BY M. H. BOYCE
APPROVED

SCALE 1" = 300'

SHEET NO. 5

Acequia de Santa Cruz
PO Box 1656
Santa Cruz, NM 87567
Phone: (505) 542-9989
acequiadesantacruz@gmail.com
8/24/2025

Acequia de Santa Cruz Commission
Ernesto Velarde, President
Lonnie Montoya, Secretary
Louis P Trujillo, Treasurer

Mario R. Madrid
P.O. Box 109
Santa Cruz, NM 87537
Re: WR Transfer

Acequia Member,

Your letter along with the water right transfer application form was received by the commission on 8-15-2025. A review of the material occurred on 8-19-2025 and it was determined that the application is incomplete, hence we can not take further action at this time.

We are providing a listing of the areas that need to be addressed and corrected before we can move forward with further consideration of the water transfer request listed in order of priority:

1. Document from Jerry Lopez demonstrating that legal conveyance of the water rights from the parcel associated with WR File No: SD 024518 189AA to you.
2. Adherence to the Conditions of Approval by the OSE determination made 4-13-1993 and documentation to demonstrate compliance. (see attachment)
3. Documentation demonstrating that the conditions listed on the correspondence sent to you on 1-9-2025 from the OSE Water Resources Professional have been met. (see attachment)

After these areas of concern have been addressed by you, please feel free to submit a revised and completed application package to us for consideration.

Your attention and cooperation in helping to complete this review is greatly appreciated. Please feel free to use the contact information above to either mail or email any questions you may have regarding this matter.

Thank you,

Acequia de Santa Cruz Commission

753-6369

Revised October 1978

SD-02419-186 Tr. # 41285

IMPORTANT - (READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM)

APPLICATION FOR PERMIT TO CHANGE PLACE OF USE OF SURFACE WATERS

- 1. Name of Water Right Owner: JOE E MADRID
Mailing address: P.O. BOX 109
City and State: SANTA CRUZ, NM 87567
2. Water right is recorded in the State Engineer's office under No. 02419 AND 1659
3. Water is at present used for IRRIGATION purposes.
4. Quantity of water claimed under right: 9.12 acre feet. Quantity of water stored: [blank] acre feet. Source of water supply: SANTA CRUZ RIVER
a tributary of UPPER RIO GRANDE Hydrographic Survey
Quantity of water to be transferred: 2.1 acre feet.
5. Point of diversion or outlet from storage lies in the (a) [blank] 1/4 [blank] 1/4 [blank] 1/4 of Section [blank], Township [blank], Range [blank], N.M.P.M.
(b) X= 570 585 feet, Y= 18414 1340 feet, N.M. Coordinate System CENTRAL Zone in the SANTA CRUZ Grant.
at a point whence the [blank] of Section [blank] Township [blank], Range [blank], bears [blank] feet distant.
6. Area from which water rights are to be severed, (a) 0.75 acres, described as follows:

Table with columns: Subdivision, Section, Township, Range, Acres, Owner. Entry: SANTA CLARA DUELO GRANT 1 20 North 7.5 JOE E MADRID. Tract 5.5 Upper Rio Grande Hydrographic Survey Santa Cruz Section.

STATE ENGINEER'S OFFICE SANTA FE NEW MEXICO APR 16 11:40 AM NOV 19 1 34 PM

- (b) If there are other sources of water for these lands, describe by file No. [redacted]
7. Application is made to change place or purpose of use for the following reasons: IRRIGATION
8. Acreage to which transfer is to be made (a) .75 acres, described as follows:
Subdivision Section Township Range Acres Owner
Adjacent to and east of tract 5.5 Upper Rio Grande Hydrographic Survey Santa Cruz Section
(b) Water to be used thereon for IRRIGATION purposes.
(c) If there are other sources of water for these lands, describe by file No. RG 22452 GROUND WATER FROM WELL

9. Additional statements or explanations WATER IS NEEDED FOR YARD AND GARDEN

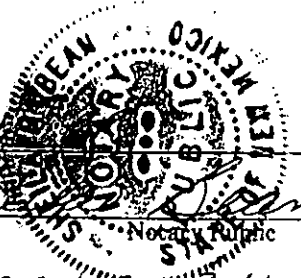
I, [blank], affirm that the foregoing statements are true to the best of my knowledge and belief and that I am the [blank] owner and holder of said water right.

Joe E Madrid, Applicant

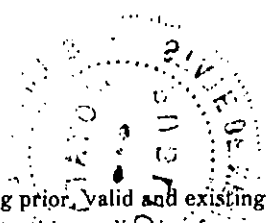
Subscribed and sworn to before me this 19th day of NOVEMBER, A.D., 19 91

My commission expires 11-16-93

Date Received File No. 02419 1659



ACTION OF STATE ENGINEER



This application is approved provided it is not exercised to the detriment of any others having prior, valid and existing rights to the use of waters of this stream system or to the detriment of any rights acquired prior to this application for permit to change place or purpose of use and is not detrimental to the public welfare or contrary to the conservation of water within the state and subject to the attached conditions of approval.

Lined area for additional text or conditions.

93 APR 15 11:40
STATE ENGINEER OFFICE
DISTRICT ALBUQUERQUE, N.MEX

Proof of application of water to beneficial use shall be filed on or before April 15, 1997

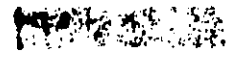
Witness my hand and seal this 13th day of April, A.D., 19 93

Eluid L. Martinez, State Engineer

By: Richard Deubel
Richard Deubel
Water Rights Division

INSTRUCTIONS

This form shall be executed, preferably typewritten, in triplicate and must be accompanied by a \$5.00 filing fee. Each copy must be properly signed and attested. If applicant is not recorded owner of water right, Change of Ownership affidavit should accompany this application.



CONDITIONS OF APPROVAL

File No. 02419 & 1659, Subfile No. 5.5
Applicant: Joe E. Madrid

1. This application is approved for the irrigation of 0.75 acre of land as described on the face of the application.
2. The water right appurtenant to 0.75 acre of move-from land is hereby severed therefrom and shall not be irrigated from any source.
3. Prior to any diversion of water under this permit, the permittee shall submit: 1. A plat of the 0.75 acre of move-to land, 2. a plat of the 0.75 acre of move-from land, and 3. a plat of the remaining 5.62 acres within Tract No. 5.5 having appurtenant water rights.

Date of Approval: 13 Apr. 93

Eluid L. Martinez
State Engineer

By: *Richard Deubel*
Richard Deubel
Water Rights Division

STATE ENGINEER OFFICE
DISTRICT 1
ALBUQUERQUE, N. MEX.

93 APR 15 11:40

110-204 1074

WARRANTY DEED (Joint Tenants)

265165

JOHN R. YATES and EUNICE FAYE YATES, his wife
 _____, for consideration paid, grant
 to JOE E. MADRID
 and AURELIA R. MADRID, his wife
 as joint tenants the following described real estate in Santa Fe County, New Mexico:

A certain tract or parcel of land, lying and being situate within and being a portion of the Santa Clara Pueblo Grant, Section One (1), Township Twenty (20) North of Range Eight (8) East of the New Mexico Principal Meridian, Portion of Complaint 126, Private Claim 306, Vicinity of Santa Cruz, County of Santa Fe, State of New Mexico and being more particularly bounded and described as follows:

TRACT B:
 Beginning at a point, U.S.G.L.O. Brass Marker, marked A.P. #3 of Comp. 126, P.C. 306, Santa Clara Pueblo Grant, Sec. 1, Twp. 20 N., R. 8 E., N.M.P.M., thence S. 80° 18' E., 275.22 feet; thence S. 78° 32' E., 403.26 feet; thence S. 00° 17' W., 188.10 feet; thence N. 79° 36' W., 151.80 feet; thence S. 15° 37' W., a distance of 153.12 feet; thence N. 80° 55' W., 898.00 feet; thence N. 22° 52' E., 354.60 feet; thence S. 82° 58' E., 276.00 feet to the point and place of beginning, containing 7.55 acres, more or less.

As delineated in that certain plat entitled "SURVEY REQUESTED BY JOHN YATES" as prepared by J. C. Lujan, P. E. & L. S. No. 3522, from field notes taken during April 1969. ,

Provided, however, that the above property shall only be used for the building of residential homes and not for apartment houses or school grounds. Should grantees or their successors, administrators, executors and assigns desire to put livestock on the above premises, no barns for said livestock shall be built at a distance of less than 100 feet from the property line of grantors herein, their heirs, executors, administrators and assigns.

with warranty covenants.
 WITNESS OUR hand S and seal S this 29th day of April, 1969

(Seal) John R. Yates (Seal)
 John R. Yates
 (Seal) Eunice Faye Yates (Seal)
 Eunice Faye Yates

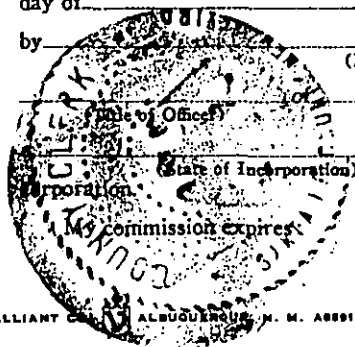
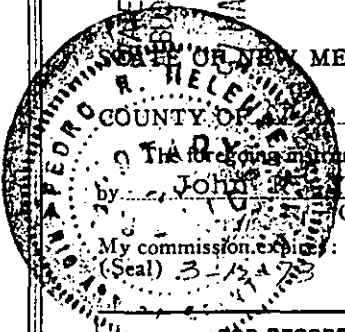
ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
 COUNTY OF Santa Fe ss.
 I, the undersigned, a Notary Public in and for the State of New Mexico, do hereby certify that the foregoing instrument was acknowledged before me this 29th day of April, 1969, by John R. Yates and Eunice Faye Yates, his wife (Name or Names of Person or Persons Acknowledging)
 My commission expires: 3-13-73
 (Seal) John L. Melendez Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
 COUNTY OF _____ ss.
 The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ (Name of Officer) _____ (Name of Corporation Acknowledging) _____ corporation, on behalf of said _____ (State of Incorporation)
 My commission expires _____
 Notary Public

FOR RECORDER'S USE ONLY
 STATE OF NEW MEXICO)
 COUNTY OF SANTA FE) 316,934
 I hereby certify that this instrument was filed for record on the 15 day of May, A.D., 1969 at 1:55 o'clock P. M., and was duly recorded in book 265 page 165 of the records of Santa Fe County.
 Witness my hand and Seal of Office
 PIPA T. GONZALES
 County Clerk, Santa Fe County, N.M.
Rose M. Chavez
 Deputy



Ramos

9589 0710 5270 0299 2599 19

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark
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Postage	\$
Total Postage and Fees	\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mario R. Madrid
P.O. Box 109
Santa Cruz, N.M. 87567



9590 9402 8749 3310 2519 91

2. Article Number (Transfer from service label)

9589 0710 5270 0299 2599 19

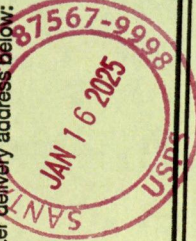
PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent

B. Received by (Printed Name) *Mario R. Madrid* C. Date of Delivery *JAN 16 2025*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:



3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Insured Mail (over \$500)



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

BATAAN MEMORIAL BUILDING, 407 GALISTEO STREET, SANTA FE, NM 87501
TELEPHONE: (505) 827-6120 FAX: (505) 827-6682

ELIZABETH K. ANDERSON, P.E.
STATE ENGINEER

Mailing Address:
P.O. Box 25102
Santa Fe, NM 87504-5102

January 9, 2025

Mario R. Madrid
P.O. Box 109
Santa Cruz, NM 87567

CERTIFIED - RETURN
RECEIPT REQUESTED
9589071052700299259919

Re: Declaration of Ownership of Water Rights for Subfile No. 5.5 of the Santa Cruz Section Adjudication.

Greetings:

Enclosed are your copies of Declaration of Ownership of Water Rights received by our office on January 2, 2025, which will **not be accepted for filing** by the Office of the State Engineer (OSE). The 6.61 acres of water rights identified as Subfile No. 5.5 of the Santa Cruz Section Adjudication were vacated by the United States District Court of New Mexico because the water rights were transferred by an OSE approved permit to RG-13113 from the property on April 12, 1967.

To address the water rights outlined in the declaration submitted, the OSE recognizes the following approved permits as they pertain to the properties identified as Tract 5, Mapsheet 5, of the Santa Cruz Hydrographic Survey and the adjacent property east of said Tract 5:

- On February 28, 1973, Permit SD-2419-186 and RG-22452 was approved for supplemental point of diversion RG-22452 as an additional source of water to irrigate 6.37 acres of land on Tract 5. The 6.37 acres of water rights recognized under this permit were transferred by Resolution Nos. 3 and 6, approved by the Santa Cruz Irrigation District, from the following OSE File Nos.:

OSE File No.	Subfile No.	Acreage Amount (acres)
SD-02415-33	3.67-R	2.38
SD-2418-225A	6.193	1.16
SD-2415-20	3.67-E	2.83
	Total	6.37

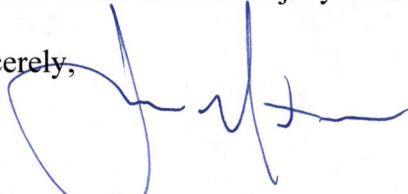
- On April 13, 1993, Permit SD-2419-186 and RG-22452 was approved for the transfer of 0.75 acres of irrigation water rights from Tract 5 to the adjacent property. Joe E. Madrid filed Proof of Beneficial Use of Water for 0.5 acres of irrigated land, 0.25 acres less than what was permitted.

Water rights appurtenant to 5.62 irrigation acres remain on Tract 5, Mapsheet 5, of the Hydrographic Survey, with a diversion amount of 15.736 acre-feet per annum (afa), and 0.5 irrigation acres remain on the adjacent property east of said Tract 5 with a diversion amount of 1.4 afa. The OSE will update the New Mexico Water Rights Reporting System Water Rights Summary for SD-2419-186 to reflect the permits identified above.

The current owner of record for SD-2419-186 is Joe Eliseo Madrid. A Change of Ownership Application should be filed by any new owners with a complete chain of title to update the OSE's record of ownership.

If you have any questions regarding this matter do not hesitate to contact me by telephone at 505-827-3922 or email at joey.maestas@ose.nm.gov

Sincerely,



Joey J. Maestas
Water Resources Professional
Water Rights Division, District VI

Enclosure
Cc: file, WATERS

3/31/97
Richard D. & Paul S. have
decided a plat is not required
for Mr Madrid because of
the expense of making
a map for 0.5 acre.
When I asked Richard to
put something in writing
he said he'd talk to Paul
again!

NC
Richard says these water
rights are stacked

STATE ENGINEER OFFICE
MEMO

DATE 13 MAR 97

TO: NANCY C.

() For Your Information () Note & Return

() For Your Files () Circulate

() For Your Handling () _____

REMARKS: If you have any questions
on this filing, call me before you
contact Mr. Madrid

Thanks!
MAR 17 AM 8:19

STATE ENGINEER OFFICE
ALBUQUERQUE, NEW MEXICO

R. Deibel



STATE OF NEW MEXICO
STATE ENGINEER OFFICE
SANTA FE

THOMAS C. TURNEY
State Engineer

BATAAN MEMORIAL BUILDING, ROOM 101
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6175
FAX: (505) 827-6188

March 11, 1997

Joe E. Madrid
P.O. Box 109
Santa Cruz, NM 87567

Re: File No. 02419 & 1659, sf 5.5

Greetings:

Enclosed are your three Proof of Applications of Water to Beneficial Use. Please sign them before a notary public and return all three to our office along with your payment of \$25.00 for license to appropriate made payable to: State Engineer Office.

Sincerely,

A handwritten signature in cursive script, reading "Joseph E. Montoya".

Joseph E. Montoya,
Secretary III

jem

STATE ENGINEER OFFICE
ALBUQUERQUE, NEW MEXICO
97 MAR 17 AM 8:19

SEE EVENT # 1554100 FOR MAP IMAGE

Click on Back link (above event at top of page) for list of events

MAP EVENT SHEET

house $84' \times 28' = 2352 \text{ sq. ft.}$ see 5 Modist

$$2352 \text{ ft}^2 \times \frac{1 \text{ yd}^2}{9 \text{ ft}^2} = 261 \text{ yd}^2$$

$$261 \text{ yd}^2 \times \frac{1 \text{ acre}}{4840 \text{ yd}^2} = 0.053 \text{ acres}$$

'97 MAR 5 AM 10 12
 STATE ENGINEER OFFICE
 SANTA FE NEW MEXICO

Sun deck
 drive way
 side walks
 Parking $\rightarrow 4500 \text{ ft}^2$

$$4500 \text{ ft}^2 \times \frac{1 \text{ yd}^2}{9 \text{ ft}^2} = 500 \text{ yd}^2$$

$$500 \text{ yd}^2 \times \frac{1 \text{ acre}}{4840 \text{ yd}^2} = 0.10 \text{ acres}$$

0.153 acres

STATE ENGINEER OFFICE
 ALBUQUERQUE, NEW MEXICO
 97 MAR 17 AM 8:19

0.67 acres on P.C. 306

- 0.153 acres usage on house and Sun deck

0.52 acres to be irrigated
 = acre ft 1.4

drive way
 side walks



**STATE OF NEW MEXICO
STATE ENGINEER OFFICE
ALBUQUERQUE**

Thomas C. Turney, P.E.
State Engineer

DISTRICT 1
3311 CANDELARIA, N.E. SUITE A
ALBUQUERQUE, NM 87107

February 25, 1997

File: 02419 & 1659 (Subfile 5.5)

Joe E. Madrid
P.O. Box 109
Santa Cruz, New Mexico 87567

Dear Mr. Madrid:

I am returning the Proof of Application of Water to Beneficial Use you submitted to our Santa Fe office on January '30, 1997 for corrections. You may either fill out new forms or make corrections on the original copy then initial and date the corrections.

The following corrections are needed. Line #5 asks for the permit number which should include the file number and subfile number. Line #6 asks for the date the permit was approved which should be April 13, 1993. You have listed the day and time the application arrived in the State Engineer Office (the time stamp). On the same line you need to write the amount of water appropriated. This should be 2.1 acre-feet, not 0.75 acre which is the amount of land to be irrigated. On line #7 the name of the ditch is requested. The last correction in the top section of the form is on line #10. The Y coordinate is 1,814,340 according to the Notice that was published in the paper.

In the lower section under "Irrigation and Domestic Uses" there are five corrections. On line #3 in this section the words "and domestic purposes" should be crossed out because this form only applies to your irrigation water, not your well. Line #4 and line #5 should be left blank unless you irrigate any other time than May to October. On line #6 mark the year you irrigated the full 0.75 acre. At the end of the same line, cross out the words "per acre".

In a related matter, one of the conditions of approval of your permit states that a plat of the 0.75 acre of move-from land and a plat of the remaining 5.62 acres within tract no. 5 having water rights shall be submitted. A copy of the hydrographic survey map is enclosed so you may mark the appropriate acreage.

File: 02419 & 1659 (Subfile 5.5)
February 25, 1997
Page 2

Lastly, your Proof of Application of Water to Beneficial Use must be accompanied by a plat showing the irrigated acreage. The plat must be done by a surveyor according to the enclosed specifications for filing maps and plans.

If you have any questions, feel free to call this office at (505) 841-9480.

Sincerely,



Nancy Cunningham
Water Resource Specialist

NC:nc
ENCL
cc: Santa Fe SEO

6.54

Joe A Madrid

753-6369

P.O. Box 109

Santa Cruz NM. 87567

Order

Resolutions 3, ~~6~~, 4

Res. 3 Transferred W.R.

From: Tr 6.193 To: Tr 5.5 6.16 ac

Tr 3.67-R To: S.E. 2.38 ac

Res. 6 Transferred W.R.

From: Tr 3.67-E To: Tr 5.5 2.83 ac

Res. 4 Transferred W.R.

STATE OF NEW MEXICO OFFICE

94DEC21 P 2: 53

OFFICIAL
FILED IN MY OFFICE
NOV 1973
U.S. DISTRICT COURT
SANTA CRUZ SECTION

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.
S. E. REYNOLDS, State Engineer,
Plaintiff,
v.
JOHN ABBOTT, et al.,
Defendants,
UNITED STATES OF AMERICA,
Intervenor,
and
STATE OF NEW MEXICO ex rel.
S. E. REYNOLDS, State Engineer,
Plaintiff,
v.
ACEQUIA DEL ALTO DE LA ACEQUIA DEL
LLANO COMMUNITY DITCH ASSOCIATION,
et al.,
Defendants.

No. 7488
&
No. 8650
CONSOLIDATED
SANTA CRUZ SECTION
Acequia del Llano
Sub-File No. 5.5

ORDER VACATING SUB-FILE ORDER

This matter coming on to be heard upon the plaintiff's and defendant's Motion to Vacate Sub-File Order and the Court having considered the motion and being otherwise fully advised in the premises, finds that the Order entered in sub-file 5.5 should be and hereby is vacated.

DATED this 30th day of November, 1973.

H. VEARLE PAYNE

JUDGE OF THE UNITED STATES DISTRICT COURT

STATE OF NEW MEXICO
CLERK OF DISTRICT COURT
SANTA CRUZ SECTION
940 DEPT. 254

DISTRICT OF NEW MEXICO

NOV 30 1968

STATE OF NEW MEXICO ex rel.)
S. E. REYNOLDS, State Engineer,)
Plaintiff,)

L. G. DONALD
CLERK

v.)

No. 7488

JOHN ABBOTT, et al.,)
Defendants,)

&

UNITED STATES OF AMERICA,)
Intervenor,)

No. 8650

and)

CONSOLIDATED

STATE OF NEW MEXICO ex rel.)
S. E. REYNOLDS, State Engineer,)
Plaintiff,)

SANTA CRUZ SECTION

v.)

Acequia del Llano

ACEQUIA DEL ALTO DE LA ACEQUIA DEL)
LLANO COMMUNITY DITCH ASSOCIATION,)
et al.,)

Sub-File No. 5.5

Defendants.)

STATE OF NEW MEXICO
CLERK

94DEC21 P 2:54

MOTION TO VACATE SUB-FILE ORDER

COMES NOW the plaintiff State of New Mexico ex-rel. S. E. Reynolds, State Engineer, and the defendant, John R. Yates, and request the Court to issue its Order vacating the Order in United States District Court Cause No. 7488, Sub-file No. 5.5, and as grounds therefor states:

1. On April 12, 1967 the water rights on 6.61 acres located within tract 5.5 were moved from said tract to well No. RG-13113 located outside the water shed of the Santa Cruz River Stream System.
2. On April 26, 1967 the defendant John R. Yates signed a Notice of Disclaimer wherein he forever disclaimed any and all rights to irrigate or otherwise beneficially use any water upon the land within tract 5.5
3. On May 28, 1968 the defendant John R. Yates signed an Offer of Judgment in which he claimed to own 6.61 acres with irrigation water rights in tract 5.5.
4. No water rights had been transferred into tract 5.5 prior to May 28, 1968.
5. The Adjudication Consent Order dated April 14, 1969 is in error for the reason that no water rights were appurtenant

to tract 5.5 at the time the defendant signed the Offer of Judgment.

WHEREFORE the plaintiff State of New Mexico and the defendant John R. Yates pray the Court to vacate its Order entered in Sub-File No. 5.5 on April 14, 1969.

Peter Thomas White

PETER THOMAS WHITE
Special Assistant Attorney General
State Engineer Office
Bataan Memorial Building
Santa Fe, New Mexico 87501

John R. Yates

JOHN R. YATES
P. O. Box F
Española, New Mexico

STATE ENGINEER OFFICE
AI
(EX)

94DEC21 P 2: 54

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

ORIGINAL
FILED IN MY OFFICE

APR 14 1969

STATE OF NEW MEXICO, ex rel.)
S. E. REYNOLDS, State Engineer,)
)
Plaintiff,)
)
vs.)
)
JOHN ABBOTT, et al.,)
)
Defendants.)

E. E. GREESON
CLERK

No. 7488

Llano Ditch
sub-File No. 5.5

O R D E R

THIS MATTER having come before the Court on the Plaintiff's Offer of Judgment, and the Court having considered the said Offer, the hydrographic survey and other evidence on file, and being otherwise fully advised in the premises, finds:

1. Name of Defendant: **JOHN R. YATES**
2. The Court has jurisdiction of the parties hereto and the subject matter herein.
3. The State Engineer's hydrographic survey and report relating to the Defendant's water rights have been introduced into the record and the same hereby are incorporated and made a part of this Order; that said hydrographic survey and report contain a true and correct summary of the contents of the instruments referred to therein.
4. The parties hereto have accepted an Offer of Judgment concerning the Defendant's rights and said Offer of Judgment is hereby approved.
5. The Defendant JOHN R. YATES has a right to withdraw public surface and underground waters from the Santa Cruz River Stream System as follows:

SUB-FILE NO. **5.5; JOHN R. YATES**

STATE DISTRICT COURT
CLERK'S OFFICE
APR 14 1969
9401 2:54

A. Purpose - Irrigation:

State Engineer File No.: 1659

Priority: 1695

Point of diversion:

Surface: Llano Ditch is located in the Santa Cruz Grant. The position of this diversion on the New Mexico Coordinate System, Central Zone is:
X = 570,585 and Y = 1,814,340.

Ground water:

Location & amount of acreage:

Part of P.C. 306, Complaint 126, Sec. 1,
T. 20 N., R. 8 E., within the Santa Clara
Pueblo Grant, as shown on hydrographic
survey map sheet 5, tract 5.

6.61 acres

STATE ENGINEER'S OFFICE
ALBUQUERQUE, N.M.

94DEC21 P 2: 54

Amount of water: Not to exceed two and
eight-tenths (2.8) acre-feet per acre per
annum delivered at the farm headgate.

B. Purpose - Domestic and/or Stock (underground water):

State Engineer File No.:

Priority:

Point of diversion:

Amount of water: Not to exceed three (3.0)
acre-feet per annum.

6. The Defendant JOHN R. YATES has no surface or underground water rights in the Santa Cruz River Stream System other than those referred to in this Order and those other Orders entered by this Court in this cause regarding other lands owned by the said Defendant in the said stream system.
7. That the Defendant JOHN R. YATES, his agents, employees, privies, co-tenants, assigns, attorneys, and any and all other persons having constructive knowledge of the restraining order should be enjoined from any use of the surface or underground water of the Santa Cruz River Stream System for any purpose except in strict accordance with the water rights set out hereinabove.

IT IS THEREFORE ORDERED that the Defendant _____
JOHN R. YATES be and hereby is adjudicated to have a good and valid water right as set forth above.

IT IS FURTHER ORDERED that the Defendant _____
JOHN R. YATES, his agents, employees, privies, co-tenants, tenants, assigns, attorneys, and any and all other persons having constructive knowledge of the restraining order, be and they hereby are are permanently enjoined and restrained from any use of the surface and underground water of the Santa Cruz River Stream System, except in strict accordance with the water rights set out hereinabove.

DATED this _____ day of APR 14 1969, 19____.

H. VEARLE PAYNE

JUDGE OF THE UNITED STATES DISTRICT COURT

STATE EN-
 ALBUQUOH

94DEC21 12 54

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel.,)
S. E. REYNOLDS, State Engineer,)
)
Plaintiff,)
)
vs.)
)
JOHN ABBOTT, et al.,)
)
Defendants.)

No. 7488
Sub-File No. 5.5

Llano Ditch
John R. Yates

OFFER OF JUDGMENT

COMES NOW the plaintiff and, subject to the approval of the Court, offers to suffer judgment against itself and in favor of the right of the defendant JOHN R. YATES to withdraw public waters from the Santa Cruz River Stream System as follows:

A. Purpose - Irrigation:

State Engineer File No.: 1659

Priority: 1695

Point of Diversion: Llano Ditch is located in the Santa Cruz Grant. The position of this diversion on the New Mexico Coordinate System, Central Zone is: X = 570,585 and Y = 1,814,340.

Location & Amount of Acreage:

Part of P.C. 306, Complaint 126, Sec. 1, T.20 N., R.8 E., within the Santa Clara Pueblo Grant, as shown on hydrographic survey map sheet 3, tract 3. 6.61 acres

Amount of Water: Not to exceed two and eight-tenths (2.8) acre-feet per acre per annum delivered at the farm headgate.

STATE ENGINEER'S OFFICE
ALBUQUERQUE, N.M.
94DEC21 P 2:53

B. Purpose - Domestic and/or Stock (underground water):

State Engineer File No.:

Priority:

Point of Diversion:

Amount of Water: Not to exceed three (3) acre-feet per annum

PROVIDED, however, that acceptance by the defendants shall confer upon the plaintiff authority to demand judgment against the defendant JOHN R. YATES in respect to all other public water use for irrigation from the Santa Cruz River Stream System on lands served by the LLANO Ditch. These lands are described in the State Engineer's hydrographic survey of the Santa Cruz River Stream System.

15/ Peter Schoenfeld
Special Assistant Attorney General

ACCEPTED: _____
Defendant

ACCEPTED: 15/ John R. Yates
Defendant

ADDRESS: Box F Escondido, N. Mex

DATE: 5-28-64

STATE ENGINEER'S OFFICE
ALBUQUERQUE, N.M.

94DEC21 P 2: 53

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

ORIGINAL
FILED IN MY OFFICE

JAN 5 1970

STATE OF NEW MEXICO, ex rel.)
S. E. REYNOLDS, State Engineer,)
)
Plaintiff,)
)
vs.)
)
JOHN ABBOTT, et al.,)
)
Defendants.)

E. E. GREESON
CLERK

No. 7488

Ortega Ditch
Sub-File No. 3.67-E

O R D E R

THIS MATTER having come before the Court on the Plaintiff's Offer of Judgment, and the Court having considered the said Offer, the hydrographic survey and other evidence on file, and being otherwise fully advised in the premises, finds:

94DEC29
2:54
STATE DISTRICT COURT
ALBUQUERQUE, N.M.

1. Name of Defendant: **SEFERINO MARTINEZ**
2. The Court has jurisdiction of the parties hereto and the subject matter herein.
3. The State Engineer's hydrographic survey and report relating to the Defendant's water rights have been introduced into the record and the same hereby are incorporated and made a part of this Order; that said hydrographic survey and report contain a true and correct summary of the contents of the instruments referred to therein.
4. The parties hereto have accepted an Offer of Judgment concerning the Defendant's rights and said Offer of Judgment is hereby approved.
5. The Defendant SEFERINO MARTINEZ has a right to withdraw public surface and underground waters from the Santa Cruz River Stream System as follows:

SUB-FILE NO. 3.67-E; SEFERINO MARTINEZ

A. Purpose - Irrigation:

State Engineer File No.: 1659

Priority: 1695

Point of diversion:

Surface: Through and by means of the Ortega Ditch, which diverts out of the left bank of the Santa Cruz River, within the Santa Cruz Grant, New Mexico Coordinate System, Central Zone, 1st X = 563,480 and Y = 1,813,970, Santa Fe County, New Mexico.

Ground water:

Location & amount of acreage:

Lots 55, 58 & 59, Marshall Subdivision, Secs. 14 & 15, T. 20 N., R. 8 E., within the Santa Clara Pueblo Grant, Rio Arriba County, New Mexico. Shown as tract 67-E on hydrographic survey map sheet 3.

2.83 acres

STATE ENGINEER OFFICE
ALBUQUERQUE, N. MEX.

94DEC21 P 2: 54

Amount of water: Not to exceed two and eight-tenths (2.8) acre-feet per acre per annum delivered at the farm headgate.

B. Purpose - Domestic and/or Stock (underground water):

State Engineer File No.:

Priority:

Point of diversion:

Amount of water: Not to exceed three (3.0) acre-feet per annum.

6. The Defendant SEFERINO MARTINEZ has no surface or underground water rights in the Santa Cruz River Stream System other than those referred to in this Order and those other Orders entered by this Court in this cause regarding other lands owned by the said Defendant in the said stream system.
7. That the Defendant SEFERINO MARTINEZ, his agents, employees, privies, co-tenants, assigns, attorneys, and any and all other persons having constructive knowledge of the restraining order should be enjoined from any use of the surface or underground water of the Santa Cruz River Stream System for any purpose except in strict accordance with the water rights set out hereinabove.

IT IS THEREFORE ORDERED that the Defendant SEFERINO MARTINEZ be and hereby is adjudicated to have a good and valid water right as set forth above.

IT IS FURTHER ORDERED that the Defendant SEFERINO MARTINEZ, his agents, employees, privies, co-tenants, tenants, assigns, attorneys, and any and all other persons having constructive knowledge of the restraining order, be and they hereby are are permanently enjoined and restrained from any use of the surface and underground water of the Santa Cruz River Stream System, except in strict accordance with the water rights set out hereinabove.

DATED this _____ day of JAN 5 1970, 19____.

H. VEARLE PAYNE

JUDGE OF THE UNITED STATES DISTRICT COURT

STATE OF
NEW MEXICO
ALBUQUERQUE

94DEC21

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

ORIGINAL
FILED IN MY OFFICE

JUN 18 1969

STATE OF NEW MEXICO, ex rel.)
S. E. REYNOLDS, State Engineer,)
)
Plaintiff,)
)
vs.)
)
JOHN ABBOTT, et al.,)
)
Defendants.)

E. E. GREESON
CLERK

No. 7488

Ortega Ditch
Sub-file No. 3.67-R

O R D E R

THIS MATTER having come before the Court on the Plaintiff's Offer of Judgment, and the Court having considered the said Offer, the hydrographic survey and other evidence on file, and being otherwise fully advised in the premises, finds:

1. Name of Defendant: **RALPH O. & ETHEL G. MARSHALL**
2. The Court has jurisdiction of the parties hereto and the subject matter herein.
3. The State Engineer's hydrographic survey and report relating to the Defendant's water rights have been introduced into the record and the same hereby are incorporated and made a part of this Order; that said hydrographic survey and report contain a true and correct summary of the contents of the instruments referred to therein.
4. The parties hereto have accepted an Offer of Judgment concerning the Defendant's rights and said Offer of Judgment is hereby approved.
5. The Defendant **RALPH O. & ETHEL G. MARSHALL** has a right to withdraw public surface and underground waters from the Santa Cruz River Stream System as follows:

SUB-FILE NO. 3.67-R; RALPH O. & ETHEL G. MARSHALL

A. Purpose - Irrigation:

State Engineer File No.: 1659 & RG-11337

Priority: 1695

Point of diversion:

Surface: Rthrough and by means of the Ortega Ditch which diverts out of the left bank of the Santa Cruz River within the Santa Cruz Grant; New Mexico Coordinate System, Central Zone; X = 563,480 and Y = 1,813,970, Santa Fe County, New Mexico.

Ground water: A well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, T.20 N., R.8 E., within the Santa Clara Pueblo Grant, NewMexico Coordinate System, Central Zone; X = 563,085 and Y = 1,809,110, Rio Arriba County, New Mexico, supplemental to surface water.

Location & amount of acreage:

Dedicated rights of way within Marshall Subdivision, Secs. 14 and 15, T.20 N., R.8 E., within the Santa Clara Pueblo Grant, Rio Arriba County, New Mexico, as shown on hydrographic survey map sheet No. 3, tract 67-R. -- 2.38 acres

Amount of water: Not to exceed two and eight-tenths (2.8) acre-feet per annum ~~delivered to the user from combined sources, delivered at the farm headgate and/or at the well.~~ from combined sources, delivered at the farm headgate and/or at the well.

B. Purpose - Domestic and/or Stock (underground water):
NONE

State Engineer File No.:

Priority:

Point of diversion:

Amount of water: Not to exceed three (3.0) acre-feet per annum.

6. The Defendant RALPH O. & ETHEL G. MARSHALL has no surface or underground water rights in the Santa Cruz River Stream System other than those referred to in this Order and those other Orders entered by this Court in this cause regarding other lands owned by the said Defendant in the said stream system.
7. That the Defendants RALPH O. & ETHEL G. MARSHALL, his agents, employees, privies, co-tenants, assigns, attorneys, and any and all other persons having constructive knowledge of the restraining order should be enjoined from any use of the surface or underground water of the Santa Cruz River Stream System for any purpose except in strict accordance with the water rights set out hereinabove.

IT IS THEREFORE ORDERED that the Defendant RALPH O. & ETHEL G. MARSHALL be and hereby is adjudicated to have a good and valid water right as set forth above.

IT IS FURTHER ORDERED that the Defendant RALPH O. & ETHEL G. MARSHALL, his agents, employees, privies, co-tenants, tenants, assigns, attorneys, and any and all other persons having constructive knowledge of the restraining order, be and they hereby are are permanently enjoined and restrained from any use of the surface and underground water of the Santa Cruz River Stream System, except in strict accordance with the water rights set out hereinabove.

DATED this _____ day of JUN 18 1969, 19__.

H. VEARLE PAYNE

JUDGE OF THE UNITED STATES DISTRICT COURT

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VICE

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

ORIGINAL
FILED IN MY OFFICE

APR 14 1959

STATE OF NEW MEXICO, ex rel.)
S. E. REYNOLDS, State Engineer,)
)
Plaintiff,)
)
vs.)
)
JOHN ABBOTT, et al.,)
)
Defendants.)

E. E. GREESON
CLERK

No. 7488

Santa Cruz Ditch
Sub-File No. 6.193

O R D E R

THIS MATTER having come before the Court on the Plaintiff's Offer of Judgment, and the Court having considered the said Offer, the hydrographic survey and other evidence on file, and being otherwise fully advised in the premises, finds:

1. Name of Defendant: BENITO LOPEZ
2. The Court has jurisdiction of the parties hereto and the subject matter herein.
3. The State Engineer's hydrographic survey and report relating to the Defendant's water rights have been introduced into the record and the same hereby are incorporated and made a part of this Order; that said hydrographic survey and report contain a true and correct summary of the contents of the instruments referred to therein.
4. The parties hereto have accepted an Offer of Judgment concerning the Defendant's rights and said Offer of Judgment is hereby approved.
5. The Defendant BENITO LOPEZ has a right to withdraw public surface and underground waters from the Santa Cruz River Stream System as follows:

SUB-FILE NO. 6.193; BENITO LOPEZ

STATE ENGINEER'S OFFICE
DISTRICT OF NEW MEXICO

94DEC21 P 2: 54

A. Purpose - Irrigation:

State Engineer File No.: 1659

Priority: 1695

Point of diversion:

Surface: Through and by means of the Santa Cruz Ditch, which diverts out of the North bank of the Santa Cruz River, within the Santa Cruz Grant; New Mexico Coordinate System, Central Zone: X = 570,585 & Y = 1,814,340, Santa Fe County, New Mexico.

Ground water:

Well RG-13072 located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 21 N., R. 8 E., within the Santa Cruz Grant; New Mexico Coordinate System, Central Zone: X = 557,655 & Y = 1,823,850, Rio Arriba County, New Mexico, supplemental to surface waters of the Santa Cruz River Stream System.

Location & amount of acreage:

Part of the Santa Cruz Grant, Rio Arriba County, New Mexico, as shown on hydrographic survey map sheet 6, tract 193.

1.84 acres

STATE ENGINEER OFFICE
ALBUQUERQUE, N. MEX.

940DEC21 P 2: 54

Amount of water: Not to exceed two and eight-tenths (2.8) acre-feet per acre per annum delivered at the farm headgate.

B. Purpose - Domestic and/or Stock (underground water):

State Engineer File No.:

Priority:

Point of diversion:

Amount of water: Not to exceed three (3.0) acre-feet per annum.

6. The Defendant BENITO LOPEZ has no surface or underground water rights in the Santa Cruz River Stream System other than those referred to in this Order and those other Orders entered by this Court in this cause regarding other lands owned by the said Defendant in the said stream system.
7. That the Defendant BENITO LOPEZ, his agents, employees, privies, co-tenants, assigns, attorneys, and any and all other persons having constructive knowledge of the restraining order should be enjoined from any use of the surface or underground water of the Santa Cruz River Stream System for any purpose except in strict accordance with the water rights set out hereinabove.

IT IS THEREFORE ORDERED that the Defendant BENITO LOPEZ be and hereby is adjudicated to have a good and valid water right as set forth above.

IT IS FURTHER ORDERED that the Defendant BENITO LOPEZ, his agents, employees, privies, co-tenants, tenants, assigns, attorneys, and any and all other persons having constructive knowledge of the restraining order, be and they hereby are are permanently enjoined and restrained from any use of the surface and underground water of the Santa Cruz River Stream System, except in strict accordance with the water rights set out hereinabove.

DATED this _____ day of _____, 1969.

H. VEARLE PAYNE

JUDGE OF THE UNITED STATES DISTRICT COURT

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 OFFICE

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.)
S. E. REYNOLDS, State Engineer,)
Plaintiff,)
v.)
JOHN ABBOTT, et al.,)
Defendants,)
UNITED STATES OF AMERICA, et al.,)
Intervenor,)
and)
STATE OF NEW MEXICO ex rel.)
S. E. REYNOLDS, State Engineer,)
Plaintiff,)
v.)
ACEQUIA DEL ALTO DE LA ACEQUIA DEL)
LLANO COMMUNITY DITCH ASSOCIATION,)
et al.,)
Defendants.)

No. 7488

Sub-File No. 6.99
Acequia de Santa Cruz

&

No. 8650

CONSOLIDATED

SANTA CRUZ SECTION

94DEC21 P 2:54

ORIGINAL
FILED IN MY OFFICE

APR 26 1974

L. G. KANALY
CLERK

*Def's copy
mailed 5-10-74*

O R D E R

THIS MATTER having come before the Court on the Plaintiff's Offer of Judgment, and the Court having considered the said Offer, the hydrographic survey and report and other evidence on file, and being otherwise fully advised in the premises, finds:

1. Name of defendant: **WILLIAM G. DELANO & HELEN H. DELANO**
2. The Court has jurisdiction of the parties hereto and the subject matter herein.
3. The parties hereto have accepted an Offer of Judgment concerning the defendants rights. Said Offer of Judgment is approved and hereby incorporated into this Order.
4. The defendant has a right to withdraw and use public surface or underground waters of the Santa Cruz River Stream System as follows:

Purpose: Irrigation

Priority: 1695

State Engineer File No.: ~~None~~ 1659

Point of Diversion: **Through and by means of the Acequia de Santa Cruz which diverts out of the north bank of the Santa Cruz River, within the Santa Cruz Grant; New Mexico Coordinate System, Central Zone: X=570,585 and Y=1,814,340, Santa Fe County, New Mexico.**

Location & Amount of Irrigated Acreage:

Part of P.C. 173, Exception 170,	1.47 acres
Part of P.C. 175, Exception 172,	<u>1.28</u>
Secs. 35 & 36, T. 21 N., R. 8 E.,	
within the Santa Clara Pueblo	
Grant, Rio Arriba County, New	TOTAL 2.75 acres
Mexico, as shown on hydrographic	
survey map sheet 6, tract 99.	

Duty of Water: Not to exceed two and eight-tenths (2.8) acre-feet per acre per annum delivered at the farm headgate.

5. The defendant has no surface or underground water rights in the Santa Cruz River Stream System, other than those referred to in this Order and those other Orders entered by this Court in this cause regarding other lands owned by the said defendant in the said stream system.
6. That the defendant, his agents, employees, privies, co-tenants, assigns, attorneys, and any and all other persons having constructive knowledge of this restraining Order should be enjoined from any use of the surface or underground waters of the Santa Cruz River Stream System, except in strict accordance with the water rights described herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant WILLIAM G. DELANO & HELEN H. DELANO, be and hereby is, adjudicated to have a good and valid water right as set forth above.

IT IS FURTHER ORDERED that the defendant, his agents, employees, privies, co-tenants, tenants, assigns, attorneys, and any and all other persons having constructive knowledge of this restraining Order be, and they hereby are, permanently enjoined and restrained from any use of the surface and underground waters of the Santa Cruz River Stream System, except in strict accordance with the water rights set out hereinabove.

DATED this _____ day of _____, 19__.

N. VEABLE PAYNE

JUDGE OF THE UNITED STATES DISTRICT COURT

STATE ENGINEER

94DEC21 P 2

-2-

Sub-File No. 6.99



File No

STATE OF NEW MEXICO
STATE ENGINEER OFFICE
SANTA FE

02419

ELUID L. MARTINEZ
State Engineer

December 21, 1994

BATAAN MEMORIAL BUILDING, ROOM 101
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-5102

Mr. Joe Madrid
P.O. Box 109
Santa Cruz, NM 87527

Dear Mr. Madrid:

Reference is made to our telephone conversation on December 16, 1994, concerning the transfer of 0.75 acres of your irrigated acreage to a lot located above the El Llano Ditch.

As I indicated, the transfer, which was approved by our office, requires that you file a "Proof of Application of Water to Beneficial Use," with our office. The proof form needs to be submitted to our office in triplicate, together with a twenty-five dollar (\$25.00) filing fee.

Enclosed are four (4) copies of the Proof of Application of Water to Beneficial Use forms for your use. The forms are self-explanatory; however, if you need any assistance in filling out the forms, you can contact Mr. Richard Deubel of our Water Rights Division. The State Engineer Office Toll Free No. is 800-928-3766 then press the number for water rights information.

Please feel free to contact our office if we can be of assistance to you.

Sincerely yours,

Max L. Read

Max L. Read
Administrative Assistant

MLR:eg
Enclosure

The following is a table showing the water rights transferred to Tract No. 5.5 by Resolutions approved by the Santa Cruz Irrigation District:

RESOLUTION NO.	MOVE-FROM TRACT NO.	ACREAGE	APPROVAL DATE
3	3.67-R	(2.38)	9May69
	6.193	(1.16)	9May69
4	6.99	5.05 (2.75)	25Jul69
6	3.67-E	3.00 (2.83)	26Mar70

The acreages in parentheses are those which were adjudicated a water right; therefore, the total acreage which could be transferred to Tract No. 5.5 was 9.12 acres. Copies of the Resolutions are attached to the application, as are copies of the quitclaim deeds and Changes of Ownership of Water Right relating to the Resolutions. The applicant could not provide proof of ownership of the water right described in Resolution No. 4; therefore, a total of 6.37 acres of water right can be documented to have been moved to Tract No. 5.5. By letter dated March 5, 1992, the applicant requested that action on the subject application be put on hold until the applicant could provide documentation of his ownership of water right described in Resolution No. 4. On March 29, 1993, the applicant requested that action be taken on the application without the applicant having provided the said documentation.

It can be documented that the applicant is the owner of 6.37 acres of water right located within Tract No. 5.5 of the 1963 Upper Rio Grande Hydrographic Survey, Santa Cruz River Section. No change in point of diversion is requested, therefore, no detriment to existing rights is foreseen. Irrigation of land is not contrary to conservation of water and is in the public interest of the State of New Mexico; therefore, the writer recommends approval of the subject application with the following suggested conditions of approval:

1. This application is approved for the irrigation of 0.75 acre of land as described on the face of the application.
2. The water right appurtenant to 0.75 acre of move-from land is hereby severed therefrom and shall not be irrigated from any source.
3. Prior to any diversion of water under this permit, the permittee shall submit: 1. a plat of the 0.75 acre of move-to land, 2. a plat of the 0.75 acre of move-from land, and 3. a plat of the remaining 5.62 acres within Tract No. 5.5 having appurtenant water rights.

The writer recommends that Proof of Application of Water to Beneficial Use be submitted on or before April 15, 1993.

OK
I understand
P.S.
93 APR 15 6 41
SANTA CRUZ IRRIGATION DISTRICT
SANTA CRUZ, N. MEXICO
CIVIL ENGINEER OFFICE

'92 MAR 10 AM 10 05

STATE ENGINEER OFFICE
SANTA FE NEW MEXICO March 5, 1992

Mr. Richard Deubel
Water Rights Division
Sataan Memorial Building
Santa Fe, New Mexico 87503

Dear Mr. Deubel:

Please put on hold the application for the transfer of water rights from Tract 5.5 to P.C. 306. Time is needed to straighten this matter.

Thanks, Richard.

Yours truly,

Joe E. Madrid
Joe E. Madrid

P. O. Box 105
Santa Cruz, New Mexico 87567

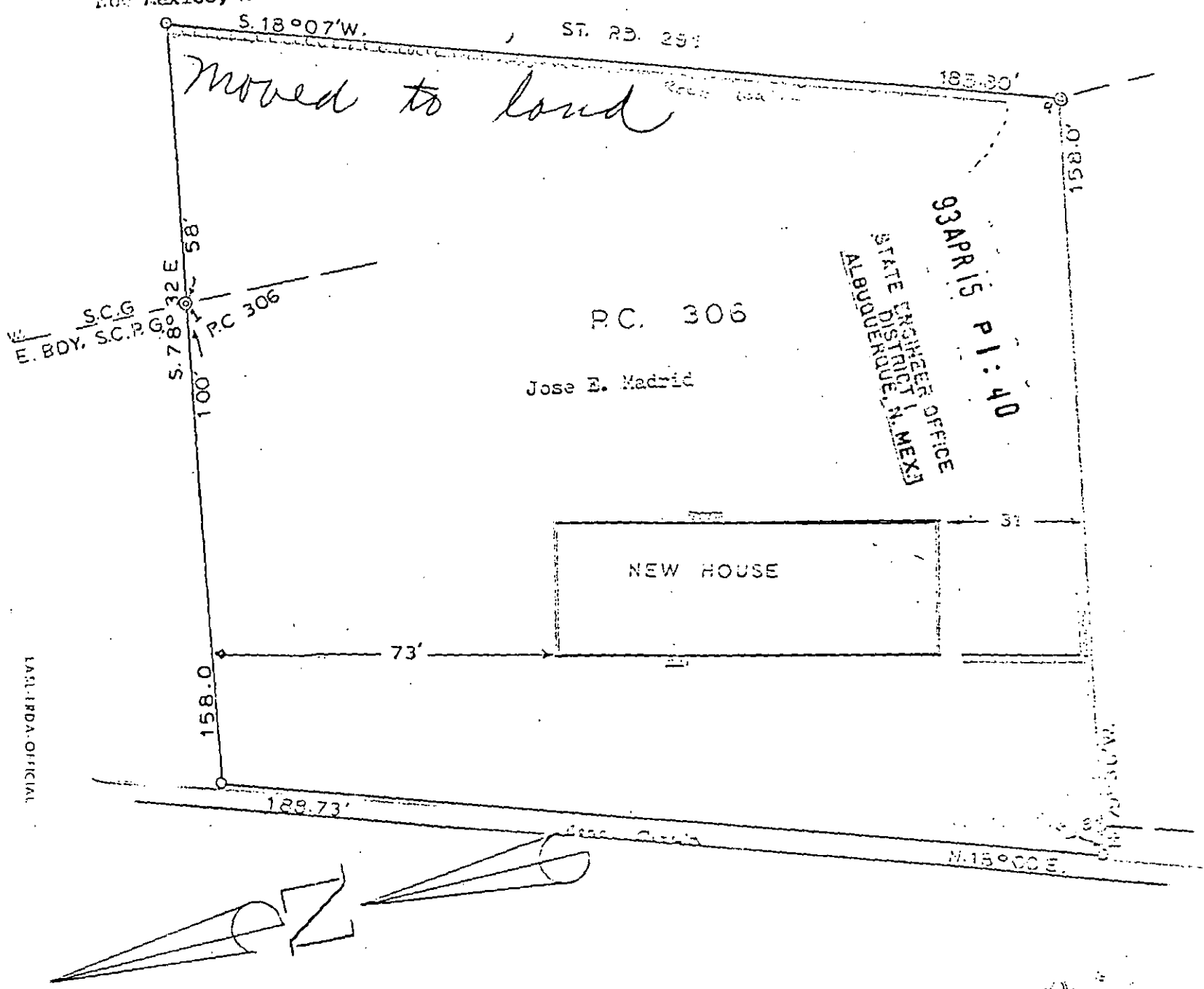
March 29, 1993

As of today, I request that this application be acted on.

Joe E. Madrid

93APR15 11:41
STATE ENGINEER OFFICE
ALBUQUERQUE, N. MEX.

I hereby certify that the following is a plat of the improvements situate and being in the vicinity of Santa Cruz County of Santa Fe State of New Mexico. I also certify that the setback distances and other restrictions pertaining to the property in the P.C. 306 (S.C.P.C.) & S.C.P.C. County of Santa Fe State of New Mexico, have been complied with. The property is subject to any easement of record



I also certify that the above plat is a correct representation of the Lot P.C. 306 of Santa Fe County, New Mexico on Book of Plats, page 17, 1936 records of Santa Fe County, New Mexico, as established by a survey conducted by J.C. Lujan that the said Lot lines are coincident with those of the adjoining Lots and streets, and that there is no overlap between the lines of said lot or streets, I further certify that this plat correctly shows the boundaries of said Lot and that no improvements on adjoining property show on said lot as described on the above plat.

J.C. Lujan
 J.C. Lujan, Surveyor

LAND RECORDS OFFICIAL

Notice is hereby given that on November 19, 1991, Joe E. Madrid, P. O. Box 109, Santa Cruz, New Mexico 87567 filed Application No. 02419 and 1659 with the State Engineer for Permit to Change Place of Use of Surface Waters. The applicant proposes to discontinue the diversion of 2.1 acre-feet of water from Acequia del Llano, whose point of diversion from Santa Cruz River, tributary of the Rio Grande, is X = 570,585 feet, Y = 1,814,340 feet; New Mexico Coordinate System, Central Zone, for the irrigation of .75 acre of land described as part of Tract 5.5 of the 1963 Upper Rio Grande Hydrographic Survey, Santa Cruz River Section, and commence the diversion of 2.1 acre-feet of water from Acequia del Llano for the irrigation of 0.75 acre of land located adjacent to, and east of, said Tract 5.5.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protests. The protest or objections shall be in writing and shall set forth all protestant's or objector's reasons why the application should not be approved and must be filed, in triplicate, with Eluid L. Martinez, State Engineer, P. O. Box 25102, Santa Fe, New Mexico 87504-5102 within ten (10) days after the date of the last publication of this Notice. (Published January 2, 9 and 6, 1992)

Affidavit of Publication

STATE OF NEW MEXICO }
County of Rio Arriba } ss.

I, Robert Trapp, being first duly sworn, declare and say that I am the Publisher of the Rio Grande Sun, a weekly newspaper, published in the English language, and having a general circulation in the City of Espanola and County of Rio Arriba, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1937; that the publication, a copy of which is hereto attached, was published in said paper once each week for 3... consecutive weeks, and on the same day of each week in the regular issue of the paper during the time of publication, and that the notice was published in the newspaper proper, and

not in any supplement, the first publication being on the 2nd day of Jan 1992 and the last publication on the 16th day of Jan 1992 that payment for said advertisement has been (duly made), or (assessed as court costs); that the undersigned has personal knowledge of the matters and things set forth in this affidavit.

Robert Trapp
Publisher

Subscribed and sworn to before me this 16th day of Jan A.D., 1992

Robert J. Trapp
Notary Public

My Commission expires 5-17-93

STATE BILL
 Time at \$ 336.00
 2 times \$ 56.00
 Sub-Total \$ 896.00
 Tax \$ 53.8
 Total \$ 949.8

THE SUN
 91

STATE ENGINEER OFFICE
 ALBUQUERQUE, N. MEX
 93 APR 15 11:41

SANTA CRUZ IRRIGATION DISTRICT
P. O. Box 1168
Santa Cruz, New Mexico

*San Cruz
condp.
fine copy to
Water Right*

At a regular meeting of the Board of Directors of the Santa Cruz Irrigation District, held at Santa Cruz, New Mexico on the 26 day of March, 1969, Mr. Lester Whitney, one of the members of the Board of Directors, introduced the following Resolution which was thereupon read in full and is as follows:

RESOLUTION NO. 6

A RESOLUTION PROVIDING FOR THE TRANSFER OF WATER RIGHTS FROM TRACTS NO. T 67-E TO TRACTS NO. T 5 HYDROGRAPHIC SURVEY SANTA CRUZ RIVER SECTION. ACRES TRANSFERRED 3.00.

(117) 3.67-E

2.83 acres only

BE IT RESOLVED BY the Board of Directors of the Santa Cruz Irrigation District of Santa Cruz, New Mexico that:

WHEREAS, in the judgement of the Board of Directors, water for irrigation can not now be beneficially applied to part of Tracts No. 67-E hydrographic survey and

WHEREAS, an application to transfer the water rights from Tracts No. 67-E to Tracts No. T 5 was presented to the Board of Directors, and

WHEREAS, the Board of Directors, after careful consideration, deem it in the best interest of the District and all concerned to approve the application.

BE IT RESOLVED that this transfer be and the same is hereby approved.

ADOPTED AND APPROVED this 26th day of March, 1969.

Benito Lopez
Chairman

ATTEST:

Benito Lopez
Secretary

STATE ENG
ALBUQUERQUE

93 APR 15

That said Resolution has been duly recorded in a book kept for that purpose in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of Said District this 26th day of March, 1969

Benito Lopez
Secretary

12415

791701

MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

1. NAME OF WATER RIGHT OWNER OF RECORD Jesús Martínez
Mailing Address _____
City, State, Zip Code _____

NAME OF NEW OWNER Joe & Madril
Mailing Address P.O. Box 709
City, State, Zip Code Santa Cruz, New Mexico 87567

2. The water right is set forth in State Engineer Office File Number 02415
Subfile Number 3.67-E of Cause Number 7488
Water right owner of record has conveyed all of said right.
(all or part)

3. RECORDED PURPOSE OF USE OF WATER RIGHT AND AMOUNT CONVEYED: (Check appropriate use)
A. DOMESTIC _____ B. LIVESTOCK _____ C. IRRIGATION D. MUNICIPAL _____ E. INDUSTRIAL _____
F. COMMERCIAL _____ G. OTHER (specify) _____
AMOUNT CONVEYED _____ ACRE-FEET PER ANNUM.

STATE ENGINEER OFFICE
ALBUQUERQUE, N. MEX.
93 APR 15 PM 1 40

4. IRRIGATION: The conveyed water right is appurtenant to lands described as follows (describe only lands with actual water right and diversion as that amount of water measured at the well and/or farm headgate):

SUBDIVISION (District or Hydrographic Survey)	SECTION	TOWNSHIP (Map No.)	RANGE (Tract No.)	ACREAGE	DIVERSION (Acre Feet Per Annum)	PRIORITY
<u>1963 upper</u>		<u>3</u>	<u>67-E</u>	<u>2.83</u>	<u>7.924</u>	
<u>Red Grands</u>						
<u>Hydrographic</u>						
<u>Seneca Santa</u>						
<u>Cruz River Section</u>						
TOTAL				<u>2.83</u>	<u>7.924</u>	

5. DESIGNATE WELLS TO ACCOMPANY THE CONVEYED RIGHT: (To be executed if conveyance involves only a part of a ground water right):

WELL FILE NO.	SUBDIVISION	SECTION	RANGE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

STATE ENGINEER OFFICE
SANTA FE, NEW MEXICO
92 FEB 20 PM 10 30

6. I HEREBY CONSENT TO A LAWFUL CHANGE IN THE PLACE AND/OR PURPOSE OF USE OF THE ABOVE-DESCRIBED WATER RIGHT: (To be executed if water right described above is a right for irrigation purposes and has been conveyed separate from the land to which it is appurtenant.)

WITNESS _____ hand _____ and seal _____ this 18 day of February 1992 791702
 _____ (Seal) Joe G. Madrid (Seal)
 _____ (Seal) _____ (Seal)

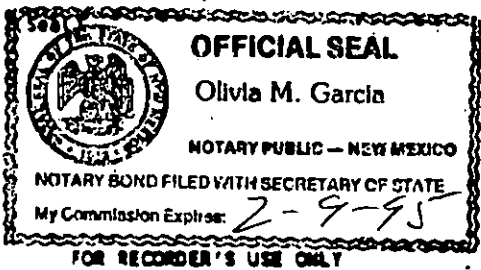
ACKNOWLEDGMENT FOR NATURAL PERSONS

State of New Mexico)
 County of Santa Fe) ss.

The foregoing instrument was acknowledged before me this 18 day of February, 1992
 by Joe G. Madrid
 (Name or Names of Person or Persons Acknowledging)

Olivia M. Garcia
 Notary Public

My commission expires:



ACKNOWLEDGMENT FOR CORPORATION

State of _____)
 County of _____) ss.

The foregoing instrument was acknowledged before me this _____
 day of _____, 19____, by _____

 (Name of Officer)

_____ of _____
 (Name of Corporation Acknowledging)

 corporation, on behalf of said corporation.

 (Date of Incorporation)

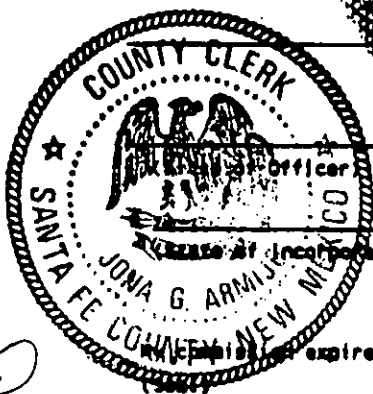
 My commission expires:

 Notary Public

763,710
 COUNTY OF SANTA FE)
 STATE OF NEW MEXICO)
 I hereby certify that this instrument was filed
 for record on the 18 day of Feb A.D.
 19 92 at 12:50 o'clock PM
 and was duly recorded in book 7918
 page 701-702 of the records of
 Santa Fe County.

Witness my Hand and Seal of Office
 Jona G. Armijo
 County Clerk, Santa Fe County, N.M.

Olivia M. Garcia
 Deputy



INSTRUCTIONS

1. The Water Right Owner of Record is the owner as recorded in the State Engineer Office.
2. The executed form shall be filed with the county clerk by the new owner of water right indicated on item 1 of this form.
3. This form shall be executed either by conveyor (seller) or by the new owner and shall be accompanied by a filing fee as set by the clerk of the county or counties in which the water right is located. If executed by the new owner, it shall be accompanied by a copy of the recorded deed or other recorded instrument of conveyance.
4. A separate Change of Ownership of water Right form shall be filed for each water right recorded in the State Engineer Office by either: A. Permit or License, B. Declaration, or C. Adjudication. Change of Ownership is not required when the water right has not been recorded in the State Engineer Office.
5. If change of ownership is for domestic use only, (permitted under MWSA §72-12-1 1978) complete items 1, 2 and 3. If change of ownership of water right is for any other use, complete items 1, 2, 3 and 4, 5 and 6, if applicable.
6. Upon filing the Change of Ownership form, the County Clerk will forward an endorsed copy of the form to the State Engineer Office, P.O. Box 25102, Santa Fe, New Mexico, 87504-5102.

QUITCLAIM DEED

Severino Martinez of Rio Arriba County, New Mexico, for consideration paid, quitclaims to Joa E. Madrid of Santa Fe County, New Mexico, the following water rights:

3.00 acres of water rights appurtenant to Tract No. T 67 E of the Upper Rio Grande Hydrographic Survey Report (1964), Santa Fe River System, to be transferred to Tract 5.5 of the aforesaid survey, within County of Santa Fe State of New Mexico

STATE ENGINEER OFFICE
SANTA FE DISTRICT
SANTA FE, N. MEX.

93 APR 15 P 1:40

WITNESS my hand and seal this 28th day of April, 1970.

Severino E. Martinez
SEVERINO MARTINEZ

STATE OF NEW MEXICO)
) ss.
COUNTY OF RIO ARRIBA)

The foregoing instrument was acknowledged before me this, 28th day of April, 19 70, by Joa E. Madrid

[Signature]
NOTARY PUBLIC

My commission expires:
12/18/71

'92 FEB 20 AM 10 30
STATE ENGINEER OFFICE
SANTA FE NEW MEXICO

SANTA CRUZ IRRIGATION DISTRICT
P. O. Box 1168
Santa Cruz, New Mexico

At a regular meeting of the Board of Directors of the Santa Cruz Irrigation District, held at Santa Cruz, New Mexico on the 25th day of July, 1969, Mr. Abedon Lopez Sr., one of the members of the Board of Directors, introduced the following Resolution which was thereupon read in full and is as follows:

RESOLUTION NO. 4

A RESOLUTION PROVIDING FOR THE TRANSFER OF
WATER RIGHTS FROM TRACTS NO. 6-99
TO TRACTS NO. 5-5 HYDROGRAPHIC
SURVEY SANTA CRUZ RIVER SECTION.
ACRES TRANSFERED 5.05

STATE ENGINEER'S OFFICE
ALBUQUERQUE, N. MEX.

93 APR 15 P 1: 40

BE IT RESOLVED BY the Board of Directors of the Santa Cruz Irrigation District of Santa Cruz, New Mexico that:

WHEREAS, in the judgement of the Board of Directors, water for irrigation can not now be beneficially applied to part of Tracts no. 6-99 hydrographic survey and

WHEREAS, an application to transfer the water rights from Tracts No. 6-99 to Tracts NO. 5-5 was presented to the Board of Directors, and 5-31?

WHEREAS, the Board of Directors, after careful consideration, deem it in the best interest of the District and all concerned to approve the application.

BE IT RESOLVED that this transfer be and the same is hereby approved.

ADOPTED AND APPROVED this 25th day of July, 1969.

Abedon Lopez
Chairman

ATTEST:
Bento Lopez
Secretary

That said Resolution has been duly recorded in a book kept for that purpose in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said District this 25th day of July, 1969.

Bento Lopez
Secretary

SANTA CRUZ IRRIGATION DISTRICT
P. O. Box 1168
Santa Cruz, New Mexico

At a regular meeting of the Board of Directors of the Santa Cruz Irrigation District, held at Santa Cruz, New Mexico on the 9th day of May, 1969, Mr. Abedon Lopez, one of the members of the Board of Directors, introduced the following Resolution which was thereupon read in full and is as follows:

RESOLUTION NO. 3

A RESOLUTION PROVIDING FOR THE TRANSFER OF WATER RIGHTS FROM TRACTS NO. 6-193, 3-67-R TO TRACTS NO. 5-5 HYDROGRAPHIC SURVEY SANTA CRUZ RIVER SECTION.

BE IT RESOLVED by the Board of Directors of the Santa Cruz Irrigation District of Santa Cruz, New Mexico that:

WHEREAS, in the judgement of the Board of Directors, water for irrigation can not now be beneficially applied to part of Tracts No. 6-193, 3-67-R hydrographic survey and

WHEREAS, an application to transfer the water rights from Tracts No. 6-193, 3-67-R to Tracts No. 5-5 was presented to the Board of Directors, and

WHEREAS, the Board of Directors, after careful consideration, deem it in the best interest of the District and all concerned to approve the application.

BE IT RESOLVED that this transfer be and the same is hereby approved.

ADOPTED AND APPROVED this 9th day of May, 1969.

Abedon Lopez
Chairman

ATTEST:

Beata Lopez
Secretary

That said Resolution has been duly recorded in a book kept for that purpose in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said District this 10th day of May, 1969.

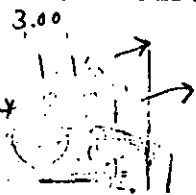
Beata Lopez
Secretary

STATE ENGINEER
ALBUQUERQUE

2.83
2.38
93 APR 15

1.16
1.84
2.38
422

1.84
2.38
2.83



NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

791705

1. NAME OF WATER RIGHT OWNER OF RECORD Benito Lopez
Mailing Address _____
City, State, Zip Code _____

NAME OF NEW OWNER Jae E Madrid
Mailing Address P.O. Box 109
City, State, Zip Code Santa Cruz, NM 87567

2. The water right is set forth in State Engineer Office File Number 02418
Subfile Number 6-193 of Cause Number 7488
Water right owner of record has conveyed Part of said right.
(all or part)

3. RECORDED PURPOSE OF USE OF WATER RIGHT AND AMOUNT CONVEYED: (Check appropriate use)
A. DOMESTIC _____ B. LIVESTOCK _____ C. IRRIGATION D. MUNICIPAL _____ E. INDUSTRIAL _____
F. COMMERCIAL _____ G. OTHER (specify) _____
AMOUNT CONVEYED _____ ACRE-FEET PER ANNUM.

4. IRRIGATION: The conveyed water right is appurtenant to lands described as follows (describe city lands with actual water right and diversion as that amount of water measured at the well and/or headgate):

SUBDIVISION (District or Hydrographic Survey)	SECTION (Map No.)	TOWNSHIP (Map No.)	RANGE (Tract No.)	ACREAGE	DIVERSION (Acre Feet Per Annum)	PRIORITY
<u>1963</u>	<u>4912</u>	<u>10</u>	<u>193</u>	<u>1.16</u>	<u>3.248</u>	
<u>Rio Grande</u>						
<u>Hydrographic</u>						
<u>Survey - Santa</u>						
<u>Cruz River Section</u>						
			TOTAL	<u>1.16</u>	<u>3.248</u>	

5. DESIGNATE WELLS TO ACCOMPANY THE CONVEYED RIGHT: (To be executed if conveyance involves only a part of a ground water right):

WELL FILE NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

6. I HEREBY CONSENT TO A LAWFUL CHANGE IN THE PLACE AND/OR PURPOSE OF USE OF THE ABOVE-DESCRIBED WATER RIGHT: (To be executed if water right described above is a right for irrigation purposes and has been conveyed separate from the land to which it is appurtenant.)

93 APR 25 P 1:40
 STATE ENGINEER OFFICE
 ALBUQUERQUE, N. MEX.
 FEB 20 AM 10 30
 STATE ENGINEER OFFICE
 SANTA CRUZ, N. MEX.

M E M O R A N D U M

DATE: March 31, 1993

TO: Paul Saavedra, Deputy Chief, Water Rights Division

FROM: Richard Deubel, Water Rights Division *RJA*

SUBJECT: Application No. 02419 & 1659, Subfile No. 5.5, for
Permit to Change Place of Use of Surface Waters

93 APR 15 P 1:41
STATE ENGINEER OFFICE
DISTRICT I MEXA
ALBUQUERQUE, N. MEXA

The subject application was filed on November 19, 1991 by Joe E. Madrid. The Notice of Publication was issued on December 19, 1991. The Affidavit of Publication was received on January 30, 1992 stating that the subject application was published on January 2, 9 and 16, 1992 in the Rio Grande Sun. No protests to the application were filed.

The applicant proposes to discontinue the diversion of 2.1 acre-feet of water from Acequia del Llano, whose point of diversion from Santa Cruz River, tributary of the Rio Grande, is X=570,585 feet, Y=1,814,340 feet, New Mexico Coordinate System, Central Zone, for the irrigation of 0.75 acre of land described as part of Tract No. 5.5 of the 1963 Upper Rio Grande Hydrographic Survey, Santa Cruz River Section, and commence the diversion of 2.1 acre-feet of water from Acequia del Llano for the irrigation of 0.75 acre of land located adjacent to, and east of, said Tract No. 5.5. A plat of the proposed move-to land is attached to the application.

Said Tract No. 5.5, then owned by John R. Yates, and comprising 6.61 acres, was adjudicated water rights on April 14, 1969 in United States District Court, District of New Mexico, Cause No. 7488. On November 30, 1973, an Order Vacating Subfile Order No. 5.5 was entered for reason that:

1. On April 12, 1967 the water rights on 6.61 acres located within Tract No. 5.5 were moved from said tract to Well No. RG-13113 located outside the watershed of the Santa Cruz River Stream System.
2. On April 26, 1967, the defendant, John R. Yates, signed a Notice of Disclaimer wherein he forever disclaimed any and all rights to irrigate or otherwise beneficially use any water upon the land within Tract No. 5.5.
3. On May 28, 1968, the defendant, John R. Yates, signed an Offer of Judgement in which he claimed to own 6.61 acres with irrigation water rights in Tract No. 5.5.
4. No water rights had been transferred into Tract No. 5.5 prior to May 28, 1968.
5. The adjudication Consent Order dated April 14, 1969 is in error for the reason that no water rights were appurtenant to Tract No. 5.5 at the time the defendant signed the Offer of Judgement.

Attached to the application is a deed conveying ownership of land comprising Tract No. 5.5 from John R. and Eunice Faye Yates to Joe E. and Aurelia R. Madrid.

WITNESS _____ hand _____ and seal _____ this 18 day of February, 19 92.

(Seal) Joe E. Madrid (Seal)

(Seal) _____ (Seal)

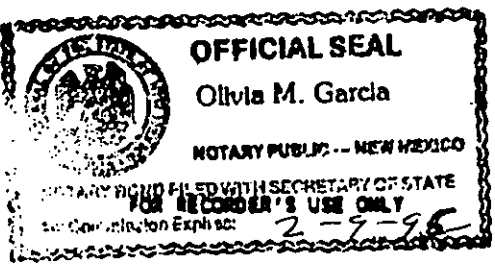
ACKNOWLEDGMENT FOR NATURAL PERSONS

State of New Mexico)
County of Santa Fe) ss.

The foregoing instrument was acknowledged before me this 18 day of February, 19 92,
by Joe E. Madrid
(Name or Names of Person or Persons Acknowledging)

My commission expires:
(Seal)

Olivia M. Garcia
Notary Public



ACKNOWLEDGMENT FOR CORPORATION

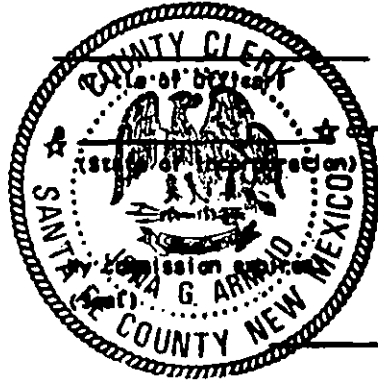
State of _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this _____
day of _____, 19 _____, by _____

(Name of Officer)

_____ of _____
(Name of Corporation Acknowledging)

_____ Corporation, on behalf of said corporation.



Notary Public

763,711
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss.
I hereby certify that this instrument was filed
for record on the 18 day of Feb A.D.
19 92, at 12:51 o'clock P.m.
and was duly recorded in book 791,
page 703-704 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.

Olivia M. Garcia
Deputy

INSTRUCTIONS

1. The Water Right Owner of Record is the owner as recorded in the State Engineer Office.
2. The executed form shall be filed with the county clerk by the new owner of water right indicated on item 1 of this form.
3. This form shall be executed either by conveyor (seller) or by the new owner and shall be accompanied by a filing fee as set by the clerk of the county or counties in which the water right is located. If executed by the new owner, it shall be accompanied by a copy of the recorded deed or other recorded instrument of conveyance.
4. A separate Change of Ownership of Water Right form shall be filed for each water right recorded in the State Engineer Office by either: A. Permit or License, B. Declaration, or C. Adjudication. Change of Ownership is not required when the water right has not been recorded in the State Engineer Office.
5. If change of ownership is for domestic use only, (permitted under WMSA §72-12-1 1978) complete items 1, 2 and 3. If change of ownership of water right is for any other use, complete items 1, 2, 3 and 4, 5 and 6, if applicable.
6. Upon filing the Change of Ownership form, the County Clerk will forward an endorsed copy of the form to the State Engineer Office, P.O. Box 25102, Santa Fe, New Mexico, 87506-5102.

14:11:11
RECEIVED
COUNTY CLERK
SANTA FE COUNTY
NEW MEXICO

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

791703

1. NAME OF WATER RIGHT OWNER OF RECORD Dolph Marshall
Mailing Address _____
City, State, Zip Code _____

NAME OF NEW OWNER Joe E. Munday
Mailing Address P.O. Box 109
City, State, Zip Code Santa Cruz, N Mexico 87567

2. The water right is set forth in State Engineer Office File Number 02415
Subfile Number 3.07 R of Cause Number 7488
Water right owner of record has conveyed all of said right.
(all or part)

3. RECORDED PURPOSE OF USE OF WATER RIGHT AND AMOUNT CONVEYED: (Check appropriate use)
A. DOMESTIC _____ B. LIVESTOCK _____ C. IRRIGATION D. MUNICIPAL _____ E. INDUSTRIAL _____
F. COMMERCIAL _____ G. OTHER (specify) _____
AMOUNT CONVEYED _____ ACRE-FEET PER ANNUM.

93 APR 15 P 11 41
STATE ENGINEER OFFICE
DISTRICT I, N. MEXICO
ALBUQUERQUE

4. IRRIGATION: The conveyed water right is appurtenant to lands described as follows (describe only lands with actual water right and diversion as that amount of water measured at the well and/or farm headgate):

SUBDIVISION (District or Hydrographic Survey)	SECTION	TOWNSHIP (Map No.)	RANGE (Tract No.)	ACREAGE	DIVERSION (Acre Feet Per Annum)	PRIORITY
<u>1963 upper Rio Grande Hydrographic Survey Santa Cruz River Section</u>		<u>3</u>	<u>67R</u>	<u>2.38</u>	<u>6.664</u>	
				TOTAL	<u>2.38</u>	<u>6.664</u>

5. DESIGNATE WELLS TO ACCOMPANY THE CONVEYED RIGHT: (To be executed if conveyance involves only a part of a ground water right):

WELL FILE NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

92 FEB 20 AM 10 30
STATE ENGINEER OFFICE
SANTA FE NEW MEXICO

6. I HEREBY CONSENT TO A LAWFUL CHANGE IN THE PLACE AND/OR PURPOSE OF USE OF THE ABOVE-DESCRIBED WATER RIGHT: (To be executed if water right described above is a right for irrigation purposes and has been conveyed separate from the land to which it is appurtenant.)

WITNESS _____ hand _____ and seal _____ this 18 day of February, 19 92

(Seal) Joe E. Madrid (Seal)

(Seal) _____ (Seal)

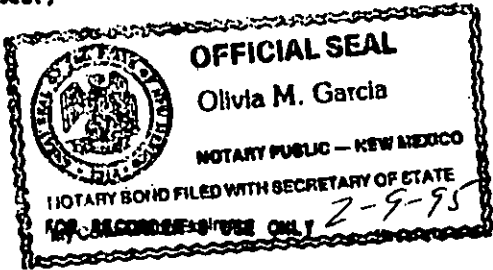
ACKNOWLEDGMENT FOR NATURAL PERSONS

State of New Mexico)
County of Santa Fe) ss.

The foregoing instrument was acknowledged before me this 18 day of February, 19 92
by Joe E. Madrid
(Name or Names of Person or Persons Acknowledging)

My commission expires:
(Seal)

Olivia M. Garcia
Notary Public



ACKNOWLEDGMENT FOR CORPORATION

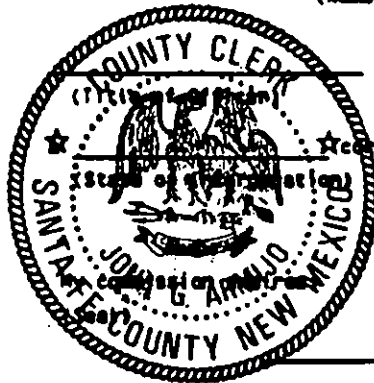
State of _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this _____
day of _____, 19 _____, by _____

(Name of Officer)

Name of Corporation Acknowledging)

Incorporation, on behalf of said corporation.



Notary Public

763,712
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss.
I hereby certify that this instrument was filed
for record on the 18 day of Feb A.D.
19 92, at 12:52 o'clock PM
and was duly recorded in book 791
page 705-706 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Jonas G. Armillo
County Clerk, Santa Fe County, N.M.

Olivia M. Garcia
Deputy

INSTRUCTIONS

1. The Water Right Owner of Record is the owner as recorded in the State Engineer Office.
2. The executed form shall be filed with the county clerk by the new owner of water right indicated on item 1 of this form.
3. This form shall be executed either by conveyor (seller) or by the new owner and shall be accompanied by a filing fee as set by the clerk of the county or counties in which the water right is located. If executed by the new owner, it shall be accompanied by a copy of the recorded deed or other recorded instrument of conveyance.
4. A separate Change of Ownership of Water Right form shall be filed for each water right recorded in the State Engineer Office by either: A. Permit or License, B. Declaration, or C. Adjudication. Change of Ownership is not required when the water right has not been recorded in the State Engineer Office.
5. If change of ownership is for domestic use only, (permitted under NMSA §72-12-1 1978) complete items 1, 2 and 3. If change of ownership of water right is for any other use, complete items 1, 2, 3 and 4, 5 and 6, if applicable.
6. Upon filing the Change of Ownership form, the County Clerk will forward an endorsed copy of the form to the State Engineer Office, P.O. Box 25102, Santa Fe, New Mexico, 87504-5102.



STATE OF NEW MEXICO
STATE ENGINEER OFFICE
SANTA FE

ELUID L. MARTINEZ
State Engineer

BATAAN MEMORIAL BUILDING, ROOM 101
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-5102

April 14, 1993

Joe E. Madrid
P.O. Box 109
Santa Cruz, New Mexico 87567

Re: File No. 02419 & 1659; subfile 5.5

Dear Mr. Madrid:

Enclosed is your copy of the above numbered Application for Permit to Change Place of Use of Surface Waters which has been approved.

Please note the conditions of approval attached to the permit.

Also note that Proof of Application of Water to Beneficial Use shall be filed with this office on or before April 15, 1997.

Sincerely,

Eluid L. Martinez
State Engineer

By: *Richard Deubel*
Richard Deubel
Water Rights Division

cc: District I Office

STATE ENGINEER OFFICE
DISTRICT I
ALBUQUERQUE, N. MEXICO

93 APR 15 P 1:40

NEW MEXICO
APR 15 1993

APR 15 1993



file

STATE OF NEW MEXICO
STATE ENGINEER OFFICE
SANTA FE

ELUID L. MARTINEZ
State Engineer

BATAAN MEMORIAL BUILDING, ROOM 101
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-5102

December 19, 1991

Joe E. Madrid
P.O. Box 109
Santa Cruz, New Mexico 87567

Re: File No. 02419 and 1659

Dear Mr. Madrid:

Enclosed please find Notice of Publication for the above-numbered file. Please have Notice published and proof of said publication filed in this office according to instructions.

Sincerely,

Eluid L. Martinez
State Engineer

By: Richard Deubel
Richard Deubel
Water Rights Division

RD:kb
encl.

93 APR 15 P 1:41
STATE ENGINEER OFFICE
DISTRICT I, MEXICO
ALBUQUERQUE, N. MEX.

93 APR 19 1991
Santa Fe New Mexico
December 19, 1991

Joe E. Madrid
P.O. Box 109
Santa Cruz, New Mexico 87567

Greetings:

The following notice shall be published at applicant's expense once a week for three (3) consecutive weeks in a newspaper of general circulation in the stream system, or in case of an underground water appropriation in the County wherein the well is to be drilled. First publication should be made as soon as possible after receipt of this notice. Publisher's affidavit of such publication must be filed with the State Engineer within sixty (60) days from the date hereon. If the application is for a new appropriation, failure to file proof of publication within the time allowed shall cause postponement of the priority date of the application to the date of receipt of such proof in proper form. In the case of any other type of application failure to file proofs within the time allowed will cause the application to be cancelled.

The accuracy as to the content of this Notice is the responsibility of the applicant and the State Engineer is not obligated for any additional expense incurred by the necessity of readvertisement.

Neither issuance of this Notice, nor lack of protest thereto, in any way indicates favorable action by the State Engineer or approval of the application as requested.

Eluid L. Martinez, State Engineer

By: Richard Deubel
Richard Deubel
Water Rights Division

NOTE TO PUBLISHER: Immediately after last publication, publisher is requested to file affidavit of such publication with the State Engineer, P.O. Box 25102, Santa Fe, New Mexico 87504-5102.

Notice is hereby given that on November 19, 1991, Joe E. Madrid
P.O. Box 109, Santa Cruz, New Mexico 87567
filed Application No. 02419 and 1659
with the State Engineer for Permit to Change Place of Use of
Surface Waters. The applicant proposes to discontinue the
diversion of 2.1 acre-feet of water from Acequia del Llano, whose
point of diversion from Santa Cruz River, tributary of the Rio

Grande, is X=570,585 feet, Y=1,814,340 feet, New Mexico Coordinate System, Central Zone, for the irrigation of 0.75 acre of land described as part of Tract 5.5 of the 1963 Upper Rio Grande Hydrographic Survey, Santa Cruz River Section, and commence the diversion of 2.1 acre-feet of water from Acequia del Llano for the irrigation of 0.75 acre of land located adjacent to, and east of, said Tract 5.5.

Any person, firm or corporation or other entity objecting that the granting of the application will be detrimental to the objector's water right shall have standing to file objections or protests. Any person, firm or corporation or other entity objecting that the granting of the application will be contrary to the conservation of water within the state or detrimental to the public welfare of the state and showing that the objector will be substantially and specifically affected by the granting of the application shall have standing to file objections or protests. Provided, however, that the State of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, and all political subdivisions of the state and their agencies, instrumentalities and institutions shall have standing to file objections or protests. The protest or objections shall be in writing and shall set forth all protestant's or objector's reasons why the application should not be approved and must be filed, in triplicate, with Eluid L. Martinez, State Engineer, P.O. Box 25102, Santa Fe, New Mexico 87504-5102 within ten (10) days after the date of the last publication of this Notice.

93APR15 P 1:41
STATE ENGINEER OFFICE
DISTRICT I
ALBUQUERQUE, N. MEXA

S T A T E E N G I N E E R O F F I C E
M E M O R A N D U M

DATE: December 16, 1991
TO: Richard Deubel, Water Rights Division
FROM: Lee Warren, Legal Services Division
SUBJECT: Water Right Stacking in Santa Cruz Irrigation District

Attached is a copy of an opinion prepared by Stephen Farris regarding the questions you posed on stacking in the Santa Cruz Irrigation District. Please let me know if you wish to discuss the matter further.



Lee Warren

LRW:lc

Encl. Farris/Warren 12/13/91 memo

S T A T E E N G I N E E R O F F I C E
M E M O R A N D U M

DATE: December 13, 1991
TO: Lee Warren
FROM: Stephen R. Farris *SRF*
SUBJECT: Inquiry from Richard Deubel, Water Rights Division
Regarding the Stacking of Water Rights Within the Santa
Cruz Irrigation District

Statement of Facts

The Santa Cruz Irrigation District approved the transfer of 9.12 acres of water right to 6.61 acres of land by resolution of the board of directors. A copy of that resolution was subsequently filed with the State Engineer Office. The owner of this water right has now applied to the State Engineer Office to change the place of use of 0.755 acres of that water right. The application was apparently filed with this office because the irrigation district has declined to exercise its authority to transfer water rights within the district under N.M. Stat. Ann. §73-13-4 (1978 Orig. Pamp.).

Questions Presented

Richard Deubel has asked the following questions regarding this water right:

1. Does the Irrigation District have the authority to "stack" water rights?
2. Are the resolutions valid or legal?
3. Can this office allow an appurtenant water right greater than the adjudicated duty of water?
4. Can or should this office act on an application that involves water rights that are "stacked" or not appurtenant to land?

Answers

1. Does the Irrigation District have the authority to "stack" water rights?

Yes. N.M. Stat. Ann. §73-13-4 (1978 Orig. Pamp.) provides that:

[u]pon the application of any landowner in the [irrigation] district or upon its own motion, the board of directors of any such district may transfer any water rights appurtenant to lands held by or within such district, which for any cause are not suitable for irrigation or capable of being properly irrigated, to any other lands held by or within such district and which, in their judgment may be profitably and advantageously irrigated.

So long as these criteria are found to be present by the board and that statutory procedure for notice, and hearing are followed, the board of the irrigation district can stack, spread or simply transfer water rights within the district.

For the transfer to be permissible, however, it must also allow the water right to be beneficially used. N.M. Stat. Ann. §72-1-2 (1985 Repl. Pamp.) provides that "[b]eneficial use shall be the basis, the measure and the limit of the right to the use of water, and all waters appropriated for irrigation purposes... shall be appurtenant to specified lands... so long as the water can be beneficially used thereon..." A stacked water right is permissible so long as it can be beneficially used on the appurtenant land. High water use crops, such as pecans or alfalfa, could meet this requirement and justify stacking water rights in excess of the adjudicated duty of water per acre.

2. Are the resolutions valid or legal?

If the board's resolutions are made in accordance with N.M. Stat. Ann. §73-13-4 and §73-13-5 (1978 Orig. Pamp.) they are valid and legal.

3. Can this office allow an appurtenant water right greater than the adjudicated duty of water?

Yes. N.M. Stat. Ann. §72-5-23 provides that:

all or any part of the right may be severed from the land, simultaneously transferred and become appurtenant to other land... if such changes can be made without detriment to existing water rights and are not contrary to conservation of water within the state and not detrimental to the public welfare of the state, on approval of an application of the owner by the state engineer.

If the state engineer finds that the transferring (and thus stacking) water rights would not (1) be a detriment to existing water rights (2) be contrary to the conservation of water within the state and (3) be detrimental to the public welfare of the state

he can allow a transfer which would create an appurtenant water right greater than the adjudicated duty of water. However, as in question 2 above, this stacked water right must be able to be beneficially used on the appurtenant land and cannot merely be "parked" on the appurtenant land.

4. Can or should this office act on an application that involves water rights that are "stacked" or not appurtenant to land?

The State Engineer Office can and must act on such an application. Nothing in the applicable statutes prohibits the state engineer from acting on an application to transfer a water right that involves stacked water rights. Stacked water rights are appurtenant to land. A transferred water right becomes appurtenant to the new location when the statutory procedure for transferring a water right has been completed. This is true regardless of whether the transferred water right is stacked, spread, or simply transferred to a new location. Water rights transferred under N.M. Stat. Ann. § 72-5-23 (1985 Repl. Pamp.) become appurtenant at the new location when final proofs and surveys are filed with the State Engineer Office. Sun Vineyards, Inc. v. Luna County Wine Dev. Corp., 107 N.M. 524, 760 P.2d 1290 (1988). Water rights transferred under the N.M. Stat. Ann. § 73-13-4 and 73-13-5 (1978 Orig. Pamp.) become appurtenant to the new location at the completion of that statutory procedure.

The fact that an application to change the place of use of a water right involves stacked water rights does not affect the State Engineer's authority or duty to act under N.M. Stat. Ann. § 72-5-23 (1985 Repl. Pamp) one way or another. This statute requires that the State Engineer "shall" provide the requisite procedure of notice, opportunity for filing objections and hearing (if necessary). Such mandatory language does not leave discretion to not act on an application. This is not to say, however, that an application involving stacked water rights must be approved. Such an application can be denied or approved with conditions if the state engineer finds it is necessary to do so to prevent detriment to existing water rights, or if it is contrary to the conservation of water within the state, or if it is detrimental to the public welfare of the state.

SRF:jac

October 19, 1991

File No. 1659

Mr. Richard Deubel
Water Rights Division
State Engineers Office
Bitaan Memorial Building
Santa Fe, New Mexico 87503

Dear Mr. Deubel:

On October 17, 1991 I visited you in your office for the purpose of looking into the records concerning the status of water rights on my property. At that time, and early afternoon that same day, I called from home to advise you that I had found other documents to help you clear the matter, as you suggested.

By this letter, my wife Aurelia and I give our consent for you to proceed to set the record straight and to record in all cross references in the State Engineer's office concerning our water rights. When this is done I would appreciate receiving copies of any resulting documents.

Sincerely yours,

Joe E. Madrid
Aurelia R. Madrid

Enclosures:

Copies of documents from Santa Cruz
Irrigation District office and
Water Rights Division, State
Engineer's office

Copy-File

753-6369



STATE OF NEW MEXICO

STATE ENGINEER OFFICE
SANTA FE

S. E. REYNOLDS
STATE ENGINEER

BATAAN MEMORIAL BUILDING
STATE CAPITOL
SANTA FE, NEW MEXICO 87503

April 25, 1985

Joe Maestas, Manager
Santa Cruz Irrigation District
Post Office Box 1168
Santa Cruz, New Mexico 87567

Re: File No. 02419 & 1659, Lands owned by Mr. and Mrs. Jose E. Madrid
Subfile 5.5, and RG-22452

STATE ENGINEER OFFICE
SANTA FE, NEW MEXICO

94DEC21 P 2:53

Dear Joe:

Enclosed please find copies of the Resolutions which transferred water rights to S.E.C. Tract No. 5 of Map 5 of the Santa Cruz Hydro Survey. It seems clear that Mr. and Mrs. Madrid do indeed have water rights on their property. There are, however, a few questions. First, should Resolution No. 6 be for 2.83 acres instead of 3? Please check the adjudication listing on this. Also, is Resolution No. 4 for 5.05 acres from Tract 6-99 valid? Again, the Court Decree indicates Tract 6-99 was adjudicated 2.75 acres.

I hope this clears up any questions and if I can be of any help, please let me know.

Sincerely,

S. E. Reynolds
State Engineer

By: *L. D. O'Dell*
L. D. O'Dell
Water Rights Division

cc: J.T. Smith
Jose E. Madrid

$$\begin{array}{r} 6.54 \\ - 1.7 \\ \hline 6.37 \\ + 2.75 \\ \hline 9.12 \end{array}$$

$$\begin{array}{r} 3.00 \\ - 2.83 \\ \hline .17 \end{array}$$

acres water rights owned

Acequia de Santa Cruz Commission
PO Box 1656
Santa Cruz, NM 87567
Phone: (505) 542-9989
acequiadesantacruz@gmail.com
9/14/2025

Mario R. Madrid
P.O. Box 109
Santa Cruz, NM 87537
Re: WR Transfer

Acequia Member,

As a follow up to your email of September 7, 2025, additional clarification is provided on the items that are considered in a water transfer request. The process for review of a transfer request involves:

1. substantiating that the account holder is current in assessment payments,
2. there is a document of conveyance that clearly identifies the transfer of ownership,
3. and ensuring that the package submittal includes the information that will be required by OSE to act upon the transfer once the Commission approves and issues you a letter of consent.

The Commission has no reason not to approve your request once the conditions are met and the associated documentation is provided for the review process to be performed by them.

We are providing a listing of the areas that need to be addressed and corrected before we can move forward with further consideration of the water transfer request listed in order of priority:

1. Accounts for Jerry Lopez, with both SCID and Acequia de Santa Cruz, need to be current. Assessments from all previous years need to be paid in full.
2. Document from Jerry Lopez demonstrating that legal conveyance of the water rights from the parcel associated with WR File No: SD 024518 189AA to you.
3. Adherence to the Conditions of Approval by the OSE determination made 4-13-1993 and documentation to demonstrate compliance. (see attachment)
4. Documentation demonstrating that the conditions listed on the correspondence sent to you on 1-9-2025 from the OSE Water Resources Professional have been met. (see attachment)

Once items 1 and 2 have been addressed by you, please feel free to submit that information for review. Items 3 and 4 will most likely still be on file with OSE on your previous submittals to them and you may still need to address them to satisfy the requirements that office identified to you in that correspondence.

Your attention and cooperation in helping to complete this review is greatly appreciated. Please feel free to use the contact information above to either mail or email any questions you may have regarding this matter.

Thank you,

Acequia de Santa Cruz Commission

March 12, 2026

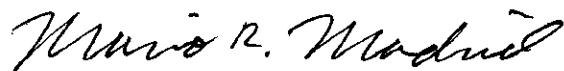
Acequia de Santa Cruz
P. O. Box 1656
Santa Cruz, NM 87567

RE: WR Transfer Letter Dated August 24, 2025

Dear Commissioners,

I am requesting that you keep my acequia water rights transfer application open at this time. Mr. Lopez has fulfilled a real estate contract, but does not have a warranty deed for one of the OSE Tracts. It was a deed being held by Valley National Bank, which is no longer in business. It's only a matter of time, for him to acquire that warranty deed and file it in Rio Arriba County. At that time, I will convey to you his deed and my proof of ownership with OSE according to 72-1-2.1 (Change in Ownership) as filed in the County of Santa Fe.

Respectfully,



Mario R. Madrid
P. O. Box 109
Santa Cruz, NM 87567
(505) 859-2929

Jerry Lopez
835 Fairview Ln.
Española, NM 87532