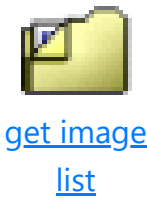


Water Right Summary



WR File Number:	SD 00609 289	Subbasin:	RGDR	Cross Reference:
Primary Purpose:	IRR IRRIGATION			
Primary Status:	ADJ Adjudicated			
Total Acres:	1.870	Subfile:	1.10.381	Header:
Total Diversion:	5.161	Cause/Case:	07896 & 07939	
Owner:	COREY TATE RUPERT	Owner Class:	Owner	
Contact:	LARRY VAN EATON			
Owner:	DENEILL WRAE RUPPERT	Owner Class:	Owner	
Contact:	LARRY VAN EATON			

Documents on File

(acre

Transaction Images	Trn #	Doc	File/Act	Status 1	Status 2	Transaction Desc.	From/To	Acres	Diversio
get images 738558		COWNF	2021-06-07	CHG	PRC	SD-0609-289	T	0.000	0.000
get images 738557		ORDER	2016-09-20	ADJ	PRC	SD-0609-289	T	1.870	5.161
get images 738556		ORDAD	2008-01-10	ADJ	PRC	SD-0609-289	T	0.000	0.000
get images 732546		ORDAD	2007-10-12	ADJ	PRC	SD-0609-289	T	0.000	0.000
get images 732545		ORDAD	2003-04-09	ADJ	PRC	SD-0609-289	T	0.000	0.000
get images 725543		COWNF	2003-03-14	CHG	PRC	SD-0609-289	T	0.000	0.000
get images 725419		ORDER	1977-10-26	ADJ	PRC	SD-0609-289 AMENDED	T	1.870	4.675
get images 725418		ORDER	1970-09-02	ADJ	PRC	SD-0609-289	T	1.570	3.925

Current Points of Diversion

POD Number	Well Tag	Source	Q64	Q16	Q4	Sec	Tws	Rng	X	Y	Map	Other Location Desc
SD 00609 POD2									447510.9	4021323.7		ACEQUIA MADRE DEL RIO CHIQUITO
SP 01334						06	24N	13E	447669.4	4021090.0		TALPA RESERVOIR DITCH

* UTM location was derived from PLSS - see Help

Priority Summary

Priority	Status	Acres	Diversion	POD Number	Source
1760-12-31	ADJ	1.870	5.161	SD 00609 POD2	
				SP 01334	

Place of Use

Q256	Q64	Q16	Q4	Sec	Tws	Rng	Acres	Diversion	CU	Use	Priority	Status	Other Location Desc
							1.870	5.161		IRR	1760-12-31	ADJ	HYDROGRAPHIC SURVEY M/ 10, TRACT 381, CRISTOVAL D SERNA GRANT

Source

Acres	Diversion	CU	Use	Priority	Source	Description
1.870	5.161		IRR	1760-12-31	SW	TALPA & AMDRC

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

Point of Diversion Summary

quarters are 1=NW 2=NE 3=SW 4=SE
quarters are smallest to largest

NAD83 UTM in meters

Well Tag	POD Nbr	Q64	Q16	Q4	Sec	Tws	Rng	X	Y	Map
	SD 00609 POD2							447510.9	4021323.7	

* UTM location was derived from PLSS - see Help

River Name:	RIO CHIQUITO /N
Source:	ES
Ditch Name:	ACEQUIA MADRE DEL RIO CHIQUITO
Start Date:	Finish Date:

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

Point of Diversion Summary

quarters are 1=NW 2=NE 3=SW 4=SE
quarters are smallest to largest

NAD83 UTM in meters

Well Tag	POD Nbr	Q64	Q16	Q4	Sec	Tw	Rng	X	Y	Map
	SP 01334				06	24N	13E	447669.4	4021090.0	

* UTM location was derived from PLSS - see Help

River Name:	RIO CHIQUITO /N
Source:	ES
Ditch Name:	TALPA RESERVOIR DITCH
Start Date:	Finish Date:

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

Transaction Summary

COWNF Change of Ownership Full

Transaction Number:	738558	Transaction Desc:	SD-0609-289	File Date:	2021-06-07
Primary Status:	CHG Change of Ownership				
Secondary Status:	PRC Processed				
Person Assigned:	*****				
Applicant:	COREY TATE RUPERT				
Contact:	LARRY VAN EATON				
Applicant:	DENEILL WRAE RUPPERT				
Contact:	LARRY VAN EATON				

Events

Event Images	Date	Type	Description	Comment	Processed By
 _get images	2021-06-07	APP	Application Received	*	*****
	2021-06-07	FTN	Finalize non-published Trans.		*****
	2022-12-07	QAT	Quality Assurance Completed	DATA	*****
	2023-04-20	QAT	Quality Assurance Completed	IMAGE	*****
	2023-04-20	ARW	WRAB Main File Rm Arch Sect	SD 00609 289 Archived	*****

Water Right Information

WR File Nbr	Acres	Diversion	Consumptive	Purpose of Use
SD 00609 289	0.000	0.000		IRR IRRIGATION

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.



NEW MEXICO OFFICE OF THE STATE ENGINEER

CHANGE OF OWNERSHIP OF WATER RIGHT (NON-72-12-1) FOR (check one):



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

- | | |
|--|--|
| ☒ Individual | ☐ Corporation |
| ☐ Trustee | ☐ Partnership |
| ☐ Estate | ☐ Limited Liability Co. |
| ☐ Tribes, Pueblos, Nation | ☐ Governmental Entity |

1. OWNER OF RECORD (Seller)

Name: Andrew Dasburg, via his Estate via other intermediate owners		Name:	
Phone: 586-739-9650 (Bruce K. Geist) ☐ Home ☐ Cell Phone (Work):		Phone: ☐ Home ☐ Cell Phone (Work):	
a. Owner of Record File No.: SD-609-A (Talpa Res. Ditch and Acequia Madre del Rio Chiquito)		b. Sub-file No.: 1.10.381	c. Cause No.: 7896 & 7939 Consolidated

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

Name: Corey Tate Ruppert		Name: DeNeill Wrae Ruppert	
Contact or Agent: Larry Van Eaton-Attorney at Law ☒ check here if Agent		Contact or Agent: Larry Van Eaton-Attorney at Law ☒ check here if Agent	
Mailing Address: 1719 Oak Drive		Mailing Address: 1719 Oak Drive	
City: Topanga		City: Topanga	
State: California Zip Code: 90290		State: California Zip Code: 90290	
Phone: 310-998-7313 ☐ Home ☐ Cell Phone (Work): 575-758-4279 (agent)		Phone: 310-998-7313 ☐ Home ☐ Cell Phone (Work): 575-758-4279 (agent)	
E-mail (optional): coreytruppert@gmail.com		E-mail (optional): deneill@yahoo.com	

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

3. PURPOSE OF USE & AMOUNT CONVEYED

Check all that apply: ☐ Domestic ☐ Industrial ☐ Livestock ☐ Commercial ☒ Irrigation ☐ Other Uses (specify): _____ ☐ Municipal		Amount of Water (acre-feet per annum): If more details are needed, type "See Comments" in "Other" field below, and explain in Additional Statements Section. Diversion: 5.1612 (1.87 acres X 2.76 acre feet) Consumptive Use: _____ Other (include units): _____	
Owner of record has conveyed all or part of said right (please check one) ☒ All ☐ Part			

FOR OSE INTERNAL USE

Change of Ownership, Form wr-02, Rev 10/21/19

File No.: SA-0609-A	Trn. No.: 738558	Well Tag ID No.: (if applicable):	
Trans Desc. (optional): SD-0609-289		Sub-Basin:	Receipt No.:

4. LIST ALL KNOWN POINT(S) OF DIVISION (POD) FOR THE WATER RIGHT CONVEYANCE

OSE POD No.:	Well Tag ID No.:	Subdivision and/or Lat/Long or Easting/Northing	Section	Township	Range
SD-609-A		36 deg. 21' 21.20" N, 105 deg. 36' 10.00" W	31	25N	13E
Talpa Res. Ditch & Aceq		(point near the center of irrigated acreage)	36	25N	12E
Madre del Rio Chiquito					

Check all that apply: ☐ Well ☐ Pump ☒ Ditch Name Aceq. Madre Rio Chiquito ☒ River Course Rio Grande del Rancho

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

a. 1.87 Acres of Irrigated Land Described as Follows (applicable to irrigation use only):

b. Legally Described By: ☐ Public Land Survey System (PLSS) ☒ Hydrographic Survey Report or Map ☐ Irrigation or Conservation District Map ☐ Subdivision PLSS Quarters or Halves, <u>and/or</u> Name of Hydrographic Survey or District, <u>and/or</u> Name and County of Subdivision	c. PLSS Section <u>and/or</u> Map No. <u>and/or</u> Lot No.	d. PLSS Township <u>and/or</u> Tract No. (Please list each tract individually) <u>and/or</u> Block No.	e. PLSS Range	f. Acres	g. Priority
Rio Grande del Rancho Hydrographic Survey	Sheet 1.10	Tract 381		1.87	1875

h. Other description relating place of use to common landmarks, streets, or other:
The irrigated area in Subfile 1.10.381 is located on land having a street address of 7236 State Road 518, Ranchos de Taos, NM 87557

i. Place of use is located in the following counties:
Taos County

j. Place of use is on land owned by:
Corey Tate Ruppert and DeNeill Wrae Ruppert, husband and wife, as joint tenants with right of survivorship

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

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

6. ADDITIONAL STATEMENTS OR EXPLANATIONS

It is unknown whether any of the intermediate owners in the chain of title filed a Change of Ownership of Water Right for Subfile 1.10.381. However, following apparent Office of the State Engineer policy, the entire chain of title from the owner of record at the time of the Hydrographic Survey (Andrew Dasburg) to the new owners (Ruppert) is attached, as well as a copy of the latest survey of the property, entitled "Geist Family Trust".

FOR OSE INTERNAL USE

Change of Ownership, Form wr-02, Rev 10/21/19

File No.: <u>SD - 0609-A</u>	Trn. No.:	Well Tag ID No. (if applicable):
Trans Desc. (optional):	Sub-Basin:	Receipt No.:

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

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

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

Signature

Signature

ACKNOWLEDGEMENT FOR INDIVIDUAL

AND

CTA

DWR

I, We (name of owner(s)), DeNeill Wrae Ruppert, a married woman, individually and as attorney-in-fact for her husband, Corey Tate Ruppert
Print Name(s)

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

Signature

Signature

State of New Mexico)
County of Taos) ss.

This instrument was acknowledged before me this _____ day of April A.D., 20 21, by (name of owner(s)):

Notary Public:

My commission expires:

ACKNOWLEDGEMENT FOR CORPORATION

I, We (name of owner(s)), _____
Print Name(s)

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

Officer Signature

Officer Signature

State of _____)
County of _____) ss.

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

Name of Officer: _____

Title of Officer: _____

Name of Corporation Acknowledging: _____

State of Corporation: _____

Notary Public:

My commission expires:

FOR OSE INTERNAL USE

Change of Ownership, Form wr-02, Rev 10/21/19

File No.: <u>SD-0609-A</u>	Trn. No.:	Well Tag ID No. (if applicable):
Trans Desc. (optional):	Sub-Basin:	Receipt No.:

WARRANTY DEED (JOINT TENANTS)TAOS COUNTY
VALERIE RAE MONTOYA, CLERK
000452176
Book 1085 Page 211
1 of 4
04/15/2021 03:44:40 PM
BY BLANCAL

BRUCE K. GEIST, as sole surviving Trustee of the GEIST FAMILY TRUST UTA dated January 11, 2019, for consideration paid, grants to COREY TATE RUPPERT and DeNEILL WRAE RUPPERT, husband and wife, as joint tenants with right of survivorship, whose address is 1719 Oak Drive, Topanga, California 90290, the following described real estate in Taos County, New Mexico:

Tract "B"

A certain tract of land in Ranchos de Taos, Taos County, New Mexico; within the Cristoval de la Serna Grant; located within projected Section 36, Township 25 North, Range 12 East, and projected Section 31, Township 25 North, Range 13 East, NMPM; described as part of Tract 381, Map 10, Survey 1, of the 1941 Taos County Reassessment Survey and more particularly described by metes and bounds as follows;

BEGINNING at a ½ inch rebar found on the easterly side of "Camino Alto," from whence triangulation station "Hartt," a 1973 State Engineer's Office brass cap monument found bears N 61° 11' 08" W, 5770.48 feet distant, thence along the easterly side of said road;

N 01° 23' 46" W, 16.58 feet to a 5/8 inch rebar found, thence;
N 00° 45' 36" W, 28.55 feet to a ½ inch rebar set, thence;
N 26° 43' 06" W, 10.45 feet to the NW corner of this tract, a ½ inch rebar found, thence leaving said road;
N 37° 41' 20" E, 154.30 feet to a ½ inch rebar set, thence;
N 37° 45' 20" E, 124.40 feet to a ½ inch rebar set, thence;
N 38° 57' 20" E, 29.80 feet to a point from whence a ½ inch rebar set as a witness corner bears S 38° 57' 20" W, 1.00 foot distant, thence;
N 37° 12' 20" E, 298.59 feet to the NE corner, a point on the westerly right-of-way of State Road 518, from whence a ½ inch rebar set as a witness corner bears S 37° 12' 20" W, 1.00 foot distant, thence along said right-of-way;
S 11° 40' 21" E, 382.44 feet to the SE corner, a point from whence a ½ inch rebar found as a witness corner bears S 36° 48' 44" W, 4.83 feet distant, thence leaving said right-of-way;
S 36° 38' 44" W, 111.42 feet to a point from whence a ½ inch rebar set as a witness corner bears S 31° 37' 44" W, 1.00 foot distant, thence;

S 31° 37' 44" W, 62.40 feet to a point from whence a ½ inch rebar found as a witness corner bears S 41° 52' 20" W, 4.00 feet distant, thence;
S 41° 52' 20" W, 45.12 feet to a ½ inch rebar set, thence;
S 40° 33' 20" W, 103.30 feet to a ½ inch rebar set, thence;
S 40° 51' 20" W, 28.10 feet to a point, from whence a ½ inch rebar set as a witness corner bears N 40° 51' 20" E, 3.00 feet distant, thence;
S 50° 07' 20" W, 16.60 feet to a ½ inch rebar set, thence;
S 43° 37' 51" W, 44.45 feet to a ½ inch rebar set, thence;
S 43° 38' 13" W, 10.47 feet to a ½ inch rebar found, thence;
S 44° 52' 51" W, 124.14 feet to the SW corner, a point from whence a ⅝ inch rebar found and used as a witness corner bears S 44° 42' 25" W, 35.14 feet distant, thence;
N 23° 20' 06" W, 221.22 feet to a ½ inch rebar set, thence;
N 00° 47' 16" W, 49.54 feet to the POINT AND PLACE OF BEGINNING.

This tract contains 3.907 acres, more or less, all as shown on a Boundary Survey Plat entitled "Geist Family Trust", dated March 12, 2021, having Rio Grande Surveying Service Job #L1942-BC, prepared by Scott B. Crowl, NMLS #12441, filed in Cabinet F, page 128 A, records of Taos County, New Mexico. Together with: (1) all Grantor's rights in a domestic water well having Office of the State Engineer File No. RG-79912; and (2) any appurtenant surface irrigation water rights.

AND

Tract "C"

A certain tract of land in Ranchos de Taos, Taos County, New Mexico; within the Cristoval de la Serna Grant; located within projected Section 36, Township 25 North, Range 12 East, NMPM; described as part of Tract 381, Map 10, Survey 1, of the 1941 Taos County Reassessment Survey and more particularly described by metes and bounds as follows;

BEGINNING at the NE corner of this tract, a ½ inch rebar found on the easterly side of "Camino Alto," from whence triangulation station "Hartt," a 1973 State Engineer's Office brass cap monument found bears N 61° 11' 08" W, 5770.48 feet distant, thence along the easterly side of said road;

S 00° 47' 16" E, 49.54 feet to a ½ inch rebar set, thence leaving said road;
S 23° 20' 06" E, 221.22 feet to the SE corner, a point from whence a ⅝ inch

rebar found and used as a witness corner bears S 44° 42' 25" W, 35.14 feet distant, thence;

S 44° 42' 25" W, 146.44 feet to the SW corner, a 5/8 inch rebar found, thence;

N 17° 54' 11" W, 247.69 feet to the NW corner, a 1/2 inch rebar set, thence;

N 36° 53' 37" E, 151.34 feet to the POINT AND PLACE OF BEGINNING.

This tract contains 0.708 acres, more or less, all as shown on a Boundary Survey Plat entitled "Geist Family Trust", dated March 12, 2021, having Rio Grande Surveying Service Job #L1942-BC, prepared by Scott B. Crowl, NMLS #12441, filed in Cabinet F, page 128-A, records of Taos County, New Mexico. Together with any appurtenant surface irrigation water rights.

SUBJECT TO:

1. Reservations as contained in patent from the United States of America to the Cristoval de la Serna Grant, dated January 19, 1903, as recorded in Book A-16, pages 324-344, records of Taos County, New Mexico.

2. Perpetual Exclusive Easement of Right-of-Way in favor of El Valle De Los Ranchos Water & Sanitation District, dated October 25, 2016, by and between Jerry O. Geist and Sharon L. Geist and El Valle de los Ranchos Water & Sanitation District, filed for record in Book 928, pages 989-991, records of Taos County, New Mexico.

3. Any easements or claims of easement for existing utilities, specifically including but not limited to, overhead utility lines, utility poles, guy wire, electric meter, natural gas meters, telephone drop box, water hydrants, well, septic clean-outs, manhole covers, and any underground utility lines associated therewith, all as shown on a Boundary Survey Plat entitled "Geist Family Trust", dated March 12, 2021, having Rio Grande Surveying Service Job #L1942-BC, prepared by Scott B. Crowl, NMLS #12441, filed in Cabinet F, page 128-A, records of Taos County, New Mexico.

4. Encroachment of roof overhangs by 0.4 foot, 0.7 foot and 1.7 feet on the eastern boundary and deviation of fence line on the eastern surveyed boundary, all as shown on a Boundary Survey Plat entitled "Geist Family Trust", dated March 12, 2021, having Rio Grande Surveying Service Job #L1942-BC, prepared by Scott B. Crowl, NMLS #12441, filed in Cabinet F, page 128-A, records of Taos County, New Mexico.

5. Encroachment of landscaped area, concrete steps and gravel driveway from adjoining property; Camino Alto (private gravel road) through the property; right of way easement for El Valle de Los Ranchos Water and Sanitation District; any easements or claims of easement for existing utilities, specifically including but not limited to, manhole covers, septic clean-outs, telephone drop box, natural gas meter, and any underground utility lines associated therewith; all within Tract C, as shown on a Boundary Survey Plat entitled "Geist Family Trust", dated March 12, 2021, having Rio Grande Surveying Service Job #L1942-BC, prepared by Scott B. Cowl, NMLS #12441, filed in Cabinet F, page 128-A, records of Taos County, New Mexico.

6. Rights incident to use and maintenance of irrigation ditch/acequia and culverts.

with warranty covenants.

WITNESS my hand and seal this 8th day of April, 2021.

TAOS COUNTY CLERK
RECORDER
SEAL


BRUCE K. GEIST, as sole surviving Trustee of the
GEIST FAMILY TRUST UTA dated January 11, 2019

**TAOS
ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY**

STATE OF MICHIGAN)
) ss.
COUNTY OF MACOMB)

This instrument was acknowledged before me on April 8th, 2021 by
BRUCE K. GEIST, as sole surviving Trustee of the GEIST FAMILY TRUST UTA dated
January 11, 2019.

My Commission Expires:

10/23/2024


Notary Public



AFTER RECORDING PLEASE RETURN TO:
LAFLIN, PICK & HEER, P.A.
P.O. BOX 3260
ALBUQUERQUE, NEW MEXICO 87190

TAOS COUNTY
ANNA MARTINEZ, CLERK
000434175
Book 1001 Page 649
1 of 2
01/17/2019 02:52:09 PM
BY TATYYS

WARRANTY DEED

JERRY D. GEIST and SHARON L. GEIST, husband and wife as joint tenants, for consideration paid, grant to JERRY DOUGLAS GEIST and BRUCE K. GEIST, Trustees of the **GEIST FAMILY TRUST UTA** dtd. January 11, 2019, whose address is 11500 Del Rey Ave. NE, Albuquerque, New Mexico 87122, the following described real estate in Taos County, New Mexico:

SEE **EXHIBIT A** ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT to reservations, restrictions, easements and encumbrances of record.

with warranty covenants.

WITNESS their hands and seals this 14 day of January, 2019.

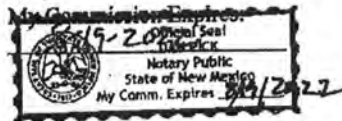
[Signature]
JERRY D. GEIST

[Signature]
SHARON L. GEIST
by her attorney-in-fact

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO

On this 14 day of January, 2019, before me personally appeared JERRY D. GEIST, individually, and as attorney-in-fact for SHARON L. GEIST, and to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.



[Signature]
NOTARY PUBLIC

EXHIBIT A

TAOS COUNTY
ANNA MARTINEZ, CLERK
000434175
Book 1801 Page 650
2 of 2
01/17/2019 02:52:09 PM
BY TAPMVS

A certain tract of land near Talpa, Taos County, New Mexico, within the Cristoval de la Serna Grant, and located within the E 1/2 of the SE 1/4 of Projected Section 36, Township 25 North, Range 12 East, and the W 1/2 of the SW 1/4 of Projected Section 31, Township 25 North, Range 13 East, N.M.P.M., also described as part of Tract 381, Map 10, Survey 1 of the 1941 Taos County Reassessment Survey, and more particularly described by notes and bounds as follows:

BEGINNING at a 1/2 inch of rebar set for the SW Corner, from whence Triangulation Station "Hartt", a 1973 State Engineer Office brass cap monument found, bears;

- N. 61° 15' W., 5739.8 feet distant, thence;
- N. 38° 03' E., 154.3 feet to a point, thence;
- N. 38° 07' E., 124.4 feet to a point, thence;
- N. 39° 19' E., 29.8 feet to a point, thence;
- N. 37° 34' E., 298.6 feet to the NW Corner on the Westerly right-of-way State Road 3, from whence a 1/2 inch rebar set as a witness corner, bears;
- S. 37° 34' W., 1.2 feet distant, and from whence Station 370+00, on N.M.S.H.C. steel rail right-of-way monument found, bears;
- N. 11° 17' W., 106.6 feet distant, thence along said right-of-way;
- S. 11° 17' E., 382.7 feet to the NE Corner, from whence a 1/2 inch rebar set as a witness corner, bears;
- S. 37° 20' W., 4.8 feet distant, thence leaving said right-of-way;
- S. 37° 20' W., 111.4 feet to a point, thence;
- S. 32° 09' W., 62.4 feet to a point, thence;
- S. 42° 15' W., 44.9 feet to a point, thence;
- S. 40° 56' W., 103.3 feet to a point, thence;
- S. 41° 14' W., 28.1 feet to a point, thence;
- S. 50° 30' W., 16.6 feet to a point, thence;
- S. 43° 34' W., 44.4 feet to a point, thence;
- S. 46° 03' W., 10.5 feet to a 1/2 inch rebar found, thence;
- S. 45° 08' W., 123.9 feet to a 1/2 inch rebar found for the SE Corner, thence;
- N. 22° 59' W., 221.1 feet to a point, thence;
- N. 00° 29' W., 49.6 feet to a 1/2 inch rebar set, thence;
- N. 00° 31' W., 45.0 feet to a point, thence;
- N. 26° 28' W., 10.4 feet to THE POINT AND PLACE OF BEGINNING.

This Tract contains 3.903 acres, more or less.

TRACT "C"

A certain tract of land near Talpa, Taos County, New Mexico, within the Cristoval de la Serna Grant, and located within the E. 1/2 of the S.E. 1/4 of Projected Section 36, Township 25 North, Range 12 East, N.M.P.M., also described as part of Tract 381, Map 10, Survey 1 of the 1941 Taos County Reassessment Survey, and more particularly described by notes and bounds as follows:

BEGINNING at the S.W. corner of this tract, from whence Triangulation Station "Hartt", a 1973 State Engineer Office brass cap monument found, bears N. 39° 19' W., 5751.2 feet distant, thence;

- N. 37° 16' E., 151.3 feet to a 1/2 inch rebar set for the N.W. corner, thence;
- S. 00° 29' E., 49.6 feet to a point, thence;
- S. 22° 59' E., 221.1 feet to a 1/2 inch rebar found for the N.E. corner, thence;
- S. 45° 08' W., 146.6 feet to the S.E. corner, thence;
- N. 11° 30' W., 247.6 feet to the POINT AND PLACE OF BEGINNING.

This Tract contains 0.708 acres, more or less.



WARRANTY DEED (Joint Tenants)
DASHIFF HOUSE ASSOCIATES, A PARTNERSHIP

1269767
 11-22-93
 11:13

for consideration paid, grant...

JERRY D. GEIST

Address is

and **SHARON L. GEIST, his Wife, as Joint Tenants**

Address is **1312 CUATRO CERROS TR. SE
 ALBUQUERQUE, NM 87113**

TAOS County, New Mexico:

SEE ATTACHED EXHIBIT A

SUBJECT TO: Reservations, Restrictions and Easements of record,

with warranty covenants.

WITNESS hand and seal this 17th day of November, 1993

Jerry D. Geist
 JERRY D. GEIST

(Seal)

(Seal)

(Seal)

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF TAOS

The foregoing instrument was acknowledged before me this 17th day of November
 by Jerry D. Geist
 (Name or Names of Person or Persons Acknowledging)

My commission expires:
 (Seal) 1-5-97

Floyd D. Martin
 Notary Public



FOR RECORDER'S USE ONLY

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this

day of

by

(Name of Officer)

(Title of Officer)

(Name of Corporation Acknowledging)

corporation, on behalf of said

Notary Public

000176

176

EXHIBIT "A"

A certain tract of land near Taos, Taos County, New Mexico, within the Cristoval de la Serna Grant, and located within the E 1/2 of the SE 1/4 of Projected Section 36, Township 25 North, Range 12 East, and the W 1/2 of the SW 1/4 of Projected Section 31, Township 25 North, Range 13 East, N.M.P.M., also described as part of Tract 381, Map 10, Survey 1 of the 1941 Taos County Reassessment Survey, and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch of rebar set for the SW Corner, from whence Triangulation Station "Hartt", a 1973 State Engineer Office brass cap monument found, bears;

N. 41° 15' W., 5739.8 feet distant, thence;

N. 38° 03' E., 154.3 feet to a point, thence;

N. 38° 07' E., 124.4 feet to a point, thence;

N. 39° 19' E., 29.8 feet to a point, thence;

N. 37° 34' E., 298.6 feet to the NW Corner on the Westerly right-of-way State Road 3, from whence a 1/2 inch rebar set as a witness corner, bears;

S. 37° 34' W., 1.2 feet distant, and from whence Station 370+00, an N.M.S.H.C. steel rail right-of-way monument found, bears;

N. 11° 17' W., 106.6 feet distant, thence along said right-of-way;

S. 11° 17' E., 382.7 feet to the NE Corner, from whence a 1/2 inch rebar set as a witness corner, bears;

S. 37° 20' W., 4.8 feet distant, thence leaving said right-of-way;

S. 37° 20' W., 111.4 feet to a point, thence;

S. 32° 09' W., 62.4 feet to a point, thence;

S. 42° 15' W., 44.9 feet to a point, thence;

S. 40° 56' W., 103.3 feet to a point, thence;

S. 41° 14' W., 28.1 feet to a point, thence;

S. 50° 30' W., 16.6 feet to a point, thence;

S. 43° 34' W., 44.4 feet to a point, thence;

S. 46° 03' W., 10.5 feet to a 1/2 inch rebar found, thence;

S. 45° 08' N., 123.9 feet to a 1/2 inch rebar found for the SE Corner, thence;

N. 22° 59' W., 221.1 feet to a point, thence;

N. 00° 29' W., 49.6 feet to a 1/2 inch rebar set, thence;

N. 00° 31' W., 45.0 feet to a point, thence;

N. 26° 28' W., 10.4 feet to THE POINT AND PLACE OF BEGINNING.

This Tract contains 3.903 acres, more or less.

TRACT "C"

A certain tract of land near Taos, Taos County, New Mexico, within the Cristoval de la Serna Grant, and located within the E. 1/2 of the S.E. 1/4 of Projected Section 36, Township 25 North, Range 12 East, N.M.P.M., also described as part of Tract 381, Map 10, Survey 1 of the 1941 Taos County Reassessment Survey, and more particularly described by metes and bounds as follows:

BEGINNING at the S.W. corner of this tract, from whence Triangulation Station "Hartt", a 1973 State Engineer Office brass cap monument found, bears N. 59° 19' W., 5751.2 feet distant, thence;

N. 37° 16' E., 151.3 feet to a 1/2 inch rebar set for the N.W. corner, thence;

S. 00° 29' E., 49.6 feet to a point, thence;

S. 22° 59' E., 221.1 feet to a 1/2 inch rebar found for the N.E. corner, thence;

S. 45° 08' W., 146.6 feet to the S.E. corner, thence;

N. 17° 30' W., 217.6 feet to the POINT AND PLACE OF BEGINNING.

This Tract contains 0.708 acres, more or less.

COUNTY OF TAOS, N.M.
STATE OF NEW MEXICO
I, Clerk of the County of Taos, New Mexico, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office on this 11th day of March, 1983.
Wences, N.M. Clerk of the County of Taos, N.M.
County Clerk, Taos County, N.M.
Manda Medina
Deputy

100177

177

2734

#59079
11:04
3-24-81QUITCLAIM DEED

ANN J. DASBURG, Successor Personal Representative of the Estate of Andrew M. Dasburg, for consideration paid, Quitclaims to DASBURG HOUSE ASSOCIATES, a partnership, the following described real estate in Taos County, New Mexico:

A certain tract of land near Talpa, Taos County, New Mexico, within the Cristoval de la Serna Grant, and located within the E. 1/2 of the S.E. 1/4 of Projected Section 36, Township 25 North, Range 12 East, N.M.P.M., also described as part of Tract 381, Map 10, Survey 1 of the 1941 Taos County Reassessment Survey, and more particularly described by metes and bounds as follows:

BEGINNING at the S.W. corner of this tract, from whence Triangulation Station "Hartt", a 1973 State Engineer Office brass cap monument found, bears N. 59° 19' W., 5751.2 feet distant, thence:

N. 37° 16' E., 151.3 feet to a 1/2 inch rebar set for the N.W. corner, thence;
S. 00° 29' E., 49.6 feet to a point, thence;
S. 22° 59' E., 221.1 feet to a 1/2 inch rebar found for the N.E. corner, thence;
S. 45° 08' W., 146.6 feet to the S.E. corner, thence;
N. 17° 30' W., 247.6 feet to the point and place of beginning.

This tract contains 30,844 square feet or 0.708 acre, more or less.

Said real estate is conveyed with Water Rights and any other Rights appurtenant thereto that said real estate has enjoyed and is to enjoy in the future.

Witness my hand this 6th day of March, 1981.

Ann J. Dasburg
ANN J. DASBURG, Successor Personal Representative of the Estate of Andrew M. Dasburg

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) SS.

The foregoing instrument was duly acknowledged before me this 6th day of March, 1981 by Ann J. Dasburg, Successor Personal Representative of the Estate of Andrew M. Dasburg.



Commission Expires:

November 12, 1984

Renee L. Smith
Notary Public

STATE OF NEW MEXICO)
COUNTY OF TAOS.)

THIS instrument was filed for record on the 24th day of March, A.D., 1981 at 11:04 O'Clock A.M., and duly recorded in Book H-157 Page 528, Recorded 3-24-81

Marie L. Serrano
COUNTY CLERK & RECORDER

BY: Priscilla L. Smith DEPUTY.

2924

#S9078
11:03
3-24-81WARRANTY DEED

ANN J. DASBURG, Successor Personal Representative of the Estate of Andrew M. Dasburg, for consideration paid, grants to DASBURG HOUSE ASSOCIATES, a partnership, the following described real estate in Taos County, New Mexico:

A certain tract of land near Talpa, Taos County, New Mexico, within the Cristoval de la Serna Grant, and located within the E. 1/2 of the SE 1/4 of Projected Section 36, Township 25 North, Range 12 East, and the W. 1/2 of the SW 1/4 of Projected Section 31, Township 25 North, Range 13 East, N.M.P.M., also described as part of Tract 381, Map 10, Survey 1 of the 1941 Taos County Reassessment Survey, and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch of rebar set for the SW corner, from whence Triangulation Station "Hartt", a 1973 State Engineer Office brass cap monument found, bears N. 61° 15' W., 5739.8 feet distant, thence;

N. 38° 03' E., 154.3 feet to a point, thence;
N. 38° 07' E., 124.4 feet to a point, thence;
N. 39° 19' E., 29.8 feet to a point, thence;
N. 37° 34' E., 298.6 feet to the NW corner on the westerly right-of-way State Road 3, from whence a 1/2 inch rebar set as a witness corner bears S. 37° 34' W., 1.2 feet distant, and from whence Station 370 + 00, an N.M.S.H.C. steel rail right-of-way monument found, bears N. 11° 17' W., 106.6 feet distant, thence along said right-of-way;
S. 11° 17' E., 382.7 feet to the NE corner, from whence a 1/2 inch rebar set as a witness corner bears S. 37° 20' W., 4.8 feet distant, thence leaving said right-of-way;
S. 37° 20' W., 111.4 feet to a point, thence;
S. 32° 09' W., 62.4 feet to a point, thence;
S. 42° 15' W., 44.9 feet to a point, thence;
S. 40° 56' W., 103.3 feet to a point, thence;
S. 41° 14' W., 28.1 feet to a point, thence;
S. 50° 30' W., 16.6 feet to a point, thence;
S. 43° 34' W., 44.4 feet to a point, thence;
S. 46° 03' W., 10.5 feet to a 1/2 inch rebar found, thence;
S. 45° 08' W., 123.9 feet to a 1/2 inch rebar found for the SE corner, thence;
N. 22° 59' W., 221.1 feet to a point, thence;
N. 00° 29' W., 49.6 feet to a 1/2 inch rebar set, thence;
N. 00° 31' W., 45.0 feet to a point, thence;
N. 26° 28' W., 10.4 feet to the point and place of beginning,

with warranty covenants. Said real estate is conveyed with Water

Rights and any other Rights appurtenant thereto that said real estate has enjoyed or is to enjoy in the future.

Witness, my hand this 6th day of March, 1981.

Ann J. Dasburg
ANN J. DASBURG, Successor Personal
Representative of the Estate of
Andrew M. Dasburg

ACKNOWLEDGMENT

STATE OF NEW MEXICO }
COUNTY OF SANTA FE } SS.

The foregoing instrument was duly acknowledged before me this 6th day of March, 1981 by Ann J. Dasburg, Successor Personal Representative of the Estate of Andrew M. Dasburg.



Frederic J. Pate
Notary Public

STATE OF NEW MEXICO } SS
COUNTY OF TAOS

This instrument was filed for
record on the 24 day of March
A.D. 1981 at 11:15 o'clock AM
and duly recorded in book 41-15-1
Page 526-527 Rec. 5-26-81

Marie Laraine D. Allegre
County Clerk & Recorder
By William J. Pate Deputy



★★★
THE UNITED STATES OF AMERICA
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ALEX A. ALLEN
NOTARY PUBLIC

530 SOUTH LAKE AVENUE
PASADENA, CA, 91101
(626) 808-3030
WWW.ALEXTHENOTARY.COM

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

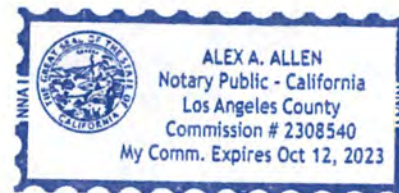
County of Los Angeles

On APR 14 2021 before me, Alex A. Allen, a notary public, personally appeared DeNeil Wrae Ruppert and Gary Tate Ruppert, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

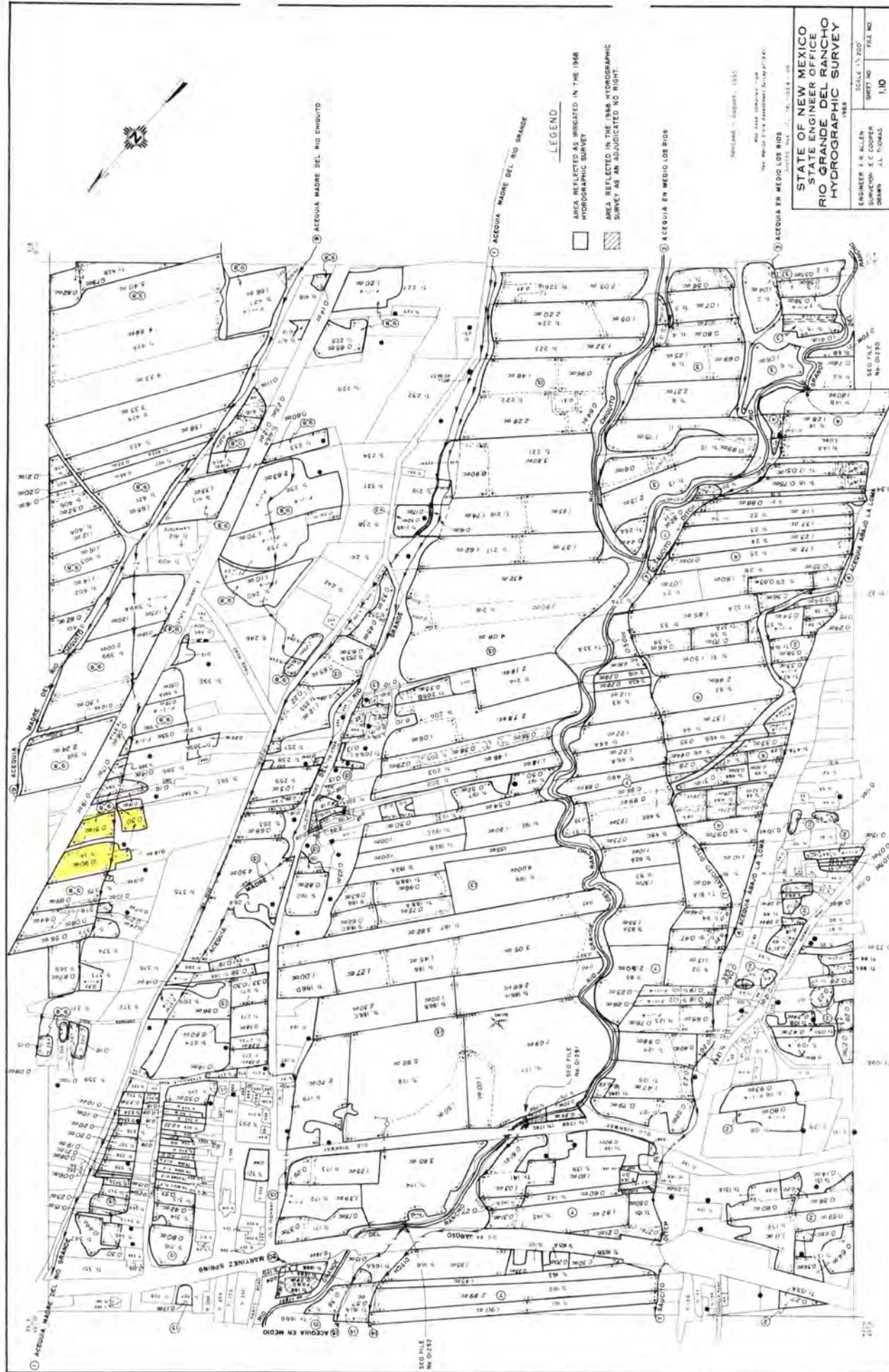
WITNESS my hand and official seal.

Alex A. Allen



Title or Type of Attached Document: Change of ownership of water right
Date of Document: N/A
Number of Pages: 3 (three)
Additional Notes: None

Alex A. Allen
Alex A. Allen



LEGEND

AREA SELECTED AS WRITTEN IN THE 1968
HYDROGRAPHIC SURVEY

AREA SELECTED IN THE 1968 HYDROGRAPHIC
SURVEY AS AN ADJUDICATED NO RIGHT

ACQUIA EN MEDIO LOS RIOS

STATE OF NEW MEXICO
STATE ENGINEER'S OFFICE
RIO GRANDE DEL RANCHO
HYDROGRAPHIC SURVEY
1968

ENGINEER: F. R. ALLEN
SURVEYOR: E. C. COOPER
DRAWN: J. L. THOMAS
SCALE: 1" = 100'
SHEET NO. 1
FILE NO. 1.10



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
DISTRICT VI-SANTA FE

John R. D'Antonio Jr., P.E.
State Engineer

Water Rights Division
P.O. Box 25102
Santa Fe, NM 87504-5102
Phone: (505) 827-6120
Fax: (505) 827-6682

July 14, 2021

Corey Tate Ruppert
DeNeill Wrae Rupert
1719 Oak Drive
Topanga, CA 90290

*RE: Change of Ownership of Surface Water Right, OSE File No. SD-0609-A (Sub-file 1.10.381)
Talpa Reservoir Ditch/Acequia Madre del Rio Chiquito, Rio Chiquito, Rio Grande*

Greetings:

The Change of Ownership of Surface Water Right that you submitted to the Office of the State Engineer has been accepted for filing in accordance with Section 72-1-2.1, NMSA, 1978 (1996 Supplement). The acceptance by the State Engineer Office does not constitute validation of the right claimed.

Enclosed is an original of the document. According to section 72-1-2.1, NMSA 1978 (1996 Supplement), you must record the Change of Ownership with the Clerk of the county in which the water right is located. The filing shall be public notice of the existence and contents of the instruments so recorded. Please refer to the file number in any future correspondence with this Office.

If you have any questions, please feel free to contact me at (505) 827-6120.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Lusher".

Rick Lusher
Water Rights Division

Enclosure
cc: File

Transaction Summary

ORDER Order of District Court

Transaction Number:	738557	Transaction Desc:	SD-0609-289	File Date:	2016-09-20
Primary Status:	ADJ Adjudicated				
Secondary Status:	PRC Processed				
Person Assigned:	*****				
Applicant:	JERRY GEIST				
Applicant:	SHARON GEIST				

Events

Event Images	Date	Type	Description	Comment	Processed By
 .get images	2016-09-20	APP	Application Received	*	*****
	2016-09-20	FTN	Finalize non-published Trans.		*****
	2022-12-07	QAT	Quality Assurance Completed	SQ2	*****
	2023-04-20	QAT	Quality Assurance Completed	IMAGE	*****
	2023-04-20	ARW	WRAB Main File Rm Arch Sect	SD 00609 289 Archived	*****

Water Right Information

WR File Nbr	Acres	Diversion	Consumptive	Purpose of Use
SD 00609 289	1.870	5.161		IRR IRRIGATION

Point of Diversion

POD Nbr	Easting	Northing	Map	Grant
SD 00609 POD2	447510.9	4021323.7		RANCHO DEL RIO GRANDE
SP 01334	447669.4	4021090.0		RANCHO DEL RIO GRANDE

* UTM location was derived from PLSS - see Help

Place of Use

Q256	Q64	Q16	Q4	Sec	Tws	Rng	Acres	Diversion	Consumptive	Use	Priority	Status	Other Loc Desc
							1.870	5.161		IRR	1760-12-31	ADJ	HYDROGRAPHIC SURVEY MAP 10, TRACT 381, CRISTOVAL DE LA SERNA GRANT

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

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

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

Plaintiffs,

v.

EDUARDO ABEYTA, *et al.*, and
CELSO ARELLANO, *et al.*,

Defendants.

69cv7896 MV/WPL
Rio Taos Adjudication

69cv7939 MV/WPL
Rio Hondo Adjudication

Consolidated

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on:

- (i) the Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5960 (“Joint Motion”);
- (ii) the Special Master’s Report and Recommendations Regarding Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5981 (“Special Master’s Report”);
- (ii) the Objections by the Estate of Jose Manuel Santistevan (“the Estate”), Paul Horvath, Holly Difani and Tarleton Ranches LLC, to the Special Master’s Report and Recommendations Regarding Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5983 (“Objections”); and
- (iv) the State’s Motion to Clarify Language Concerning Uniform Irrigation Requirements in Order Adopting Special Master’s Report and Recommendations, Doc. 5982 (“Motion to Clarify”).

For the reasons stated below, the Court will **OVERRULE** the Objections to the Special Master’s Report, **ADOPT** the Special Master’s Report, **GRANT** the Joint Motion to Adopt Uniform Irrigation Requirements, and **GRANT** the Motion to Clarify.

Joint Motion to Adopt Uniform Irrigation Requirements

Subfile orders have been entered for all non-Pueblo surface water irrigation rights with an amount of water “not to exceed 2.5 acre-feet per annum delivered at the farm head gate” based

SD-0609-289
738557

on a State Engineer's report prepared in 1969. Joint Motion at 2. The Taos Settlement Agreement sets forth values for Consumptive Irrigation Requirement ("CIR"¹), Farm Delivery Requirement ("FDR"²), and Project Diversion Requirement ("PDR"³), and provides that prior to entry of a Partial Final Decree on the Pueblo's water rights, the Settlement Parties shall jointly move the Court to adopt those irrigation requirement values to be used for the adjudication of all Pueblo and non-Indian water rights in the Taos Valley Stream System. *See* Joint Motion at 3. The Joint Motion requests that the amount of water for surface water use in all previously entered subfile orders adjudicating non-Pueblo irrigation water rights be amended by substituting the existing language of "Not to exceed 2.5 acre-feet per annum delivered at the farm head gate" with:

- a. the Consumptive Irrigation Requirement (CIR) of one and thirty-eight hundredths (1.38) acre-feet per year per acre;
- b. the Farm Delivery Requirement (FDR) of two and seventy-six hundredths (2.76) acre-feet per year per acre (i.e., a 50% on-farm efficiency); and
- c. the Project Diversion Requirement (PDR) of three and ninety-four hundredths (3.94) acre-feet per year per acre (i.e., a 70% ditch efficiency), unless a different efficiency can be shown for a specific ditch on a case-by-case basis.

Joint Motion at 5.

¹ "CIR" means "the quantity of irrigation water, exclusive of effective rainfall, that is consumptively used by plants or is evaporated from the soil surface in a specific period of time. It may be calculated numerically by subtracting effective rainfall from consumptive use." Joint Motion at 3.

² "FDR" means "the quantity of water, exclusive of effective rainfall, that must be delivered to the farm headgate to satisfy the CIR of crops grown on the farm in a specific period of time. It may be calculated numerically by dividing the CIR by the on-farm irrigation efficiency." Joint Motion at 3.

³ "PDR" means "the quantity of water, exclusive of effective rainfall, that must be diverted from an off-farm source of water to satisfy the FDR and any adjudicated livestock or domestic uses in a specific period of time. It may be calculated numerically by dividing the FDR and any adjudicated livestock or domestic uses by the off-farm conveyance efficiency. Joint Motion at 3.

The Special Master's Report

After summarizing the Joint Motion and its procedural history, the Special Master addressed the two responses opposing the Joint Motion. In addressing the Response to the Joint Motion filed by Alfred Trujillo, the Special Master stated:

Mr. Trujillo is concerned that upstream, junior appropriators will, with the increased irrigation amounts, divert more of the water that would otherwise be available to the Arroyo Hondo acequias. His arguments focus on his interpretation of the historical basis of the priority dates and acreages so far adjudicated for the Arroyo Hondo acequias and other acequias in the Taos Stream System, and resemble those he raised previously in his objections to the Taos Settlement Agreement. Those objections were overruled by the Court in its July 30, 2015, Memorandum Opinion and Order (No. 5958). I note that Mr. Trujillo's objections regarding priorities and acreages of other acequias may be appropriate to raise in future *inter se* proceedings for non-Pueblo rights.

Special Master's Report at 5. The Special Master found that Mr. Trujillo's objections are without merit in the context of the Joint Motion and recommended that the Court overrule his objections.

In addressing the Response to the Joint Motion filed by the Estate of Jose Manuel Santistevan, Paul Horvath, Holly Difani, and Tarleton Ranch, LLC (collectively, "the Estate"), the Special Master stated:

The Estate objects to the irrigation water requirements because when other water users' rights are increased, less water will be available to The Estate. The Estate's real quarrel is with the acequia commissioners for the Acequia Madre del Rio Lucero del Arroyo Seco, who have characterized the Estate's rights as *sobrante* rights (rights fulfilled only after other water rights are satisfied). The Estate has raised this issue previously, and the Court has ruled that the *sobrante* rights issue is one which may be properly raised in the future non-Pueblo *inter se* phase of this adjudication.

Special Master's Report at 5-6. The Special Master found that the Estate's objections are without merit in the context of the Joint Motion and recommended that the Court overrule the Estate's objections.

Having found that the objections to the Joint Motion are without merit, the Special Master recommended that “the Court grant the Joint Motion to Adopt Uniform Irrigation Requirements and adopt the proposed irrigation requirements for all parties in this adjudication.” Special Master’s Report at 1, 7.

Objections to the Special Master’s Report

The only objections to the Special Master’s Report were filed by the Estate. *See* Objections, Doc. 5983; Errata to Doc. 5983, Doc. 5984. The two objections by the Estate relate to the classification of the Estate water rights as *sobrante* rights. *See* Objections at 2. The Estate Defendants contend that the Acequia Madre del Rio Lucero y del Arroyo Seco and its Ditch Commissioners have classified the Estate Defendants’ water rights as *sobrante* rights, which means that the Estate Defendants are only entitled to water after the other rights have had their full delivery of water. *See* Estate’s Response to Joint Motion at 1-4, Doc. 5966.

The Estate’s first objection is that the Special Master “sustained” the State’s position that the Estate’s *inter se* objections were premature. *See* Objections at 2. The Estate asserts that its objection to the increased duty of water and its *inter se* objection regarding *sobrante* rights “are intertwined and properly raised” at this time, because “the increased duty of water [requested by the Joint Motion] will have the effect of reducing the amount of water available to” the Estate. Estate’s Response to Joint Motion at 5-6, Doc. 5983.

The Estate’s second objection is that the classification of water rights as *sobrante* rights has no place in New Mexico law. *See* Objections at 2-3, 6. The Estate asserts:

the increase in the duty of water [as requested in the Joint Motion] would have the effect of reducing the amount of water available to [the Estate] by reason of the classification of their water rights as *sobrante* rights, with the result that they would only get water when all other rights were satisfied.

Because there is no known law defining *sobrante*, or governing the distribution of water to *sobrante* right owners, or even recognizing that such water rights exist as a matter of law, the prior appropriation system is subverted by the proposed increase. Distribution of water to [the Estate] is governed only by the arbitrary determination of acequia officials, and not merely in times of water shortage, which is the contemplation of the prior appropriation system.

Objections at 1-2, 6. The Estate asks the Court to either reject the increased duty of water requested in the Joint Motion or reject the concept of *sobrante* water rights. *See* Objections at 9.

The Court will overrule the Estate's Objections. The Estate does not object to the quantities of water that must be diverted and delivered to the farm headgates to satisfy the irrigation requirements of the crops grown on the farms. *See* Estate's Response to Joint Motion at 2. The Estate's Objections arise solely from the classification, by the commissioners of the Acequia Madre del Rio Lucero y del Arroyo Seco, that the Estate's water rights are *sobrante* water rights. *See* Estate's Response to Joint Motion at 2. The Estate agrees that "[t]he Special Master is correct in her definition of the issue," Objections at 3-4, that "when other user's water rights are increased less water will be available to the Estate and that the Estate's real quarrel is with the acequia commissioners who have characterized the Estate's rights as *sobrante* rights (rights fulfilled only after other water rights are satisfied)," Special Master's Report at 5. The Estate contends the Special Master's "error lies in the resolution she proposes, postponing [resolution of the *sobrante* issue] until the 'future non-pueblo inter se phase' of this case." Objections at 4. The Special Master had previously ruled that the *sobrante* rights issue can be raised in the future *inter se* phase of the adjudication. *See* Doc. 5887. The Estate has not shown that the Special Master abused her discretion in deferring determination of the *sobrante* rights issue to the future *inter se* phase of the adjudication. *See* Fed. R. Civ. P. 53(f)(5)(the court may set aside a master's ruling on a procedural matter only for an abuse of discretion).

Motion to Clarify

Three weeks after the Special Master filed her Report, the State filed a motion asking the Court to adopt the Special Master's Report "with the clarification below concerning the 'uniform irrigation requirements' language to be included in subfile orders adjudicating non-Pueblo irrigation water rights."

The Special Master's Report recommended that the Court adopt the uniform irrigation requirements for all surface water rights in the Rio Pueblo de Taos and Rio Hondo stream system with the Consumptive Irrigation Requirement (CIR), the Farm Delivery Requirement (FDR) and the Project Diversion Requirement (PDR) set forth in the Taos Settlement Agreement. The Special Master's Report also recommended that the Court:

Amend all previously entered subfile orders adjudicating non-Pueblo irrigation water rights in the Rio Pueblo de Taos and Rio Hondo stream systems by substituting the existing language of "Not to exceed 2.5 acre-feet per annum delivered at the farm headgate" with *the CIR, FDR and PDR values set forth above*.

Special Master's Report at 6 (*emphasis added*). The Special Master's Report does not include the language for "*the CIR, FDR and PDR values set forth above*" which is to be added to the subfile orders. The State requests that the Court's order adopting the Special Master's Report clarify that language describing the uniform irrigation requirements should read as follows when applied to individual subfile orders:

Amount of Water:

- a. A Consumptive Irrigation Requirement ("CIR") of one and thirty-eight hundredths (1.38) acre-feet per year per acre;
- b. A Farm Delivery Requirement ("FDR") of two and seventy-six hundredths (2.76) acre-feet per year per acre (i.e., a 50% on-farm efficiency); and

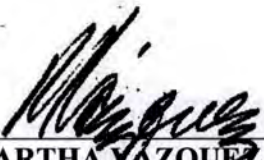
- c. A Project Diversion Requirement (“PDR”) of three and ninety-four hundredths (3.94) acre-feet per year per acre (i.e., a 70% ditch efficiency), unless a different efficiency can be shown for a specific ditch on a case-by-case basis.

For all water rights involving surface water delivered from a ditch, the amount of water shall not exceed 3.94 acre-feet per year per acre diverted by the ditch from the surface source, or 2.76 acre-feet per year per acre delivered to the farm headgate, or a beneficial consumptive use of 1.38 acre-feet per year per acre.

Motion to Clarify at 2. No responses opposing the Motion to Clarify have been filed. The Court will grant the State’s Motion to Clarify.

IT IS ORDERED that:

- (i) the Objections By the Estate of Jose Manuel Santistevan (“the Estate”), Paul Horvath, Holly Difani and Tarleton Ranches LLC, to the Special Master’s Report and Recommendations Regarding Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5984, are **OVERRULED**;
- (ii) the Special Master’s Report and Recommendations Regarding Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5981, is **ADOPTED**;
- (iii) the Joint Motion to Adopt Uniform Irrigation Requirements, Doc. 5960, is **GRANTED**;
and
- (iv) the State’s Motion to Clarify Language Concerning Uniform Irrigation Requirements in Order Adopting Special Master’s Report and Recommendations, Doc. 5982, is **GRANTED**.



MARTHA YAZQUEZ
UNITED STATES DISTRICT JUDGE

Transaction Summary

ORDAD Order of District Court (Accumulative)

Transaction Number:	738556	Transaction Desc:	SD-0609-289	File Date:	2008-01-10
Primary Status:	ADJ Adjudicated				
Secondary Status:	PRC Processed				
Person Assigned:	*****				
Applicant:	JERRY GEIST				
Applicant:	SHARON GEIST				

Events

Event Images	Date	Type	Description	Comment	Processed By
 .get images	2008-01-10	APP	Application Received	*	*****
	2008-01-10	FTN	Finalize non-published Trans.		*****
	2022-12-07	QAT	Quality Assurance Completed	SQ2	*****
	2023-04-20	QAT	Quality Assurance Completed	IMAGE	*****
	2023-04-20	ARW	WRAB Main File Rm Arch Sect	SD 00609 289 Archived	*****

Water Right Information

WR File Nbr	Acres	Diversion	Consumptive	Purpose of Use
SD 00609 289	0.000	0.000		IRR IRRIGATION

Point of Diversion

POD Nbr	Easting	Northing	Map	Grant
SD 00609 POD2	447510.9	4021323.7		RANCHO DEL RIO GRANDE
SP 01334	447669.4	4021090.0		RANCHO DEL RIO GRANDE

* UTM location was derived from PLSS - see Help

Place of Use

Q256	Q64	Q16	Q4	Sec	Tw	Rng	Acres	Diversion	Consumptive	Use	Priority	Status	Other Loc Desc
							1.870	4.675		IRR	1760-12-31	ADJ	HYDROGRAPHIC SURVEY MAP 10, TRACT 381, CRISTOVAL DE LA SERNA GRANT

Remarks:

ABSTRACTOR'S NOTE: THIS ORDER IS TO ADD AND CLARIFY SOURCE AND POINT OF DIVERSION INFORMATION.

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 10 2008

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

MATTHEW J. DYKMAN

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

CLERK
69cv07896-BB
RIO TAOS ADJUDICATION

-v-

EDUARDO ABEYTA, *et al.* &
CELSO ARELLANO, *et al.*,
Defendants.

69cv07939-BB
RIO HONDO ADJUDICATION
Consolidated

Rio Grande Del Rancho Section

ORDER ADDING AND CLARIFYING SOURCE AND POINT OF DIVERSION
INFORMATION FOR DITCHES, WELLS AND SPRINGS

THIS MATTER is before the Court *sua sponte*. In reviewing the Court record, staff determined that the source and point of diversion ("POD") information contained in individual subfile orders, in the Rio Grande del Rancho Section of the Rio Pueblo de Taos Hydrographic Survey, should be clarified, corrected and supplemented.

Individual subfile orders erroneously stated incomplete POD descriptions. Most of the original orders omitted X and Y coordinate information, many omitted grant information, and some contained incomplete source descriptions. The information stated in Exhibits A and B are clerical corrections; that is, the additional and corrected information, while more fully describing the sources and points of diversion, does not affect the nature or extent of that right. See, Order on Procedures for Correcting and Amending Subfile Orders, filed June 7, 1995 (Docket No. 2337).

Exhibit A clarifies and summarizes all POD and source information for each of the ditches in the Rio Grande del Rancho Section. This summary includes springs adjudicated as sources for each ditch. Exhibit B clarifies the location of wells or springs that are either

SD-0609-289
738554

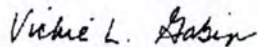
supplemental to, or the only source for, specific subfiles. The springs on Exhibit B may also be identified as additional sources to a ditch on Exhibit A. Information being added by this Order has been verified by the Hydrographic Survey Mapping Bureau of the Office of the State Engineer. The information in Exhibits A and B applies to individual subfiles and supercedes all POD descriptions previously stated in individual subfile orders.

IT IS THEREFORE ORDERED that source and point of diversion information, as stated in Exhibit A: Ditch POD Information and Exhibit B: Well and Spring Information, is adopted and applied to individual subfile orders.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for Approval:



SPECIAL MASTER VICKIE GABIN

Exhibit A: Ditch POD and Source Information

Abandoned Ditch

OSE No. None X: 684190 Y: 1955970 NM State Plane Coordinate System, Central Zone NAD 1927
Gijosa Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.
Comments: Diversion found to be abandoned in the summer of 1957.

Acequia Abajo la Loma

OSE No. 01288 X: 691640 Y: 1942410 NM State Plane Coordinate System, Central Zone NAD 1927
Cristoval de la Serna Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Acequia Antonio Maria Graham

OSE No. 0609 X: 695370 Y: 1942800 NM State Plane Coordinate System, Central Zone NAD 1927
Rancho del Rio Grande Grant

Source of Water: Rio Chiquito, a tributary of the Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Acequia de Tio Gerbacio

OSE No. 01293
Cristoval de la Serna Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos, Rivera Spring and Martinez Spring.

Coordinates below are located on the NM State Plane Coordinate System, Central Zone NAD 1927:

Acequia de Tio Gerbacio X: 687498 and Y: 1952333

Rivera Spring, X: 688733 and Y: 1949475, rises within the Spring Area. The waters from the Rivera Spring and the Spring area drain into a short, unnamed channel through a road culvert in a westerly direction and flow into an unnamed ditch that ends at the Rivera Spring POD, X: 688670 and Y: 1949560, where the water free-flows and seeps through a French Drain under the road bed of State Road 68. This seepage flows into the Rio Grande Del Rancho and is then diverted by the Acequia de Tio Gerbacio one-half mile downstream.

The Martinez Spring drains into a pond on Tract 1.10.168. When the pond is above a certain level it spills into the Rio Grande del Rancho. The Acequia de Tio Gerbacio diverts this spillage from the Rio Grande del Rancho 2,200 feet downstream. The Pond Outlet Coordinates are X: 688490 and Y: 1950342. The Martinez Spring is located at X: 688650 and Y: 1950349.

Acequia del Finado Francisco Martinez

OSE No. 0992, 01287 X: 694740 Y: 1939120 NM State Plane Coordinate System, Central Zone NAD 1927
Rancho del Rio Grande Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Acequia del Monte

OSE No. 0609 X: 696070 Y: 1942010 NM State Plane Coordinate System, Central Zone NAD 1927
Rancho del Rio Grande Grant

Source of Water: Rio Chiquito, a tributary of the Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Comments: Approximately ¼ mile below the point of diversion, the flow is divided by a concrete structure; left into the Acequia Madre del Rio Chiquito and right into the Acequia del Monte. Approximately 700 feet below the division, the Acequia del Monte and the Acequia Madre del Rio Chiquito may receive water from the Talpa Reservoir Ditch by means of a pipeline. About 400 feet below this point, on the Acequia del Monte, a steel flume is installed such that one-third of the flow may be diverted to the Acequia del Monte and two-thirds to the Acequia Madre del Rio Chiquito. Water released from the Talpa Reservoir may also be divided one-third to the Acequia del Monte and two-thirds to the Acequia Madre del Rio Chiquito at a concrete division box located about 450 feet below the reservoir.

Acequia del Monte & Talpa Reservoir

OSE No. 0609, 1334

Source of Water: For POD and source information see individual entries for Acequia del Monte and for Talpa Reservoir.

Acequia en Medio los Rios

OSE No. 01289 X: 691640 Y: 1942410 NM State Plane Coordinate System, Central Zone NAD 1927
Cristoval de la Serna Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Acequia en Medio/Matt Hartt

OSE No. 01292 X: 688320 Y: 1949820 NM State Plane Coordinate System, Central Zone NAD 1927
Cristoval de la Serna Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Acequia Jarosa

OSE No. 01291
Cristoval de la Serna Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos and the Jarosa Spring.

Coordinates below are located on the NM State Plane Coordinate System, Central Zone NAD 1927:

Jarosa X: 688178 and Y: 1948995

The Acequia Association diverts water from the Jarosa Spring into an unnamed ditch maintained by the Acequia Association at X: 688590 and Y: 1948670. The unnamed ditch flows into the east bank of the Rio Grande del Rancho at X: 688198 and Y: 1948950. A constructed dam directs the flow of the water from the unnamed ditch across the bed of the Rio Grande del Rancho during periods of low flow and into the Acequia Association's point of diversion.

Acequia Lucero (AMdRG Ditch System)

OSE No. 01286

Rancho del Rio Grande Grant

Comments: For source and POD information see Acequia Madre del Rio Grande (AMdRG Ditch System)

Acequia Madre del Rio Chiquito

OSE No. 0609 X: 696070 Y: 1942010 NM State Plane Coordinate System, Central Zone NAD 1927

Rancho del Rio Grande Grant

Source of Water: Rio Chiquito, a tributary of the Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Comments: Approximately ¼ mile below the point of diversion, the flow is divided by a concrete structure, left into the Acequia Madre del Rio Chiquito and right into the Acequia del Monte. Approximately 700 feet below this division, the Acequia del Monte and the Acequia Madre del Rio Chiquito may receive water from the Talpa Reservoir Ditch by means of a pipeline. About 400 feet below this point, on the Acequia del Monte, a steel flume is installed such that one-third of the flow may be diverted to the Acequia del Monte and two-thirds to the Acequia Madre del Rio Chiquito. Water released from the Talpa Reservoir may also be divided one-third to the Acequia del Monte and two-thirds to the Acequia Madre del Rio Chiquito at a concrete division box located about 450 feet below the reservoir.

Acequia Madre del Rio Chiquito & Talpa Reservoir

OSE No. 0609, 1334

Source of Water: For POD and source information see individual entries for Acequia Madre del Rio Chiquito and for Talpa Reservoir.

Acequia Madre del Rio Grande (AMdRG Ditch System)

OSE No. 01286

Rancho del Rio Grande Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos

1. Acequia Madre de Rio Grande: The Acequia Madre del Rio Grande diverts water from the Rio Grande del Rancho and the Rio Chiquito as follows:

a. Rio Grande del Rancho – at a point described on the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, as X: 694740 and Y:1939120.

b. Rio Chiquito – Acequia Madre del Rio Grande empties into the Rio Chiquito about 0.8 miles below this point of diversion, water is then conveyed $\frac{1}{4}$ mile downstream in the Rio Chiquito and diverted from the East bank of the Rio Chiquito for the continuation of the ditch at a point described on the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, as X: 691980 and Y: 1943680.

2. Acequia Lucero: The Acequia Lucero diverts water from the Rio Grande del Rancho and the Rio Chiquito as follows:

a. Rio Grande del Rancho – at a point described on the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, as X: 694740 and Y:1939120.

b. Rio Chiquito – Acequia Madre del Rio Grande empties into the Rio Chiquito about 0.8 miles below this point of diversion, water is then conveyed approximately 20 feet downstream in the Rio Chiquito and diverted from the East bank of the Rio Chiquito at a point described on the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, as X: 693280 and Y: 1942720.

3. Pueblito Ditch – Approximately 0.8 miles below the point of diversion of the Acequia Madre del Rio Grande the Pueblito Ditch takes water out of the left bank of the Acequia Madre del Rio Grande at a point described on the New Mexico State Plane Coordinate System, Central Zone, NAD 1927, as X: 693310 and Y: 1942660.

Comments: Acequia Madre del Rio Grande Ditch System ("Acequia Madre Ditch System") consists of the main ditch and two laterals – Acequia Lucero and Pueblito Ditch. The Acequia Association allocates water throughout the Acequia Madre Ditch system so that all tracts served by the Acequia may benefit from the System's multiple sources of water.

The point of diversion or "take outs" for the ditch and the two laterals are as described.

Emilio Chavez/Ponce de Leon Hot Springs Ditch

OSE No. 02194

Cristoval de la Serna & Rancho del Rio Grande Grants

Source of Water: Arroyo Miranda, a tributary of Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos and Ponce de Leon Hot Spring, a spring within the Rio Pueblo de Taos Basin.

Coordinates below are located on the NM State Plane Coordinate System, Central Zone NAD 1927:

Emilio Chavez X: 688091 and Y: 1935272

Ponce de Leon Hot Spring X: 689643 and Y: 1937662

Comments: The diversion structure is constructed of brush and rock. Ditch is open earth type and its capacity is approximately 0.5 cfs. Approximately one-third of a mile below the diversion, this ditch is joined by the Ponce de Leon Hot Springs Ditch which diverts from the Ponce de Leon Hot Spring. From the spring to its junction with the Emilio Chavez Ditch, the Ponce de Leon Hot Springs Ditch is approximately ½ mile in length; and its capacity is approximately 0.5 cfs. Below this junction where the irrigation is served, the Emilio Chavez/Ponce de Leon Hot Springs Ditch continues for approximately two-thirds of a mile.

Los Cordovas Ditch No. 1

OSE No. 0942 X: 686780 Y: 1953060 NM State Plane Coordinate System, Central Zone NAD 1927

Cristoval de la Serna Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Los Cordovas Ditch No. 1 & 2

OSE No. 0942, 0944

Source of Water: For POD and Source information see individual entries for Los Cordovas No. 1 and for Los Cordovas No. 2.

Los Cordovas Ditch No. 2

Ditch AKA: Acequia del Marrano

OSE No. 0944 X: 682440 Y: 1957660 NM State Plane Coordinate System, Central Zone NAD 1927

Gijosa Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Pueblito Ditch (AMdRG Ditch System)

OSE No. 01286

Rancho del Rio Grande Grant

Comments: For source and POD information see Acequia Madre del Rio Grande (AMdRG Ditch System)

Saucito Ditch

OSE No. 01290 X: 689510 Y: 1945340 NM State Plane Coordinate System, Central Zone NAD 1927
Cristoval de la Serna Grant

Source of Water: Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Talpa Reservoir Ditch

OSE No. 1334 X: 696600 Y: 1941250 NM State Plane Coordinate System, Central Zone NAD 1927
Rancho del Rio Grande Grant

Source of Water: Rio Chiquito, a tributary of the Rio Grande del Rancho, a tributary of the Rio Pueblo de Taos.

Exhibit B: Well and Spring POD Information

Type: Spring **Martinez Spring** Map: 1.10 Tract: 170
OSE No. 01286 X:688650 Y:1950349 NM State Plane Coordinate System, Central Zone NAD 1927
Cristoval de la Serna Grant
Source of Water: Spring within the Rio Pueblo de Taos Stream System

Type: Spring **Jarosa Spring** Map: 1.10 Tract: 177
OSE No. None X:688590 Y:1948670 NM State Plane Coordinate System, Central Zone NAD 1927
Cristoval de la Serna Grant
Source of Water: Spring within the Rio Pueblo de Taos Stream System

Type: Spring **Ponce de Leon Hot Spring** Map: 1.17 Tract: 4A
OSE No. 02323 X:689643 Y:1937662 NM State Plane Coordinate System, Central Zone NAD 1927
Cristoval de la Serna & Rancho del Rio Grande Grants
Source of Water: Spring within the Rio Pueblo de Taos Stream System

Type: Well Map: 2.39 Tract: 111
OSE No. RG-76050-CLW X:691655 Y:1954552 NM State Plane Coordinate System, Central Zone NAD 1927
Cristoval de la Serna Grant
Source of Water: Underground waters of the Rio Pueblo de Taos Stream System