

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

UNITED STATES OF AMERICA,

and

STATE OF NEW MEXICO, ex rel. STATE  
ENGINEER,

Plaintiffs,

and

ZUNI INDIAN TRIBE, NAVAJO NATION

Plaintiffs-in-Intervention,

-vs-

A & R Productions, et al.,

Defendants.

No. 01cv00072-MV-WPL  
Subfile No. ZRB-2-00098  
JAY Land Ltd. Co., Yates  
Ranch Property LLP

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

STATE OF NEW MEXICO )  
                                  )    SS.  
COUNTY OF EDDY         )

Kathy H. Porter, being first sworn, states as follows:

1. She is the corporate secretary of Yates Petroleum Corporation;
2. She has in her possession all corporate records of Yates Petroleum Corporation from 1978 to the present. Those corporate records include all minutes of Board Meetings, and all resolutions adopted by the directors thereof from 1978 to the present;
3. She has examined the corporate records, including all corporate resolutions and minutes of the meetings of the Board of Directors of Yates Petroleum Corporation from 1978 to 2012 in

Exhibit 6  
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search of any documentation and records of the ownership by Yates Petroleum Corporation of its one-half interest in Atarque Ranch, located in Cibola County, New Mexico, and in particular in search of records, motions, and corporate resolutions respecting the water rights appurtenant to that ranch and which exist in connection with that ranch;

4. She was instructed to search for all records with respect to water rights at Atarque Ranch, and in particular to search for records respecting Atarque Lake and New Mexico State Engineer water right No. 06388


5. She was informed that the purpose of her search was to determine whether there existed any documents by way of corporate resolutions or motions reflecting that Yates Petroleum Corporation intended to abandon or relinquish the water rights in Atarque Lake.

6. She found no records reflecting any purpose, intention, or steps to abandon or relinquish any water rights at Atarque Ranch;

7. She found no records of any purpose, intention or steps to abandon or relinquish any property on the part of Yates Petroleum Corporation.

8. Yates Petroleum Corporation has never expressed any intention to abandon or relinquish any water rights.

Further Affiant sayeth naught.

  
Kathy H. Porter

Affiant

SUBSCRIBED and sworn to before me this 23<sup>rd</sup> day of June, 2015 by Kathy H. Porter, Secretary of Yates Petroleum Corporation, a New Mexico corporation.

*Cissy Vasquez*  
\_\_\_\_\_  
Notary Public

My Commission Expires: *12-28-15*

