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H0620413

File Number: G-722

**NEW MEXICO OFFICE OF THE STATE ENGINEER  
DECLARATION OF OWNER OF UNDERGROUND WATER RIGHT  
AMENDED**

**1. DECLARANT**

Name: Yates Petroleum Corporation\* Work Phone: (505) 982-3566  
Contact: Peter B. Shoenfeld Home Phone: \_\_\_\_\_  
Address: 100 LaSalle Circle Suite A  
P.O. Box 2421  
City: Santa Fe State: NM Zip: 87504-2421

**2. LOCATION OF WELL (A, B, C, or D required, E or F if know)**

A. SW 1/4 SE 1/4 NE 1/4 Section: 11 Township: 7 N., Range: 18W., N.M.P.M.  
in Cibola County.

B. X = \_\_\_\_\_ feet, Y = \_\_\_\_\_ feet, N.M. Coordinate System  
\_\_\_\_\_ Zone in the \_\_\_\_\_ Grant.  
U.S.G.S. Quad Map \_\_\_\_\_

C. Latitude: \_\_\_\_\_ d \_\_\_\_\_ m \_\_\_\_\_ s Longitude: \_\_\_\_\_ d \_\_\_\_\_ m \_\_\_\_\_ s

D. East \_\_\_\_\_ (m), North \_\_\_\_\_ (m), UTM Zone 13, NAD \_\_\_\_\_ (27 or 83)

E. Tract No. \_\_\_\_\_, Map No. \_\_\_\_\_ of the \_\_\_\_\_ Hydrographic Survey

F. Lot No. \_\_\_\_\_, Block No. \_\_\_\_\_ of Unit/Tract \_\_\_\_\_ of the  
\_\_\_\_\_ Subdivision recorded in \_\_\_\_\_ County.

G. Other: \_\_\_\_\_

H. On land owned by (required): Declarants

OFFICE OF STATE ENGINEER  
SANTA FE, NEW MEXICO  
DEC 31 AM 11:53  
JAN 8 AM 2:17

**3. DESCRIPTION OF WELL**

Date drilled: Before 1954 Driller: Unknown

Depth: 252 feet. Outside diameter of casing 5 1/2 inches;

Original capacity unk gal. per min.; Present capacity 3 gal. per min.;

Pumping lift: \_\_\_\_\_ feet; Static water level: 230 feet (~~above~~) (below) land  
surface; Make of pump: \_\_\_\_\_; Type of pump: windmill

Make, type, horsepower, etc., of power plant: AerMotor

Fractional or percentage interest claimed in well: 100%

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Form: wr-03

Trn Number: 292547

UNDER NEW MEXICO LAW, A DECLARATION IS ONLY A  
STATEMENT OF DECLARANT'S CLAIM AND FILING DOES  
NOT CONSTITUTE APPROVAL OR REJECTION OF CLAIM.

Exhibit 12-6

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**4. QUANTITY**

Consumptive Use: 3.398\* acre-feet per annum  
Diversion Amount: \_\_\_\_\_ acre-feet per annum

**5. PURPOSE OF USE**

Domestic: \_\_\_\_\_ Livestock: X Irrigation: \_\_\_\_\_ Municipal: \_\_\_\_\_ Industrial: \_\_\_\_\_  
Commercial: \_\_\_\_\_ Other (specify): \_\_\_\_\_  
Specific use: \_\_\_\_\_

**6. PLACE OF USE**

N/A acres of land described as follows: stock tank and overflow pond

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres
<u>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></u>	<u>11</u>	<u>7N</u>	<u>18W</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Who is the owner of the land? Declarants

**7. WATER WAS FIRST APPLIED TO BENEFICIAL USE ON: Before 1954 (date)**

and since that time has been used fully and continuously for all of the above described purposes except as follows: \_\_\_\_\_

**8. ADDITIONAL STATEMENTS OR EXPLANATIONS:**

\*Paragraph 1: Additional owners are John A. Yates and Trust Q Under the Last Will and Testament of Peggy A. Yates, Deceased; the owners reflected in this amended declaration are and at all times were the true owners of the water right. The original declaration erroneously showed ownership in Jack W. McCaw, who was never the owner of the water right, but was an employee of Yates Petroleum Corporation. This amended declaration is filed to correct the error of ownership reflected in the original declaration. In addition it is filed for the purpose of showing corrected amount of water, and corrected priority date, all of which were erroneously shown in the original declaration which was filed by Mr. McCaw without an adequate basis in fact. This well is known as the "Trujillo Well". \*¶ 4: 0.398 a/f/a evaporation from the overflow tank, three acre feet consumed from the stock tank supplied by the well.

04 JAN 2015 PM 2:17  
STATE ENGINEER OFFICE  
NEW MEXICO

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**ACKNOWLEDGEMENT FOR NATURAL PERSONS**

**PETER B. SHOENFELD**

(I, We) ATTORNEY AT LAW FOR DECLARANTS affirm that the  
(Please Print)

foregoing statements are true to the best of my knowledge and belief.

\_\_\_\_\_  
Declarant Signature

\_\_\_\_\_  
Declarant Signature

**NOTARY**

This instrument was acknowledged before me this 30 day of DEC,

A.D., 2003, By PETER B. SHOENFELD  
ATTORNEY AT LAW  
Name of Applicant

My commission expires 8/16/04

\_\_\_\_\_  
Mack E. With  
Notary Public



**ACCEPTANCE OF STATE ENGINEER**

This Declaration form is hereby accepted for filing in accordance with NMSA-1978 (1985), as amended.

The acceptance by the State Engineer Office does not constitute validation of the right claimed.

\_\_\_\_\_  
*[Handwritten signature]*

STATE ENGINEER OFFICE  
NEW MEXICO  
04 JAN -8 PM 2:17

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