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,

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 SUPPLEMENTAL BRIEF

COUNTY OF MANICOPA) SS

John A. Yates, being first sworn, states as follows:

- 1. He makes this affidavit in support of the supplemental brief of JAY Land Ltd. LLC and Yates Ranch Property, Inc., with respect to the forfeiture issue respecting water rights appurtenant to and held in connection with Atarque Lake.
- 2. He was the trustee of Trust Q Under the Last Will and Testament of Peggy A. Yates, Deceased, at all times following the death of Peggy A. Yates and now occupies that position.
- 3. He was, during the years from 1978 to 2012, one of the owners of Atarque Ranch and was from January 4, 1988 to August 3,

2005, and again from August 11, 2008 to December 2, 2009. President of Yates Petroleum Corporation.

- 4. He was, between 1978 and 2012, one of the owners of Atarque Ranch, together with Yates Petroleum Corporation and, before her death, his then wife Peggy A. Yates and subsequently Trust Q Under the Last Will and Testament of Peggy A. Yates, Deceased.
- 5. He never received, in any capacity, any notice of non-user from the New Mexico State Engineer with respect to the water rights in Atarque Lake at Atarque Ranch.

Further Affiant sayeth naught.

Affiant

SUBSCRIBED and sworn to before me this February 10, 2016, by John A. Yates.

Notary Public State of Arizona Maricopa County Jolene Maiden My Commission Expires 05/18/2016

Notary Publ