

#25.00  
HC 6-20413

File Number: G-730

**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

STATE ENGINEER OFFICE  
SANTA FE, NEW MEXICO  
04 JAN -8 PM 2:14  
2009 DEC 31 AM 11:56

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

- A. SW 1/4 SW 1/4 SE 1/4 Section: 27 Township: 6 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

**3. DESCRIPTION OF WELL**

Date drilled: Before 1954 Driller: Unknown  
Depth: 140 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: 100 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%

File Number: G-730  
Form: wr-03

Trn Number: 292514

Exhibit 12-12

File Number: G-730

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**4. QUANTITY**

Consumptive Use: 3.00 acre-feet per annum  
 Diversion Amount: \_\_\_\_\_ acre-feet per annum

**5. PURPOSE OF USE**

Domestic: \_\_\_\_\_ Livestock:  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>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></u>	<u>27</u>	<u>6N</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, the amount of water and the priority date. This well is known as the " East Malpais Well"

STATE ENGINEER OFFICE  
 ALBUQUERQUE, 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.

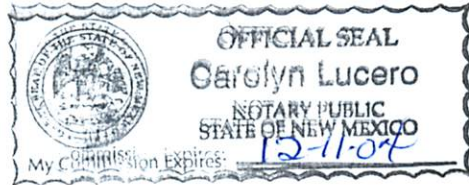
\_\_\_\_\_  
Declarant Signature

*(Signature)*  
\_\_\_\_\_  
Declarant Signature

NOTARY

This instrument was acknowledged before me this 31 day of DEC,  
A.D., 2003, By PETER B. SHOENFELD  
ATTORNEY AT LAW  
Name of Applicant

My commission expires 12-11-04 Carolyn Lucero  
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.

STATE ENGINEER'S OFFICE  
ALBUQUERQUE, NEW MEXICO  
04 JAN -3 PM 2:14