

West Malpais Well

#2500
HC 6-20413

File Number: G-739

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

04-11-15
STATE ENGINEER OFFICE
ALBUQUERQUE, NEW MEXICO
PM 2:00

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

- A. SW 1/4 NW 1/4 SE 1/4 Section: 13 Township: 6N., Range: 19W., 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

2013 DEC 31 PM 12:01
OFFICE OF STATE ENGINEER
SANTA FE, NEW MEXICO

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

3. DESCRIPTION OF WELL

Date drilled: Before 1954 Driller: Unknown
Depth: 210 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: 180 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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Exhibit 12-21

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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: 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$\frac{1}{4}$NW$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>13</u>	<u>6N</u>	<u>19W</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 "West Malpais Well"

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ALBUQUERQUE, NEW MEXICO
04 JAN - 8 2:09

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**NEW MEXICO OFFICE OF THE STATE ENGINEER
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ACKNOWLEDGEMENT FOR NATURAL PERSONS

(I, We) PETER B. SHOENFELD
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

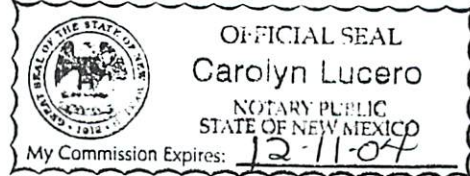
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NOTARY

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



04 JAN - 8 PM 2:09

STATE ENGINEER OFFICE
ALBUQUERQUE, NEW MEXICO

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.

[Signature]

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