

File Number: _____
(For OSE Use Only)

**NEW MEXICO OFFICE OF THE STATE ENGINEER
DECLARATION OF OWNERSHIP OF WATER RIGHT OF SURFACE WATERS
PERFECTED PRIOR TO MARCH 19, 1907**

1. DECLARANT

Name: Richard C. Cauble Work Phone: _____
Ruth M. Cauble Home Phone: 575-523-7000
Address: 2240 Carlyle Place
City: Las Cruces State: NM Zip: 88005

2. LOCATION OF WATER POINT OF DIVERSION

Historic: MESILLA DITCH DIVERSION (FROM 1903 FRENCH SURVEY)

Latitude: 32d 21m 02.61s N Longitude: 106d 50m 22.05s W

Current: LEASBURG DIVERSION DAM (RIGHT ABUTMENT DIVERSION)

Latitude: 32d 29m 50s N Longitude: 106d 55m 20.5s W

Source of surface water supply:

a. Name of ditch, acequia, or spring: Private lateral off the Mesilla Lateral

b. Stream or water course: _____

c. Tributary of: _____

3. QUANTITY

Diversion Amount: 273.6 acre-feet per annum

Consumptive Use: 182.4 acre-feet per annum

4. PURPOSE OF USE

Domestic: ____ Livestock: ____ Irrigation: X Municipal: ____ Industrial: ____

Commercial: ____ Other (specify): _____

Specific use: _____

5. PLACE OF USE

45.6 acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Owner
<u>LRN-280090245</u>	<u>LRN-9</u>	<u>90245</u>	_____	<u>45.6</u>	<u>Richard C. Cauble</u>
_____	_____	_____	_____	_____	<u>Ruth M Cauble</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Who is the owner of the land? Richard C. Cauble and Ruth M. Cauble

Do Not Write Below This Line

File Number: _____

Form: wr-21

Trn Number: _____

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6. WATER WAS FIRST APPLIED TO BENEFICIAL USE ON: Approximately 1850_____ (date)
and since that time has been used fully and continuously for all of the above
described purposes except as follows: _____

7. CONSTRUCTED WORKS CONSIST OF:

(Enumerate Diversion dams, main canals, headgates, pipelines, flumes,
reservoirs, laterals, etc.) The water applied to this property is supplied
from the Mesilla Ditch and is conveyed via a private lateral. Follett 1898
established that the Mesilla Ditch was constructed around 1850.

8. DIVERSION DAM (if applicable)

The diversion dam is constructed of _____;
Crest length _____ feet; Crest width _____ feet;
Height above stream bed _____ feet; Depth below stream bed _____ feet;
Side slopes of _____ horizontal to 1 (one) vertical on upstream face
And _____ horizontal to 1 (one) vertical on downstream face;
And contains about _____ cubic yards of material.

9. HYDRAULIC PROPERTIES OF MAIN CANAL OR PIPELINE (if applicable)

Name of ditch Mesilla Ditch _____ ;
Bottom width _____ feet;
Depth of water at full operating capacity _____ feet;
Side slopes _____ horizontal to 1 (one) vertical;
Diameter (pipe line or circular flume) _____ feet;
Type of pipe line _____;
Slope _____ feet per 1000 feet; Capacity _____ cubic feet per second;
Length of canal or pipeline _____ feet.

10. HYDRAULIC PROPERTIES - STORAGE DAM (if applicable)

Maximum storage capacity _____ acre feet;
Maximum height above foundation _____ feet; length of crest _____ feet;
Maximum width at base _____ feet; Crest width _____ feet;
Slope of upstream face _____ horizontal to 1 (one) vertical;
Slope of downstream face _____ horizontal to 1 (one) vertical;
Elevation of crest of dam _____ feet; Elevation of spillway crest _____ feet;
Elevation of flow line of outlet conduit _____ feet;
Freeboard (above high water line at maximum spill) _____ feet;
Width of spillway _____ feet;
Discharge capacity of spillway _____ cubic feet per second;
Location of spillway: _____;
Cross-sectional area at maximum flow: _____ square feet;

Size and character of outlet conduit _____
_____;

Do Not Write Below This Line

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Type of dam, construction material, etc. _____

Elevation or (feet) depth above outlet	Area of Water Surface, (Acres)	Storage Capacity (Acre Feet)	Remarks

11. ADDITIONAL STATEMENTS OR EXPLANATIONS:

See Attached Exhibits

Exhibit A: 2009 Property Tax Map, Deeds and Plats

Exhibit B: W.W. Follet, 1898, Senate Documents Vol. 21, No. 229, 55th Congress, Second Session, pp.47-177. Survey of Water Resources and Irrigation of the Rio Grande River on Lands above Fort Quitman, Texas.

Exhibit C: 1898 Dona Ana Bend Grant Map

Exhibit D: 1903 J.A. French Survey of the Mesilla Diversion and Property area

Exhibit E: 1914 Bureau of Reclamation Survey

Exhibit F: 2005 Aerial Photography

ACKNOWLEDGEMENT

We Richard C. Cauble and Ruth M. Cauble affirm that the foregoing statements are true to the best of my knowledge and belief.

Richard C Cauble Ruth M Cauble

NOTARY

[illegible]

This instrument was acknowledged before me this ____ day of September A.D., 2009, By Richard C. Cauble and Ruth M. Cauble.

My Commission Expires _____
Do Not Write Below This Line

File Number: _____
(For OSE Use Only)

**NEW MEXICO OFFICE OF THE STATE ENGINEER
DECLARATION OF OWNERSHIP OF WATER RIGHT OF SURFACE WATERS
PERFECTED PRIOR TO MARCH 19, 1907**

(SEAL)

Notary Public

ACCEPTANCE OF STATE ENGINEER

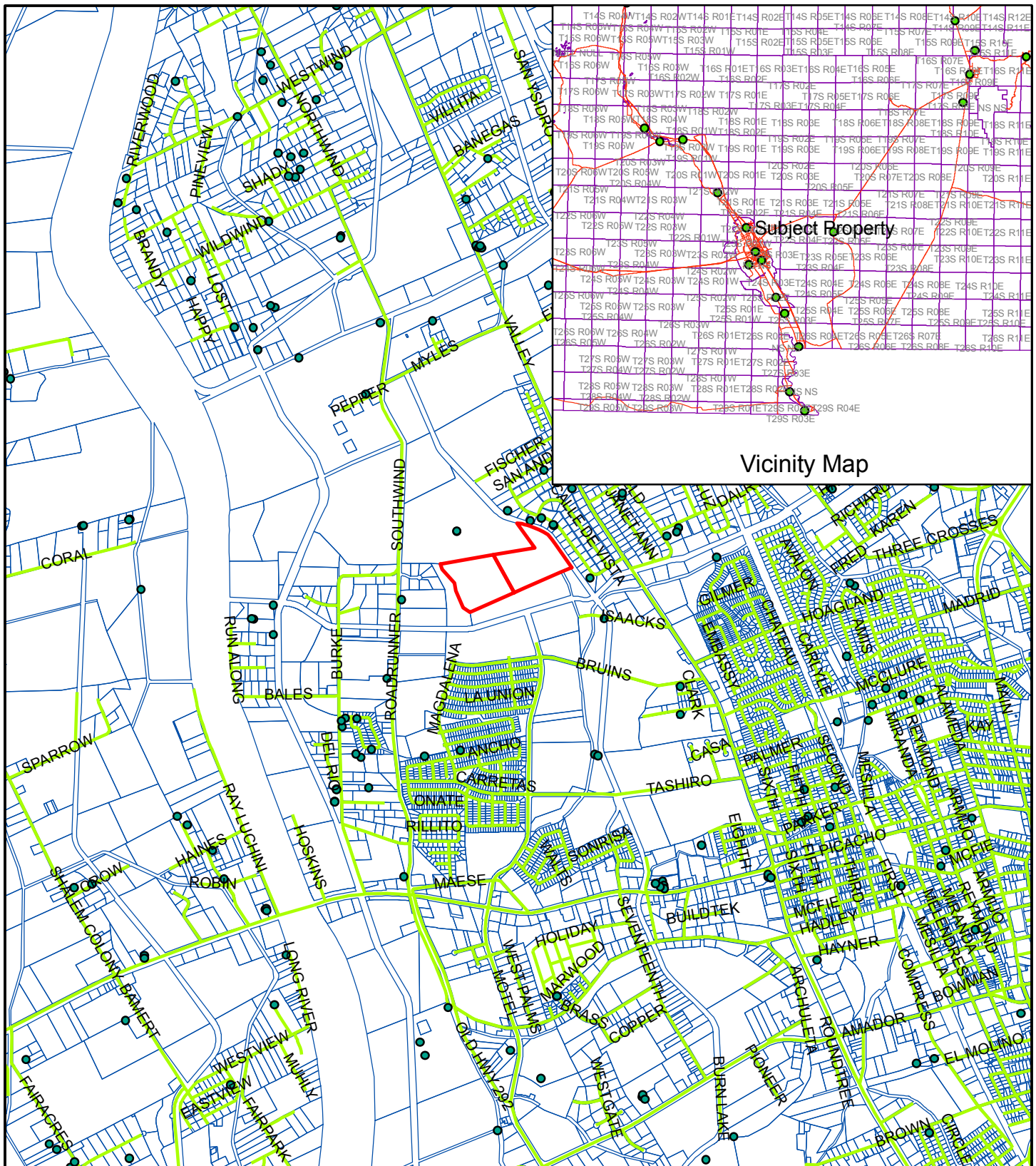
This Declaration form is hereby accepted for filing in accordance with NMSA-1978 (1985), as amended. The acceptance by the State Engineer Office does not constitute validation of the right claimed.

Do Not Write Below This Line

File Number: _____
Form: wr-21

page 4 of 4

Trn Number: _____



Legend

- POD_WATERS_Nov_08
- Roads
- PARCEL

WaterBank®
 610Gold Ave SW Suite 111
 Albuquerque NM 87102
 505-843-7643

0 0.15 0.3 0.6 0.9 1.2

Miles

EXHIBIT A: PROPERTY TAX MAP

Subject property is outlined in red.

Owner: Richard and Ruth Cauble
 Prepared By: Sally Williams
 Date: September 1, 2009

WARRANTY DEED (Joint Tenants)

John B. Colligan and Dolores G. Colligan, his wife
 to Richard C. Cauble and Ruth M. Cauble, his wife
 whose address is P.O. Drawer 220, Las Cruces, N.M.
 and
 whose address is
 as joint tenants the following described real estate in Dona Ana County, New Mexico:

see attached Exhibit "A"

Subject to reservations, restrictions and easements of record.

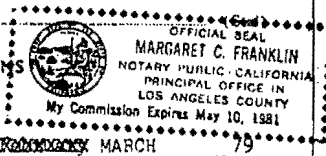
with warranty covenants.

WITNESS, our hand and seal, this 23rd day of February, 1979
 John B. Colligan (Seal) Dolores G. Colligan (Seal)
 John B. Colligan Dolores G. Colligan

CALIFORNIA ACKNOWLEDGMENT FOR NATURAL PERSONS
 A STATE OF ~~NEW MEXICO~~
 A COUNTY OF LOS ANGELES

The foregoing instrument was acknowledged before me this 3rd day of February, 1979
 by John B. Colligan and Dolores G. Colligan, his wife
 (Name or Names of Person or Persons Acknowledging)

X My commission expires: May 10, 1981
 (Seal)



FOR RECORDER'S USE ONLY

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this day of 19

by (Name of Officer) of (Name of Corporation Acknowledging)

(State of Incorporation) corporation, on behalf of said corporation.

My commission expires: Notary Public

DONALD H. WIESE AND CO.
REGISTERED ENGINEER AND LAND SURVEYORS
1480 N. MAIN ST. TELEPHONE REA-1808
LAS CRUCES, NEW MEXICO 88001

MARCH 3, 1978

DESCRIPTION OF A 22.991 ACRE TRACT

A tract of land situate in Section 11, T23S, R1E, U.S.R.S. Surveys in Dona Ana County, New Mexico being part of U.S.R.S. Tract 7-28A and being more particularly described as follows, to wit:

Beginning at the Northeast corner of the tract herein described, marked by an iron rod on the South line of U.S.R.S. Tract 7-11, whence the North one-quarter corner of Section 11, T23S, R1E, U.S.R.S. Surveys bears N.88°55'12"E. a distance of 1137.29 feet;
thence S.30°12'E., 863.67 feet to an iron rod at the Southeast corner of this tract;
thence S.65°58'W., 104.21 feet to a nail on the bottom of a concrete irrigation ditch for the Southwest corner of this tract;
thence N.52°51'W., 153.85 feet to a point;
thence N.27°58'W., 143.00 feet to a point;
thence N.24°47'W., 220.50 feet to a point;
thence N.9°13'W., 156.70 feet to a point;
thence N.41°47'W., 370.30 feet to a point;
thence N.17°44'W., 117.03 feet to a point on the South line of U.S.R.S. Tract 7-11 for the Northwest corner of this tract;
thence N.79°46'E., 21.58 feet to a U.S.R.S. concrete monument;
thence N.80°01'05"E., 1048.68 feet to the place of beginning, containing 22.991 acres of land, more or less AND EXCLUDING a fifty foot wide road easement being more particularly described as follows, to wit:

Beginning at the Southeast corner of the above described 22.991 acre tract;
thence N.30°12'W., 50.29 feet along the East line of said 22.991 acre tract to a point;
thence N.65°58'E., 1055.37 feet to a point;
thence S.28°35'E., 143.52 feet to a point;
thence S.17°29'30"E., 669.93 feet to a point on the North line of Isaacks Lane for the Southeast corner of this easement;
thence S.78°10'30"W., 25.40 feet to a point;
thence N.68°28'W., 31.82 feet to a point;
thence N.17°29'30"W., 642.52 feet to an iron pipe;
thence N.28°35'W., 292.50 feet to an iron pipe;
thence S.65°58'W., 1003.79 feet to the place of beginning of this easement.

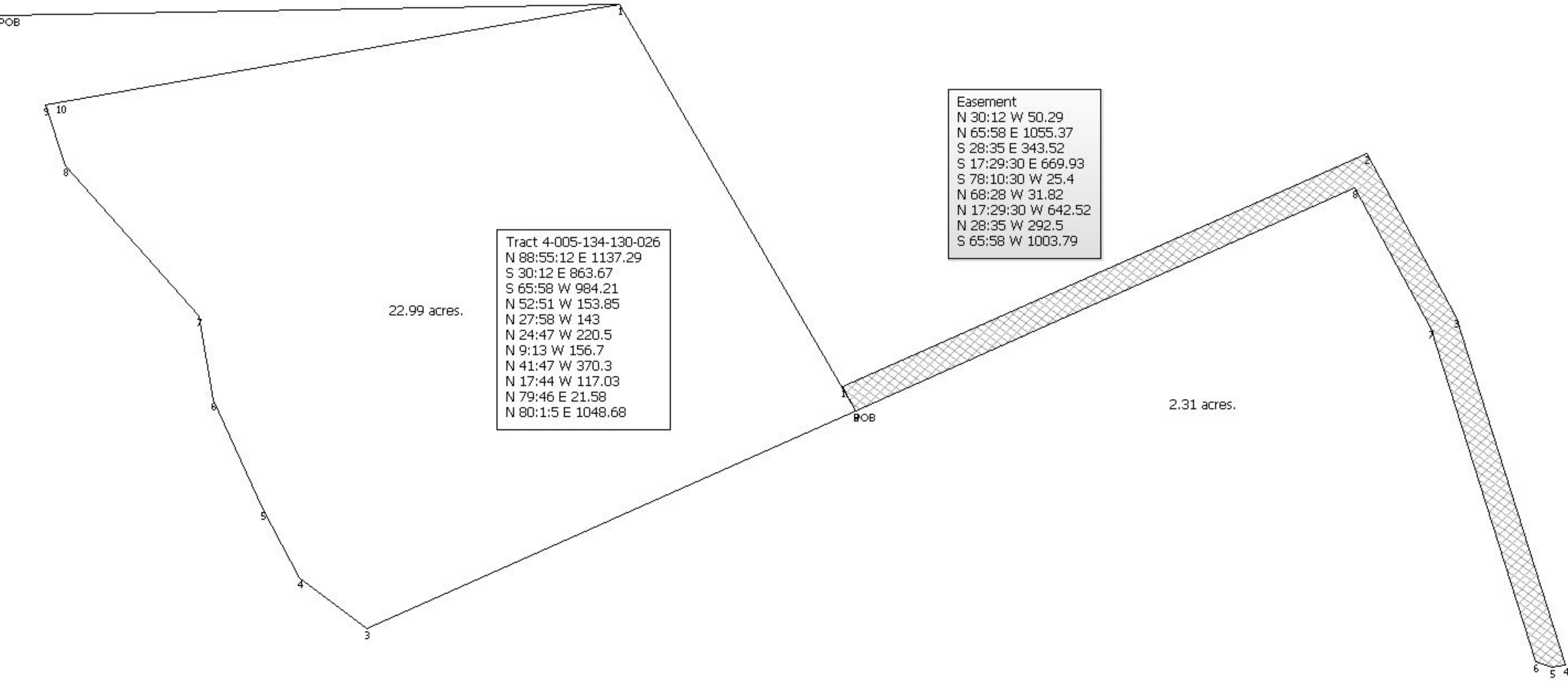
Job No. 78-77

State of N. Mex., Co. of Dona Ana, ss
RECEPTION NO. 27056
I, _____, County Clerk, hereby
certify that this instrument was filed
for record and duly recorded on.

DEC 03 1993

146 9:00 AM
Book 375 Page 117 of the 18
Records of said County
County Clerk
Diana Garcia DEPUTY





UPC 4-005-1340130-026		
Property Owner Richard and Ruth Cauble		
Prepared by WaterBank		
Prepared by	Sally Williams	9/21/2009

WARRANTY DEED (Joint Tenants)

John B. Colligan and Dolores G. Colligan

for consideration paid, grant to Richard C. Cauble and Ruth M. Cauble, his wife

whose address is

and

whose address is

as joint tenants the following described real estate in Dona Ana County, New Mexico:

see attached legal description

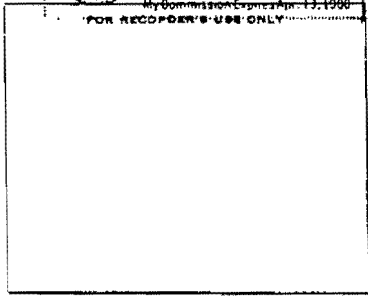
with warranty covenants.

WITNESS my hand and seal, this 23rd day of March, 1978.
John B. Colligan (Seal) Dolores G. Colligan (Seal)

CALIFORNIA ACKNOWLEDGMENT FOR NATURAL PERSONS
STATE OF NEW MEXICO
COUNTY OF Los Angeles
The foregoing instrument was acknowledged before me this 23rd day of March, 1978 by John B. Colligan and Dolores G. Colligan, his wife.

My commission expires April 13, 1980
CHARLOTTE ZECK
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY

Charlotte Zeck
Notary Public



ACKNOWLEDGMENT FOR CORPORATION
STATE OF NEW MEXICO
COUNTY OF
The foregoing instrument was acknowledged before me this day of 19 by (Name of Officer) (Title of Officer) (Name of Corporation Acknowledging) corporation, on behalf of said corporation. (State of Incorporation)
My commission expires: Notary Public

EXHIBIT "A"

DONALD H. WIESE AND CO.

REGISTERED ENGINEER AND LAND SURVEYOR
 FORT WORTH, TEXAS
 LAS CRUCES, NEW MEXICO 88101

MARCH 3, 1978

DESCRIPTION OF A 23.706 ACRE TRACT

A tract of land situate in Sections 2 and 11, T23S, R1E, U.S.R.S. Surveys in Dona Ana County, New Mexico, being part of U.S.R.S. Tract 7-28A and being more particularly described as follows, to wit:

Beginning at the Northwest corner of the tract herein described, marked by an iron rod on the South line of U.S.R.S. Tract 7-11, whence the North one-quarter corner of Section 11, T23S, R1E, U.S.R.S. Surveys bears N.88°55'12"E. a distance of 1137.29 feet;
 thence N.80°01'05"E., 837.33 feet to a well point;
 thence N.35°22'46"W., 558.90 feet to a point on the West line of the Mesilla Drain for the most Northerly corner of this tract;
 thence along the West line of the Mesilla Drain the five following courses and distances:
 S.71°37'E., 129.43 feet to a point; thence N.35°32'W., 16.98 feet to a point;
 thence S.71°37'E., 309.80 feet to a point of curvature;
 thence 316.04 feet along the arc of a curve to the right, having a radius of 503.00 feet, a central angle of 36°00'00" and a chord bearing S.53°37'E. a distance of 310.87 feet, to a point of tangency;
 thence S.35°37'E., 666.96 feet to a point;
 thence leaving said Mesilla Drain, S.65°58'W., 163.87 feet to a point;
 thence S.28°35'E., 293.36 feet to a point;
 thence S.17°29'30"E., 669.93 feet to a point on the North line of Isaacks Lane;
 thence S.78°10'30"W., 25.40 feet to a point;
 thence N.68°28'W., 31.82 feet to a point;
 thence N.17°29'30"W., 642.52 feet to an iron pipe;
 thence N.28°35'W., 292.50 feet to an iron pipe;
 thence S.65°58'W., 1003.79 feet to an iron rod at the Southwest corner of this tract;
 thence N.30°12'W., 863.67 feet to the place of beginning, containing 23.706 acres of land, more or less and being subject to a fifty foot wide road easement being more particularly described as follows, to wit:

Beginning at the Southwest corner of the above described 23.706 acre tract;
 thence N.30°12'W., 50.29 feet along the West line of said 23.706 acre tract to a point;
 thence N.65°58'E., 1055.37 feet to a point;
 thence S.28°35'E., 343.52 feet to a point;
 thence S.17°29'30"E., 669.93 feet to a point on the North line of Isaacks Lane for the Southeast corner of this easement;
 thence S.78°10'30"W., 25.40 feet to a point;
 thence N.68°28'W., 31.82 feet to a point;
 thence N.17°29'30"W., 642.52 feet to an iron pipe;
 thence N.28°35'W., 292.50 feet to an iron pipe;
 thence S.65°58'W., 1003.79 feet to the place of beginning of this easement.

199

Job No. 78-77

SAVE AND EXCEPT THEREFROM the following described property;

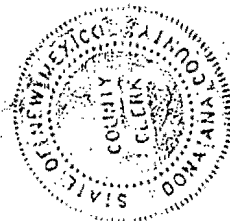
A tract of land situate in Section 11, T23S, R1E, U.S.R.S. Surveys in Dona Ana County, New Mexico being part of U.S.R.S. Tract 7-28A and being more particularly described as follows, to wit:

Beginning at the Northwest corner of the tract herein described, marked by an iron pipe at the Northeast corner of U.S.R.S. Tract 7-41A, whence the North $\frac{1}{4}$ corner of Section 11, T23S, R1E, U.S.R.S. Surveys bears N.30°48'30"W. a distance of 418.07 feet;
thence N.65°58'E., 50.16 feet to the Northeast corner of this tract;
thence S.28°35'E., 293.36 feet to a point;
thence S.17°29'30"E., 659.93 feet to a point on the North line of Isaac's Land for the Southeast corner of this tract;
thence S.78°10'30"W., 25.40 feet to a point;
thence N.58°23"W., 11.82 feet to the Southwest corner of this tract;
thence N.17°29'30"W., 642.52 feet to an iron pipe;
thence N.23°35"W., 292.50 feet to the place of beginning containing 1.094 acres of land, more or less.

State of N. Mex., Co. of Dona Ana, ss
RECEPTION NO. 3804 I hereby
certify that this instrument was filed
for record and duly recorded on.

MAR 19 1993

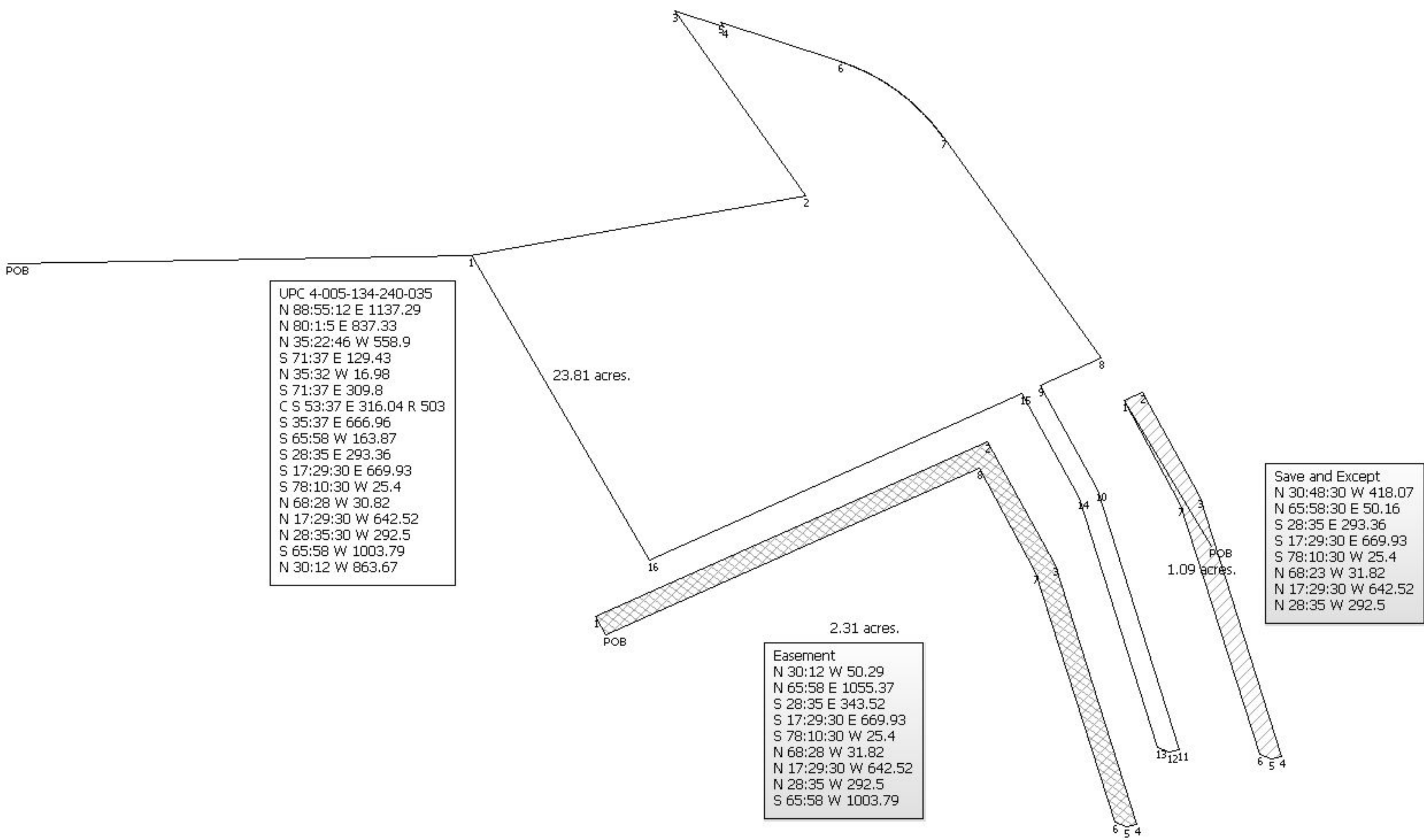
at 3:37 o'clock P M is DEED
Book 268 Page 198 of the
Records of said County.
County Clerk
BY [Signature] DEPUTY



Job No. 78-156

200

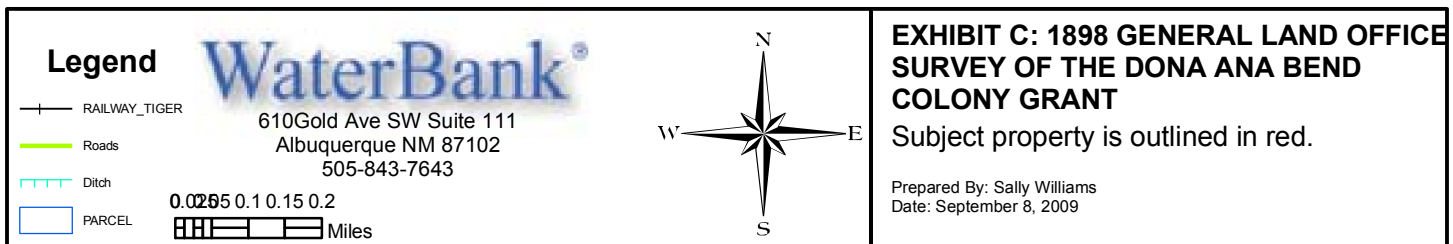
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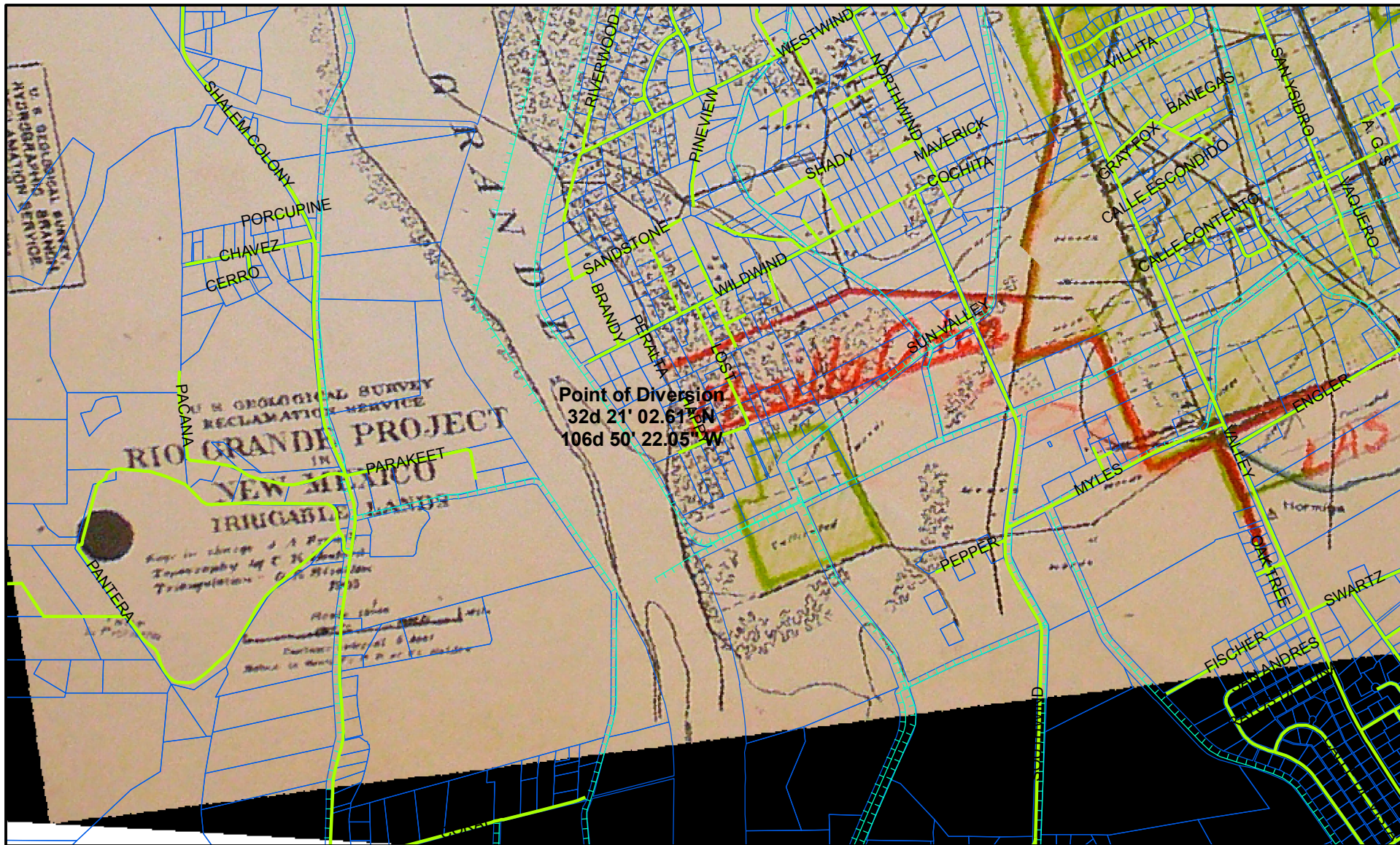


UPC 4-005-134-240-035		
Owners: Richard and Ruth Cauble		
Prepared by WaterBank		
Prepared By	Sally Williams	9/21/2009

LIST OF DITCHES IN DISTRICT NO. 17, NEW MEXICO-MESILLA VALLEY

No. of ditches:	No. on stream:	Name	Stream	When built	Approximate Loca- tion of head	Acres irri- gated	Acre-feet of water used:			Remarks
							1894	1895	1896	
1	107	Dona Ana.....	East side Rio Grande.....	1844.....	Sec.24,T.21 S.,R.1 W.	4,600	11,500	11,500	11,500	About 7,000 acres watered prior to 1882; then gradually fell to 4,600 acres in 1888.
1	108	Las Cruces.....	do.....	1849.....	Sec.4,T.22 S.,R.1E.	6,000	13,750	13,750	13,750	Has same head as 108; water divided equally since 1884.
1	109	La Mesilla.....	do.....	1850.....	Sec.4,T.22 S.,R. 1 E.	5,000	13,750	13,750	13,750	4,000 acres watered in 1888.
1	110	Picacho.....	West side Rio Grande.....	1850.....	Sec.4,T.23 S.,R. 1	(2,500)				Increase has been gradual. Abandoned 1880; land now vacant.
1	111	San Miguel.....	do.....	1857.....	Sec.19,T.24 S.,R. 2	1,500	3,750	3,750	3,000	Washed out in 1884 and not used until 1890. Since 1890 takes water from San Miguel. Prior to 1884 served 1,200 acres.
1	112	Santa Tomaz.....	do.....	1857.....	Sec.20, T.24 S.,R.2	500	1,250	1,250	1,000	
1	113	Mesquite.....	East side Rio Grande.....	About 1875.....	Sec.36,T.24 S.,R.2	500	1,250	1,250	1,000	Poor ditch.
1	114	La Mesa.....	West side Rio Grande.....	1857.....	Sec.28,T.24 S.,R.2	1,500	3,750	3,750	3,000	Until 1869 part of San Miguel.
1	115	Chamberino.....	do.....	1864.....	Sec.13,T.25 S.,R.2	3,000	7,250	7,500	4,500	Prior to 1884, 3,000 acres; 1885, to 1888 2,000 acres. Then increase gradual.
1	116	Anthony.....	East side Rio Grande.....	1887.....	Sec.7,T.25 S.,R.3	500	1,250	1,250	750	1,000 acres served in 1888, 1889-90.





Legend

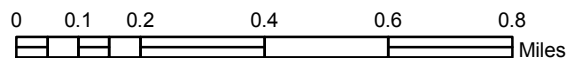
- Roads
- Ditch
- Parcels



Irrigated Lands



Ditch



WaterBank®

610Gold Ave SW Suite 111
Albuquerque NM 87102
505-843-7643

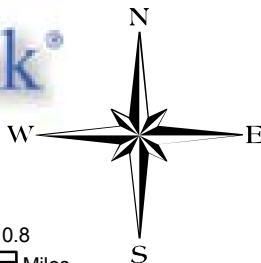
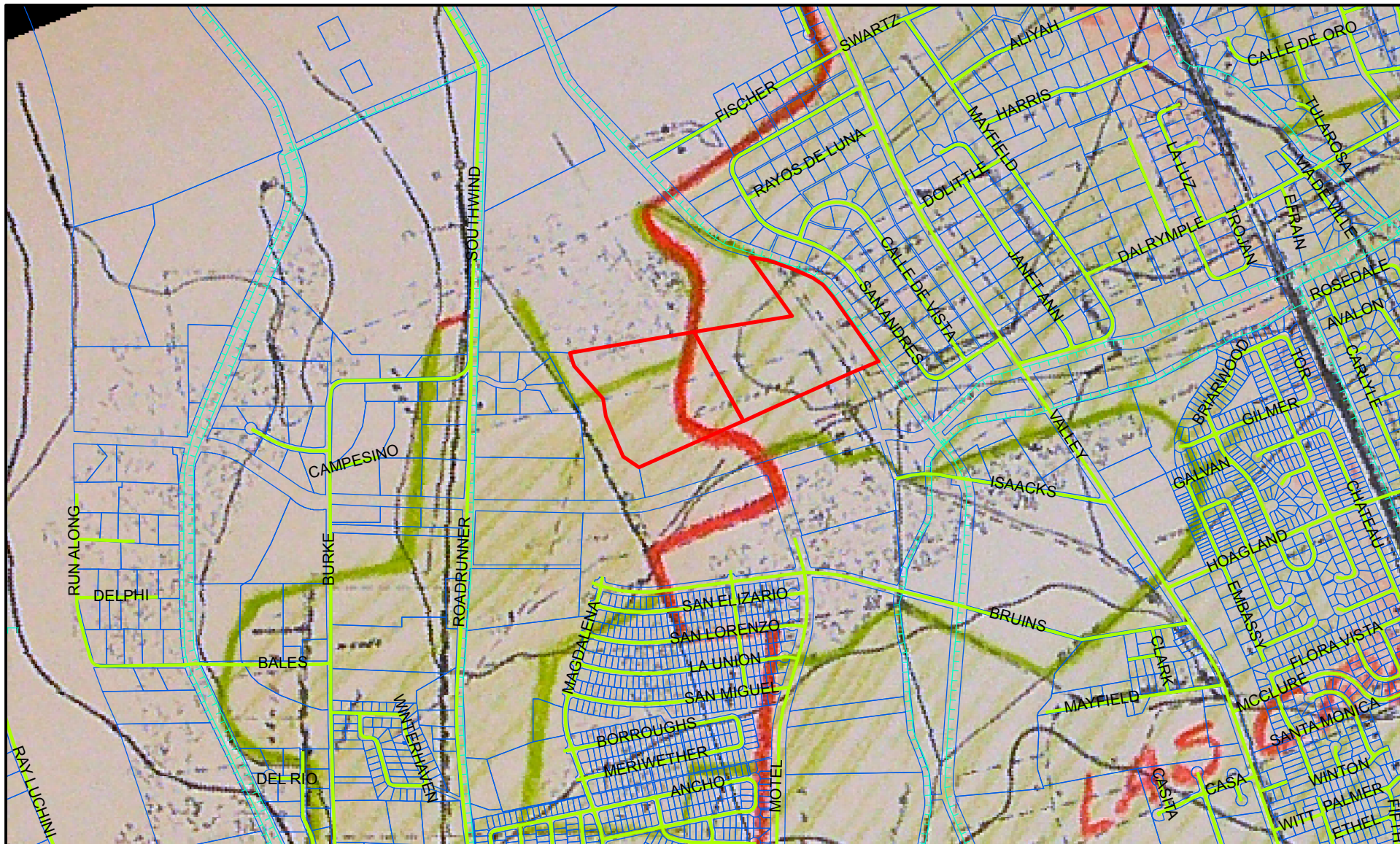


EXHIBIT D: MESILLA DIVERSION 1903 BUREAU OF RECLIMATION SURVEY J.A. FRENCH SURVEYOR

<http://www.ose.state.nm.us/PDF/Publications/Library/HistoricalReports/JA-FrenchMaps.pdf>
Property Owner: Richard and Ruth Cauble
Prepared By: Sally Williams
Date: September 17, 2009



Legend

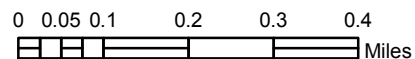
-  Roads
-  Ditch
-  Parcels



Irrigated Lands



Ditch



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505-843-7643

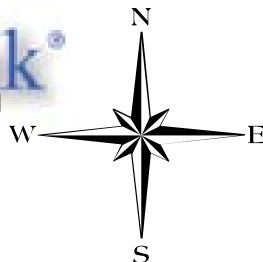


EXHIBIT D: 1903 BUREAU OF RECLIMATION SURVEY

J.A. FRENCH SURVEYOR

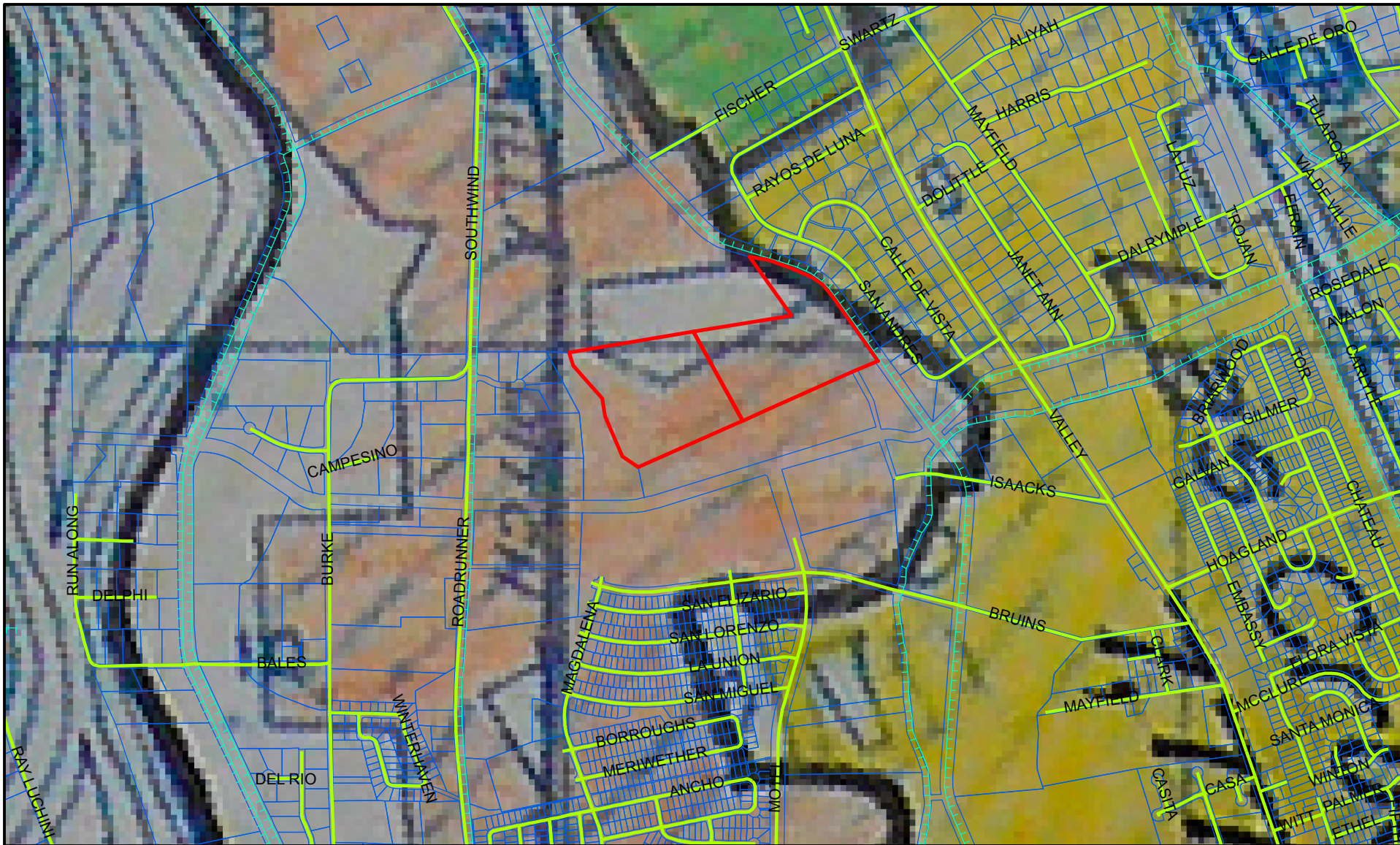
<http://www.ose.state.nm.us/PDF/Publications/Library/HistoricalReports/JA-FrenchMaps.pdf>

Subject Property is Outlined in Red

Property Owner: Richard and Ruth Cauble

Prepared By: Sally Williams

Date: September 17, 2009

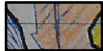


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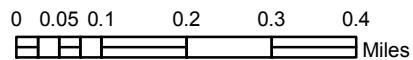
-  Roads
-  Ditch
-  Parcels



Irrigated Lands
(colors vary by settlement)



Ditch



WaterBank®

610 Gold Ave SW Suite 111
Albuquerque NM 87102
505-843-7643

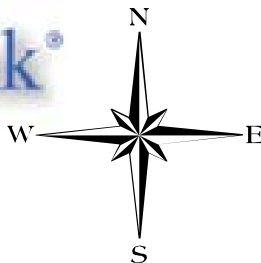


EXHIBIT E: 1914 RECLAMATION SERVICE MAP OF MESILLA VALLEY

Subject Property is Outlined in Red
Property Owner: Richard and Ruth Cauble
Prepared By: Sally Williams
Date: September 17, 2009

