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February 9, 2007

Jonathan Trujillo
3 Benta
Belen, New Mexico 87002

and

Daniel Trujillo
194 Tafoya Rd
Belen, New Mexico 87002

RE:WATER RIGHTS VALIDATION

Dear Mssrs. Trujillo:

Thank you for contacting WaterBank to conduct a Water Rights Validation on the specified properties in Valencia County, New Mexico being designated Middle Rio Grande Conservancy District (MRGCD) Map 85, A2, A3, and A4 Land of Trinidad Romero. A Water Rights Validation offers the client an in-depth analysis of irrigated land and offers a conclusion based on the findings. We must point out that any final determination lies with the Office of the New Mexico State Engineer.

We have researched your Tracts of land in Valencia County at the Office of the State Engineer and have reviewed the following documentation for evidence of irrigation:

- *1917/1918 Rio Grande Drainage Survey*
- *1926/1927 MRGCD Plane-Table Drawing Map*
- *1927 MRGCD Appraisal Data Sheets*
- *Aerial Photography from 1935, 1947, 1955, 1963, 1974, 1984, 1996, and 2002*

After reviewing this information, please call either William M. Turner or myself at (505) 843-7643 to discuss the findings.

Thank you for choosing WaterBank.

Prepared By:

Reviewed By:

Sally Williams
Geologist

William M. Turner
Trustee

Water Right's Validation Checklist

For: Daniel Trujillo and Jon Trujillo

MRGCD Map No. 85

Tracts: A2, A3, and A4 Land of Trinidad Romero

By: Sally Williams

Date: January 31, 2007

- | | |
|---|--------------|
| 1. Cover Page | <u> X </u> |
| 2. Synopsis Pages | <u> X </u> |
| 3. NMOSE – Criteria for Pre-1907 Surface-water Validity | <u> X </u> |
| 4. MRGCD Property Tax Map Identifying Tracts | <u> X </u> |
| 5. 1917 NMOSE Drainage Survey Overlay | <u> X </u> |
| 6. MRGCD Appraisal Data | <u> X </u> |
| Sheet No. <u> 6N2E15-107 </u> . | |
| 7. 1927 Plane-Table Drawing Map | <u> X </u> |
| Map Number. <u> F4-P29 </u> . | |
| 8. Aerial Photography | <u> X </u> |
| Year <u> 1935 </u> | <u> X </u> |
| <u> 1947 </u> | <u> X </u> |
| <u> 1955 </u> | <u> X </u> |
| <u> 1963 </u> | <u> X </u> |
| <u> 1974 </u> | <u> X </u> |
| <u> 1984 </u> | <u> X </u> |
| <u> 1996 </u> | <u> X </u> |
| <u> 2002 </u> | <u> X </u> |

9. Additional Evidence

Describe: _____

Process for Validation of Pre-1907 Surface-Water Rights

The New Mexico Office of State Engineers Office (NMOSE) uses several criteria to evaluate surface-water rights perfected prior to March 19th, 1907. The first criterion is evidence of irrigation on 1917 Rio Grande Drainage Survey. There are numerous classifications for land identified on this survey including Cultivated Class I and II land, Alkali, Timber, Bosque, Salt Grass, and Sand Dunes. Only lands that fall within Cultivated Class I or II boundaries are recognized by the State Engineer as potentially having pre-1907 water rights. Lands that do not fall under these classifications (Cultivated Class I or II) must show additional Tract specific evidence establishing beneficial use of water on the land prior to 1907. If this first criterion is met, the NMOSE uses the 1926-27 Middle Rio Grande Conservancy District Plane-Table Survey as the second criterion to support continued beneficial use of water. The Plane-Table Survey consists of various map drawings and associated appraisal sheets documenting land use. If these first two criterion have been met the NMOSE uses aerial photography to establish subsequent beneficial use.

See Exhibit A.

Description of Land

Lot A2	8.48 acres
Lot A3	8.48 acres
Lot A4	8.481 acres

MRGCD Map No. 105

Total= 25.441 acres

See Exhibit B.

Evaluation: Lot 1

1917 Rio Grande Drainage Survey

Tracts A3 and A4 and the northern 3.17 acres of Tract A2 was classified as Cultivated Class 1 on the 1917 Drainage Survey. This meets the first of the NMOSE's criteria for a valid surface water right. The southern 5.31 acres of the Tract A2 was classified as Alkali. This is a classification that the NMOSE will use to deny the validity of a surface water right, unless additional evidence can be found.

See Exhibit C.

1927 MRGCD Appraisal Sheets and Plane Table Map Drawing

In 1927 these Tracts were owned by Elias Romero. These Tracts were part of a larger Tract that was 65 acres. The appraisal sheet notes that 54.91 acres were cultivated with alfalfa and grains and 3 acres of orchard and gardens. The rest of the Tract was salt grass. The Plane-Table map shows that part of all of these Tracts were weeds, but the majority of it was cultivated. This Tract Meets the NMOSE second criteria for a valid-pre-1907 surface water right.

See Exhibit D and E.

1935 Aerial Photograph

These Tracts show clear evidence of irrigation on the 1935 aerial photograph. This meets the NMOSE's third criteria for a valid pre-1907 surface-water right.

See Exhibit F.

1947 Aerial Photograph

These Tracts shows clear evidence of irrigation on the 1947 aerial photograph. This meets the NMOSE's criteria for continuing cultivation.

See Exhibit G

1955 Aerial Photograph

These Tracts show clear evidence of irrigation on the 1955 aerial photograph. This meets the NMOSE's criteria for continuing cultivation.

See Exhibit H.

1963 Aerial Photograph

These Tracts show clear evidence of irrigation on the 1963 aerial photograph. This meets the NMOSE's criteria for continuing cultivation.

See Exhibit I.

1974 Aerial Photograph

These Tracts show clear evidence of irrigation on the 1974 aerial photograph. This meets the NMOSE's criteria for continuing cultivation.

See Exhibit J.

1984 Aerial Photograph

These Tracts show clear evidence of irrigation on the 1984 aerial photograph. This meets the NMOSE's criteria for continuing cultivation.

See Exhibit K.

1996 Aerial Photograph

These Tracts show clear evidence of irrigation on the 1996 aerial photograph. This meets the NMOSE's criteria for continuing cultivation.

See Exhibit L.

2002 Aerial Photograph

These Tracts show clear evidence of irrigation on the 2002 aerial photograph. It meets the NMOSE's criteria for continuing cultivation.

See Exhibit M.

Conclusions

On these three Tracts, there are 20.131 acres with valid pre-1907 surface-water rights. This is 42.27 acre feet consumptive use water rights. There are an additional 5.31 acres that possibly have pre-1907 surface water rights if additional evidence can be found that shows they were being cultivated prior 1907. Additional evidence can come from old warranty deeds, census data, and tax records.

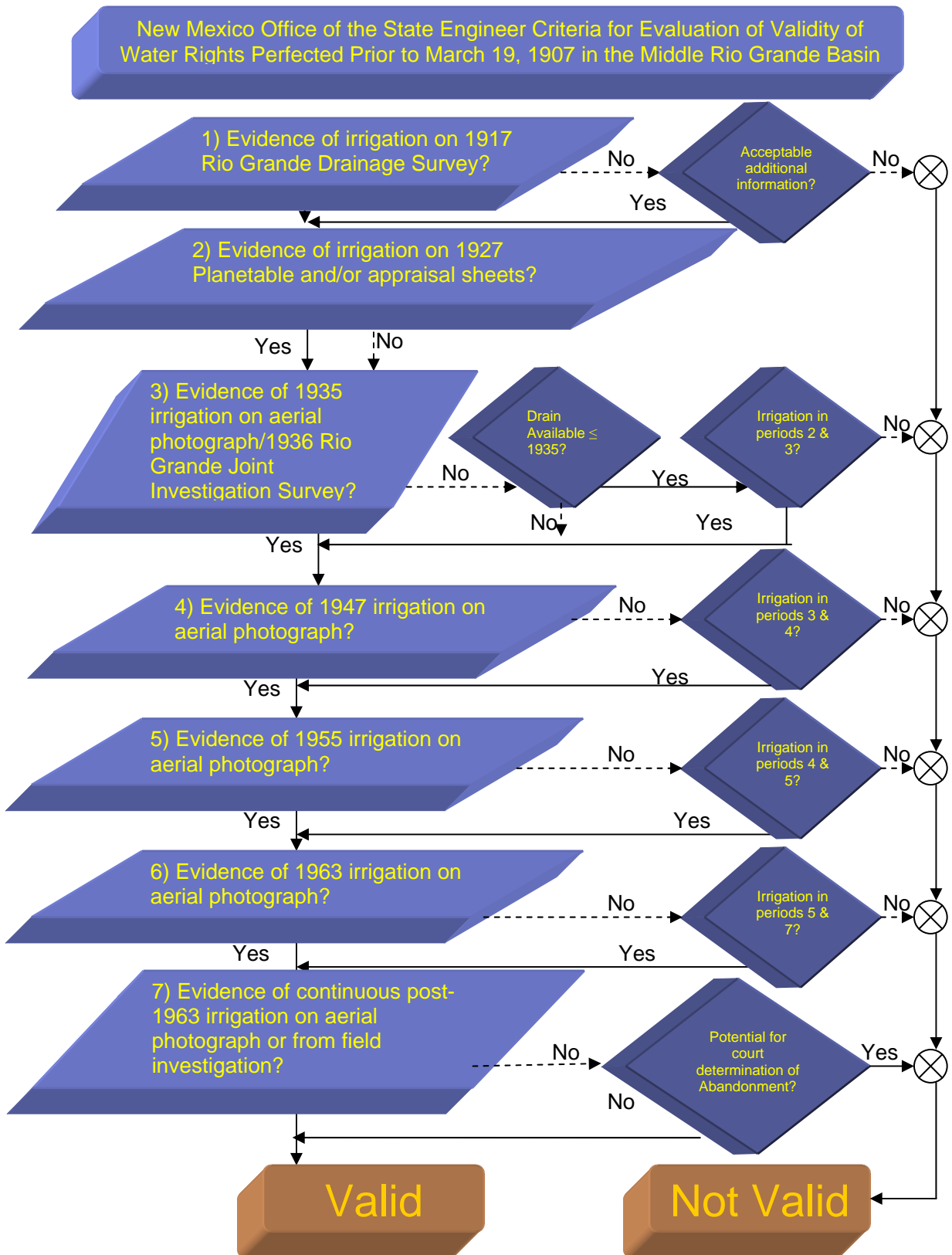
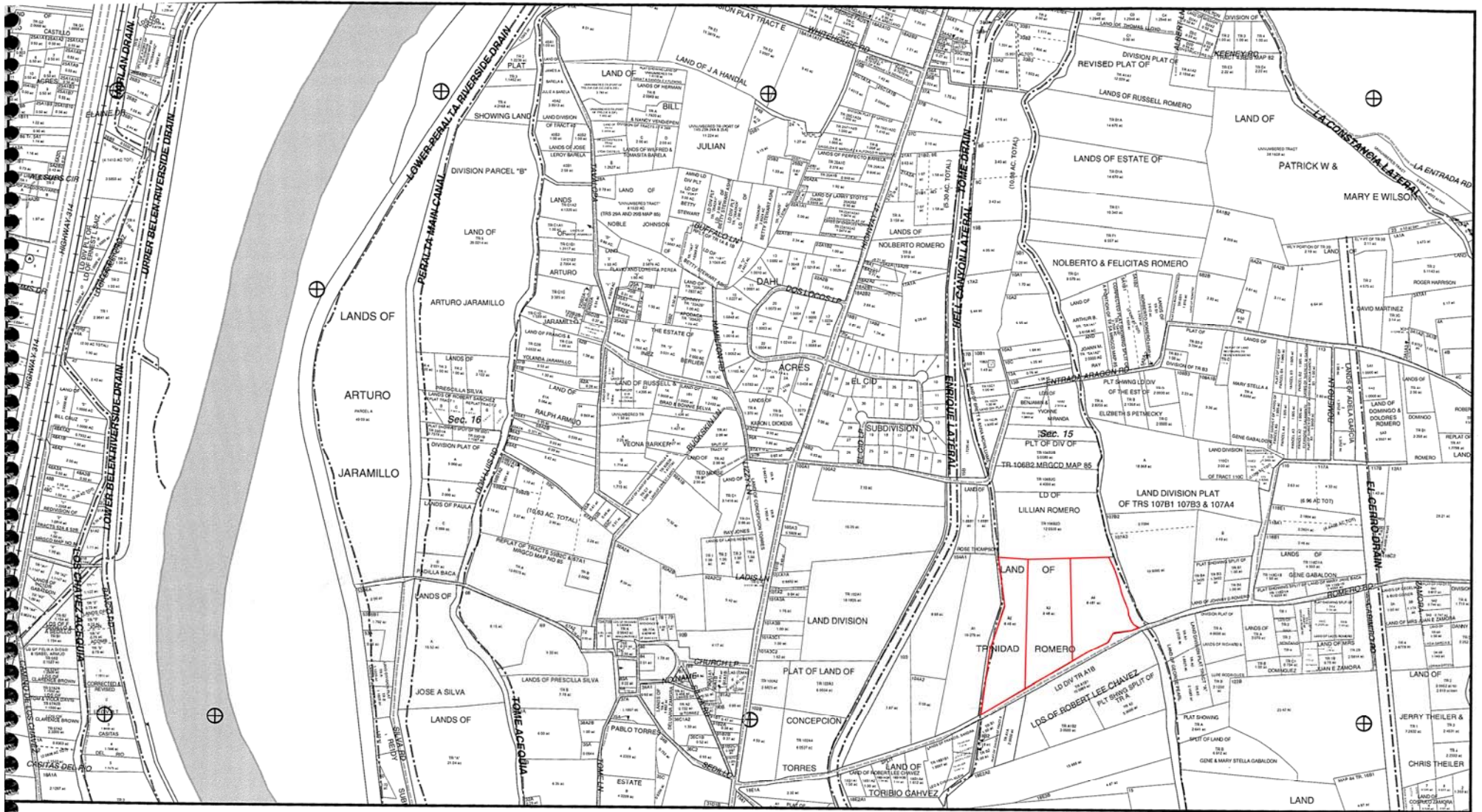


Exhibit A

New Mexico Office of State Engineer Criteria for Evaluating Pre-1907 water rights

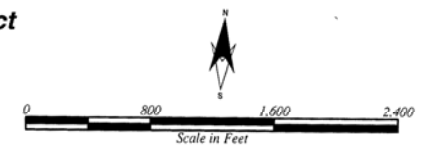


Legend

- R/W - Public & MRGCD
- Parcel Line
- Combination Line
- MRGCD Facility
- Road Network
- Pueblo Land
- National Wildlife Refuge



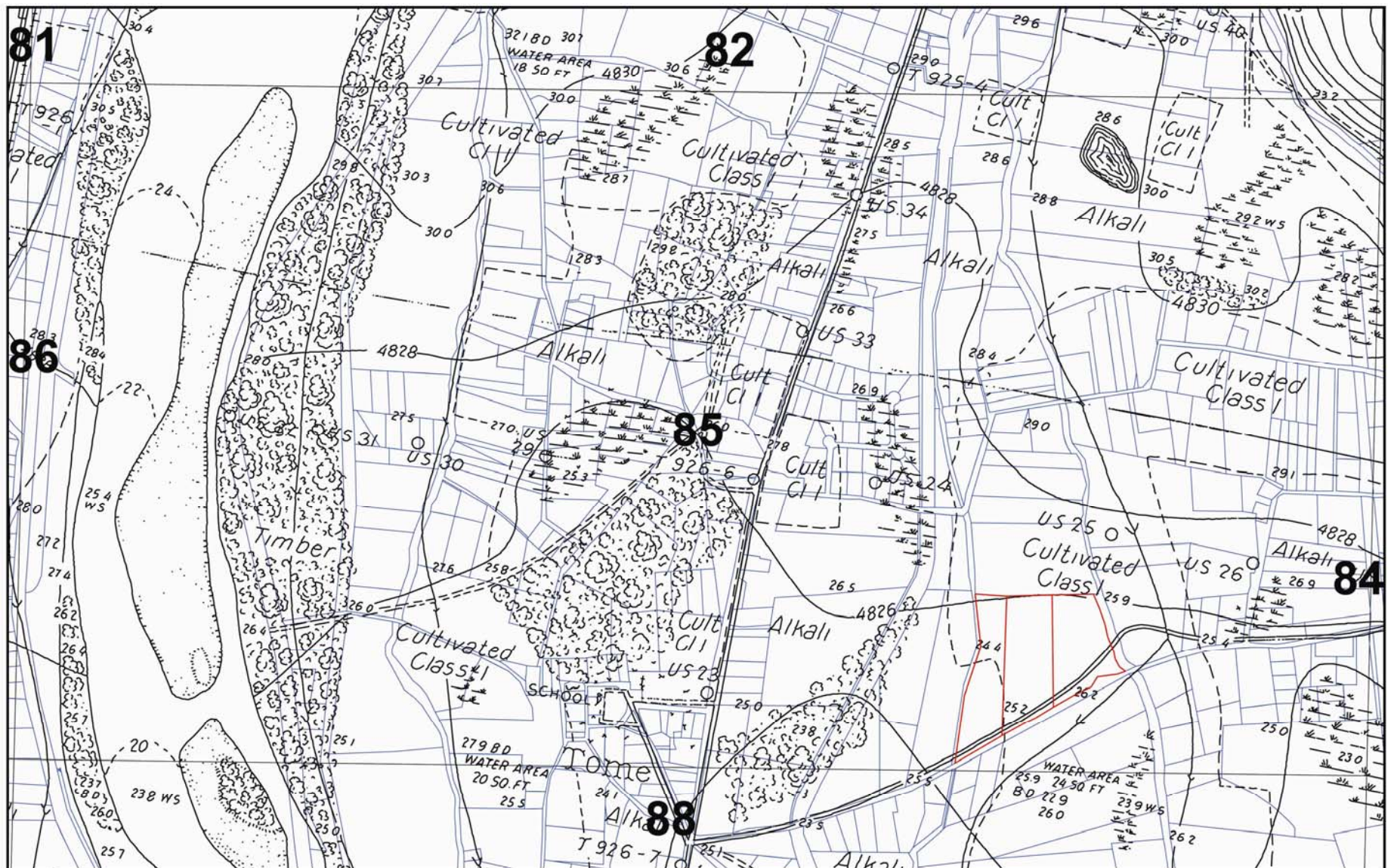
Middle Rio Grande Conservancy District 2004 PROPERTY TAX MAP Valencia County T6N R2E 15 & 16



MAP
85

Exhibit B

2004 Middle Rio Grande Conservancy District Property Tax Map
MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero
Red box outlines subject tracts



MRGCD Property Map No. 85

1917-18 OSE Rio Grande Drainage Survey
MRGCD parcel data: prbers_utm

DISCLAIMER: OSE does not guarantee the accuracy of this version of the 1917-18 Rio Grande Drainage Survey map. The official version is housed at the District I Office of the State I

District 1 Office - Water Rights
Jess L. Ward, District Supervisor

N

Office of the State Engineer
John R. D. Antonio, Jr., P.E.
State Engineer

Exhibit C

1917-1918 Drainage survey
MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero
Red box outlines subject tracts

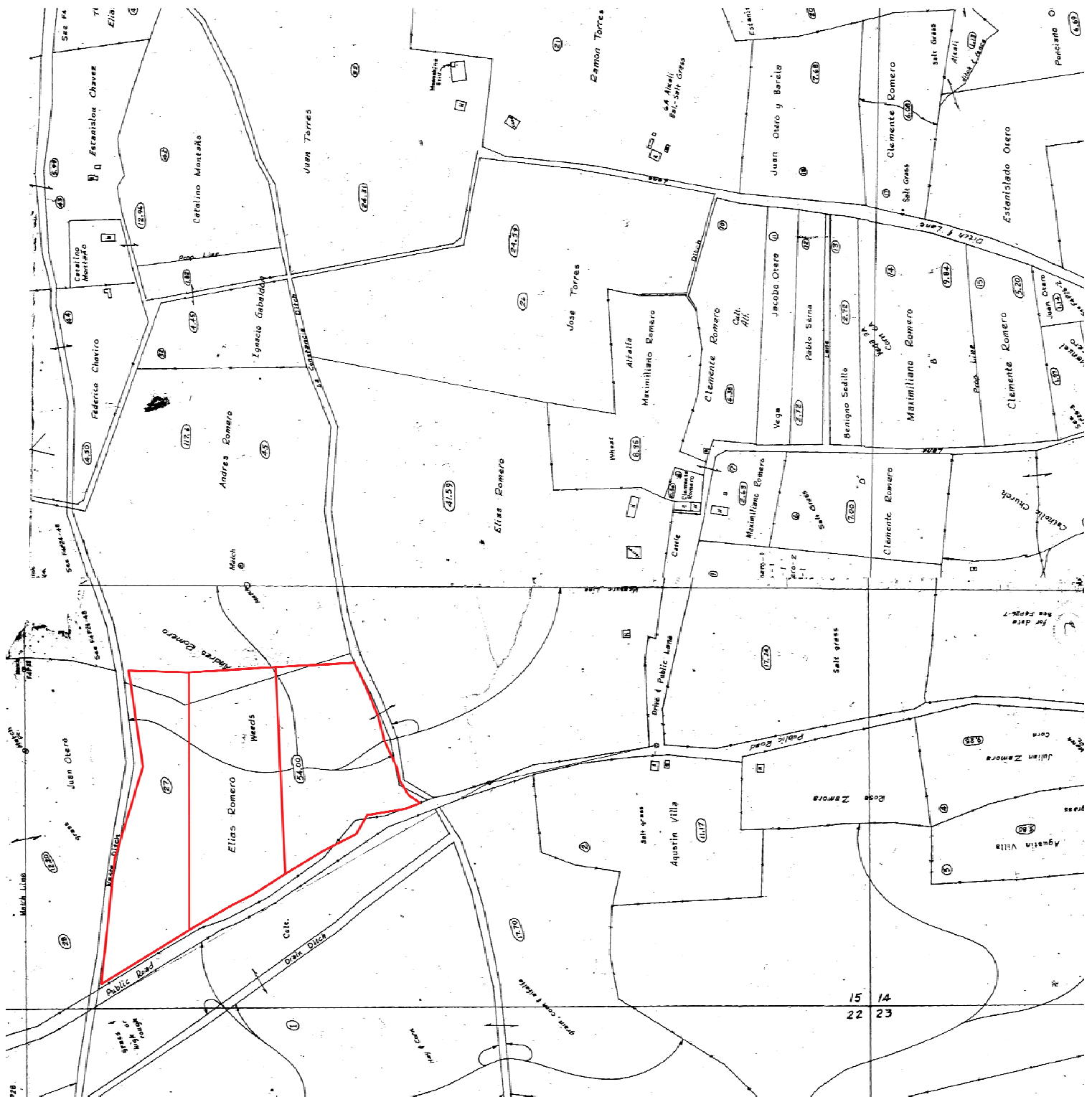


Exhibit D

1927 Plane-Table Map Drawing F4-P29
Red box outlines the properties

Serial Number 6N2F, 15-107

OWNERS NAME Romero, Elias

Exhibit E

MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero



Exhibit F

1935 Aerial Photograph
MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero
Red box outlines subject tracts

Exhibit G

1947 Aerial Photograph
MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero
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Exhibit H

1955 Aerial Photograph
MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero
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Exhibit I

1963 Aerial Photograph
MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero
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Exhibit J

1974 Aerial Photograph
MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero
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1984 Aerial Photograph
MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero
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Exhibit L

1996 Aerial Photograph
MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero
Red box outlines subject tracts



Exhibit M

2004 Aerial Photograph
MRGCD Map 85, Tracts A2, A3, and A4 Land of Trinidad Romero
Red box outlines subject tracts