

STATE OF NEW MEXICO
COUNTY OF HIDALGO
SIXTH JUDICIAL DISTRICT

STATE OF NEW MEXICO <i>ex rel.</i>	)	No. D-623-CV 2005-00054
NEW MEXICO STATE ENGINEER,	)	Honorable Jarod K. Hofacket
)	
Plaintiff,	)	ANIMAS UNDERGROUND WATER
vs.	)	BASIN ADJUDICATION
)	
ROSETTE, INC., <i>et al.</i>,	)	Subfile No. AUB-012-0001A
)	
Respondents.	)	Claimant(s): FFR ANIMAS, LLC
)	
)	

NOTICE OF FILING OF RESPONSE AND REQUEST FOR CONSULTATION

The State of New Mexico, *ex rel.* Office of the State Engineer, hereby files the Response and Request for Consultation received from the above Claimant on January 22, 2021. A copy of the Response is attached hereto.

Respectfully submitted,

UTTON & KERY, P. A.
Attorney for Plaintiff State of New Mexico ex rel.
New Mexico State Engineer.
500 Tijeras Ave. NW
Albuquerque, NM 87102
(505) 379-4203

Electronically Filed
By: /s/Susan C. Kery
SUSAN C. KERY
susan@uttonkery.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was emailed to Barncastle Law Firm, attorney for the Claimant, and was served to parties of record via the Court's Odyssey File & Serve System this 28th day of January, 2021.

/s/Susan C. Kery
SUSAN C. KERY

STATE OF NEW MEXICO
COUNTY OF HIDALGO
SIXTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO <i>ex rel.</i>	)	CV 2005-0054
NEW MEXICO STATE ENGINEER,	)	Hon. Jarod K. Hofacket
)	
Plaintiff,	)	ANIMAS UNDERGROUND
	)	WATER BASIN
v.)	
	)	Subfile No. AUB-012-0001A
ROSETTE, INC., <i>et al.</i> ,)	
	)	Claimant:
Respondents.	)	FFR ANIMAS LLC
_____)	

RESPONSE AND REQUEST FOR CONSULTATION
(UNLICENSED WATER RIGHTS)

I, Ffr Animas Llc, disagree with the proposed Subfile Final Judgment for this subfile (the "proposed Judgment") and request consultation with the State of New Mexico concerning the proposed Judgment. I disagree with the proposed Judgment for the reasons indicated below:

I. CLAIMANT INFORMATION

(Please check all boxes that apply)

- [] My name is incorrect.
Should be: _____
- [] My address is incorrect.
Should be: _____

Other (please explain):

II. DESCRIPTION OF WATER RIGHTS

(Please check all boxes that apply)

- I do not own the water rights described in the proposed Judgment.
- I have a right that was omitted from the proposed Judgment and the attached map.
- I disagree with the following elements of my water rights as described in the proposed Judgment:

A. UNDERGROUND WATER

1. **Priority Date**

Should be: _____

2. **Source of Water**

Should be: _____

3. **Point(s) of Diversion**

Should be: _____

4. **Purpose of Use**

Should be: _____

5. [] **Location and Amount of Irrigated Acreage, if applicable**

Should be (describe): _____

6. [] **Amount of Water**

Should be: _____

Reasons for Disagreement

You must explain your disagreement for each specific element with which you disagree:

The water right recognized by OSE Permit A-38-C was transferred to water right file number A-11-3 by permit dated July 11, 2019. The A-11-3 Subfile Order was entered into prior to the date of the permit that allowed the transfer of the A-38-C water right, so it does not recognize A-38-C as part of the water right associated with A-11-3. If the Offer of Judgment here is accepted, claimant is concerned it would be an agreement that A-38-C no longer exists, even though Claimant does not agree with that. Claimant wants an order that recognizes the existence of the A-38-C right.

III. VERIFICATION (must be completed)

I certify that I am the claimant filing this Response or that I am the attorney for the responding claimant and that I have read this Response, know its contents and believe that the statements are true to the best of my knowledge.



Signature of Claimant

Attorney for Claimant

FFR Animas LLC

C/o Barncastle Law Firm, Samantha R. Barncastle Esq.

PO Box 1556, Las Cruces, NM 88004

Mailing address

575-636-2377

Phone number

samantha@h2o-legal.com

E-mail address

January 21, 2021

Date