

**STATE OF NEW MEXICO
COUNTY OF HIDALGO
SIXTH JUDICIAL DISTRICT**

STATE OF NEW MEXICO <i>ex rel.</i>)	No. D-623-CV-2005-0054
NEW MEXICO STATE ENGINEER,)	Honorable Jarod K. Hofacket
)	
Plaintiff,)	ANIMAS UNDERGROUND WATER
vs.)	BASIN ADJUDICATION
)	
ROSETTE, INC., et al.,)	Subfile No. AUB-018-0003
)	
Respondents.)	
<hr/>)	

ORDER GRANTING SUBFILE DEFAULT JUDGMENT

THIS MATTER coming to be heard upon motion by Plaintiff State of New Mexico for entry of a Subfile Default Judgment against the following claimant:

JOHN F. O'BYRNE

the Court having considered the record and being otherwise fully advised in the premises, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The claimant has been legally served with process.
3. The claimant has failed to timely respond to an adjudication packet or a Notice

Terminating Water Rights Consultation.

4. The water rights of the claimant to divert and use public waters of the Animas Underground Water Basin are as follows:

A. UNDERGROUND WATER

Office of the State Engineer File No(s): FORMERLY A-00536

(1) Priority: A-00536: NONE

(2) Source of Water: Animas Underground Water Basin

(3) Purpose of Use: No Right

(4) Point(s) of Diversion:

Well No.: A-00536

Location: X= 2,416,055 Y=346,359 Map: AUB-18

on the New Mexico State Plane Coordinate System, West Zone, 1983
N.A.D.

(5) Place of Use: No right of diversion for commercial purposes.

(6) Amount of Water: NONE

5. All terms and conditions set forth or incorporated in the State of New Mexico's proposed Subfile Final Judgment served on the claimant shall be incorporated into this Judgment.

6. There is no just reason for delay of the entry of a final judgment as to the elements of the claims of the claimant adjudicated by this Judgment.

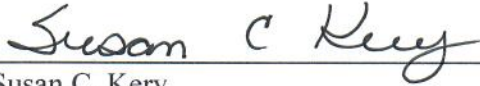
IT IS THEREFORE ORDERED that the rights of the claimant are set forth above.

IT IS FURTHER ORDERED that the claimant and all those in privity with the claimant are enjoined from any diversion or use of the public underground waters of the Animas Underground Water Basin except in strict accordance with the water rights set forth in this Order and in other orders of this Court.

HONORABLE JAROD K. HOFACKET
District Judge

AGREED:

PLAINTIFF STATE OF NEW MEXICO



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Date: 10/26/2023