

STATE OF NEW MEXICO
COUNTY OF HIDALGO
SIXTH JUDICIAL DISTRICT

FILED
6th JUDICIAL DISTRICT COURT
Hidalgo County
8/22/2019 6:21 PM
ANGELA M. OROZCO
CLERK OF THE COURT
Angela Orozco

STATE OF NEW MEXICO <i>ex rel.</i>)	No. D-623-CV 2005-00054
NEW MEXICO STATE ENGINEER,)	Honorable J.C. Robinson
)	
Plaintiff,)	ANIMAS UNDERGROUND WATER
vs.)	BASIN ADJUDICATION
)	
ROSETTE, INC., <i>et al.</i> ,)	Subfile No. AUB-011-0003B
)	
Respondents.)	Claimant(s):
)	Jon William Schmidt
_____)	

STATE OF NEW MEXICO’S MOTION TO CLOSE SUBFILE

The State of New Mexico (“State”) hereby moves the Court for an Order closing the above-captioned subfile on the following grounds:

1. The subfile claimant was served with an adjudication packet, including a proposed Subfile Final Judgment: Unlicensed Water Rights, on April 27, 2017.

2. After service of the adjudication packet, the State determined that the water rights set forth in this subfile were subsumed into subfile number AUB-011-0003A, also owned by the above-captioned subfile claimant. Therefore, no water rights exist under the above-captioned subfile.

For the forgoing reasons, the State respectfully requests the Court enter an Order closing subfile number AUB-011-0003B.

Respectfully submitted,

UTTON & KERY, P. A.
Attorney for Plaintiff State of New Mexico
317 Commercial Street, N. E.
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 mailed to the following claimant and served to parties of record via the Court's Odyssey File & Serve System this 22nd day of August, 2019:

Jon William Schmidt
1490 N. Buhach Rd.
Atwater, CA 95301

/s/Susan C. Kery
SUSAN C. KERY