

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

**STATE OF NEW MEXICO *ex rel.*
NEW MEXICO STATE ENGINEER**

**Plaintiff,
vs.**

ROSETTE, INC., *et al.*

Defendants.

**No. D-623-CV-2005-00054
Honorable Jarod K. Hofacket**

**ANIMAS UNDERGROUND WATER
BASIN ADJUDICATION**

Subfile No. AUB-015-0001

Claimant: Robert L. Evans

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:

ROBERT L. EVANS

and 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 (License: No. A-81)

Office of the State Engineer File No(s): FORMERLY A-00081-A

- (1) Priority: A-00081-S: NONE
- (2) Source of Water: Animas Underground Water Basin

(3) Purpose of Use: No Right

(4) Point(s) of Diversion:

Well No.: A-00081-S

Location: X= 2,387,989 Y= 372,907 Map: AUB-15

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

(5) Location and Amount of Irrigated Acreage:

Township 26S, Range 20W, Section 20, N.M.P.M.

Pt. SW¼ 75.90

Township 26S, Range 20W, Section 29, N.M.P.M.

Pt. NW¼ 24.10

Total: 100.00 no right acres

Water right is appurtenant to 100.00 acres as shown on the attached

Hydrographic Survey Map for Subfile No. AUB-015-0001.

(6) Amount of Water: NONE

B. UNDERGROUND WATER (License: No. A-81)

Office of the State Engineer File No(s): A-00081-A

(1) Priority: A-00081-S: May 28, 1948

(2) Source of Water: Animas Underground Water Basin

(3) Purpose of Use: Non 72-12-1 Domestic

(4) Point(s) of Diversion:

Well No.:A-00081-S

Location: X= 2,387,989 Y= 372,907 Map: AUB-15

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

(5) Place of Use: Lands of Robert L. Evans

(6) Amount of Water: Historical beneficial use not to exceed 3.00 acre-feet per year.

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.

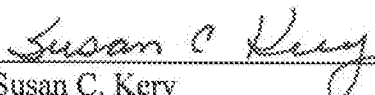
IT IS FURTHER ORDERED that the claimant and all those in privity with the claimant are enjoined from any diversion or use of the public underground waters of the Animas Underground Water Basin except in strict accordance with the water right(s) set forth in this Order and in other orders of this Court.



HONORABLE JAROD K. HOFACKET
District Judge

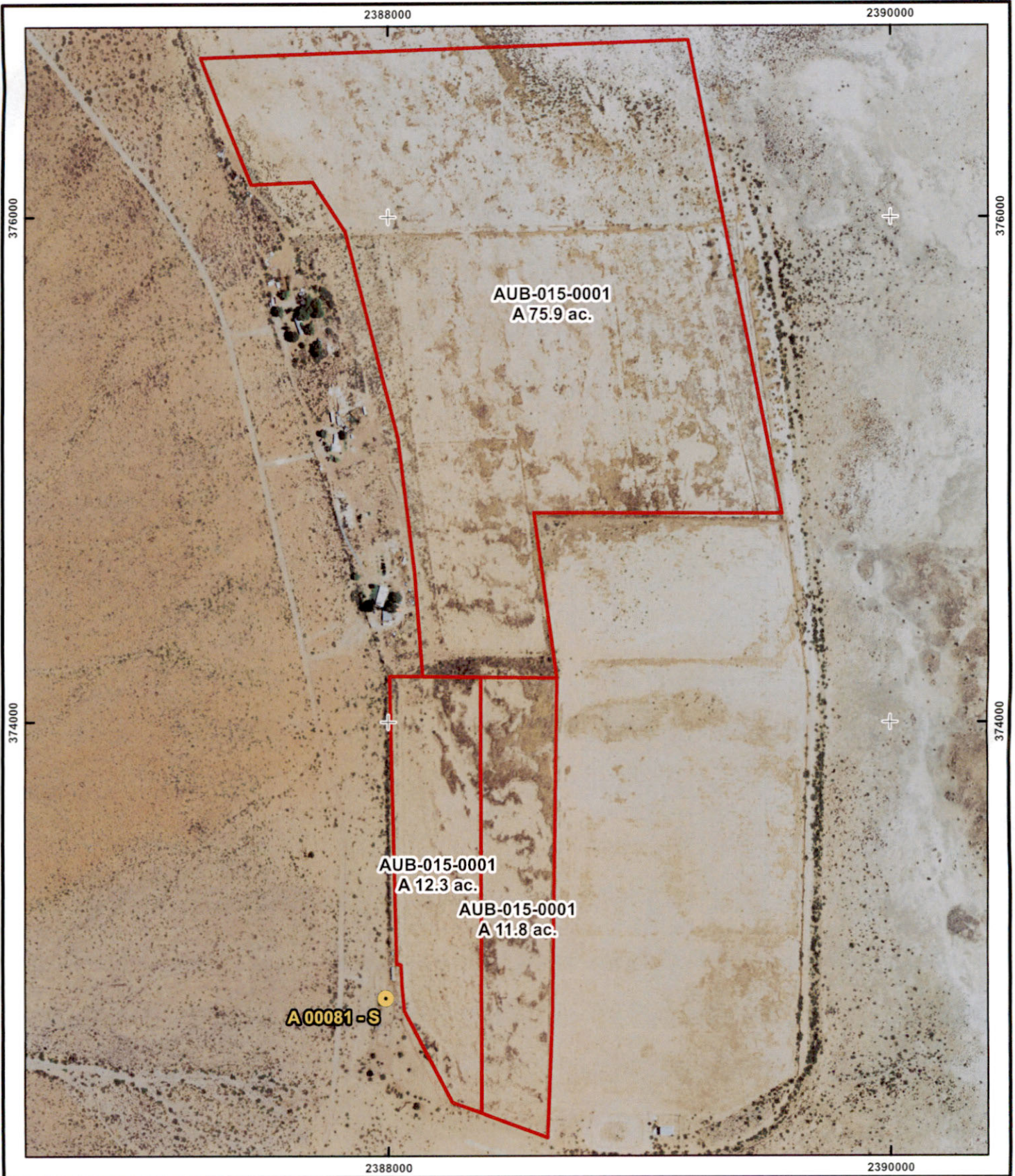
AGREED:

PLAINTIFF STATE OF NEW MEXICO



Susan C. Kery
Utton & Kery, PA
500 Tijeras Ave. NW
Albuquerque, NM 87102
(505) 379-4203
Attorney for the State of New Mexico

Date: 08/26/2024



Legend

- Point of Diversion
- No Irrigation Right

New Mexico State Plane West NAD 83
2018 Aerial Imagery

1:6,000
1 inch equals 500 feet

0 200 400 600 800 Feet

State of New Mexico
Office of the State Engineer

Animas Underground Water Basin
Hydrographic Survey
Cotton City Section

Subfile Number
AUB-015-0001
August 21, 2024