

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

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

Plaintiff,

v.

ROSETTE, INC., *et al.*,

Respondents.

No. D-623-CV-2005-00054

Hon. Jarod K. Hofacket

**ANIMAS UNDERGROUND
WATER BASIN ADJUDICATION**

Subfile No. AUB-007-0002A

Claimant(s):

Timothy McCants

William McCants

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(s):

TIMOTHY MCCANTS

WILLIAM MCCANTS

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(s) have been legally served with process.
3. The claimant(s) have failed to timely respond to an adjudication packet or a Notice Terminating Water Rights Consultation.
4. The water rights of the claimant(s) to divert and use public waters of the Animas

Underground Water Basin are as follows:

A. UNDERGROUND WATER (License: No. A-45 & A-45-ENLG)

Office of the State Engineer File No(s): FORMERLY A-00045

- (1) Priority: A-00045: NONE
- (2) Source of Water: Animas Underground Water Basin
- (3) Purpose of Use: No Right
- (4) Point(s) of Diversion:

Well No.:A-00045

Location: X=2,406,094 Y= 419,575 Map: AUB-07

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

- (5) Location and Amount of Irrigated Acreage:

Township 25S, Range 20W, Section 01, N.M.P.M.

Pt. SW $\frac{1}{4}$ 16.60

Township 25S, Range 20W, Section 01, N.M.P.M.

Pt. SE $\frac{1}{4}$ 80.40

Township 25S, Range 20W, Section 12, N.M.P.M.

Pt. NW $\frac{1}{4}$ 10.90

Township 25S, Range 20W, Section 12, N.M.P.M.

Pt. NE $\frac{1}{4}$ 55.10

Total: 163.00 no right acres

Water right is appurtenant to 163.00 acres as shown on the attached Hydrographic Survey Map for Subfile No. AUB-007-0002A.

- (6) Amount of Water:

NONE

B. UNDERGROUND WATER (License: No. A-45 & A-45-ENLG)

Office of the State Engineer File No(s). A-00045

- (1) Priority: A-00045: May 27, 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-00045

Location: X=2,406,094 Y= 419,575 Map: AUB-07

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

(5) Place of Use: Lands of Thomas McCants

(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(s) 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(s) adjudicated by this Judgment.

IT IS THEREFORE ORDERED that the rights of the claimants(s) are set forth above.

IT IS FURTHER ORDERED that the claimant(s) and all those in privity with the claimant(s) 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.

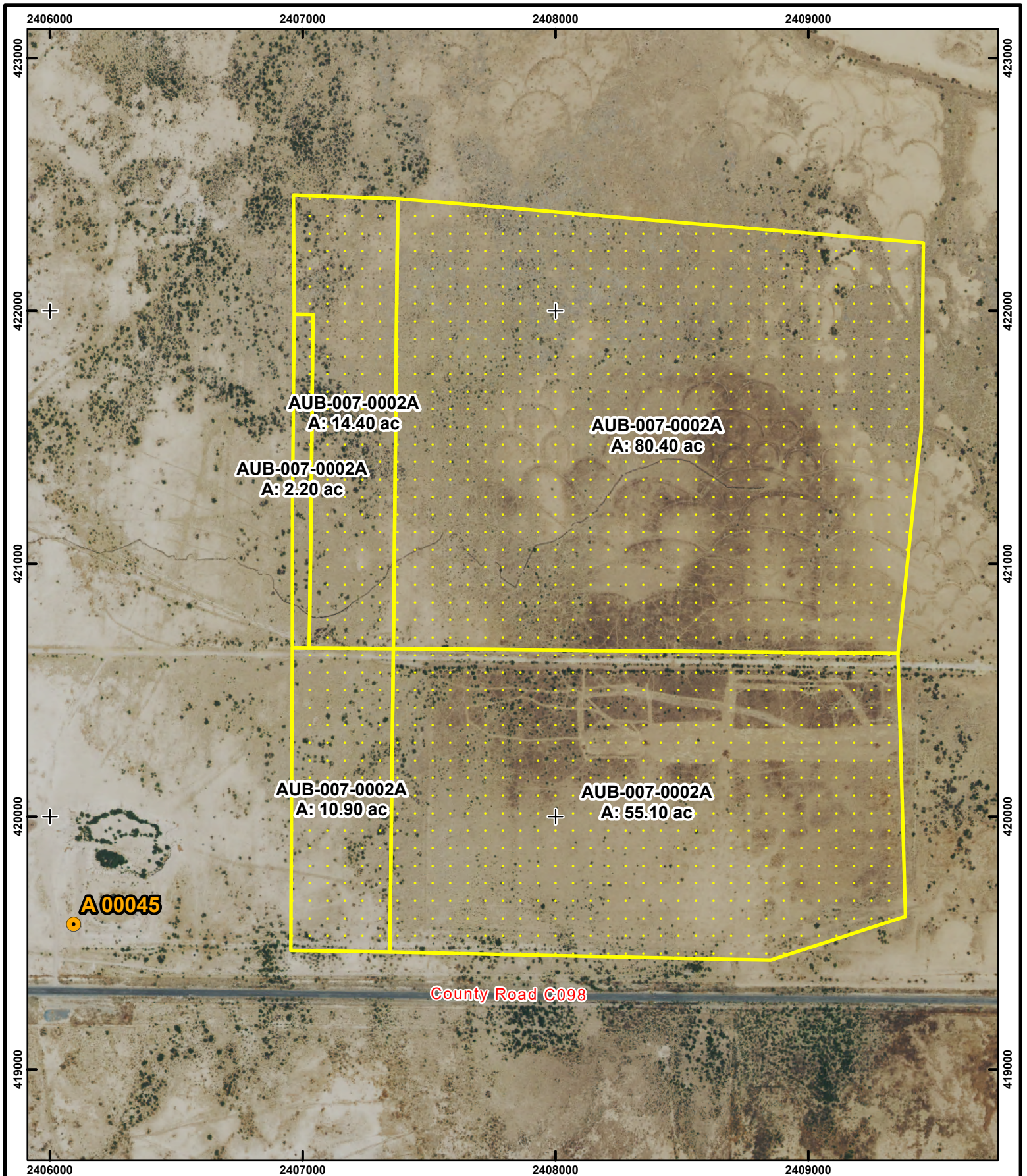

JAROD K. HOFACKET
DISTRICT COURT JUDGE

AGREED:

Plaintiff State of New Mexico


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

06/09/2026
Date



Legend

-  Point of Diversion
-  No 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
Elizabeth K. Anderson, P.E., State Engineer
Animas Underground Water Basin
Hydrographic Survey
Cotton City Section



Subfile Number
AUB-007-0002-A
May 20, 2026