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-021-1001** **Claimant(s):** Johnny Ruebush Levi Ruebush Tommie Ruebush

SUBFILE FINAL JUDGMENT: UNLICENSED WATER RIGHTS

THIS MATTER COMES BEFORE the Court upon the stipulation, set forth below, between the State of New Mexico (the "State") and the water rights claimant(s) named in the case caption above (collectively, the "Claimant"). The Court, based on the stipulation between the State and the Claimant and its examination of the Court's file, FINDS AND CONCLUDES THAT:

1. The Court has personal jurisdiction over the State and the Claimant and has *in rem* jurisdiction over all water rights in the Animas Underground Water Basin (the "Basin"). Notice of this Court's *in rem* jurisdiction was served on all water rights claimants in the Basin in accordance with Rule 1-071.2(C) NMRA and the Case Management Order Mandating Basin-Wide Issue Proceeding and Expedited *Inter Se* Proceedings and Prescribing Procedure for Giving Notice of All Such Proceedings, filed August 9, 2012 (the "Case Management Order").

2. The State and the Claimant have agreed that the Court should enter this Judgment adjudicating all elements of the Claimant's right to divert and place to beneficial use the public waters of the Basin, as set forth below.

3. Notice of the parties' request that the Court enter this Judgment and an opportunity to object to that request have been provided to water rights claimants in the Basin pursuant to this Court's Monthly Adjudication Report. Notice of the purpose and availability of the Monthly Adjudication Report was provided to all water rights claimants in the Basin pursuant to Rule 1-071.2(C) and the Case Management Order.

4. Any objections to the State's and Claimant's request that the Court enter Judgment have been resolved in court proceedings pursuant to the Procedural Order Governing Expedited *Inter Se* Adjudication of State Law Water Rights.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The water rights of the Claimant are as follows:

A. UNDERGROUND WATER

Office of the State Engineer File No(s). A-00502

(1) Priority: A-00502: December 31, 1933

(2) Source of Water: Animas Underground Water Basin.

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

(4) Point(s) of Diversion:

Well No.: A-00502

Location: X=2,433,653 Y= 307,112 Map: AUB-21

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

(5) Place of Use: The Lands of Tommie Ruebush, Johnny Ruebush and Levi Ruebush.

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

2. All conditions imposed by the Office of the State Engineer in granting any permit relating to these water rights are incorporated into this Subfile Final Judgment.

3. The Claimant has no right to divert and use the public waters of the Basin except in strict accordance with the water rights described herein. This restriction in no way affects any additional water rights the Claimant may have, as adjudicated in other subfiles in this proceeding.

4. If ownership of all or any part of the water rights described herein is transferred for any reason whatsoever, including by operation of law, the successor in interest shall file a notice of change of ownership with the Office of the State Engineer as required by NMSA 1978, Section 72-1-2.1 (1996). No successor in interest to the Claimant may participate in any aspect of this adjudication unless it first files a motion for substitution of parties in accordance with Rule 1-025 NMRA and attaches to the motion proof that it has filed the required change of ownership form with the Office of the State Engineer.

5. This Judgment adjudicates the water rights described herein as between both the State and the Claimant and the Claimant and all other claimants in the Basin. This Judgment binds the State, the Claimant and all other water rights claimants in the Basin regardless of whether all water rights claimants were served and joined as defendants, participated in or received actual notice of this subfile proceeding, or filed *inter se* objections to the water rights adjudicated by this Subfile Final Judgment.

6. The Claimant and all successors, representatives, heirs and assigns of the Claimant are enjoined from any diversion or use of the public waters of the Basin except in strict accordance with the water rights set forth in this Judgment.

7. Pursuant to Rule 1-054(B) NMRA, the Court determines there is no just reason for delay of the entry of a final Judgment as to the water rights adjudicated hereby. The Court enters this Judgment as a final judgment as to all issues related to the nature, extent, elements and validity of the water rights adjudicated hereby. This Judgment may be modified or amended only to the extent permitted by Rule 1-060 NMRA.

IT IS SO ORDERED.

JAROD K. HOFACKET
DISTRICT COURT JUDGE

AGREED:

Plaintiff State of New Mexico

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10/19/2026
Date

AGREED:

LEVI RUEBUSH

Signature

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Phone number

Levirubush@yahoo.com

E-mail address

10/11/26

Date

JOHNNY RUEBUSH

Signature

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10/8/26

Date

TOMMIE RUEBUSH

Signature

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Phone number

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E-mail address

10/8/2026

Date



Legend

Point of Diversion

New Mexico State Plane West NAD 83
2024 Aerial Imagery

1:600
1 inch equals 50 feet

0 50 100 Feet

N

State of New Mexico
Office of the State Engineer
Elizabeth K. Anderson, P.E., State Engineer

Animas Underground Water Basin
Hydrographic Survey
Animas Village Section

Office of the State Engineer
Interstate Stream Commission

Subfile Number
AUB-021-1001
February 19, 2026