

315596

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

FILED  
AT ALBUQUERQUE

MAY 8 1968

E. E. GREGSON  
CLERK

STATE OF NEW MEXICO, ex rel., )  
S. E. REYNOLDS, State Engineer )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
UNITED STATES OF AMERICA, et al., )  
 )  
Defendants. )

No. 6639  
Civil

Questa Ditch  
Sub-File No. 14.2

Henry Hoyt

O R D E R

THIS MATTER having come before the Court on the Plaintiff's Offer of Judgment, and the Court having considered the said Offer, the hydrographic survey and other evidence on file, and being otherwise fully advised in the premises, finds:

1. Name of defendant: HENRY HOYT
2. The Court has jurisdiction of the parties hereto and the subject matter herein.
3. The State Engineer's hydrographic survey and report relating to the defendant's water rights have been introduced into the record and the same hereby are incorporated and made a part of this Order; that said hydrographic survey and report contain a true and correct summary of the contents of the instruments referred to therein.
4. The parties hereto have accepted an Offer of Judgment concerning the defendant's rights and said Offer of Judgment is hereby approved.
5. The defendant HENRY HOYT has a right to withdraw public surface and/or underground waters from the Nambe-Pojoaque River System for all purposes as follows:

SUB-FILE NO. 14.2: HENRY HOYT

A. Purpose - Irrigation:

State Engineer File No.: 01347

Priority:

Point of diversion:

Surface: NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 26, T. 19 N., R. 9 E.

Ground water: Well RG-9393 located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Sec. 25, T. 19 N., R. 9 E.

Location & amount of acreage:

Pt. of SE $\frac{1}{4}$  Sec. 25, T. 19 N., R. 9 E.,  
as shown on hydrographic survey map  
sheet No. 14, Tract 2.

1.39 acres

Amount of water: Not to exceed three (3.0) acre-feet  
per acre per annum delivered at the farm headgate.

B. Purpose - Domestic and/or Stock (underground water): NONE

State Engineer File No.:

Priority:

Point of diversion:

Amount of water: Not to exceed three (3.0) acre-feet  
per annum.

6. The defendant HENRY HOYT  
has no other surface or underground water rights in the  
Nambe-Pojoaque River System.
7. That the defendant HENRY HOYT,  
his agents, employees, privies, co-tenants, assigns,  
attorneys, and any and all other persons having a  
constructive knowledge of the restraining order should  
be enjoined from any use of the surface or underground  
water in the Nambe-Pojoaque River System for any purpose  
except in strict accordance with the water rights set  
out hereinabove.

IT IS, THEREFORE ORDERED that the defendant HENRY HOYT  
\_\_\_\_\_ be and hereby is adjudicated to have a  
good and valid water right as set forth above.

IT IS FURTHER ORDERED that the defendant HENRY HOYT  
\_\_\_\_\_, his agents, employees, privies,  
co-tenants, tenants, assigns, attorneys, and any and all other  
persons having constructive knowledge of the restraining order, be  
and they hereby are permanently enjoined and restrained from any  
use of the surface and/or underground water in the Nambe-Pojoaque  
River System, except in strict accordance with the water rights set  
out hereinabove.

DATED this \_\_\_\_\_ day of MAY 8 1968, 1967.

  
\_\_\_\_\_  
Judge of the United States District Court

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

*file copy*

STATE OF NEW MEXICO, ex rel., )  
S. E. REYNOLDS, State Engineer )  
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Plaintiff, )  
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vs. )  
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UNITED STATES OF AMERICA, et al., )  
 )  
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✓ Questa Ditch  
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Henry Hoyt

OFFER OF JUDGMENT

COMES NOW the plaintiff and, subject to the approval of the Court, offers to suffer judgment against itself and in favor of the right of the defendant HENRY HOYT to withdraw public waters from the Nambe-Pojoaque River System as follows:

A. Purpose - Irrigation:

State Engineer File No.: 01347

Priority:

Point of diversion:

Surface: NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 36, T.19 N., R.9 E.

Groundwater: Well RG-9393 located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 25, T.19 N., R.9 E.

Location & Amount of Acreage:

Pt. of SE $\frac{1}{4}$  Sec. 25, T.19 N., R.9 E., as shown on hydrographic survey map sheet No. 14, Tract 2.

1.39 acres

Amount of water: Not to exceed three (3.0) acre-feet per acre per annum delivered at the farm headgate.

B. Purpose - Domestic and/or Stock (underground water): **NONE**

State Engineer File No.:

Priority:

Point of diversion:

Amount of water: Not to exceed three (3) acre-feet per annum.

PROVIDED, however, that acceptance by the defendants shall confer upon the plaintiff authority to demand judgment against the defendant HENRY HOYT in respect to all other public water use for irrigation from the Nambe-Pojoaque River System, on lands served by the Questa Ditch. These lands are described in the State Engineer's Hydrographic survey of the Nambe-Pojoaque River System.

ACCEPTED: 151 Henry Hoyt Defendant 151 Paul J. Blawan Special Assistant Attorney General

ACCEPTED: \_\_\_\_\_ Defendant

ADDRESS: \_\_\_\_\_

DATE: 151 3/13/67