

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

5/8/68

STATE OF NEW MEXICO, ex rel.,)	
S. E. REYNOLDS, State Engineer)	
)	
Plaintiff,)	No. 6639
)	Civil
vs.)	
)	Chupadero Irrigation Company Dito
UNITED STATES OF AMERICA, et al.,)	Sub-File Nos. 16.2 & 16.7
)	Francis West
Defendants.)	

ORDER

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: **FRANCIS WEST**
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 **FRANCIS WEST** 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. **16.2 & 16.7** **FRANCIS WEST**

Def's copy sent 4/13/68

A. Purpose - Irrigation:

State Engineer File No.: **None**

Priority:

Point of diversion:

Surface:

The Chupadero Irrigation Company Ditch is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T.18 N., R.10 E.

Ground water:

16.2 **A private irrigation well No. RG-3929 located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T.18 N., R.10 E.**

Location & amount of acreage:

16.2 **Pt. of NE $\frac{1}{4}$, Sec. 5, T.18 N., R.10 E., as shown on hydrographic survey map sheet No. 16, Tract 2. 3.13 acres**

16.7 **Pt. of NE $\frac{1}{4}$, Sec. 6, T.18 N., R.10 E., as shown on hydrographic survey map sheet No. 16, Tract 7. 4.39 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):

**1. State Engineer File No.: RG-3697
Priority: 1959
Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T.18 N., R.10 E.**

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

**2. State Engineer File No.: RG-13407
Priority: 1940
Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T.18 N., R.10 E.
Amount of water: Not to exceed 3 acre-feet per annum**

**3. State Engineer File No.: RG-13407-X
Priority: 1951
Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T.18 N., R.10 E.
Amount of water: Not to exceed 3 acre-feet per annum**

6. The defendant FRANCIS WEST has no other surface or underground water rights in the Nambe-Pojoaque River System.
7. That the defendant FRANCIS WEST, 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 FRANCIS WEST _____ be and hereby is adjudicated to have a good and valid water right as set forth above.

IT IS FURTHER ORDERED that the defendant FRANCIS WEST _____, 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 8th day of May 1968, 1967.

1st H. Vearle Payne
Judge of the United States District Court