

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATE OF AMERICA,
and
STATE OF NEW MEXICO ex rel. STATE
ENGINEER,

Plaintiffs,

No. 01cv00072-MV/WPL
ZUNI RIVER BASIN
ADJUDICATION

-v-

A & R PRODUCTIONS, *et. al.*,
Defendants.

Subfile No. ZRB-2-0098

JOINT RESPONSES OF DEFENDANTS YATES
RANCH PROPERTY LLP AND JAY LAND LTD. CO. TO
PLAINTIFFS' (FIRST) JOINT DISCOVERY REQUESTS

Introduction: To the extent the Plaintiffs' "Instructions" contained in their First Joint Discovery Requests conflict with provisions of FRCivP 33(b)(3), those instructions are ignored and these answers and any objection are provided in accordance with the applicable rules. In addition, these responses, unless otherwise indicated, are the responses of both Yates Ranch Property LLP and JAY LAND LTD. CO.

Interrogatory No. 1 - For each well identified in the *Subfile Answer of Defendants Yates Ranch Property LLP and JAY LAND LTD. CO* (January 25, 2014) (Doc. 2925) (at pages 8 through 13) for which Defendants "denied" the water right previously stated/offered by Plaintiffs, identify all documents that relate to or reflect the beneficial use of water from each well in dispute.

ANSWER TO INTERROGATORY NO. 1

The pumping records of the Highway Well (X-ref 10) relate to and reflect the beneficial use of water from that well. Those records have already been provided to you as a part of Mr. Alam's report.

There are no pumping records for any of the other wells. Documents which relate to or reflect the beneficial use of water from them are those showing the maximum numbers of cattle watered from all watering devices served by the well, the transportation losses (consisting of leakage from pipelines), seepage, and

ANSWER TO INTERROGATORY No. 2

Don Alam, Darrell Brown

Interrogatory No. 3 - For each stock pond identified in the *Subfile Answer of Defendants Yates Ranch Property LLP and JAY LAND LTD. CO.* (January 25, 2014) (Doc. 2925) (at pages 13 through 70) for which Defendants "denied" the water right previously stated/offered by Plaintiffs, identify all documents that relate to or reflect the beneficial use of water from each stock pond in dispute.

ANSWER TO INTERROGATORY No. 3

Except for documents showing the surface area of each stock pond, as shown by the report of Don Alam, which you have, and the 2004 missing declarations, which are provided herewith, there are no such particularized documents. Office (i.e., unstamped and unsigned) copies of the missing declarations, together with the State Engineer's receipt for the originals thereof, are provided herewith. Documents, for the most part academic and technical studies, of various agencies, showing pan evaporation are already in your possession. See State Engineer [of New Mexico] Technical Report 31, *Characteristics of the WATER SUPPLY IN NEW MEXICO*, by W.E. Hale, L.J. Reiland, and J.P. Beverage, prepared in cooperation with the United States Geological Survey, 1965. The report of Darrell Brown, delivered contemporaneously herewith, contains references to the other studies on which defendants rely.

Interrogatory No. 4 - For each stock pond identified in the *Subfile Answer of Defendants Yates Ranch Property LLP and JAY LAND LTD. CO.* (January 25, 2014) (Doc. 2925) (at pages 13 through 70) for which Defendants "denied" the water right previously stated/offered by Plaintiffs, identify the witness(es) or potential witness(es) who will establish the quantity of water from each stock pond that has been put to beneficial use.

Don Alam

Darrell Brown

Interrogatory No. 5 - In their *Subfile Answer of Defendants Yates Ranch Property LLP and JAY LAND LTD. CO.* (January 25, 2014) (Doc. 2925) (pages 71 through 73), Defendants asserted water rights associated with springs. For each water right associated with a spring and asserted by Defendants, identify all documents that relate to or reflect the beneficial use of water from each spring in dispute.

Alam report and GoogleEarth photographs contained in it; photographs, which have been temporarily misplaced, and will be provided to you as soon as they are located.

Interrogatory No. 6 - In their *Subfile Answer of Defendants Yates Ranch Property LLP and JAY LAND LTD. CO.* (January 25, 2014) (Doc. 2925) (pages 71 through 73), Defendants asserted water rights associated with springs. For each water right associated with a spring and asserted by Defendants, identify the witness(es) or potential witness(es) who will establish the quantity of water from each spring in dispute that has been put to beneficial use.

Darrell Brown
Don Alam

Interrogatory No. 7 - For each spring for which a water right is claimed by Defendants and described in Interrogatory No. 3, identify all documents that support Defendants' claim to a "priority before March 19, 1907" for each spring and that establish such priority.

Declarations either filed at or attempted to be filed at the office of the State Engineer of New Mexico, to wit: all documents identified as submitted in response to Request for Production No. 2; in addition the 1934 homestead documents and the 1936 aerial photographs, also submitted herewith.

Interrogatory No. 8 - For the "Surface Water Rights" for "Atarque Lake" asserted by Defendants in *Subfile Answer of Defendants Yates Ranch Property LLP and JAY LAND LTD. CO.* (January 25, 2014) (Doc. 2925) (page 73), identify all documents that relate to or reflect the existence of Atarque Lake and the beneficial use of water from Atarque Lake.

Declarations either filed at or attempted to be filed at the office of the State Engineer of New Mexico; USGS quad sheet entitled "Atarque Lake"; aerial photographs; Homesteading in the Thirties, Ray Boyett, Sleeping Fox Enterprises, Santa Fe, 1974; New Mexico Place Names, A Geographical Dictionary, T.M. Pearce, University of New Mexico Press 1965; The Place Names of New Mexico, Robert Julyan, University of New Mexico Press, Albuquerque, 1996.

Interrogatory No. 9 - For the "Surface Water Rights" for "Atarque