

FILED  
US DISTRICT COURT DISTRICT OF NEW MEXICO  
DISTRICT OF NEW MEXICO

**REFERENCE:**

Case 6:01-cv-00072-BB -LFG Document 2695 Filed 822 11

11 SEP 16 PM 2:47

Subfile ZRB-4-0169 Henry Ray Grizzle and Rebecca Grizzle

CLERK ALBUQUERQUE

Subject: Amendment to Subfile answer

**Our first objection** to an offer of .7 acre feet which was presented to us on 10/07/06 was unacceptable, because it was insufficient to meet our needs. Documentation for this objection has been previously submitted.

**Our Second Objection** is that we claim that we have purchased the right to develop the resources on our property according to our needs. (Water being both a resource and a need)


This claim is based on the railroad act signed into law by President Abraham Lincoln on July 1, 1862 which states in part, " the railroads shall have the right to develop the resources according to their needs."

Our property is a portion of section 29 Twp 12 Range 18 W which was awarded to the railroad, and later sold. A search of all the deeds from Aug 26, 1919 when the railroad sold the property through September 29, 1989 when we bought the property reveals no exceptions or reservations of resources, other than exceptions and reservations for rights of way for roads and utilities, and one reservation by the railroad for a right to purchase back a 200 foot right of way. (Which they have not done.)


Thus we claim that we have the right to develop the water on our property according to our needs.

An index of the deeds searched is attached.

Respectfully submitted

 9-14-11  
Henry R. Grizzle

Rebecca J. Grizzle

 9-14-11  
P O Box 154

Vanderwagon NM 87326

**Index of Deeds Searched**

McKinley County Clerk's Office

Gallup New Mexico

- |                         |  |
|-------------------------|--|
| Bk 5 page 434           | Grantor Santa Fe and Pacific Railroad Grantee Josiah Starrett Aug 26, 1919                                     |
| Misc Bk Court Judgments | Grantee Frank Mapel (Judgment granted for default of payment by Josiah Starrett) May 24 1923                   |
| Bk 7 page 328           | Grantor Frank Mapel Grantee Bernard Vanderwagon (warranty deed) Jan 4 1943                                     |
| Bk 19 Pages 467-467     | Grantor Bernard Vanderwagon, Grantee Albert C. Diddens, et al.<br>(Warranty deed) January 25, 1971.            |
| Bk 20 Page 781          | Grantor Albert C. Diddens, et. al, Grantee Walter and Elba Sue Monnier (warranty deed August 1972)             |
| Bk 10 Page 4710         | Grantor Walter and Elba Sue Monnier Grantee Henry Ray and Rebecca J Grizzle. (Warranty deed 29 September 1989) |

Sept 14, 2011

United States District Court

District of New Mexico

Office of the Clerk

Suite 270

333 Lomas Blvd

Albuquerque NM. 87102      Re: Case 6:01-cv-00072-BB -LFG Document 2695 Filed 8/22/11

Gentlemen:

Pursuant to your order in the above styled document, I am presenting the attached amendment to Subfile answer re Subfile ZRB-4-0169 Henry Ray Grizzle and Rebecca Grizzle.

Sincerely

  
Henry R. Grizzle

Hank Grzbe  
Ex 154  
Lauderborn NM  
87326

RETURN RECEIPT  
REQUESTED

CERTIFIED MAIL™



7005 3110 0003 7496 0597

RECEIVED  
At Albuquerque NM

SEP 16 2011

MATTHEW J. DYKMAN,  
Clerk

1st States District Court  
District of New Mexico  
Office of the Clerk  
Suite 270  
333 Lomas Blvd  
Albuquerque NM 87102

