

**Attachment F – Plaintiffs’ Interrogatory Nos. 8, 9, 15(D),  
and 15(E) and Defendants’ Response to Each**

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 relocated.

**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

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 the witness(es) or potential witness(es) who will establish any water right associated with Atarque Lake and the quantity of water from Atarque Lake that has been put to beneficial use.

ANSWER TO INTERROGATORY No. 9: None. We intend to rely entirely on public records and matters of which judicial notice may be taken.

**Interrogatory No. 10** - 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 circumstances under which the earthen impoundment or dam creating Atarque Lake was destroyed.

ANSWER TO INTERROGATORY No. 10: Objection, the interrogatory assumes improper facts, to wit, that the device creating Atarque Lake was an "earthen impoundment or dam". It was declared as a structure constructed of "stone, mortar, concrete, timbers." Without waiving such objection, Defendant identifies the following documents: Deposition of Joey Fields, office of the State Engineer of New Mexico, taken November 14, 2005. See Pearce and Julyan, supra. Beyond whatever is reflected in those documents, Defendants do not know of any such documents.

Interrogatory No. 11 - 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 Defendants' intent (at any time) to maintain, rebuild or re-establish Atarque Lake.

ANSWER TO INTERROGATORY No. 11: We have no such documents; a search and inquiry has been made of the corporate records of the owners and former owners of the property, and find no documents indicating any intention to abandon the water rights connected to that dam.

Interrogatory No. 12 - In the Defendants JAY LAND LTD. CO. and Yates Ranch Property LLP, Combined Initial Disclosures (September 26, 2014), Defendants disclosed "Darrell Brown (see above)" as an "individual likely to have discoverable information" and as a "witness who may present (opinion) evidence under Federal Rules of Evidence 702, 703, or 705." Identify all documents and any opinion that Mr. Brown has as it relates to the water rights of

and the field inspection, it is my opinion that water has not been put to beneficial use from 1971 to the present date." To the contrary of Mr. Fields' statement, ". . . the lake [was] drained . . . ." and that "water has not been put to beneficial use from 1971 to the present date . . .", some water has been and continues to be retained within the boundaries of the Atarque Lake and placed to beneficial use for stock watering and wildlife. We do not know the amount.

C) Attachment A, page 3, section 10 titled "HYDROLOGIC PROPERTIES – STORAGE DAM (if applicable)"

Defendants' Statement – "Maximum storage capacity 21000\* acre feet"

ANSWER: No claim was made respecting "hydrologic properties", and we do not know what "hydrologic properties" are or means. If the interrogatory was intended to inquire about hydraulic properties, we provide the following information. All hydraulic properties of the dam and lake could only be estimated, since the dam ceased to operate and was no longer operable as indicated in Mr. Fields report.

The estimate was based on the surface area, and the depth of the reservoir.

Interrogatory No. 15 – In *Subfile Answer of Defendants Yates Ranch Property, LLP And Jay Land, LTD* (Doc. 2925) at p. 73, concerning "Atarque Lake" Defendants stated "purpose of use: livestock, irrigation, domestic, recreational; acreage: 755 acres; amount of water: 3775 acre feet per year for evaporation; to the best of the information available to and the belief of these defendants livestock 100 acre feet per year, and irrigation 300 acre feet per year."

Identify the factual basis for Defendants' four (4) factual assertion specified below:

Defendants' Statement – "amount of water: 3775 acre feet per year for evaporation;"

ANSWER: Five feet of pan evaporation annually from 755 surface

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755  
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3 775

acres;

D) **Defendants' Statement** – "to the best of the information available to and the belief of these defendants livestock 100 acre feet per year;

ANSWER: The water was used for cattle and sheep according to "Homesteading in the Thirties" by Ray Boyette; the number of sheep reported to have been raised or grazed at Atarque ranch was up to 15,000. We are searching for the source of the latter information and will provide it to you if and when it is found.

E) **Defendants' Statement** – "to the best of the information available to and the belief of these defendants . . . irrigation 300 acre feet per year."

ANSWER: Pumping equipment was found and remains on the flat lands, approximately 100 acres, above and to the east and south of the Atarque damsite, for which there is no reason other than irrigated farming, irrigated pasture or commercial water sales at that location;

**Interrogatory No. 16** – Identify the person(s) with knowledge concerning the response to Interrogatory Nos. 14 and 15.

ANSWER: Counsel for these Defendants; aside from Joseph Fields and other personnel of the New Mexico State Engineer Office, some of the other sources of information we consulted with are now deceased; we do not know whether those now living, if any, are in possession of their faculties. This inability to give better information is the result of undue delay and the passage of excessive amounts of time since this adjudication began.

**Response to Plaintiffs' Request for Production of Documents**

**RFP No. 5** – Produce all documents that support Defendants' responses to Interrogatory No 14 above.