

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

DISTRICT COURT
SAN JUAN COUNTY NM

LD FILED

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STATE OF NEW MEXICO, *ex rel.*
STATE ENGINEER,

No. CV-75-184

Plaintiffs,

vs.

Hon. James J. Wechsler
Presiding Judge

THE UNITED STATES OF AMERICA,

Defendants,

SAN JUAN RIVER STREAM
SYSTEM ADJUDICATION

vs.

La Plata River Section

THE JICARILLA APACHE TRIBE and the
NAVAJO NATION,

Case No. AF-01-306
Subfile No. SJLP-007-0012

Defendant-Intervenors.

ORDER AMENDING IMPLIED CONSENT ORDER

The Court, upon its own motion, and being fully advised in the premises, hereby amends the Implied Consent Order entered into the court record on April 13, 2009 in the name of TYLER EUGENE TRUBY and SHAWNA TRUBY, hereinafter "Defendant." Consent of the parties was implied after Defendant failed to sign or reject the proposed Consent Order sent to Defendant by the State of New Mexico, as described in Section V(E)(4) of the Scheduling Order Governing Adjudication of Irrigation Water Rights In the La Plata River Section, "Party-Claimant Fails to Respond; Acceptance Implied." Paragraph four (4) of these orders states:

Defendant represents that Defendant is the sole current owner of the water rights adjudicated herein, and that Defendant has no other claims to water rights in the La Plata Section except those adjudicated by the Consent Order and the following claims, which are expressly identified herein below and reserved for later adjudication by the Court:

DKtd

Recognizing that consent of Defendant in the order is implied, and Defendant did not make any representations in the course of the Consent Order process, the Court therefore ORDERS that paragraph four (4) be amended to state:

The State has determined through the hydrographic survey that Defendant has no other claims to water rights in the La Plata Section except those adjudicated by this Consent Order and the following claims, which are expressly identified herein below and reserved for later adjudication by the Court:

This amendment clarifies that Defendant made no representations in response to the Consent Order mailed to Defendant by the State of New Mexico. Except as provided in this Order, all other elements of the water right remain as stated in the April 13, 2009 Order and subsequent orders of the Court.


JAMES J. WECHSLER
PRESIDING JUDGE