

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

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED  
2010 JUN 18 AM 9 52

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

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, *et al.*,  
Defendants

THE JICARILLA APACHE TRIBE AND  
THE NAVAJO NATION

Defendant-Intervenors

CV - 75-184

Honorable James J. Wechsler  
Presiding Judge

SAN JUAN RIVER  
GENERAL STREAM  
ADJUDICATION

**ORDER DENYING EMERGENCY MOTION TO VACATE ORDER OF  
DECEMBER 26, 2007 AND SUPPLEMENTAL EMERGENCY MOTION TO  
VACATE ORDERS OF NOVEMBER 14 AND DECEMBER 26, 2007**


The Court, having reviewed the *Emergency Motion To Vacate Order of December 26, 2007* filed March 24, 2010 by the San Juan Agricultural Water Users Association and Hammond Conservancy District, and being fully advised in the premises, hereby DENIES the motion. The December 26, 2007 *Order Denying Motion For Immediate Joinder Of All Affected Parties* reiterated the Court's earlier determination that immediately joining all water rights claimants to the proceedings would be inefficient. Instead, the Third Amended Case Management Plan states that the San Juan River Basin shall be divided into sections for purposes of the adjudication and completing the hydrographic survey. This approach shall continue to govern the adjudication of individual subfiles as the case proceeds.

The Court notes, however, that the due process issues related to notice and joinder may again surface as issues of global importance arise. As stated in the *Order Setting Emergency Motion for Hearing and Granting Temporary Relief From Order of December*

26, 2007, filed April 14, 2010, the Court will permit parties to challenge the constitutionality and propriety of any proposed procedures for giving notice of future proceedings that may affect a substantial number of claimants in the basin.

San Juan Agricultural Water Users Association and Hammond Conservancy District's *Supplemental Emergency Motion to Vacate Orders of November 14 and December 26, 2007* focuses upon the November 14, 2010 *Revised Order Regarding Objections to "Invitation To Tour Animas/La Plata Project."* In particular, this motion emphasizes concerns that the November 14, 2010 Order is being cited in other legal proceedings to support sanctions against Victor Marshall, Esq. It fails to explain why the November 14, 2010 Order was unwarranted, without foundation, or otherwise unjust. The Court will not revisit the November 14, 2010 order. The supplemental motion is therefore DENIED.

IT IS SO ORDERED.

  
JAMES J. WECHSLER  
Presiding Judge

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 18<sup>th</sup>, 2010, the forgoing **ORDER DENYING EMERGENCY MOTION TO VACATE ORDER OF DECEMBER 26, 2007 AND SUPPLEMENTAL EMERGENCY MOTION TO VACATE ORDERS OF NOVEMBER 14 AND DECEMBER 26, 2007** was served by first class mail, postage prepaid to the following:

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WELDON NEFF  
ELEVENTH DISTRICT COURT CLERK

By: *Louisa Sachat*  
Deputy Court Clerk