

STATE OF NEW MEXICO  
SAN JUAN COUNTY  
ELEVENTH JUDICIAL DISTRICT COURT

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

2023 MAY 17 AM 9: 55

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

Plaintiff,

vs.

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

Defendants,

vs.

THE JICARILLA APACHE TRIBE and  
THE NAVAJO NATION,

Defendant-Interveners.

CV-75-184

Hon. James J. Wechsler  
Judge Pro Tempore

SAN JUAN RIVER STREAM SYSTEM  
ADJUDICATION

LA PLATA RIVER SECTION

KELLY J. LAPRADE  
BRADLEY S. LAPRADE

Court Case No. AF-01-108

Subfile No: SJLP-003-0037

**MOTION TO CORRECT COURT RECORD**

Plaintiff, State of New Mexico, *ex rel.* State Engineer (“State”), moves this Court, under Rule 1-060(B)(1), to allow the filing and entry of certain documents that are necessary to complete the Court record in the above-captioned and numbered cause of action, for the reasons set forth below:

1. This Motion was made under the authority of the Court’s Order on the State’s Rule 1-060(B) Procedure Motion, entered February 28, 2023.<sup>1</sup> [Exhibit A]
2. Because of the distinctive facts related to the above-captioned case, the State is filing a single motion to address the errors in this specific subfile.

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<sup>1</sup> Order on State of New Mexico’s Motion for Approval of an Expedited Rule 1-060(B) NMRA Procedure for Globally Correcting Mistakes that are Shared by Multiple Consent Orders in the La Plata Adjudication.

3. On August 3, 2007, a Consent Order was entered in the above-captioned case. [Exhibit B] [hereinafter First Consent Order].

4. The First Consent Order stated that the Priority of the water right, the Rate of Flow, and the Amount of Water were “Reserved for future determination in section-wide proceeding.” See First Consent Order, Heading A, at 2-3. Additionally, the First Consent Order was never signed by the State. See *id.*, at 4.

5. On August 20, 2007, an Amended Consent Order was entered in the above-captioned case. [Exhibit C] [hereinafter Second Consent Order].

6. The Second Consent Order stated that the Priority of the water right, the Rate of Flow, and the Amount of Water were “Reserved for future determination in section-wide proceeding.” See Second Consent Order, Heading A, at 2-3. The Second Consent Order was signed by the State. See *id.*, at 4.

7. Prior to entry of the First Consent Order, on July 10, 2007, the Court entered the Order Approving Proposed Section-Wide Subproceeding #1, Denying Gary Horner and Bloomfield Irrigation District’s Proposed Section-Wide Issues, and Requesting Additional Briefing on Notice. [Exhibit D] [hereinafter July Section-Wide Order]. This Order directed “that irrigation water rights within the La Plata Section should be described and adjudicated by the ‘amount of water’ and/or the ‘rate of flow’.” July Section-Wide Order, at 2.

8. On October 22, 2007, the Court entered the Order Regarding Proposed Section-Wide Subproceedings in the La Plata Section. [Exhibit E] [hereinafter October Section-Wide Order]. This Order directed that “all adjudicated water rights must specify the amount of water associated with the water right.” This Order also directed that the Priority element should be adjudicated “on a subfile-by-subfile basis.” October Section-Wide Order, at 1-2.

9. On October 15, 2008, the State mailed to the Defendants a packet which included a Stipulated Motion to Vacate Consent Order, expressly requesting the Court to vacate the Consent Order entered on August 20, 2007, and a proposed Order to Vacate Consent Order was entered, expressly vacating the Consent Order entered on August 20, 2007. [Exhibit F]

10. On March 10, 2009, the State filed the Stipulated Motion to Vacate Consent Order. [Exhibit G] [hereinafter Incorrect Motion]. In presenting the facts, this Motion mentioned both the First Consent Order and the Second Consent Order. See Incorrect Motion, ¶ 1, at 1. However, in the request for relief, the Incorrect Motion expressly requested only that the Second Consent Order be vacated. See *id.*, final unnumbered paragraph, at 2.

11. On August 5, 2009, an Order to Vacate Consent Order was entered, expressly vacating only the First Consent Order. [Exhibit H] [hereinafter Incorrect Order].

12. Also, on August 5, 2009, a Consent Order was entered in the above-captioned case. [Exhibit I].

13. Due to clerical errors the State, in the Incorrect Motion, requested only the Second Consent Order be vacated.

14. Due to clerical errors, the State apparently never submitted to the Court the proposed Order to Vacate Consent Order, regarding the Second Consent Order that was entered August 20, 2007.

15. The State cannot find in its own records, nor in the Court record, that a Motion to Vacate Consent Order, regarding the First Consent Order that was entered August 3, 2007, was ever filed.

16. Due to clerical errors the State, in the proposed Incorrect Order, specified that only the First Consent Order be vacated.

17. In order to clarify the sequence of events in the Court record, the State requests the Court enter the proposed Order to Vacate Consent Order, specifying that the Second Consent Order that was entered August 20, 2007, should be vacated. [Exhibit J]

18. Correcting the Court record will facilitate reconciliation of the La Plata and will more accurately reflect the distribution of water within the La Plata.

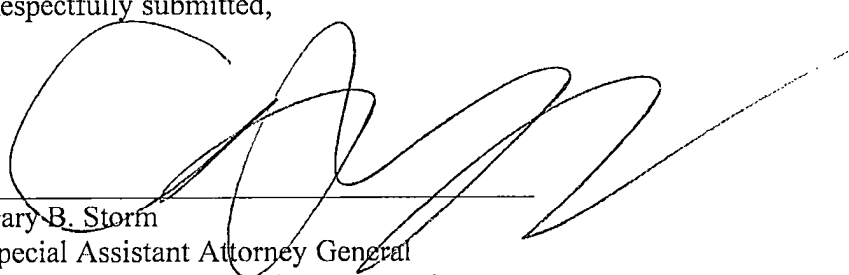
19. Even though some of the above-described documents were filed as many as sixteen years ago, this Motion has been made within a reasonable time because it addresses matters that came to light toward the end of an adjudication process which, of necessity, takes several years, and because it addresses matters, some of which were brought to the State's attention by the Court's Data Base Manager.

20. The original Defendants who signed the Consent Orders, and, where applicable, their current successors in interest, have been provided with an opportunity to respond to this Motion and a Notice of Hearing.

WHEREFORE, the State respectfully requests that the Court:

1. Enter the proposed Order to Vacate Amended Consent Order that specifies that the Second Consent Order that was entered August 20, 2007, should be vacated; and
2. Such other relief as the Court deems appropriate.

Respectfully submitted,



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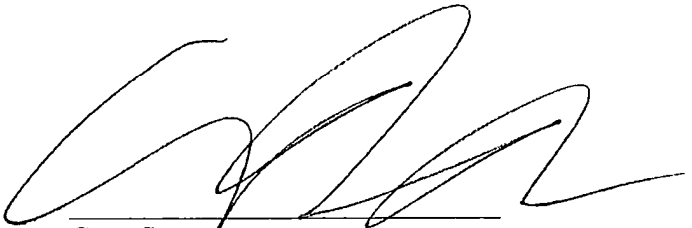
Gary B. Storm  
Special Assistant Attorney General  
New Mexico Office of the State Engineer  
Post Office Box 25102  
Santa Fe, New Mexico 87504  
(505) 827-6150  
Attorney for Plaintiff State of New Mexico  
*ex rel.* State Engineer

**CERTIFICATE OF MAILING**

I certify that on May 17, 2023, an electronic version of this document was filed by electronic mail to: [sjwaterfilings@nmcourts.gov](mailto:sjwaterfilings@nmcourts.gov) and served by electronic mail to: [sanjuanwater-grp@nmcourts.gov](mailto:sanjuanwater-grp@nmcourts.gov), and to the persons listed in the Appendix below.

I certify that on May 17, 2023, I caused a true and correct copy of the foregoing to be mailed by first class mail, postage prepaid to:

Kelly J. Laprade  
Bradley S. Laprade  
Box 352  
La Plata, NM 87418



Gary Storm

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

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

2023 FEB 28 PM 4:01

JB

STATE OF NEW MEXICO,  
ex rel. STATE ENGINEER,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, et al.,

Defendants,

vs.

THE JICARILLA APACHE TRIBE and  
THE NAVAJO NATION,

Defendant-Intervener.

D-1116-CV-75-184

Honorable James J. Wechsler  
Judge Pro Tempore

SAN JUAN RIVER BASIN  
ADJUDICATION

La Plata River Section

**ORDER ON STATE OF NEW MEXICO'S MOTION FOR APPROVAL OF AN  
EXPEDITED RULE 1-060(B) NMRA PROCEDURE FOR GLOBALLY CORRECTING  
MISTAKES THAT ARE SHARED BY MULTIPLE CONSENT ORDERS IN THE LA  
PLATA ADJUDICATION**

THIS MATTER having been reviewed by the Court on the Motion for Approval of an Expedited Rule 1-060(B) NMRA Procedure for Globally Correcting Mistakes that are Shared by Multiple Consent Orders in the La Plata Adjudication, filed by the State of New Mexico ex rel. State Engineer [State]; and the Court, being fully advised in the premises, FINDS:

1. The Court's Database Manager has undertaken a "Quality Control" review of all the Consent Orders that were entered by this Court adjudicating the water rights in the La Plata.

This review has revealed mistakes in numerous filed Consent Orders.

2. In the course of adjudicating La Plata water rights, the State has identified certain mistakes in filed Consent Orders.

**EXHIBIT A**

3. This Motion concerns errors that are more appropriately addressed by Rule 1-060(B) because they may concern substantive aspects of a water right and are not necessarily merely clerical in nature.

4. Though numerous filed Consent Orders in the La Plata contain mistakes, there are comparatively few categories of such mistakes among all the Consent Orders. The various categories of these mistakes may include, but are not necessarily limited to:

- a) Discrepancies between maps and the Consent Orders to which they are attached.
- b) Incorrect Acreages for irrigated lands as well as no right lands.
- c) Missing and erroneous Amounts of Water.
- d) Incorrect ditch listed as Point of Diversion.
- e) Incorrect location for Point of Diversion of ditch.
- f) Ponds not included in Subfile Order.
- g) Incorrect or missing Priority Date.
- h) Incorrect or missing Rate of Flow.
- i) Incorrect aliquot part and location.

5. The correction of any of the above-listed errors may affect the substantive rights of the Defendants and may affect the State's administrative responsibilities.

6. Because the correction of these mistakes requires making a change in a Consent Order entered by the Court, Rule 1-060(B) is the most appropriate mechanism for affecting the necessary changes.

7. In the interest of promoting judicial efficiency, conserving the resources of the State, and shortening the time needed for completion of the adjudication of the La Plata, the State

should employ expedited procedures for globally correcting errors that are shared by multiple consent orders in La Plata Consent Orders.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

The State shall implement the following expedited procedures for globally resolving ambiguities and achieving consistency among multiple Consent Orders in the La Plata

Adjudication:

- (a) The State and the Court shall confer regarding the date, time, and place for a hearing on the Global Motion to resolve a particular category of Consent Order ambiguity or inconsistency.
- (b) The Court shall issue a Notice of Hearing setting a hearing date, time, and place on the Global Motion. This Notice of Hearing will not be sent to the Defendants.
- (c) The State shall file a copy of the Global Motion for each subfile listed in that Motion's caption and shall serve on each original Defendant and, if applicable, on each current owner of record:
  - a copy of this Order on double sided paper as an Exhibit to the Global Motion;
  - the Global Motion; and
  - a cover letter and Notice Form, as an Exhibit to the Global Motion, informing the Defendants of the date and time of the hearing, which the Defendants can use to notify the State and the Court of any response to the proposed change and their intent to appear at the hearing. The State shall file with the Court all of the Notice Forms that are returned by Defendants.
- (d) The Global Motion and proposed Global Order shall contain a table [Appendix] specifying the Owner whose name appears in the Consent Order at issue, their address, the



subfile number, the paragraph to be corrected within each Consent Order, the court number, the date the original Consent Order was filed, and any other information that the particular situation requires. The font of the table may be reduced to 11 or 10 points to minimize the number of pages of the Global Motion and Global Order.

(e) The State, if the Court believes it to be necessary, will publish the Global Motion, the proposed Global Order, Order on the Motion for expedited procedure, the Notice of Hearing, and the Form Notice on the Office of the State Engineer website on a page devoted to the La Plata adjudication. The State will provide further notice as the Court directs.

(f) In order to provide notice to all affected parties in accordance with due process requirements, the State shall use due diligence to determine the current owners of the water rights described in the Consent Orders that are the subject of each Global Motion. Such due diligence shall consist of:

- Obtaining available ownership information that has been updated by the Defendant and filed in the records of the Office of the State Engineer in accordance with NMSA 1978, § 72-1-2.1 (1996), and the Consent Order signed by the original Defendant, and
- Obtaining available ownership information from the San Juan County Assessor.

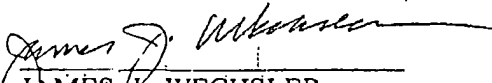
(g) Following the hearing, the Court shall enter a single Global Order correcting all the affected Consent Orders.

(h) The State shall serve the Global Order on each Defendant and on each identified current owner of record whose Consent Order is to be corrected and file a copy of the Global Order for each subfile listed in its caption.

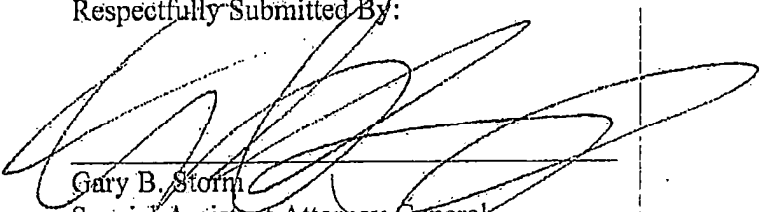
(i) The Global Order shall expressly correct the original Consent Order.

IT IS SO ORDERED.

Date: February 28, 2023

  
\_\_\_\_\_  
JAMES J. WECHSLER  
JUDGE PRO TEMPORE

Respectfully Submitted By:



\_\_\_\_\_  
Gary B. Storm  
Special Assistant Attorney General  
Office of the State Engineer  
P. O. Box 25102  
Santa Fe, NM 87504-5102  
505/827-6150  
505/827-3887 (fax)

Attorney for Plaintiff State of New Mexico,  
*ex rel.* State Engineer

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

*FILED*  
DISTRICT COURT  
SAN JUAN COUNTY NM

2007 AUG 3 AM 11:08  
Case No. CV-75-184

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

Hon. ROZIER E. SANCHEZ  
District Judge *Pro Tempore*

Plaintiff,

SAN JUAN RIVER STREAM  
SYSTEM ADJUDICATION

vs.

La Plata River Section

THE UNITED STATES OF AMERICA, et al.,

BRADLEY S. LAPRADE

Defendants,

KELLY J. LAPRADE

vs.

Court Case No.: AF-01-108

THE JICARILLA APACHE TRIBE and the  
NAVAJO NATION,

Subfile No. SJLP-003-0037

Defendant-Intervenors.

**CONSENT ORDER**

The Court, having considered the agreement between Plaintiff, the State of New Mexico, *ex rel.* the State Engineer ("State") and the Defendant(s) named above (hereinafter referred to as "Defendant" for both single and plural Defendants) regarding Defendant's right to divert and use the waters of the San Juan River Stream System, as set forth below, FINDS:

1. The Court has jurisdiction over the State, the Defendant, and the subject matter of this suit.
2. The water right adjudicated pursuant to paragraph 5 of this Consent Order is part of a water right previously adjudicated in *Echo Ditch Company, et al. v. The McDermott Ditch Company, et al.*, San Juan County District Court, Cause No. 01690 (April 8, 1948). Except for the elements listed in paragraph 5 as "reserved for future determination in section-wide proceeding," this Consent Order fully and exclusively adjudicates all the elements of the water right(s) described herein. However, nothing herein shall be construed as an admission by the parties hereto that the elements shown below as "reserved for future determination in section-wide proceeding" are required or necessary to fully describe the previously adjudicated water right(s) described in paragraph 5.

**EXHIBIT B**

*Dkted*

3. The State and Defendant are in agreement regarding the Court's findings and all elements of Defendant's right to divert and use the public waters of the San Juan River Stream System, as set forth in Paragraph 5 of this Consent Order. This Consent Order and the parties' respective signatures below evidence the entire agreement between the State and Defendant regarding the elements of the water rights adjudicated by this Consent Order.

4. 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 this Consent Order and the following claims, which are expressly identified herein below and reserved for later adjudication by the Court:

**Claims Excluded From This Consent Order:**

a. Any claim(s) relating to "the subsisting vested right to demand, divert, and receive and use such amount and amounts of waters, as are from time to time beneficially needed and required, for domestic and stock watering purposes," as described in the *Echo Ditch Decree*.

b. List any other excluded claims:

Defendant claims the right to beneficially use water from the San Juan Underground Water Basin through one or more wells.

5. There is no just reason for delay of final judgment as to the claims adjudicated by this Consent Order. Therefore, except as may be expressly excluded from this Consent Order and reserved for later determination, pursuant to Rule 1-054(B), NMRA (2004), this Consent Order constitutes a final judgment, as between the State and Defendant, of all claims for water rights of the Defendant in the La Plata River Section:

**A. IRRIGATED LANDS (Surface Water Only):**

**Priority:** Reserved for future determination in section-wide proceeding

**Source of Water:** Surface water of the La Plata River, a tributary of the San Juan River.

**Purpose of Use:** IRRIGATION

**Point of Diversion:** Ditch: LA PLATA INDIAN DITCH

Location: X= 2,618,347 feet Y= 2,172,812 feet

New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 03, Township 31N, Range 13W, N.M.P.M.

Pt. NE¼	5.0	acres
	Total	5.0 acres

As shown on the attached Subfile Map for Tract SJLP-003-0037 of the 2006 La Plata Hydrographic Survey.

**Rate of Flow:** Reserved for future determination in section-wide proceeding

**Amount of Water:** Reserved for future determination in section-wide proceeding

6. Defendant and Defendant's successors, representatives, heirs, and assigns should be enjoined from any use of the public waters of the San Juan River System except in strict accordance with this Consent Order and other orders of the Court in this cause.

7. The water right(s) described herein should be adjudicated, as between the State and Defendant, subject to the right of any other water right claimant with standing to object prior to entry of a final decree.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

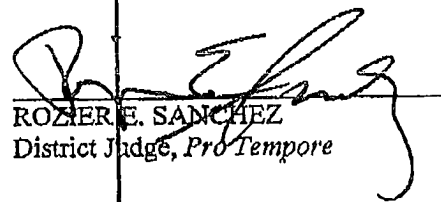
A. All claim(s) of the Defendant to divert and use the public waters of the San Juan River Stream System, La Plata Section, is/are hereby adjudicated, as between the State and Defendant, as set forth herein, except as to those claim(s), and elements thereof, expressly excluded from this Consent Order or reserved for later determination in section-wide proceedings.

B. The Defendant and Defendant's successors, representatives, heirs, and assigns are hereby enjoined from diverting or using public waters of the San Juan River Stream System except in strict accordance with this Consent Order and other orders of the Court in this cause.


C. There is no just reason for delay of final judgment as to the claims adjudicated by this Consent Order. Except as may be expressly excluded from this Consent Order and reserved for later determination, pursuant to Rule 1-054(B), NMRA (2004), this Consent Order constitutes a final judgment, as between the State and Defendant, of all claims for water rights of the Defendant in the La Plata River Section.


D. In the event the Irrigated Tract(s) described herein is/are sold or the water right(s) otherwise transferred, in whole or in part, Defendant shall provide a copy of this Consent Order to the buyer and the buyer shall promptly complete and file a change of ownership form with the Office of the State Engineer in accordance with law.

IT IS SO ORDERED.

  
 ROSIER E. SANCHEZ  
 District Judge, Pro Tempore

APPROVED AND ACCEPTED BY:

SIGNATURE   
 KELLY J. LAPRADE  
 ADDRESS: #12 Hwy 574  
 PO Box 352  
 LaPlata, NM 87418  
 DATE: 7/13/07

SIGNATURE   
 BRADLEY S. LAPRADE  
 ADDRESS: #12 Hwy 574  
 PO Box 352  
 LaPlata, NM 87418  
 DATE: 7/13/07

\_\_\_\_\_  
 Special Assistant Attorney General

Date: \_\_\_\_\_

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

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

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, et al.,

Defendants,

vs.

THE JICARILLA APACHE TRIBE and the  
NAVAJO NATION,

Defendant-Intervenors.

Nos. CV-75-184

Hon. ROZUER E. SANCHEZ  
District Judge *Pro Tempore*

SAN JUAN RIVER STREAM  
SYSTEM ADJUDICATION

La Plata River Section

BRADLEY S. LAPRADE

KELLY J. LAPRADE

Court Case No.: AF-01-108

Subfile No.: SJLP-003-0037

2007 JUL 20 AM 10 48  
FILED  
SAN JUAN COUNTY NM  
DISTRICT COURT

AMENDED  
CONSENT ORDER

The Court, having considered the agreement between Plaintiff, the State of New Mexico, *ex rel.* the State Engineer ("State") and the Defendant(s) named above (hereinafter referred to as "Defendant" for both single and plural Defendants) regarding Defendant's right to divert and use the waters of the San Juan River Stream System, as set forth below, FINDS:

1. The Court has jurisdiction over the State, the Defendant, and the subject matter of this suit.
2. The water right adjudicated pursuant to paragraph 5 of this Consent Order is part of a water right previously adjudicated in *Echo Ditch Company, et al. v. The McDermott Ditch Company, et al.*, San Juan County District Court, Cause No. 01690 (April 8, 1948). Except for the elements listed in paragraph 5 as "reserved for future determination in section-wide proceeding," this Consent Order fully and exclusively adjudicates all the elements of the water right(s) described herein. However, nothing herein shall be construed as an admission by the parties hereto that the elements shown below as "reserved for future determination in section-wide proceeding" are required or necessary to fully describe the previously adjudicated water right(s) described in paragraph 5.

EXHIBIT C

*Dfide*

3. The State and Defendant are in agreement regarding the Court's findings and all elements of Defendant's right to divert and use the public waters of the San Juan River Stream System, as set forth in Paragraph 5 of this Consent Order. This Consent Order and the parties' respective signatures below evidence the entire agreement between the State and Defendant regarding the elements of the water rights adjudicated by this Consent Order.

4. 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 this Consent Order and the following claims, which are expressly identified herein below and reserved for later adjudication by the Court:

**Claims Excluded From This Consent Order:**

a. Any claim(s) relating to "the subsisting vested right to demand, divert, and receive and use such amount and amounts of waters, as are from time to time beneficially needed and required, for domestic and stock watering purposes," as described in the *Echo Ditch* Decree.

b. List any other excluded claims:

Defendant claims the right to beneficially use water from the San Juan Underground Water Basin through one or more wells.

5. There is no just reason for delay of final judgment as to the claims adjudicated by this Consent Order. Therefore, except as may be expressly excluded from this Consent Order and reserved for later determination, pursuant to Rule 1-054(B), NMRA (2004), this Consent Order constitutes a final judgment, as between the State and Defendant, of all claims for water rights of the Defendant in the La Plata River Section:

**A. IRRIGATED LANDS (Surface Water Only):**

**Priority:** Reserved for future determination in section-wide proceeding

**Source of Water:** Surface water of the La Plata River, a tributary of the San Juan River.

**Purpose of Use:** IRRIGATION

**Point of Diversion:** Ditch: LA PLATA INDIAN DITCH

Location: X= 2,618,347 feet Y= 2,172,812 feet

New Mexico State Plane Coordinate System, West Zone, NAD 1983



**Location and Amount of Irrigated Acreage:**

Section 03, Township 31N, Range 13W, N.M.P.M.

Pt. NE¼	5.0 acres
Total	5.0 acres

As shown on the attached Subfile Map for Tract SJLP-003-0037 of the 2006 La Plata Hydrographic Survey.

**Rate of Flow:** Reserved for future determination in section-wide proceeding

**Amount of Water:** Reserved for future determination in section-wide proceeding

6. Defendant and Defendant's successors, representatives, heirs, and assigns should be enjoined from any use of the public waters of the San Juan River System except in strict accordance with this Consent Order and other orders of the Court in this cause.

7. The water right(s) described herein should be adjudicated, as between the State and Defendant, subject to the right of any other water right claimant with standing to object prior to entry of a final decree.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

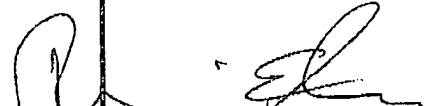
A. All claim(s) of the Defendant to divert and use the public waters of the San Juan River Stream System, La Plata Section, is/are hereby adjudicated, as between the State and Defendant, as set forth herein, except as to those claim(s), and elements thereof, expressly excluded from this Consent Order or reserved for later determination in section-wide proceedings.

B. The Defendant and Defendant's successors, representatives, heirs, and assigns are hereby enjoined from diverting or using public waters of the San Juan River Stream System except in strict accordance with this Consent Order and other orders of the Court in this cause.

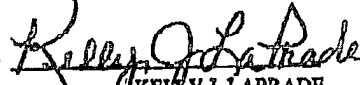
C. There is no just reason for delay of final judgment as to the claims adjudicated by this Consent Order. Except as may be expressly excluded from this Consent Order and reserved for later determination, pursuant to Rule 1-054(B), N.M.R.A. (2004), this Consent Order constitutes a final judgment, as between the State and Defendant, of all claims for water rights of the Defendant in the La Plata River Section.


D. In the event the Irrigated Tract(s) described herein is/are sold or the water right(s) otherwise transferred, in whole or in part, Defendant shall provide a copy of this Consent Order to the buyer and the buyer shall promptly complete and file a change of ownership form with the Office of the State Engineer in accordance with law.

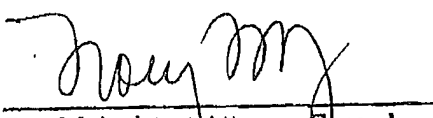
**IT IS SO ORDERED.**

  
 ROZIERIE SANCHEZ  
 District Judge, Pro Tempore

APPROVED AND ACCEPTED BY:

SIGNATURE   
 KELLY J. LAPRADE  
 ADDRESS: #12 Hwy 574  
 PO Box 352  
 LaPlata, NM 87418  
 DATE: 7/13/07

SIGNATURE   
 BRADLEY S. LAPRADE  
 ADDRESS: #12 Hwy 574  
 PO Box 352  
 LaPlata, NM 87418  
 DATE: 7/13/07

  
 Special Assistant Attorney General  
 Date: 7/25/07

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

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED  
2007 JUL 10 AM 11 36

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

Plaintiff,

vs.

D-1116-CV-75-184

ROZIER E. SANCHEZ  
District Judge *pro tempore*

UNITED STATES OF AMERICA, *et al.*,

La Plata River Section

Defendants.

And  
JICARILLA APACHE TRIBE and the  
NAVAJO NATION,

Defendant-Intervenors.

**ORDER APPROVING PROPOSED SECTION-WIDE SUBPROCEEDING #1,  
DENYING GARY HORNER AND BLOOMFIELD IRRIGATION DISTRICT'S  
PROPOSED SECTION-WIDE ISSUES, AND REQUESTING ADDITIONAL  
BRIEFING ON NOTICE**

The Court having considered the State's Notice of Proposed Section-Wide Subproceedings, the State's Brief in Support of the Proposed Section-Wide Subproceedings, the Bloomfield Irrigation District's and Gary Horner's Motion for Consideration of Proposed Section-Wide Issues, and all objections and responses filed thereto, and the oral arguments made during the June 19, 2007 hearing on the matter, FINDS AS FOLLOWS:

The measurement of water is an issue universally prescribed in a stream adjudication. The quantity of an irrigation water right may be adjudicated by a total annual amount of water, by a rate of flow, or by both a total amount and a rate of flow. The application of these

EXHIBIT D

*sktd*

methods of water measurement may vary from section to section within the San Juan River Basin.

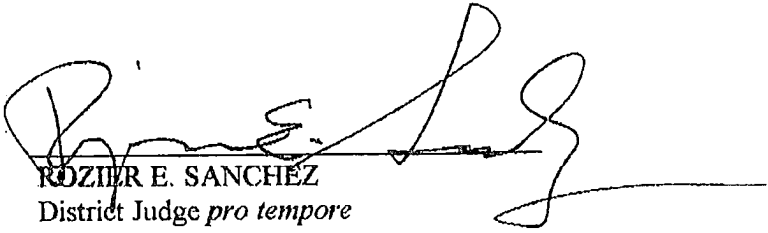
THE COURT THEREFORE approves the State's Proposed Section-Wide Subproceeding #1.

THE COURT FURTHER resolves the State's Proposed Section-Wide Subproceeding #1, determining that irrigation water rights within the La Plata Section should be described and adjudicated by the "amount of water" and/or the "rate of flow."

IT IS FURTHER ORDERED that during adjudication of the La Plata Section the notice of this issue does not have to be given to claimants outside the La Plata Section.

THE COURT further denies the nine issues proposed for Section-Wide Subproceedings by Gary Horner and the Bloomfield Irrigation District.

IT IS FURTHER ORDERED THAT the parties may submit written briefs on the issue of NOTICE outside the La Plata Section on the State's Proposed Section-Wide Subproceedings #2 and #3 filed January 23, 2007. Written briefs shall be filed no later than thirty (30) days from the date of entry of this Order and responses to the briefs shall be filed no later than thirty (30) days thereafter. No further responses are permitted.

  
ROZIER E. SANCHEZ  
District Judge *pro tempore*

*secwidord*

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

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

2007 OCT 22 AM 10 54

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

Plaintiff,

vs.

D-1116-CV-75-184

UNITED STATES OF AMERICA, *et al.*,

Defendants.

And  
JICARILLA APACHE TRIBE and the  
NAVAJO NATION,

Defendant-Intervenors.

**ORDER REGARDING PROPOSED SECTION-WIDE SUBPROCEEDINGS  
IN THE LA PLATA SECTION**

The Court, having considered the briefs submitted by the parties on the notice issue regarding the State's Proposed Section-Wide Subproceedings, and all objections and responses filed thereto, and the oral arguments made during the September 17, 2007 hearing on the matter, **FINDS AS FOLLOWS:**

Pursuant to NMSA 1978 , 72-4-19 (1907), all adjudicated water rights must specify the amount of water associated with the water right. The 1948 Echo Ditch Decree is not clear on the total annual amount of water for irrigation water rights in the La Plata Section.

Further, the Court fully resolved Proposed Section-Wide Issue #1 in its July 10, 2007 Order, which directs that "irrigation water rights within the La Plata Section should be described and adjudicated by the 'amount of water' and/or the 'rate of flow'."

**EXHIBIT E**

*D. K. De*

**NOW THEREFORE, IT IS ORDERED** that the Court hereby **DENIES** Bloomfield Irrigation District's and Gary L. Horner's oral Motion to Reconsider the Court's July 10, 2007 Order made during the September 14, 2007 hearing; however, each individual water right-claimant has the right to object to the State's proposed amount of water and to have that issue resolved by the Court.

**IT IS FURTHER ORDERED** that the State shall diligently proceed with the adjudication of the amount of water associated with each irrigation water right in the La Plata Section on a subfile-by-subfile basis.

**IT IS FURTHER ORDERED** that the Court hereby recognizes the State's withdrawal of Proposed Section-Wide Issues #2 and #3, and directs that the State shall also proceed with the adjudication of those issues on a subfile-by-subfile basis. The Court will not consider these issues as Section-Wide Subproceedings, but that does not preclude anyone from filing a motion on either issue in the context of a specific subfile.

**IT IS SO ORDERED**

  
Rozie E. Sanchez  
District Judge *pro tempore*

October 15, 2008

BRADLEY S. LAPRADE  
KELLY J. LAPRADE  
P.O. BOX 352  
LA PLATA, NM 87418--7418

Re: San Juan River Basin Water Rights Adjudication  
La Plata River Section  
Revised Proposed Consent Order

Subfile No. SJLP-0030037

Greetings:

As you recall, the Court previously adjudicated the surface water rights appurtenant to your property by filing the Consent Order you signed. That Consent Order “reserved” for future determination certain elements of your water right, namely the priority date, the rate of flow and the amount of water. The State is now prepared to adjudicate those elements of your water right. To do that, we have enclosed for your review a revised proposed Consent Order, which includes the priority date, the rate of flow and the amount of water. We have also included a copy of the original Consent Order you signed so that you may compare it with the revised Consent Order. The elements set forth in the original Consent Order – source of water, purpose of use, point of diversion, and location and amount of irrigated acreage – remain the same.

The revised Consent Order may also include a separate, additional right for “no-righted” acreage on your property. We have not recognized a water right for this acreage, either because the 1948 Echo Ditch Decree did not adjudicate a water right to that portion of land or because, even though it may have been decreed a water right, that portion of land has not been irrigated for a substantial period of time. This “no-righted” acreage is in addition to and separate from any water-righted acreage we have recognized.

We must vacate the original Consent Order filed with the Court in order to file the revised Consent Order. “Vacating” the order means that the Court will treat that previous order as though it were never filed. However, the revised proposed Consent Order will adjudicate the exact same elements in the order we plan to vacate, plus the new elements. We have prepared for your signature a motion to vacate the original Consent Order and an Order for the Court to sign allowing us to vacate the original Consent Order. **The result will be that when we have vacated the original Consent Order and filed with the Court the revised Consent Order, you will have one order that adjudicates all the elements of your surface water rights.**

**EXHIBIT F**

Subfile No.: SJLP- 0030037

You may object to the new elements contained in the revised Consent Order, but not the elements included in the original Consent Order, since you already agreed to those elements. Please keep in mind that the new elements contained in the revised Consent Order derive from the 1948 Echo Ditch Decree; we have not changed them.

Please sign the revised Consent Order, the Stipulated Motion to vacate the previous Consent Order and the Order to vacate the previous Consent Order on the signature lines indicated by the "Sign Here" tags. Please return these documents in the enclosed envelope to me within sixty (60) days of the date of this letter.

If you have any questions at all, please do not hesitate to contact me at 992-0811 as soon as possible.

Sincerely,

Todd M. Lopez  
Special Assistant Attorney General



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

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

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, et. al.,

Defendants,

vs.

THE JICARILLA APACHE TRIBE and the  
NAVAJO NATION,

Defendant-Interveners.

No. CV 75-184

Honorable Rozier E. Sanchez  
District Judge Pro Tempore

SAN JUAN RIVER STREAM  
SYSTEM ADJUDICATION

La Plata River Section

Court Case No. AF-01-108

Subfile No. SJLP-003-0037

**STIPULATED MOTION TO VACATE CONSENT ORDER**

COMES NOW the Plaintiff, State of New Mexico *ex rel.* State Engineer ("State") and pursuant to Rule 1-60 (B)(6) NMRA hereby moves the Court to vacate the Amended Consent Order filed on August 20, 2007, in the above captioned and numbered cause of action, for the grounds and reasons set forth below:

1. On August 03, 2007, the Court filed a Consent Order and on August 20, 2007, the Court filed an Amended Consent Order signed by claimant(s)

**BRADLEY S. LAPRADE**

**KELLY J. LAPRADE**

2. Pursuant to Paragraph 5 of that signed Consent Order, three (3) elements were reserved for future determination: 1) amount of water, 2) rate of flow and 3) priority date.

3. Consistent with Section VIII of the Scheduling Order Governing Adjudication of Irrigation Water Rights in the La Plata River Section, the reserved elements were to be determined in Section-Wide Subproceedings. See State's Notice of Proposed Section-Wide Subproceedings (January 23, 2007); Order Approving Proposed

Section-Wide Subproceedings #1 (July 10, 2007) (“July 10, 2007 Order”); and Order Regarding Proposed Section-Wide Subproceedings in the La Plata Section (Oct. 22, 2007) (“October 22, 2007 Order”).

4. The Court subsequently ordered “irrigation water rights within the La Plata Section should be described and adjudicated by the ‘amount of water’ and/or ‘rate of flow.’” See July 10, 2007 Order.

5. The Court also subsequently recognized the State’s withdrawal of the priority date element as a proposed Section-Wide Issue and directed the State to adjudicate that element on a subfile-by-subfile basis. See October 22, 2007 Order.

6. The State is now prepared to include the three elements in each claimant’s Consent Order for consideration.

7. In order to have only one Consent Order filed with the Court that adjudicates all elements of the claimant(s) surface water irrigation rights, both Plaintiff and claimant(s) agree to vacate the original Consent Order.

8. In addition, claimants have signed a revised Consent Order, which the State has filed contemporaneously with the instant motion

WHEREFORE, the parties respectfully request that the Court enter an order vacating the Amended Consent Order filed on August 20, 2007, in the above captioned and numbered cause of action.

Respectfully Submitted,

---

Todd M. Lopez  
Special Assistant Attorney General  
New Mexico Office of the State Engineer  
P.O. Box 2246  
Santa Fe, NM 87504-2246  
(505) 992-0811

Attorney for Plaintiff State of New Mexico  
*ex rel.* State Engineer

APPROVED AND ACCEPTED BY:

ACCEPTED: \_\_\_\_\_  
BRADLEY S. LAPRADE

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

ACCEPTED: \_\_\_\_\_  
KELLY J. LAPRADE

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the \_\_\_ day of \_\_\_\_\_, 200\_\_, a true and correct copy of the foregoing was mailed by first class mail, postage prepaid to the following:

**BRADLEY S. LAPRADE**

**KELLY J. LAPRADE**

\_\_\_\_\_  
Todd M. Lopez

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

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

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, et. al.,

Defendants,

vs.

THE JICARILLA APACHE TRIBE and the  
NAVAJO NATION,

Defendant-Interveners.

No. CV 75-184  
Honorable Rozier E. Sanchez  
District Judge Pro Tempore

SAN JUAN RIVER STREAM  
SYSTEM ADJUDICATION

La Plata River Section

Court Case No. AF-01-108

Subfile No. SJLP-003-0037

**ORDER TO VACATE CONSENT ORDER**

The Court having considered the Plaintiff, State of New Mexico *ex rel.* State Engineer ("State") and the Claimant(s)' Stipulated Motion to Vacate the Amended Consent Order filed on August 20, 2007, in the above captioned and numbered cause of action;

AND THE COURT FINDING that the State and Claimant(s)

**BRADLEY S. LAPRADE**

**KELLY J. LAPRADE**

have agreed to vacate the Amended Consent Order filed on August 20, 2007,

AND THE COURT FURTHER FINDING that the parties have signed a revised Consent Order, filed with the Stipulated Motion to Vacate;

NOW, THEREFORE, IT IS ORDERED that the Amended Consent Order filed on August 20, 2007, in the above captioned and numbered cause of action is hereby vacated and set aside.

---

THE HONORABLE ROZIER E. SANCHEZ  
District Judge, *Pro Tempore*

APPROVED:

LOPEZ & SAKURA, LLP

By \_\_\_\_\_

Todd M. Lopez  
Special Assistant Attorney General  
New Mexico Office of the State Engineer  
P.O. Box 2246  
Santa Fe, NM 87504-2246  
(505) 992-0811

Attorney for Plaintiff State of New Mexico  
*ex rel.* State Engineer

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED *RS*

2009 MAR 10 PM 2 10

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

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

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, et. al.,

Defendants,

vs.

THE JICARILLA APACHE TRIBE and the  
NAVAJO NATION,

Defendant-Interveners.

No. CV 75-184  
Honorable Rozier E. Sanchez  
District Judge Pro Tempore

SAN JUAN RIVER STREAM  
SYSTEM ADJUDICATION

La Plata River Section

Court Case No. AF-01-108

Subfile No. SJLP-003-0037

**STIPULATED MOTION TO VACATE CONSENT ORDER**

COMES NOW the Plaintiff, State of New Mexico *ex rel.* State Engineer ("State") and pursuant to Rule 1-60 (B)(6) NMRA hereby moves the Court to vacate the Amended Consent Order filed on August 20, 2007, in the above captioned and numbered cause of action, for the grounds and reasons set forth below:

1. On August 03, 2007, the Court filed a Consent Order and on August 20, 2007, the Court filed an Amended Consent Order signed by claimant(s)

**BRADLEY S. LAPRADE**

**KELLY J. LAPRADE**

2. Pursuant to Paragraph 5 of that signed Consent Order, three (3) elements were reserved for future determination: 1) amount of water, 2) rate of flow and 3) priority date.

3. Consistent with Section VIII of the Scheduling Order Governing Adjudication of Irrigation Water Rights in the La Plata River Section, the reserved elements were to be determined in Section-Wide Subproceedings. See State's Notice of Proposed Section-Wide Subproceedings (January 23, 2007); Order Approving Proposed

**EXHIBIT G**

*Dkt'd*

Section-Wide Subproceedings #1 (July 10, 2007) ("July 10, 2007 Order"); and Order Regarding Proposed Section-Wide Subproceedings in the La Plata Section (Oct. 22, 2007) ("October 22, 2007 Order").

4. The Court subsequently ordered "irrigation water rights within the La Plata Section should be described and adjudicated by the 'amount of water' and/or 'rate of flow.'" See July 10, 2007 Order.

5. The Court also subsequently recognized the State's withdrawal of the priority date element as a proposed Section-Wide Issue and directed the State to adjudicate that element on a subfile-by-subfile basis. See October 22, 2007 Order.

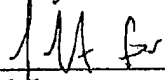
6. The State is now prepared to include the three elements in each claimant's Consent Order for consideration.

7. In order to have only one Consent Order filed with the Court that adjudicates all elements of the claimant(s) surface water irrigation rights, both Plaintiff and claimant(s) agree to vacate the original Consent Order.

8. In addition, claimants have signed a revised Consent Order, which the State has filed contemporaneously with the instant motion

WHEREFORE, the parties respectfully request that the Court enter an order vacating the Amended Consent Order filed on August 20, 2007, in the above captioned and numbered cause of action.

Respectfully Submitted,

  
\_\_\_\_\_  
Todd M. Lopez  
Special Assistant Attorney General  
New Mexico Office of the State Engineer  
P.O. Box 2246  
Santa Fe, NM 87504-2246  
(505) 992-0811

Attorney for Plaintiff State of New Mexico  
*ex rel.* State Engineer

APPROVED AND ACCEPTED BY:

ACCEPTED: Bradley S. Laprade  
BRADLEY S. LAPRADE

ADDRESS: #12 Hwy 574  
PO BOX 352  
La Plata N.M 87418

DATE: 1/24/2009

ACCEPTED: Kelly J. Laprade  
KELLY J. LAPRADE

ADDRESS: #12 Hwy 574  
PO BOX 352  
La Plata, NM

DATE: 1/24/09 87418

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the 22 day of October, 2008, a true and correct copy of the foregoing was mailed by first class mail, postage prepaid to the following:

**BRADLEY S. LAPRADE**  
**KELLY J. LAPRADE**

Todd M. Lopez



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

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

Plaintiff,

vs.

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

Defendants,

vs.

THE JICARILLA APACHE TRIBE and the  
NAVAJO NATION,

Defendant-Intervenors.

DISTRICT COURT  
SAN JUAN COUNTY NM

FILED

2009 AUG

NO. 01710942

Hon. ROZIER E. SANCHEZ  
District Judge *Pro Tempore*

SAN JUAN RIVER STREAM  
SYSTEM ADJUDICATION

La Plata River Section

Court Case No.: AF-01-108

Subfile No.: SJLP-003-0037

**ORDER TO VACATE CONSENT ORDER**

The Court having considered the Plaintiff, State of New Mexico *ex rel.* State Engineer ("State") and the Claimant(s)' Stipulated Motion to Vacate the Consent Order filed on August 03, 2007, in the above captioned and numbered cause of action;

AND THE COURT FINDING that the State and Claimant(s)

BRADLEY S. LAPRADE

KELLY J. LAPRADE

have agreed to vacate the original Consent Order filed on August 03, 2007;

AND THE COURT FURTHER FINDING that the parties have signed a revised Consent Order, filed with the Stipulated Motion to Vacate;

NOW, THEREFORE, IT IS ORDERED that the Consent Order filed on August 03, 2007, in the above captioned and numbered cause of action is hereby vacated and set aside.

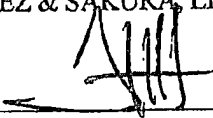
  
THE HONORABLE ROZIER E. SANCHEZ  
District Judge, *Pro Tempore*

EXHIBIT H

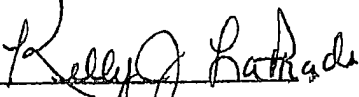
*Dtd*

APPROVED:

LOPEZ & SAKURA, LLP

  
\_\_\_\_\_  
Todd M. Lopez  
Special Assistant Attorney General  
New Mexico Office of the State Engineer  
P.O. Box 2246  
Santa Fe, NM 87504-2246  
(505) 992-0811

Attorney for Plaintiff  
State of New Mexico *ex rel.* State Engineer

  
\_\_\_\_\_  
KELLY J. LAPRADE

  
\_\_\_\_\_  
BRADLEY S. LAPRADE

\_\_\_\_\_  
ADDRESS:

Box 352  
La Plata, NM 87418

\_\_\_\_\_  
ADDRESS:

Box 352  
La Plata NM 87418

DISTRICT COURT  
SAN JUAN COUNTY NM

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

FILED  
2009 AUG 5 AM 10:42

No. CY-75-184

Hon. ROZIER E. SANCHEZ  
District Judge *Pro Tempore*

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

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, et al.,

Defendants,

vs.

THE JICARILLA APACHE TRIBE and the  
NAVAJO NATION,

Defendant-Intervenors.

SAN JUAN RIVER STREAM  
SYSTEM ADJUDICATION

La Plata River Section

BRADLEY S. LAPRADE

KELLY J. LAPRADE

Court Case No.: AF-01-108

Subfile No.: SJLP-003-0037

**CONSENT ORDER**

The Court, having considered the agreement between Plaintiff, the State of New Mexico, *ex rel.* the State Engineer ("State") and the Defendant(s) named above (hereinafter referred to as "Defendant" for both single and plural Defendants) regarding Defendant's right to divert and use the waters of the San Juan River Stream System, as set forth below, FINDS:

1. The Court has jurisdiction over the State, the Defendant, and the subject matter of this suit.
2. The water right adjudicated pursuant to paragraph 5 of this Consent Order is part of a water right previously adjudicated in *Echo Ditch Company, et al. v. The McDermott Ditch Company, et al.*, San Juan County District Court, Cause No. 01690 (April 8, 1948). This Consent Order fully and exclusively adjudicates all the elements of the water right(s) described herein.
3. The State and Defendant are in agreement regarding the Court's findings and all elements of Defendant's right to divert and use the public waters of the San Juan River Stream System, as set forth in Paragraph 5 of this Consent Order. This Consent Order and the parties' respective signatures

**EXHIBIT I**

*DK4dw*



Total 5.0 acres

As shown on the attached Subfile Map for Tract SJLP-003-0037 of the 2006 La Plata Hydrographic Survey.

**Rate of Flow:**

0.0633 cfs, Priority Date: September 30, 1881 (Priority No. 10 in the Echo Ditch Decree)

0.0726 cfs, Priority Date: December 31, 1889 (Priority No. 19 in the Echo Ditch Decree)

**Amount of Water:** Not to exceed 14.85 acre-feet per annum

**B. NO RIGHT (Surface Water Only):**

**Priority:** NONE

**Source of Water:** Surface water of the La Plata River, a tributary of the San Juan River.

**Purpose of Use:** NO RIGHT

**Point of Diversion:** Ditch: LA PLATA INDIAN DITCH

Location: X= 2,618,347 feet Y= 2,172,812 feet

New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Location and Amount of Acreage**

Section 03, Township 31N, Range 13W, N.M.P.M.

Pt. NE¼

3.5 acres

Total 3.5 acres

As shown on the attached Subfile Map for Tract SJLP-003-0037 of the 2006 La Plata Hydrographic Survey.

**Rate of Flow:**

NONE

**Amount of Water:** NONE

6. Defendant and Defendant's successors, representatives, heirs, and assigns should be enjoined from any use of the public waters of the San Juan River System except in strict accordance with this Consent Order and other orders of the Court in this cause.

7. The water right(s) described herein should be adjudicated, as between the State and Defendant, subject to the right of any other water right claimant with standing to object prior to entry of a final decree.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

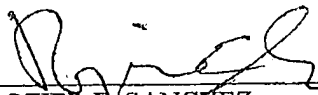
A. All claim(s) of the Defendant to divert and use the public waters of the San Juan River Stream System, La Plata Section, is/are hereby adjudicated, as between the State and Defendant, as set forth herein, except as to those claim(s), and elements thereof, expressly excluded from this Consent Order or reserved for later determination in section-wide proceedings.

B. The Defendant and Defendant's successors, representatives, heirs, and assigns are hereby enjoined from diverting or using public waters of the San Juan River Stream System except in strict accordance with this Consent Order and other orders of the Court in this cause.

C. There is no just reason for delay of final judgment as to the claims adjudicated by this Consent Order. Except as may be expressly excluded from this Consent Order and reserved for later determination, pursuant to Rule 1-054(B), NMRA (2004), this Consent Order constitutes a final judgment, as between the State and Defendant, of all claims for water rights of the Defendant in the La Plata River Section.

D. In the event the Irrigated Tract(s) described herein is/are sold or the water right(s) otherwise transferred, in whole or in part, Defendant shall provide a copy of this Consent Order to the buyer and the buyer shall promptly complete and file a change of ownership form with the Office of the State Engineer in accordance with law.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
ROZIER E. SANCHEZ  
District Judge, *Pro Tempore*

APPROVED AND ACCEPTED BY:

ACCEPTED: Kelly J. Laprade  
KELLY J. LAPRADE

ACCEPTED: Bradley S. Laprade  
BRADLEY S. LAPRADE

ADDRESS: Box 352  
LaPlata NM  
87418

ADDRESS: Box 352  
LaPlata, NM  
87418

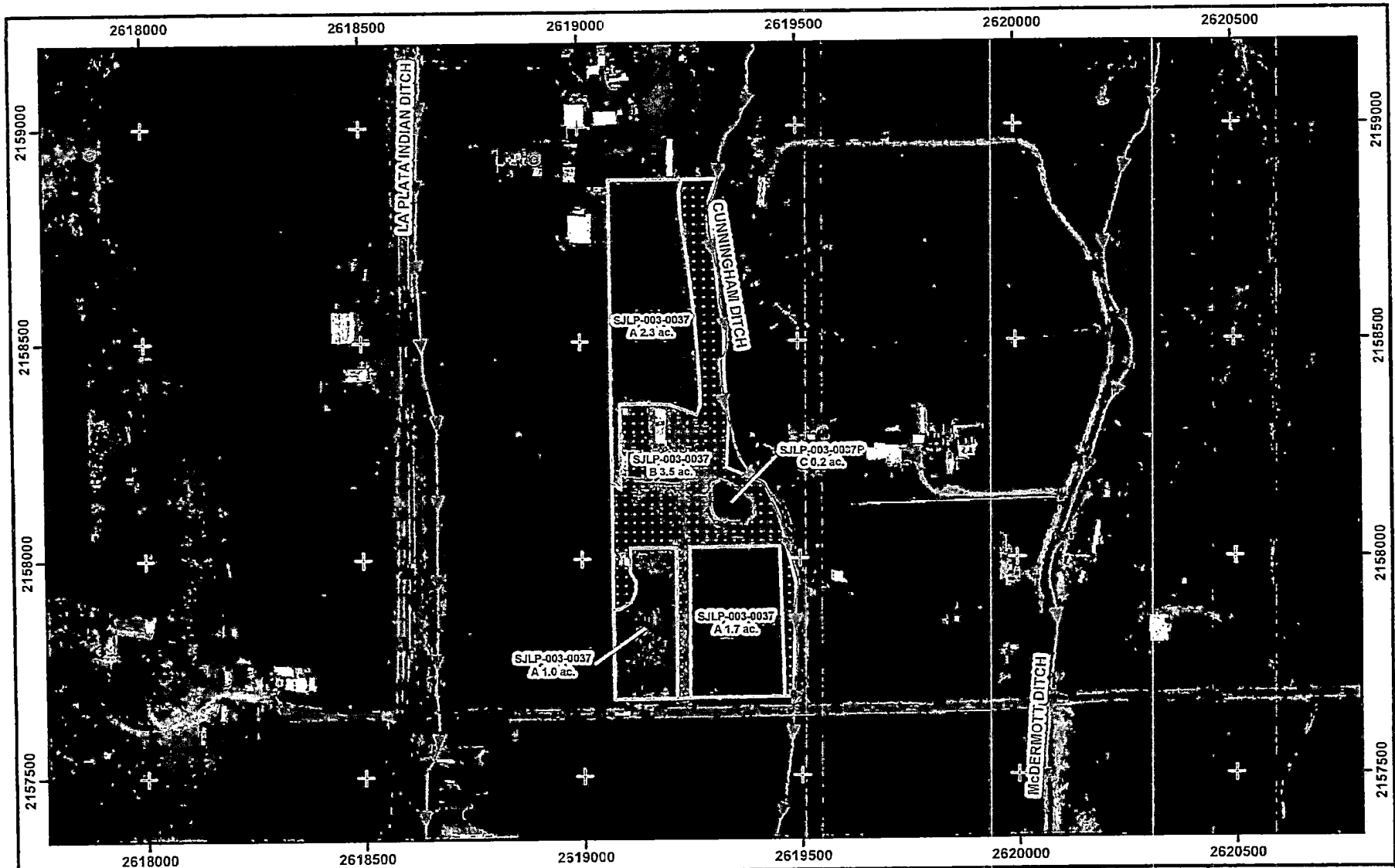
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DATE: 6-30-09

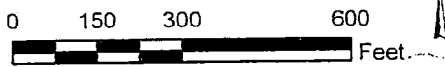
[Signature]

Special Assistant Attorney General

Date: 7/16/2009

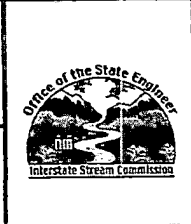


- Point of Diversion
- Ditch
- ▭ Pond
- ▭ Land with Irrigation Right
- ▭ No Right



State of New Mexico  
 Office of the State Engineer  
 John R. D'Antonio, Jr., P.E., State Engineer

San Juan River Stream System  
 Hydrographic Survey  
 La Plata River Section



Tract Number  
**SJLP-003-0037**  
 La Plata - Indian  
 Ditch  
 July 17, 2008



# **EXHIBIT J**

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

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

Plaintiff,

vs.

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

Defendants,

vs.

THE JICARILLA APACHE TRIBE and  
THE NAVAJO NATION,

Defendant-Interveners.

CV-75-184

Hon. James J. Wechsler  
Judge Pro Tempore

SAN JUAN RIVER STREAM SYSTEM  
ADJUDICATION

LA PLATA RIVER SECTION

KELLY J. LAPRADE  
BRADLEY S. LAPRADE

Court Case No. AF-01-108

Subfile No: SJLP-003-0037

**ORDER TO VACATE AMENDED CONSENT ORDER**

The Court having considered the Plaintiff, State of New Mexico, *ex rel.* State Engineer's [State] Stipulated Motion to Vacate the Amended Consent Order filed August 20, 2007, in the above captioned and numbered cause of action;

AND THE COURT FINDING that the Claimants Kelly J. Laprade and Bradley S. Laprade did not object to the vacating of the Amended Consent order filed on August 20, 2007,

AND THE COURT FURTHER FINDING that the Court entered a revised Consent Order, on August 5, 2009,

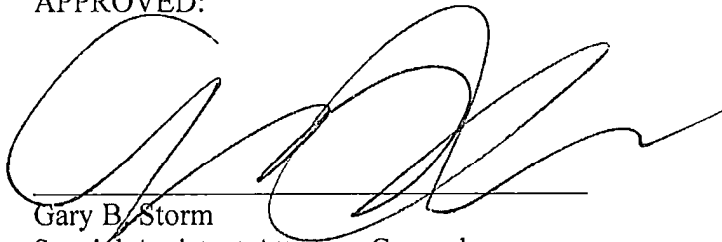
AND THE COURT FURTHER FINDING that this Order vacating the August 20, 2007, Amended Consent Order will clarify the Court record,

NOW, THEREFORE, IT IS ORDERED that the Amended Consent Order filed on August 20, 2007, in the above captioned and numbered cause of action is hereby vacated and set aside.

---

HON. JAMES J. WECHSLER  
Judge Pro Tempore

APPROVED:

A handwritten signature in black ink, appearing to read "Gary B. Storm", written over a horizontal line.

Gary B. Storm  
Special Assistant Attorney General  
New Mexico Office of the State Engineer  
Post Office Box 25102  
Santa Fe, New Mexico 87504  
(505) 827-6150  
Attorney for Plaintiff State of New Mexico  
*ex rel.* State Engineer