

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

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-Intervenors.

D-1116-CV-75-184
Honorable James J. Wechsler
Judge Pro Tempore

SAN JUAN RIVER BASIN
ADJUDICATION

La Plata River Section

Court No. AF-01-			
	161		195
	550		

**ORDER CORRECTING CLERICAL MISTAKES REGARDING STANDARD “BOILER
PLATE” LANGUAGE IN THREE CONSENT ORDERS IN THE LA PLATA
ADJUDICATION**

THIS MATTER having been reviewed by the Court on the *Motion to Correct Clerical Mistakes Regarding Standard “Boiler Plate” Language in Three Consent Orders in The La Plata Adjudication*, filed by the State of New Mexico *ex rel.* State Engineer (State) and having been heard by the Court, and the Court, being fully advised in the premises, FINDS:

1. The State makes this Motion under the authority of the Court’s Order on the State’s Rule 1-060(A) Procedure Motion, entered February 28, 2023.¹
2. Consent Orders were entered by this Court adjudicating the water rights in the La Plata for the above captioned subfiles.

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

3. The Appendix below describes the specific errors in the standard “boiler plate” language associated with the above-captioned cases, and it provides the correct language that will resolve these errors.

4. The above-captioned cases should be corrected by an Order of the Court directly changing each standard “boiler plate” language error to conform with the adjudicated water rights.

5. These corrections will not substantively affect any rights of the owners of the above-captioned subfiles, nor will the corrections impair other water users or the State’s administrative responsibilities.

6. 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. A hearing was conducted on any objections filed, following notice to the parties.

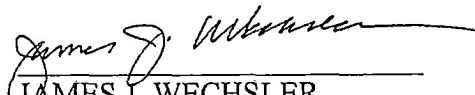
THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The State’s *Motion to Correct Clerical Mistakes Regarding Standard “Boiler Plate” Language in Three Consent Orders in The La Plata Adjudication* is hereby granted.

2. In the above-captioned cases, the corrected language of each Consent Order correctly describes the water right in question.

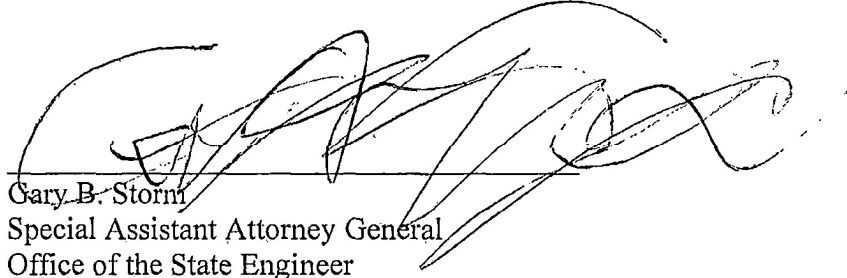
IT IS SO ORDERED.

Date: September 5, 2023



JAMES J. WECHSLER
JUDGE PRO TEMPORE

Respectfully Submitted By:

A large, stylized handwritten signature in black ink, appearing to read 'Gary B. Storm', is written over a horizontal line.

Gary B. Storm
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ex rel. State Engineer

APPENDIX

LA PLATA SUBFILE ORDERS CONTAINING MISTAKES REGARDING "BOILER PLATE" LANGUAGE

Owner / Address	Subfile No.	Date Subfile Order Entered	Court No.	Subfile Order Heading with Error	Heading Error	Correct Information Missing from Subfile Order	Change Needed
Samuel J. Powers, Sr. P.C. Box 268 La Plata, NM 87418	004-0015	8/22/2008	AF-01-161	A	Under Heading A the Amount of water is missing the phrase "Not to exceed".	Correct clerical error by inserting "Not to exceed".	Insert "Not to exceed" so that the "Amount of Water" element is, "Not to exceed 10.69 acre-feet per annum."
M.C. Brown G.W. Brown P.C. Box 408 La Plata, NM 87418	005-0015	5/27/2009	AF-01-195	A, B	Heading A and Heading B state "Surface water of the La Plata River." in the Source of Water field.	Heading A and Heading B need to include "a tributary of the San Juan River" in the Source of Water field.	Insert "a tributary of the San Juan River" in Heading A and Heading B so that the Source of Water element is, "Surface water of the La Plata River, a tributary of the San Juan River."
Callie R. Graham 1055 Highway 170 La Plata, NM 87418	007-0005	8/11/2009	AF-01-550	A, B	Location and Amount of Irrigated Acreage in Headings A and B state "As shown on the revised hydrographic survey map for Subfile No.: SJLP-007-0005".	The correct language is "As shown on the attached Subfile Map for Tract SJLP-007-0005 of the 2006 La Plata Hydrographic Survey."	Replace "As shown on the revised hydrographic survey map for Subfile No.: SJLP-007-0005" with "As shown on the attached Subfile Map for Tract SJLP-007-0005 of the 2006 La Plata Hydrographic Survey."