

DISTRICT COURT
SAN JUAN COUNTY NM
FILED *SS*

STATE OF NEW MEXICO
ELEVENTH JUDICIAL DISTRICT
COUNTY OF SAN JUAN

2009 AUG 11 AM 11 49

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.

No CV 75-184

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

SAN JUAN RIVER STREAM
SYSTEM ADJUDICATION

La Plata River Section

BUREAU OF LAND MANAGEMENT

Court Case No.: AF-01-546

Subfile No.: SJLP-011-0003

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. 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 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:

List any other excluded claims:

NONE

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. LIVESTOCK (Groundwater Only):

Priority: October 20, 1971

Source of Water Underground Waters of the San Juan River Underground Basin.

Purpose of Use: 72-12-1 LIVESTOCK WATERING

Point of Diversion

Montoya Water Well #1

Well No.: SJ-00000-11.3 **Location X:** 2,644,511 feet **Y:** 2,141,776 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Place of Use

Within the property owned by the defendant

Amount of Water Not to exceed 3.00 acre feet per/annum

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.

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 property 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: 

~~BUREAU OF LAND MANAGEMENT~~

US DEPT. of JUSTICE

ADDRESS:

1961 STAN ST.

DENVER CO 80297

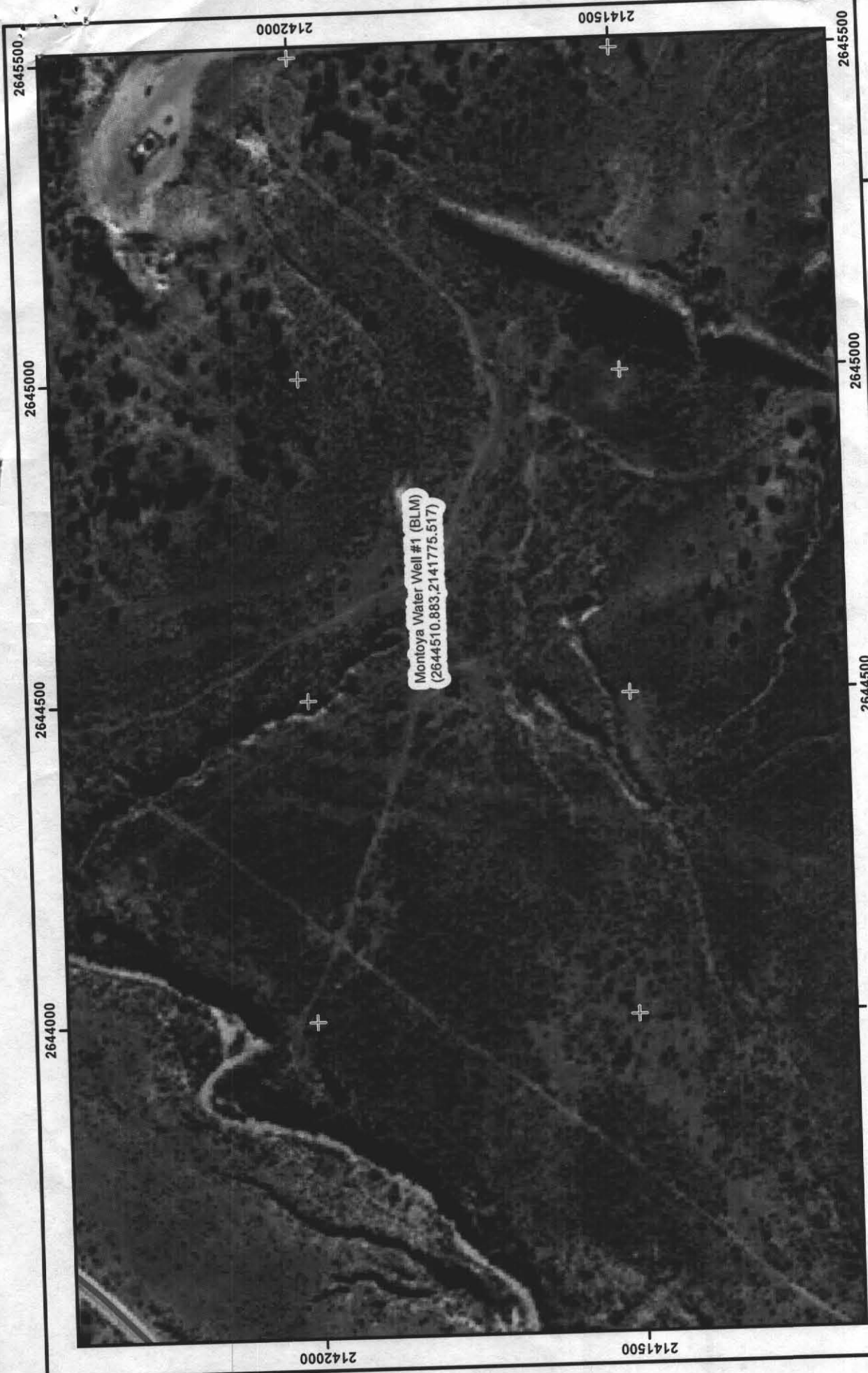
DATE:

3/18/09


Special Assistant Attorney General

Date:

6/10/2009



Subfile Number
SJLP-011-0003
 Montoya Water Well #1
 February 12, 2009



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

Grid NMSP West NAD83

1:2,400
 1 inch equals 200 feet



Undeclared pre-basin well
 US Bureau of Land Management
 Montoya Water Well #1
 Claimed Priority Date: 10/20/1971