

DISTRICT COURT

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

SAN JUAN COUNTY NM *Tom*

FILED

No. CV-75-184

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

2009 OCT 21 AM 10 52

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.,

ELAINE MAYO

Defendants,

MIKE MAYO

vs.

Court Case No.: AF-01-527

THE JICARILLA APACHE TRIBE and the  
NAVAJO NATION,

Subfile No.: SJLP-004-0042B

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). 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



**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.

  
RODERIC B. SANCHEZ  
District Judge, Pro Tempore

APPROVED AND ACCEPTED BY:

ACCEPTED: Elaine Mayo  
ELAINE MAYO

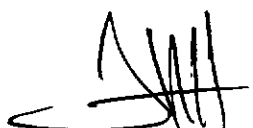
ACCEPTED: Mike Mayo  
MIKE MAYO

ADDRESS: PO Box 360  
118 Hwy 574  
La Plata NM 87418

ADDRESS: P.O. BOX 360  
118 Hwy 574  
La Plata, N.M. 87418

DATE: Oct. 2, 2009

DATE: Oct. 2, 2009

  
Special Assistant Attorney General

Date: 10/5/09

2624000

2625000



2159000

2159000

2624000

2625000

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

Grid Interval = 1000'  
 NMSP West NAD83

1:2,400

1 inch = 200 feet



### 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-004-0042B**  
 Greenhorn Ditch  
 September 17, 2008