

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

2009 OCT 21 AM 10 45

CV-75-184

ROZIER E. SANCHEZ  
District Judge, *pro tempore*

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

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.

SAN JUAN RIVER  
GENERAL STREAM  
ADJUDICATION

La Plata River Section

FRED A. RIDDLE  
SHARON L. RIDDLE

Court Case No.: AF-01-523  
Subfile No.: SJLP-004-0039B

**MOTION FOR ENTRY OF CONSENT ORDER**

COMES NOW the Plaintiff, State of New Mexico *ex rel.* State Engineer ("State") pursuant to Sections V(E)(4) and VI(C) of the Scheduling Order Governing Adjudication of Irrigation Water Rights in the La Plata River Section ("Scheduling Order") and moves this Court to enter the attached proposed Consent Order against the Claimant(s) Fred A. Riddle and Sharon L. Riddle ("Claimant") for failure to file a rejection of the State's Consent Order. In support of its Motion for Entry of Consent Order, Plaintiff states as follows:

1. On January 14, 2009, Claimant Fred A. Riddle was served with a Service Package by certified mail, return receipt requested, restricted delivery as reflected by that Certificate of Service filed with the Court on October 5, 2009. See also Claimant's signature receipt attached hereto as Exhibit A. On January 22, 2009, Claimant Sharon L. Riddle was served with a Service Package by certified mail, return receipt requested, restricted delivery as reflected by that

Certificate of Service filed with the Court on October 5, 2009. See also Claimant's signature receipt attached hereto as Exhibit A. .

2. The State mailed a Settlement Package to Claimant on July 23, 2009, which contained the State's proposed Consent Order of Claimant's surface water rights in the La Plata River Section. The proposed Consent Order is attached hereto as Exhibit B.

3. The State filed proof of service of the Settlement Package for the Claimant with the Clerk of the Court on October 5, 2009.

4. Claimant failed to sign the proposed Consent Order and also failed to file a rejection of the State's proposed Consent Order as required by Section V(E) of the Scheduling Order.

5. The time for filing a rejection has expired. See Affidavit of Counsel, attached hereto as Exhibit C.

6. As a result of Claimant's failure to properly respond to the proposed Consent Order, Claimant is presumed to have accepted the State's proposed Consent Order, which is consistent with the hydrographic survey. See Scheduling Order, Section V(E)(4).

7. According to Sections V(E)(4) and VI (C)(1) of the Scheduling Order, the Court may now enter the Consent Order.

**WHEREFORE**, Plaintiff State of New Mexico *ex rel.* State Engineer respectfully requests that the Court enter the attached proposed Consent Order against Fred A. Riddle and Sharon L. Riddle submitted with this motion.

Respectfully submitted,

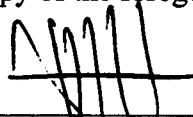


\_\_\_\_\_  
Todd M. Lopez  
Special Assistant Attorney General  
New Mexico Office of the State Engineer  
PO Box 2246  
Santa Fe, NM 87504-2246  
(505) 992-0811

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

CERTIFICATE OF SERVICE

I certify that on October 20, 2009, a copy of the foregoing paper was served by first class mail on the persons identified below.



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

Fred A. Riddle and Sharon L. Riddle  
22 CR 5324  
Farmington, NM 87401

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Fred A. Riddle  
22Cr 5324  
Farmington NM 87401

2. Article Number  
(Transfer from service label)

SSLP-004-0039B

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X Fred A. Riddle  Agent  Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Certified Mail
  - Registered
  - Insured Mail
  - Express Mail
  - Return Receipt for Merchandise
  - C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7007 3020 0001 2492 6979

Domestic Return Receipt

102595-02-M-1540

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sharon L. Riddle  
22Cr 5324  
Farmington NM 87401

2. Article Number  
(Transfer from service label)

SSLP-004-0039B

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X Sharon L. Riddle  Agent  Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Certified Mail
  - Registered
  - Insured Mail
  - Express Mail
  - Return Receipt for Merchandise
  - C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7007 3020 0001 2492 6962

Domestic Return Receipt

102595-02-M-1540

**EXHIBIT**

A

tabbler

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.,

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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

FRED A RIDDLE

SHARON L. RIDDLE

Court Case No.: AF-01-523

Subfile No.: SJLP-004-0039B

**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.**

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

APPROVED AND ACCEPTED BY:

ACCEPTED: \_\_\_\_\_  
SHARON L. RIDDLE

ACCEPTED: \_\_\_\_\_  
FRED A RIDDLE

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

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

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

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

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

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



2626000



2162000

2162000

● Point of Diversion

▲ Ditch

□ Pond

□ Land with Irrigation Right

No Right

Grid Interval = 1000'  
NMSWP West NAD83

1:1,800

1 inch = 150 feet

0 50 100 150 300



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-004-0039B**  
 Greenhorn Ditch  
 July 7, 2009

