

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.

No. CV-75-184

Hon. James J. Wechsler
Presiding Judge

SAN JUAN RIVER STREAM
SYSTEM ADJUDICATION

La Plata River Section

RHONDA L. STOCKERT
WILLIAM J. STOCKERT

Court Case No.: AF-01-434

Subfile No.: SJLP-008-0102

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2013 SEP 23 AM 10:15
dtb

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

D

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.

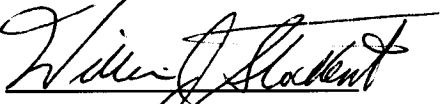

Hon. James J. Wechsler
Presiding Judge

APPROVED AND ACCEPTED BY:

ACCEPTED: 
RHONDA L. STOCKERT

ADDRESS: PO Box 6616
Farmington, NM
87499

DATE: 7-19-13

ACCEPTED: 
WILLIAM J. STOCKERT

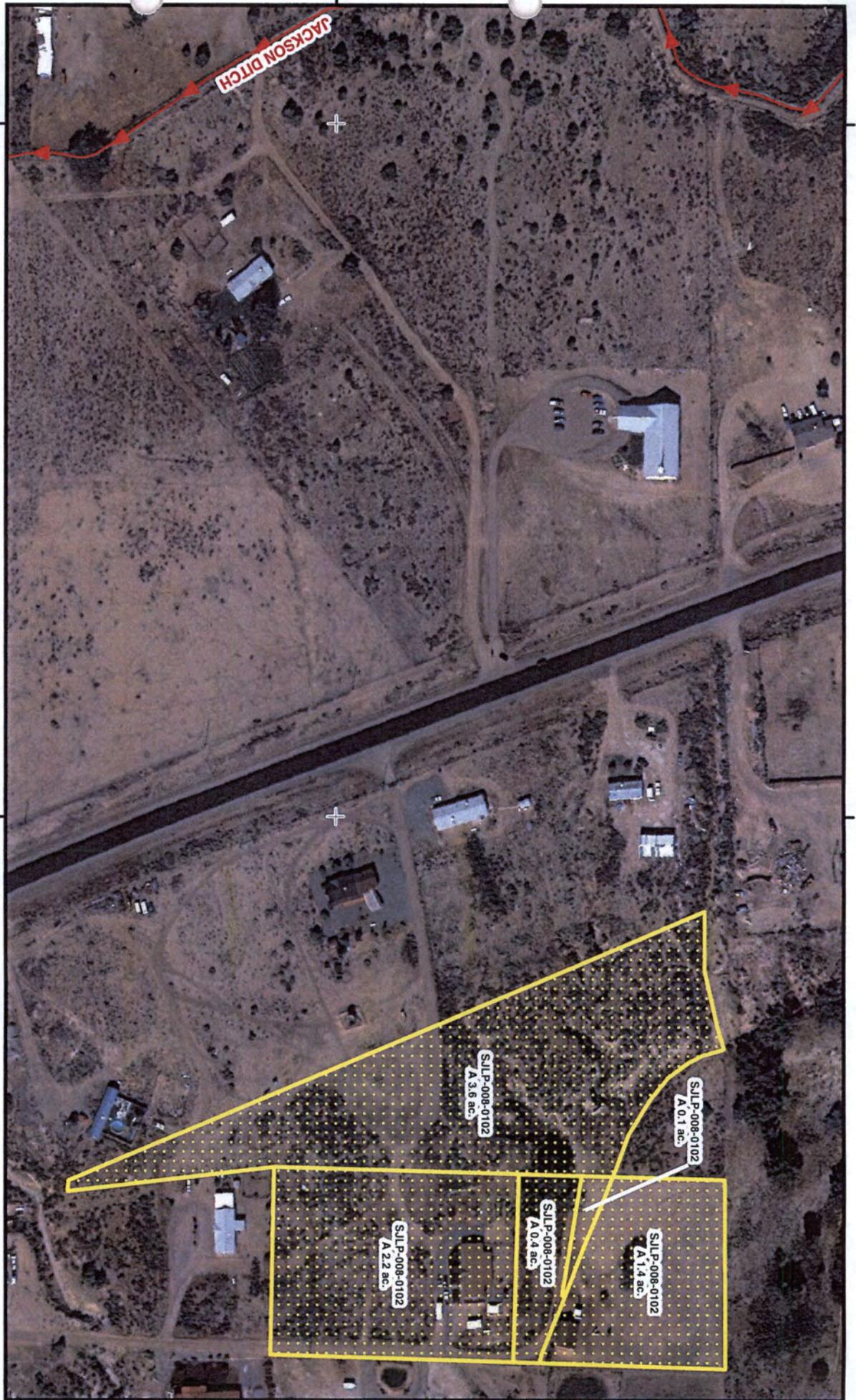
ADDRESS: PO Box 6616
FARM. NM 87499

DATE: 7-19-13



Special Assistant Attorney General

Date: 9/11/2013

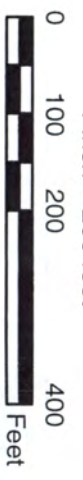


- Point of Diversion
- Ditch
- Pond
- Land with Irrigation Right
- No Right

Grid 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-008-0102

Jackson Ditch
April 17, 2008