

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2014 MAR 24 AM 10:05

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

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,
Defendants-Intervenors.

CV-75-184

Hon. James J. Wechsler
Presiding Judge

SAN JUAN RIVER STREAM
SYSTEM ADJUDICATION

La Plata River Section

Linda J. Mathews
Steven P. Mathews

Court Case No.: AF-01-532
Subfile No.: SJLP-008-0023

MOTION FOR ENTRY OF CONSENT ORDER

Plaintiff, State of New Mexico, *ex rel.* State Engineer (“State”), as authorized by 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”), moves this Court to enter the attached proposed Consent Order against Claimants Linda J. Mathews and Steven P. Mathews (“Claimants”) for their failure to timely file a rejection of the State’s Consent Order. In support of this request, the State asserts the following:

1. On October 8, 2010, and again on October 25, 2010, Claimants were served with a Proof of Publication of the Notice of Pendency of Water Rights Adjudication to Identified Claimants Not Personally Served by Mail [Proof of Publication]. See Proofs of Publication attached hereto as Exhibit A and B.

D ✓

2. The State mailed a Settlement Package containing the State's proposed Consent Order of Claimants' surface water rights in the La Plata River Section to the Claimants on October 4, 2013. The proposed Consent Order is attached hereto as Exhibit C.

3. The State filed proof of service of the Settlement Package for Claimant with the Clerk of the Court on October 7, 2013.

4. Claimants failed to sign and return the proposed Consent Order or failed to file a rejection of the State's proposed Consent Order as required by Section V(E) of the Scheduling Order. See Affidavit of Counsel, attached hereto as Exhibit D.

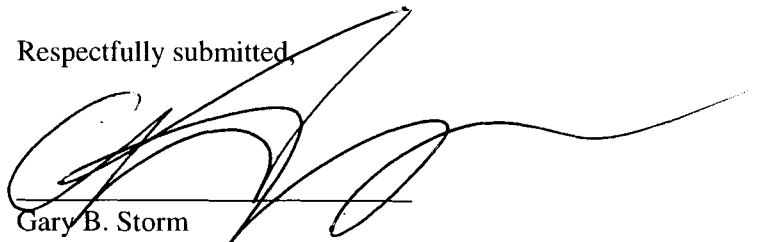
5. The time for filing a rejection has expired.

6. As a result of Claimants' failure to reject the proposed Consent Order, Claimants are presumed to have accepted the State's proposed Consent Order, which is consistent with the hydrographic survey in accordance with Scheduling Order, Section V(E)(4).

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

WHEREFORE, Plaintiff State of New Mexico *ex rel.* State Engineer respectfully requests that the Court enter the attached proposed Consent Order against Claimants Linda J. Mathews and Steven P. Mathews submitted with this motion.

Respectfully submitted,

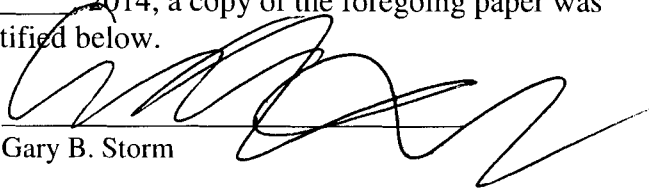


Gary B. Storm
Special Assistant Attorney General
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, New Mexico 87504-5102
(505) 827-6150

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

CERTIFICATE OF SERVICE

I certify that on March 21, 2014, a copy of the foregoing paper was served by first class mail on the persons identified below.


Gary B. Storm

Linda J. Mathews
Steven P. Mathews
15 Road 1738
Farmington, New Mexico 87401

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

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2010 OCT 8 PM 2 48

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-Intervenor.

CV-73324
JAMES J. WECHSLER
Presiding Judge

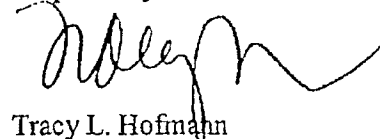
SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION

**PROOF OF PUBLICATION OF THE NOTICE OF PENDENCY OF WATER RIGHTS
ADJUDICATION TO IDENTIFIED CLAIMANTS
NOT PERSONALLY SERVED BY MAIL**

COMES NOW the Plaintiff, State of New Mexico *ex rel.* State Engineer ("State"), and hereby files proof of publication of the Notice of Pendency of Water Rights Adjudication to Identified Claimants Not Personally Served by Mail pursuant to Rule 1-004 NMRA, for the purpose of serving by publication those identified water rights claimants not personally served by mail.

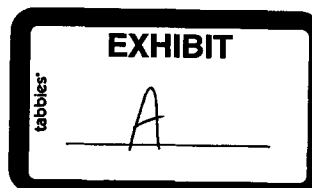
Attached as Exhibit A is the Affidavit of Publication, signed by Connie Pruitt, Advertiser Director of The Daily Times, stating that the Notice was published for 4 consecutive weeks beginning on September 10, 2010 and ending on September 27, 2010.

Respectfully submitted,



Tracy L. Hofmann
Special Assistant Attorney General
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150
Attorney for Plaintiff State of New Mexico
ex rel. State Engineer

JKSH



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

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2010 OCT 25 AM 9 25

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.

CV-75-184
JAMES J. WECHSLER
Presiding Judge

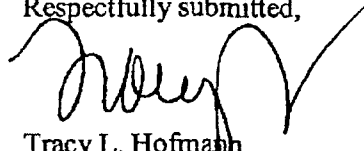
SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION

**PROOF OF PUBLICATION OF THE NOTICE OF PENDENCY OF WATER RIGHTS
ADJUDICATION TO IDENTIFIED CLAIMANTS
NOT PERSONALLY SERVED BY MAIL**

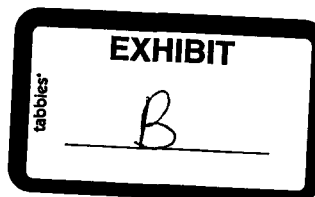
COMES NOW the Plaintiff, State of New Mexico *ex rel.* State Engineer ("State), and hereby files proof of publication of the Notice of Pendency of Water Rights Adjudication to Identified Claimants Not Personally Served by Mail pursuant to Rule 1-004 NMRA, for the purpose of serving by publication those identified water rights claimants not personally served by mail.

Attached as Exhibit A is the Affidavit of Publication, signed by Bill Tafoya, Classified Advertising Manager of The Albuquerque Journal, stating that the Notice was published for 4 consecutive weeks beginning on September 7, 2010 and ending on September 27, 2010.

Respectfully submitted,



Tracy L. Hofmann
Special Assistant Attorney General
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150
Attorney for Plaintiff State of New Mexico
ex rel. State Engineer



DKH

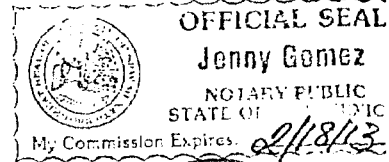
A

STATE OF NEW MEXICO
County of Bernalillo SS

Bill Tafoya, being duly sworn, declares and says that he is Classified Advertising Manager of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost, that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 4 times, the first publication being on the 7 day of September, 2010, and the subsequent consecutive publications on 9/13, 20, 27, 2010

Sworn and subscribed to before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 12 day of October of 2010

PRICE 593.21
Statement to come at end of month.
ACCOUNT NUMBER 180994



Handwritten signature of Jenny Gomez.

CLA-22-A (R-1/93)

Eleventh Judicial District Court
Hon. James J. Wechsler
Presiding Judge

OF NEW MEXICO, ex rel.
ENGINEER, et al.

UNITED STATES OF
AMERICA, et al.,
vs.
CARILLA APACHE TRIBE
of the
NATION,
et al. Interveners.

JUAN RIVER GENERAL
ADJUDICATION
LA PLATA RIVER SECTION

OF PENDENCY OF WA-
RIGHTS ADJUDICATION
IDENTIFIED CLAIMANTS
PERSONALLY SERVED
BY MAIL

I, Clerk of the New Mexico
Judicial District Court

LEE ACTON AF-01-578,
004-0029 PO BOX 445
Sta. NM 87418

Y LEE ACTON AF-01-578,
004-0029 PO BOX 445
Sta. NM 87418

IE J. ALLENBAUGH AF-
78, S.JLP-008-0039 13 CR
SP2

ington, NM 87401
K E ALLENBAUGH AF-
78, S.JLP-008-0039 13 CR
SP2

ington, NM 87401
STER H. BENALLY AF-
34, S.JLP-007-0065 50 Road,

ington, NM 87401
VONNE J. BENALLY AF-
34, S.JLP-007-0065 50 Road,

ington, NM 87401
ERT G. BUTTES AF-01-395,
P-008-0059 Riverstone Trailer
: #26

ington, NM 87401
GINIA A. BUTTES AF-01-395,
P-008-0059 Riverstone Trailer
: #26

ington, NM 87401
AN C. CAGE AF-01-524,
P-007-0035C 15 Road 1634,

ington, NM 87401
ADLEY P. CRESSER AF-
39, S.JLP-007-0003B 2 CR
B

ington, NM 87401
ESA CRESSER AF-01-299,
P-007-0003B 2 CR 2468,

ington, NM 87401
QUITA EARLEY AF-01-345,
P-008-0007 726 HWY 170,

ington, NM 87401
LIAM EARLEY AF-01-345,
P-008-0007 726 HWY 170,

ington, NM 87401
VERY HOGUE AF-D1-510,
P-008-0008 722 HWY 170

ington, NM 87401
AS L. HOGUE AF-01-510
P-008-0008 722 HWY 170

ington, NM 87401
WN M. HOGUE AF-01-510,
P-008-0008 722 HWY 170

ington, NM 87401
CENT EARL JAMES AF-
31, S.JLP-004-0048 315 NW
St.

ington, NM 87401
ERT JOE, JR. AF-01-296
-007-0001 Box 467,
Sta. NM 87418

ARA L. LASSITER AF-
5, S.JLP-009-0003 1 CR

ington, NM 87401
LAWING AF-01-384, S.JLP
146 668 NM 170,

ington, NM 87401
ALM LAWING AF-01-384,
108-0046 668 NM 170,

ington, NM 87401
NE J. MARTIN, JR. AF-
S.JLP-007-0042 876 HWY

ington, NM 87401
LAWING AF-01-384, S.JLP
146 668 NM 170,

ington, NM 87401
ALM LAWING AF-01-384,
108-0046 668 NM 170,

ington, NM 87401
NE J. MARTIN, JR. AF-
S.JLP-007-0042 876 HWY

ington, NM 87401
LAWING AF-01-384, S.JLP
146 668 NM 170,

ington, NM 87401
ALM LAWING AF-01-384,
108-0046 668 NM 170,

ington, NM 87401
NE J. MARTIN, JR. AF-
S.JLP-007-0042 876 HWY

BARBARA N. MCSMITH AF-
01-275; S.JLP-006-0022 704 W.
Amistad, NM 88410

JOHN D. TAYLOR AF-01-241,
S.JLP-005-0034 PO Box 170,
Amistad, NM 88410

LAURAL K. TAYLOR AF-01-241,
S.JLP-005-0034 PO Box 170,
Amistad, NM 88410

CLIFFORD ALLEN PISTOLE AF-
01-278; S.JLP-006-0025 5880
Boulder Falls St., Apt.1 Herder-
son, NV 89011

DIANA REDHORSE AF-01-428;
S.JLP-008-0096 681 HWY 170,
Farmington, NM 87401

LEO REDHORSE AF-01-428;
S.JLP-008-0096 681 HWY 170,
Farmington, NM 87401

HEIDI J. RUYBALD AF-01-148;
S.JLP-004-0003B 35 CR 1304,
La Plata, NM 87418

JACOB A. RUYBALD AF-01-148;
S.JLP-004-0003B 35 CR 1304,
La Plata, NM 87418

RODNEY M. SEATON AF-01-529,
S.JLP-003-0018B 459 Lowell Blvd.,
Denver, CO 80204

JACOB SEEBECK AF-01-441;
S.JLP-008-0109 641 NM 170,
Farmington, NM 87401

ELISABETH J. SMITH AF-
01-422; S.JLP-008-0089 7 RD
1783,

Farmington, NM 87401
ELMER SMITH AF-01-422; S.JLP-
008-0089 7 RD 1783,

Farmington, NM 87401
JACKIE SORRELL AF-01-481;
S.JLP-009-0007 51 CR 1600,

Farmington, NM 87401
FRANCIS SPECHT AF-01-525;
S.JLP-007-0035B 3310 Northridge
Dr.

Farmington, NM 87401
RHONDA L. STOCKERT AF-
01-434 S.JLP-008-0102 PO Box
9816,

Farmington, NM 87499
CINDY L. STOCKTON AF-01-335;
S.JLP-007-0066 54 Road 1636,

Farmington, NM 87401
JEFFREY W. STOCKTON AF-

BARBARA N. MCSMITH AF-
01-275; S.JLP-006-0022 704 W.
Amistad, NM 88410

You are hereby notified that the State of New Mexico ("State") has filed a water rights adjudication lawsuit in the Eleventh Judicial District of New Mexico, San Juan County, pursuant to NMSA 1978, §§ 72-4-15 through 72-4-17, under the caption and case number shown above. The purpose of this lawsuit, referred to as the "San Juan Adjudication," is to identify and determine all rights to use the surface and underground waters of the San Juan River Stream System within the State of New Mexico, which includes all tributary rivers of the San Juan River within New Mexico. The Court is proceeding on a river-by-river basis and is currently determining all rights to divert water from the La Plata River, or from a well, to irrigate land within the La Plata Section. The Court is conducting the adjudication in accordance with its April 30, 2006 Scheduling Order Governing Adjudication of Irrigation Water Rights in the La Plata Section ("Scheduling Order"), which imposes deadlines, detailed adjudication procedures, and filing requirements. A copy of the Scheduling Order and other pertinent information may be obtained from the Court's website at http://www.11thjdc.com/modules/trycontent/?id=79 or by contacting the State's attorney identified below. If you have not already been served in this adjudication, you are required to appear before the

entirely on the waters of the La Plata River. Unless you file a responsive pleading or Notice of Claim ("NOC"), which you may obtain from the Court's website, within the time specified in this Notice, any default judgment to be entered in this matter may be based on the information provided in the Report of the State's Attorney. This adjudication includes claimants who have no lands with appurtenant irrigation water rights within the La Plata Section and/or no right to divert surface water or underground water for irrigation within the La Plata Section.

Questions about the San Juan Adjudication may be directed to the State's Attorney at the address listed below.

WITNESS the hand and seal of the Eleventh Judicial District Court, County of San Juan, State of New Mexico, this 29th day of December, 2009.

s/ Loressa Bachert
District Court Clerk
Journal: September 7, 13, 20, 27, 2010

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

LINDA J. MATHEWS

STEVEN P. MATHEWS

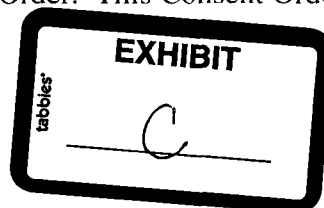
Court Case No.: AF-01-532

Subfile No.: SJLP-008-0023

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



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:

a. Any claim(s) relating to "the subsisting vested right to demand, divert, and receive and use such amount and amounts of waters, as are from time to time beneficially needed and required, for domestic and stock watering purposes," as described in the *Echo Ditch Decree*.

b. List any other excluded claims:

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. IRRIGATED LANDS (Surface Water Only):

Priority: January 18, 1892 (Priority No. 22.5 in the Echo Ditch Decree) for 0.0049 cfs

Source of Water: Surface waters of the La Plata River, a tributary of the San Juan River.

Purpose of Use: IRRIGATION

Point of Diversion: **Ditch:** JACKSON CANAL DITCH

Location: X= 2,618,754 feet Y= 2,136,408 feet

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 05, Township 30N, Range 13W, N.M.P.M.

Pt. SW¼ 0.5 acres

Total 0.5 acres

As shown on the attached Subfile Map for Tract SJLP-008-0023 of the 2006 La Plata Hydrographic Survey.

Rate of Flow:

0.0049 cfs, Priority Date: January 18, 1892 (Priority No. 22.5 in the Echo Ditch Decree)

Amount of Water: Not to exceed 1.51 acre-feet per annum

B. NO RIGHT (Surface Water Only):

Priority: NONE

Source of Water: Surface waters of the La Plata River, a tributary of the San Juan River.

Purpose of Use: NO RIGHT

Point of Diversion: **Ditch:** JACKSON CANAL DITCH

Location: X= 2,618,754 feet Y= 2,136,408 feet

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Location and Amount of Acreage

Section 05, Township 30N, Range 13W, N.M.P.M.

Pt. SW $\frac{1}{4}$ 0.4 acres

Total 0.4 acres

As shown on the attached Subfile Map for Tract SJLP-003-0023 of the 2006 La Plata Hydrographic Survey.

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: _____
STEVEN P. MATHEWS

ACCEPTED: _____
LINDA J. MATHEWS

ADDRESS: _____

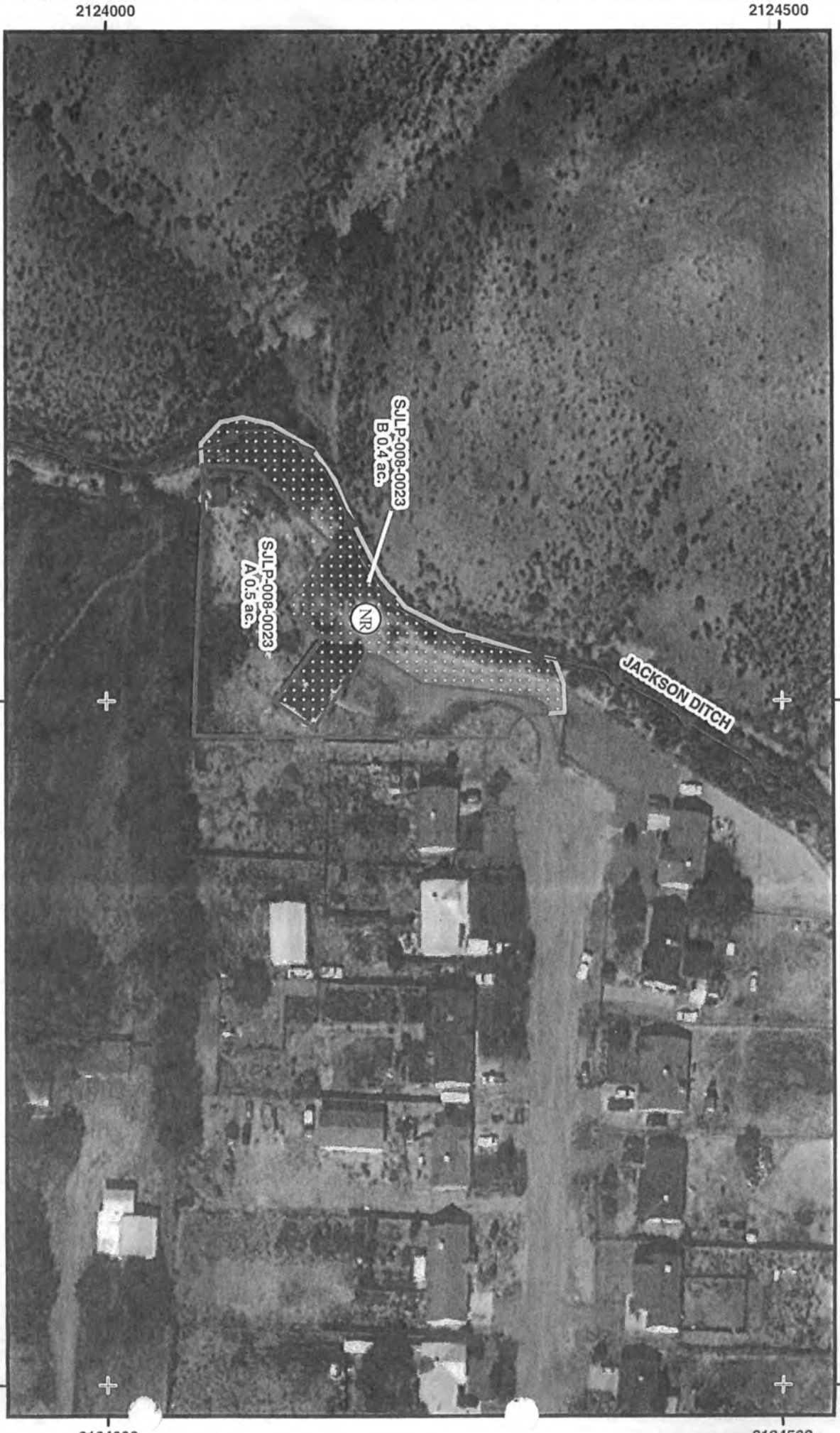
ADDRESS: _____

DATE: _____

DATE: _____

Special Assistant Attorney General

Date: _____



- Point of Diversion
- Ditch
- ▭ Pond
- ▭ Land with Irrigation Right
- ⊖(NR) No Right



Grid NMSW West NAD83

State of New Mexico
 Office of the State Engineer
 Scott A. Verhines, P.E., State Engineer

San Juan River Stream System
 Hydrographic Survey
 La Plata River Section



Tract Number
SJLP-008-0023
 Jackson Ditch
 Amended
 October 2, 2013

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

LINDA J. MATHEWS

STEVEN P. MATHEWS

Court Case No.: AF-01-532

Subfile No.: SJLP-008-0023

CONSENT ORDER

The Court, having considered Plaintiff's Motion for Entry of Consent Order dated 3/21/14 and submitted pursuant to Sections V(E)(4) and VI(C) of the Scheduling Order Governing Adjudication of Irrigation Water Rights in the La Plata Section, regarding the Defendant(s)' named above (hereinafter referred to as "Defendant" for both single and plural Defendants) 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 Defendant has failed to sign or reject the proposed Consent Order after the State mailed a Settlement Package containing the proposed Consent Order to the Defendant. The Defendant's

acceptance of the Consent Order is implied due to the Defendant's failure to respond to the State's Proposed Consent Order. The Defendant is now therefore presumed to have accepted the Court's findings and to agree to 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.

4. The State has determined through the hydrographic survey 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:

a. Any claim(s) relating to " the subsisting vested right to demand, divert, and receive and use such amount and amounts of waters, as are from time to time beneficially needed and required, for domestic and stock watering purposes," as described in the *Echo Ditch Decree*.

b. List any other excluded claims:

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. IRRIGATED LANDS (Surface Water Only):

Priority: January 18, 1892 (Priority No. 22.5 in the Echo Ditch Decree) for 0.0049 cfs

Source of Water: Surface waters of the La Plata River, a tributary of the San Juan River.

Purpose of Use: IRRIGATION

Point of Diversion: Ditch: JACKSON CANAL DITCH

Location: X= 2,618,754 feet Y= 2,136,408 feet

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 05, Township 30N, Range 13W, N.M.P.M.

Pt. SW¼

0.5 acres

Total 0.5 acres

As shown on the attached Subfile Map for Tract SJLP-008-0023 of the 2006 La Plata Hydrographic Survey.

Rate of Flow:

0.0049 cfs, Priority Date: January 18, 1892 (Priority No. 22.5 in the Echo Ditch Decree)

Amount of Water: Not to exceed 1.51 acre-feet per annum

B. NO RIGHT (Surface Water Only):

Priority: NONE

Source of Water: Surface waters of the La Plata River, a tributary of the San Juan River.

Purpose of Use: NO RIGHT

Point of Diversion: **Ditch:** JACKSON CANAL DITCH

Location: X= 2,618,754 feet Y= 2,136,408 feet

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Location and Amount of Acreage

Section 05, Township 30N, Range 13W, N.M.P.M.

Pt. SW¹/₄ 0.4 acres

Total 0.4 acres

As shown on the attached Subfile Map for Tract SJLP-008-0023 of the 2006 La Plata Hydrographic Survey.

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: _____
STEVEN P. MATHEWS


ADDRESS: Consent Implied - See
State's Motion for Entry of
Consent Order dated

DATE: 3/21/14

ACCEPTED: _____
LINDA J. MATHEWS

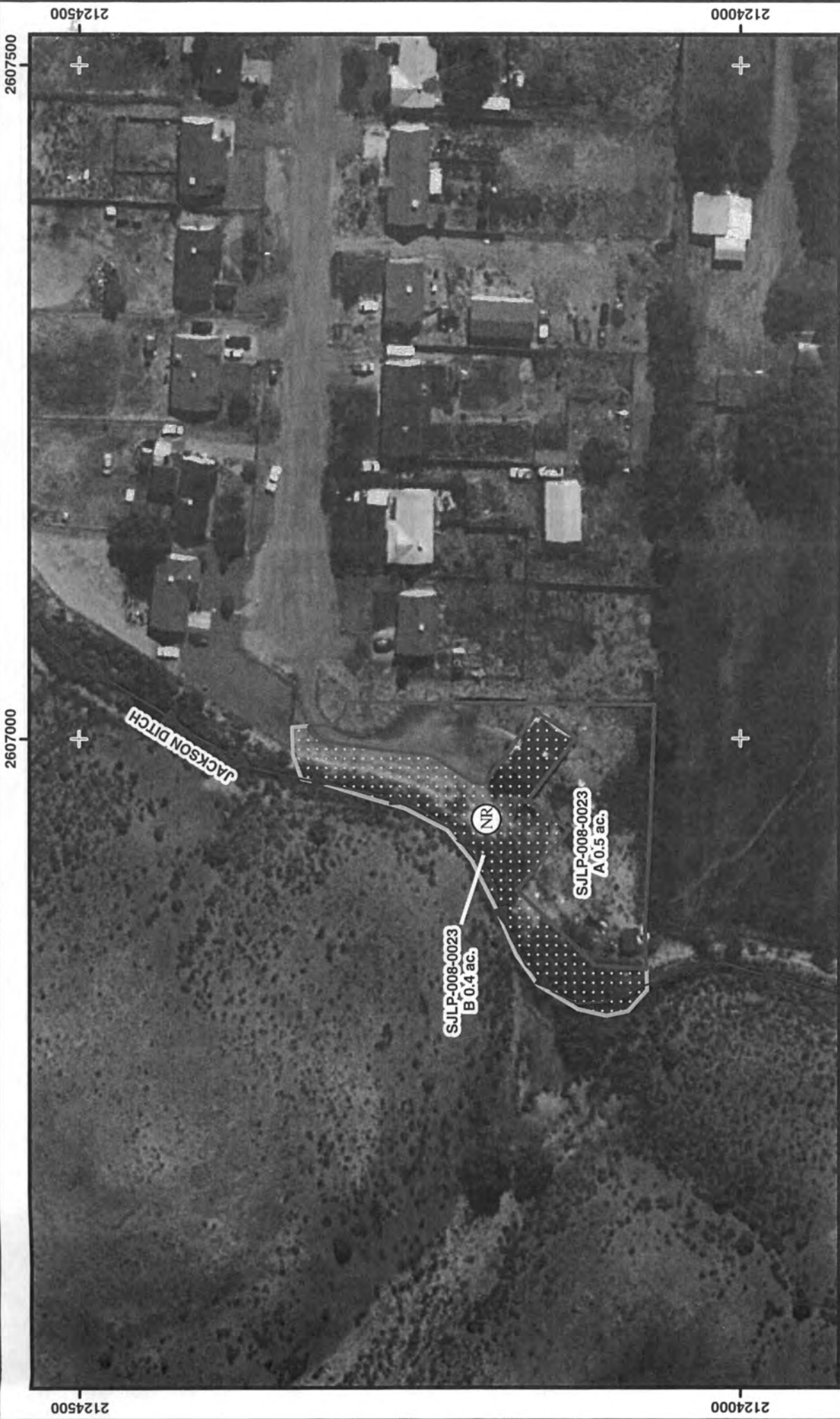
ADDRESS: Consent Implied - See
State's Motion for Entry of
Consent Order dated

DATE: 3/21/14



Special Assistant Attorney General

Date: 3/19/2014



- Point of Diversion
- ↑ Ditch
- ▭ Pond
- ▭ Land with Irrigation Right
- ▭ (NR) No Right

Grid NMSP West NAD83
 1:1,200
 1 inch = 100 feet
 0 50 100 200 Feet

State of New Mexico
 Office of the State Engineer
 Scott A. Verhines, P.E., State Engineer

San Juan River Stream System
 Hydrographic Survey
 La Plata River Section



Tract Number
SJLP-008-0023
 Jackson Ditch
 Amended
 October 2, 2013