

2024 AUG 13 PM 12: 25

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

STATE OF NEW MEXICO,
ex rel. STATE ENGINEER,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA, *et al.*,

Defendants,

vs.

THE JICARILLA APACHE TRIBE and
THE NAVAJO NATION,

Defendant-Interveners.

D-1116-CV-75-184
Honorable James J. Wechsler
Judge Pro Tempore

SAN JUAN RIVER BASIN
ADJUDICATION

La Plata River Section

Court No. AF-01-			
	78		88

**ORDER CORRECTING MISTAKES REGARDING ACREAGE AMOUNTS IN TWO
CONSENT ORDERS IN THE LA PLATA ADJUDICATION**

THIS MATTER having been reviewed by the Court on the *Motion to Correct Mistakes Regarding Acreage Amounts in Two Consent Orders in The La Plata Adjudication*, filed by the State of New Mexico *ex rel.* State Engineer (State) and having been heard by the Court, and the Court, being fully advised in the premises, FINDS:

1. The State makes this Motion under the authority of the Court's Order on the State's Rule 1-060(A) Procedure Motion, entered February 28, 2023.¹
2. Consent Orders were entered by this Court adjudicating the water rights in the La Plata for the above captioned subfiles.

¹ *Order on State of New Mexico's Motion for Approval of an Expedited Rule 1-060(A) NMRA Procedure for Globally Correcting Clerical Mistakes that are Shared by Multiple Consent Orders in the La Plata Adjudication.*

3. The two Consent Orders erroneously described the acreage amounts in hundredths-of-an-acre rather than tenths-of-an-acre as in all other subfiles in the La Plata Adjudication.

4. The maps related to each Consent Order also erroneously depicted the acreage amounts in hundredths-of-an-acre rather than tenths-of-an-acre as in all other subfile maps in the La Plata Adjudication.

5. These two subfiles were the subject of a Stipulated Order, entered April 15, 1988. However, the Stipulated Order made no determination regarding acreage amounts. Therefore, the Stipulated Order does not need to be amended.

6. The Appendix below describes the specific errors in the amounts of water descriptions associated with the above-captioned cases, and it provides the correct language that will resolve these errors. The Appendix also includes maps that correct the erroneous depictions of the acreage.

7. The above-captioned cases should be corrected by an Order of the Court directly changing each source of water description error to conform with the adjudicated water rights.

8. These corrections will not substantively affect any rights of the owners of the above-captioned subfiles, nor will the corrections impair other water users or the State's administrative responsibilities.

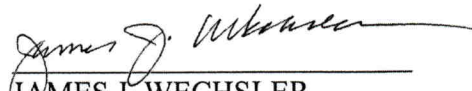
9. The original Defendants who signed the Consent Orders, and, where applicable, their current successors in interest, have been provided with an opportunity to respond to the Motion and no response has been filed.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The State's *Motion to Correct Mistakes Regarding Acreage Amounts in Two Consent Orders in The La Plata Adjudication* is hereby granted.

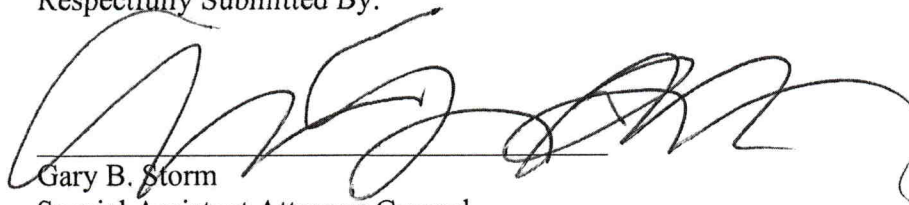
2. In the above-captioned cases, the corrected language of each Consent Order and the corrected maps correctly describe the water right in question.

IT IS SO ORDERED.



JAMES J. WECHSLER
JUDGE PRO TEMPORE

Respectfully Submitted By:



Gary B. Storm
Special Assistant Attorney General
Office of the State Engineer
P. O. Box 25102
Santa Fe, NM 87504-5102
505/827-6150
505/827-3887 (fax)

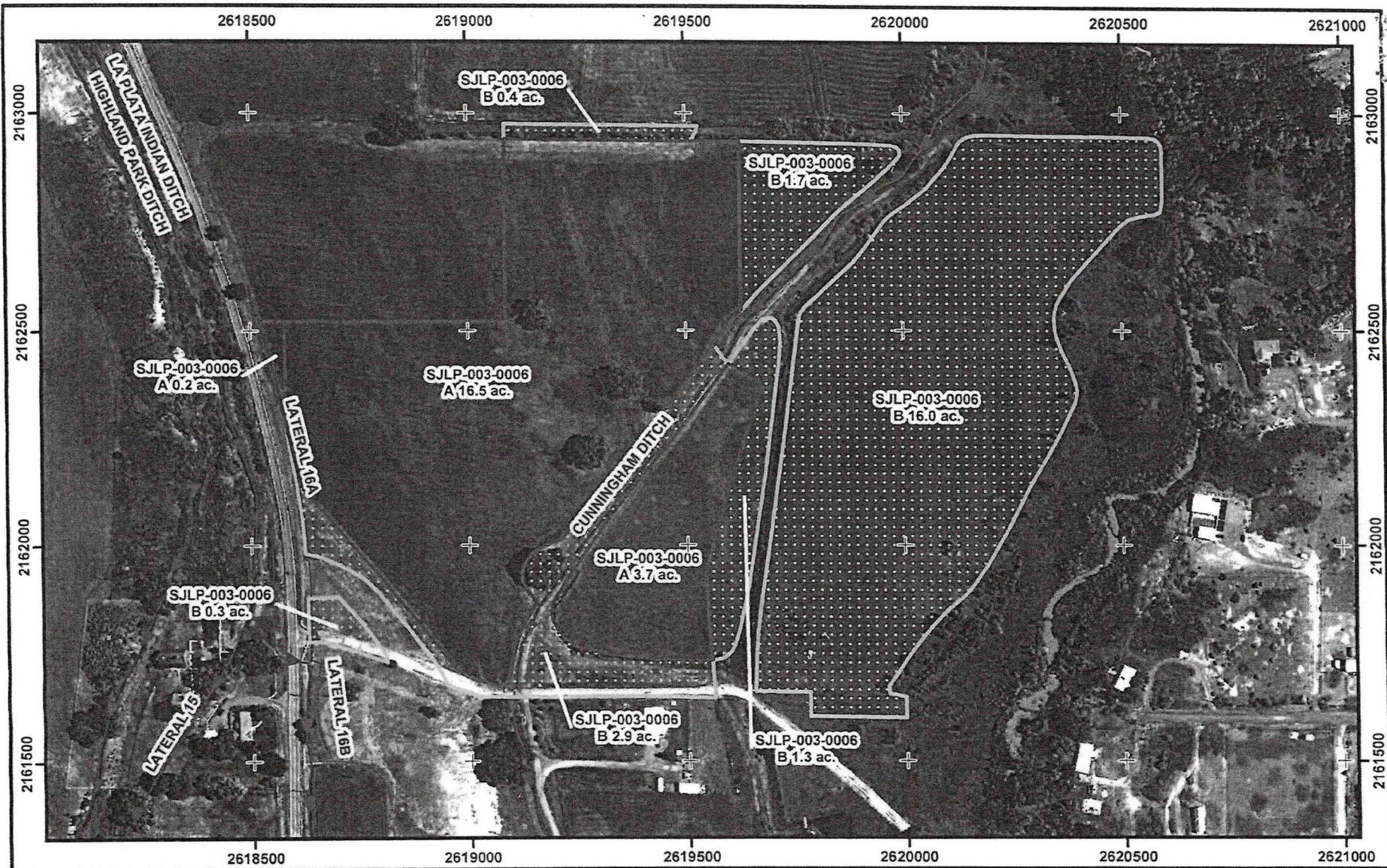
Attorney for Plaintiff State of New Mexico,
ex rel. State Engineer

APPENDIX

LA PLATA SUBFILE ORDERS THAT INCORRECTLY DESCRIBE THE AMOUNT OF IRRIGATED ACRES USING HUNDREDTHS OF AN ACRE

Owner & Address	Subfile No.	Court No.	Date Consent Order Entered	Heading with Error	Error	Hydro Survey Comments																				
Joleen H. Walters Patrick M. Walters PO Box 299 La Plata, NM 87418	003-0006	AF-01-78	2/25/2015	A, B	<p>Heading A erroneously describes the Location and Amount of Irrigated Acreage in hundredths-of-an-acre:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 150px;">Pt. SE¼</td> <td style="text-align: right;">20.17 acres</td> </tr> <tr> <td>Pt. SW¼</td> <td style="text-align: right;">0.16 acres</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">20.33 acres</td> </tr> </table> <p>Heading B erroneously describes the Location and Amount of Acreage in hundredths-of-an-acre:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 150px;">Pt. SE¼</td> <td style="text-align: right;">22.65 acres</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">22.65 acres</td> </tr> </table> <p>The related map to this subfile erroneously depicts the acreage amounts for each polygon in hundredths-of-an-acre.</p>	Pt. SE¼	20.17 acres	Pt. SW¼	0.16 acres	Total	20.33 acres	Pt. SE¼	22.65 acres	Total	22.65 acres	<p>Heading A shall be corrected to describe the Location and Amount of Irrigated Acreage in tenths-of-an-acre:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 150px;">Pt. SE¼</td> <td style="text-align: right;">20.2 acres</td> </tr> <tr> <td>Pt. SW¼</td> <td style="text-align: right;">0.2acres</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">20.4 acres</td> </tr> </table> <p>Heading B shall be corrected to describe the Location and Amount of Irrigated Acreage in tenths-of-an-acre:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 150px;">Pt. SE¼</td> <td style="text-align: right;">22.6 acres</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">22.6 acres</td> </tr> </table> <p>The related map to this subfile shall be corrected to depict the acreage amounts for each polygon in tenths-of-an-acre. The corrected map is attached to this Appendix.</p>	Pt. SE¼	20.2 acres	Pt. SW¼	0.2acres	Total	20.4 acres	Pt. SE¼	22.6 acres	Total	22.6 acres
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Pt. SE¼	22.6 acres																									
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<p>Patrick M. Walters Joleen H. Walters PO Box 299 La Plata, NM 87418</p>	<p>003-0017</p>	<p>AF-01-88</p>	<p>2/25/2015</p>	<p>A, B</p>	<p>Heading A erroneously describes the Location and Amount of Irrigated Acreage in hundredths-of-an-acre:</p> <p>Pt. SE¼ 4.81 acres Total 4.81 acres</p> <p>Heading B erroneously describes the Location and Amount of Irrigated Acreage in hundredths-of-an-acre:</p> <p>Pt. SE¼ 4.31 acres Total 4.31 acres</p> <p>The related map to this subfile erroneously depicts the acreage amounts for each polygon in hundredths-of-an-acre.</p>	<p>Heading A shall be corrected to describe the Location and Amount of Irrigated Acreage in tenths-of-an-acre:</p> <p>Pt. SE¼ 4.8 acres Total 4.8 acres</p> <p>Heading B shall be corrected to describe the Location and Amount of Irrigated Acreage in tenths-of-an-acre:</p> <p>Pt. SE¼ 4.3 acres Total 4.3 acres</p> <p>The related map to this subfile shall be corrected to depict the acreage amounts for each polygon in tenths-of-an-acre. The corrected map is attached to this Appendix.</p>
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● Point of Diversion

▭ Pond

▭ Land with Irrigation Right

▭ No Right

➔ Ditch

Grid Interval = 500'
 NMSP West NAD83

1:3,600
 1 inch = 300 feet

0 150 300 600 Feet

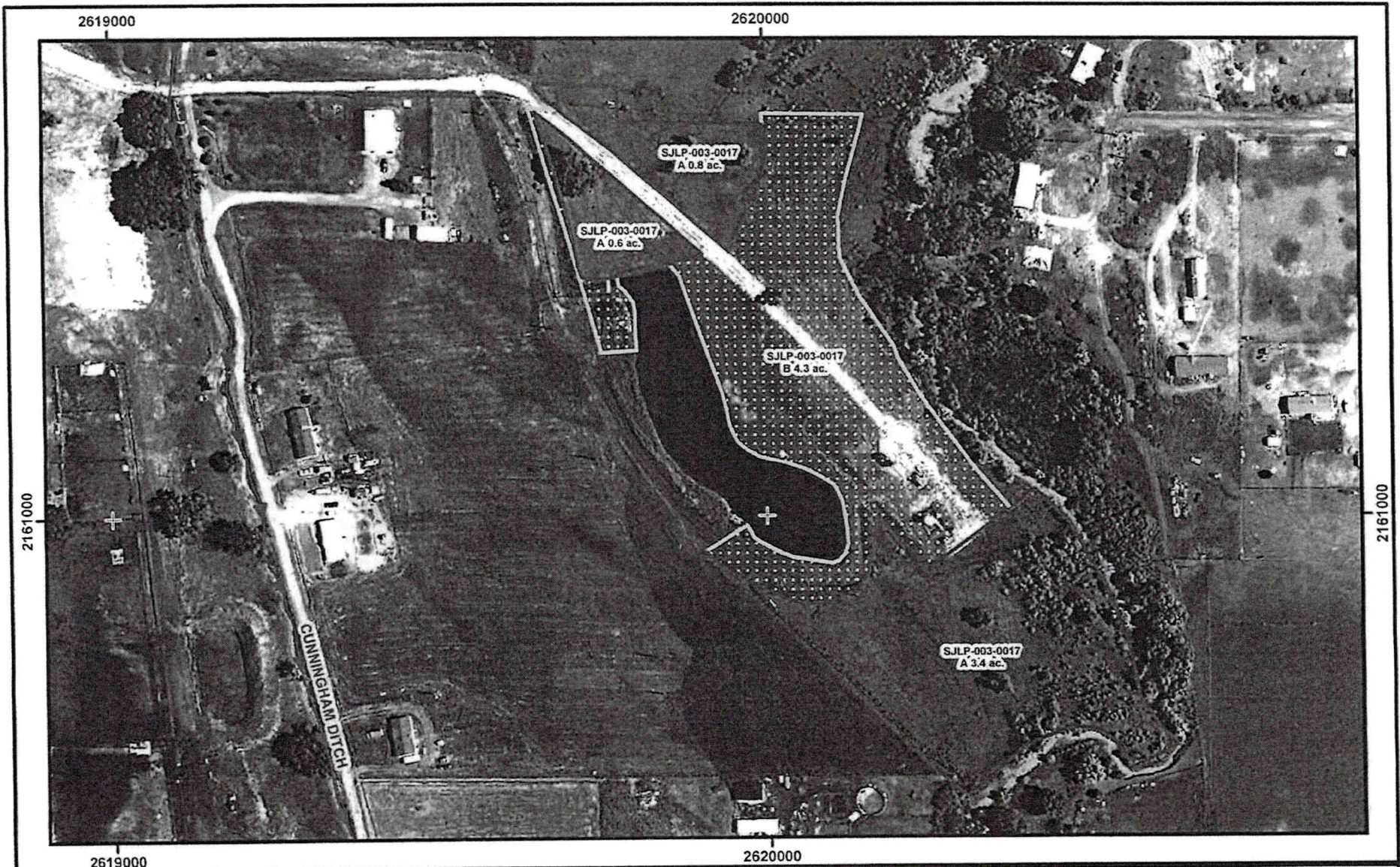
N

State of New Mexico
 Office of the State Engineer
 Tom Blaine, P.E., State Engineer

San Juan River Stream System
 Hydrographic Survey
 La Plata River Section



Tract Number
SJLP-003-0006
 La Plata - Indian Ditch
 Revised
 October 5, 2023



→ Ditch
 ▭ Pond
 ▭ Land with Irrigation Right
 ▭ No Right

Grid Interval = 1000'
 NMSP West NAD83
 1:2,400
 1 inch = 200 feet

0 100 200 400 Feet

N

State of New Mexico
Office of the State Engineer
 Mike A. Hamman, P.E., State Engineer

San Juan River Stream System
 Hydrographic Survey
 La Plata River Section



Tract Number
SJLP-003-0017
 La Plata - Indian Ditch
 Revised
 June 7, 2024