

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

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2025 JUN 18 PM 4:49

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-									
25	78	116	121	129	140	189	201	202	203
204	205	210	214	221	230	233	239	313	314
317	321	322	323	324	332	336	341	346	368
396	488	516	520						

**MOTION TO WITHDRAW ORDER CORRECTING ERRONEOUS INFORMATION
UNDER "AMOUNT OF WATER" HEADINGS IN THIRTY-FOUR CONSENT ORDERS
IN THE LA PLATA ADJUDICATION**

The State, by Counsel, files this *Motion to Withdraw Order to Correct Erroneous Information Under "Amount of Water" Headings in Thirty-Four Consent Orders in the La Plata Adjudication.*

The State filed a *Global Motion to Correct Erroneous Information Under "Amount of Water" Headings in Thirty-Four Consent Orders In The La Plata Adjudication* on May 21, 2025

("Global Motion").

The Global Motion was also sent to claimants via U.S. Mail, along with a form and instructions. Anyone wishing to object to the Global Motion had a deadline to inform the State on or prior to June 19, 2025.

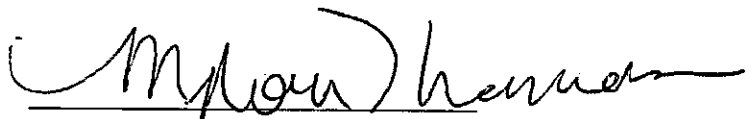
The State also filed a proposed Order, which was based on an assumption that there would be no objections. Unfortunately, the Order was erroneously entered on June 18, 2025 as at least one objection was sent to the State by a claimant prior to the June 19, 2025 deadline. Attachment 1.

As a result, the State will need more time to address this and any other objections received on or prior to June 19, 2025, and hereby respectfully requests that the Court withdraw the Order entered on June 18, 2025.

Wherefore, the State requests the Court grant this motion to withdraw the June 18, 2025 Order on the Global Motion, and for all other relief that is just and proper in the premises.

The State did not seek and does not anticipate objections to this motion.


Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Meghan Thomas", is written over a horizontal line.

Meghan Thomas
Special Assistant Attorney General
Office of the State Engineer
PO Box 25102
Santa Fe, NM 87504-5102
505-827-6150
meghan.thomas@ose.nm.gov
Attorney for Plaintiff State of New Mexico,
ex rel. State Engineer

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Withdraw Order was sent to the following persons on or about June 20, 2025, by electronic mail to sanjuanwater-grp@nmcourts.gov, and mailed through U.S. Postal Service to the persons on the attached service list.

A handwritten signature in black ink, appearing to read "Meghan Thomas", is written over a horizontal line.

Meghan Thomas
Special Assistant Attorney General
Office of the State Engineer
PO Box 25102
Santa Fe, NM 87504-5102
505-827-6150
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Attorney for Plaintiff State of New Mexico,
ex rel. State Engineer

SERVICE LIST

Russell A. Hill Maria Jacquez 1931 Highway 170 La Plata, NM 87418	Jon Myers Jackie Myers PO Box 477 La Plata, NM 87418
Joleen H. Walters Patrick M. Walters PO Box 299 La Plata, NM 87418	Gary W. Bees Marsha M. Bees 20955 West Lost Creek Drive Buckeye, AZ 85396
Andrea A. Yazzie Eugene D. Yazzie PO Box 1106 Farmington, NM 87499	Jeremy A. Kuchera Rebecca A. Kuchera 20 County Road 1636 Farmington, NM 87401
Roger Hutchinson PO Box 406, #26 Highway 574 La Plata, NM 87418	Lynett Griffith Joe M. Brice 28 Road 1636 Farmington, NM 87401
Marcia James Dwight F. James 10 County Road 1330 La Plata, NM 87418	Douglas D. Fessenden 30 County Road 1636 Farmington, NM 87401
Tyler Eugene Truby 545 Mawanai Place #W Honolulu, HI 96818	Frank W. Andrews Renee Andrews 32 Road 1636 Farmington, NM 87401
Montoya Sheep & Cattle Co., Inc. 1592 NM 150 La Plata, NM 87418	Caroline Hartsell Sidney L. Hartsell 27 County Road 1636 Farmington, NM 87401
Thelma Faye Nickles Lloyd L. Nickles 1394 Highway 170 La Plata, NM 87418	Ginger K. Lockerby Johnny L. Lockerby 25 County Road 1636 Farmington, NM 87401
Nila L. Hamblin G. Elbert Hamblin 1380 Highway 170 La Plata, NM 87418	Teresa Perkins Glen Perkins PO Box 1091 Farmington, NM 87499
Tamie S. Cottrell Tim J. Cottrell 332 County Road 1191 La Plata, NM 87418	Rebecca L. Buckley 19 County Road 1636 Farmington, NM 87401
Ronald L. Sparks 7 Road 1344 La Plata, NM 87418	Fred V. Archuleta Juanita S. Archuleta PO Box 211 La Plata, NM 87418

Theresa Anderson Rich Anderson PO Box 436 La Plata, NM 87418	Kathy Waybourn Don Waybourn PO Box 326 La Plata, NM 87418
Timothy Allen Black Michelle Black PO Box 414 La Plata, NM 87418	Christine N. Dunlap Jim T. Dunlap 740 Highway 170 Farmington, NM 87401
Michael M. Belt Suzanne Belt PO Box 358 La Plata, NM 87418	Heimo Trathnigg PO Box 1693 Farmington, NM 87499
Jolena R. Mills Aaron Mills 41 County Road 1401 La Plata, NM 87418	Russell Walls PO Box 3871 Farmington, NM 87499
Robert W. Dinning Connie S. Dinning 7219 Driftwood Farmington, NM 87402	Juan A. Vigil Cathy F. Vigil 5 County Road 1768 Farmington, NM 87401

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

2025 JUN 18 AM 9:02

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

STATE OF NEW MEXICO,
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Plaintiff,

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

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D-1116-CV-75-184

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SAN JUAN RIVER BASIN ADJUDICATION

La Plata River Section

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**ORDER CORRECTING ERRONEOUS INFORMATION UNDER
"AMOUNT OF WATER" HEADINGS IN THIRTY-FOUR CONSENT ORDERS
IN THE LA PLATA ADJUDICATION**

THIS MATTER having been reviewed by the Court on the *Global Motion to Correct Erroneous Information Under "Amount of Water" Headings in Thirty-Four 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(B) Procedure Motion, entered February 28, 2023.¹

2. The Court entered Consent Orders adjudicating the water rights in the La Plata Adjudication for each of the 34 above-named cases. The relevant information regarding the Consent Orders for each of the 34 cases is included in the Appendix to this Order.

3. Because of technical errors, some of the details included under the “Amount of Water” headings in the Consent Orders for those 34 cases were incorrectly identified or missing.

4. The Appendix below describes the specific errors in the “Amount of Water” descriptions associated with the above-captioned cases, and it provides the correct language that will resolve these errors.

5. All of the above-captioned cases should be corrected by an Order of the Court directly changing each erroneous detail under the “Amount of Water” headings to conform with the adjudicated water rights.

6. Correcting the Consent Orders will facilitate reconciliation of the La Plata Adjudication and will more accurately reflect the distribution of water within the La Plata.

7. Even though the Consent Orders listed in the Appendix were adjudicated as many as eighteen years ago (from 2007 to 2015), this Motion has been made within a reasonable time because it addresses matters that came to light toward the end of an adjudication process which, of necessity, takes several years, and because it addresses matters, some of which were brought to the State’s attention by the Court’s Database Manager, which affect substantive aspects of the Defendants’ water rights.

8. 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

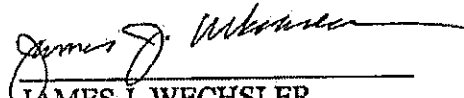
¹ *Order on State of New Mexico’s Motion for Approval of an Expedited Rule 1-060(B) NMRA Procedure for Globally Correcting Mistakes that are Shared by Multiple Consent Orders in the La Plata Adjudication.*

filed on May 20, 2025.

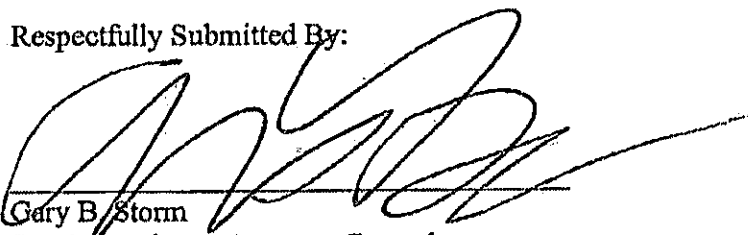
THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The State's *Global Motion to Correct Erroneous Information Under "Amount of Water" Headings in Thirty-Four Consent Orders in the La Plata Adjudication* is hereby granted.
2. The corrected language of each Consent Order in the above-captioned cases and related subfiles correctly describes 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

AMOUNT OF WATER

Owner & Address	Subfile No.	Date Consent Order Entered	Court No.	Heading with Error	Incorrect Amounts of Water	Change Needed: Corrected Amounts of Water
Russell A. Hill Maria Jacquez 1931 Highway 170 La Plata, NM 87418	001-0003	7/10/2008	AF-01-25	A	Amount of Water in Heading A incorrectly states: "Reserved for future determination."	For Heading A: Correct the Amount of Water to state: "Not to exceed 15.29 acre-feet per annum"
Joleen H. Walters Patrick M. Walters PO Box 299 La Plata, NM 87418	003-0006	2/25/2015	AF-01-78	A	The Consent Order for this subfile was the consequence of a Stipulated Order, entered April 18, 1988, in which the State and the Owners agreed and stipulated to the elements of the subfile's water rights. The Stipulated Order incorrectly specified that the Amount of Water in Heading A should state: "Not to exceed 60.29 acre-feet per annum"	For Heading A: Correct the Amount of Water to state: "Not to exceed 60.59 acre-feet per annum"
Andrea A. Yazzie Eugene D. Yazzie PO Box 1106 Farmington, NM 87499	003-0015A	5/27/2009	AF-01-516	B	Amount of Water missing from Heading B.	For Heading B: Correct the Amount of Water to state: "NONE"

Roger Hutchinson PO Box 406, 26 NM 574 La Plata, NM 87418	003-0045	8/22/2008	AF-01-116	B	Amount of Water in Heading B incorrectly states: "Not to exceed [blank space] acre-feet per annum."	For Heading B: Correct the Amount of Water to state: "NONE"
Marcia James Dwight F. James 10 County Road 1330 La Plata, NM 87418	003-0050	Amended 1/29/2009	AF-01-121	B	Amount of Water in Heading B of Amended Order incorrectly states: "Not to exceed [blank space] acre-feet per annum."	For Heading B: Correct the Amount of Water to state: "NONE"
Tyler Eugene Truby 545 Mawanai Place #W Honolulu, HI 96818	004-0035A	6/22/2015	AF-01-520	A, B, C	Amount of Water in Heading A incorrectly states: "Not to exceed 75.69 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 75.99 acre-feet per annum" For Heading B: Amount of Water: NONE Add New Heading C: Amount of Water: NONE

Montoya Sheep & Cattle Co., Inc. 1592 NM 150 La Plata, NM 87418	004-0036	1/5/2009	AF-01-129	A, B, C	Amount of Water in Headings A, B, and C incorrectly state: Heading A: "Not to exceed 75.99 acre-feet per annum" Heading B: "Not to exceed 9.24 acre-feet per annum" Heading C: "Not to exceed 47.38 acre-feet per annum"	Correct the Amount of Water for Headings A, B, and C to state: For Heading A: "Not to exceed 75.74 acre-feet per annum" For Heading B: "Not to exceed 9.21 acre-feet per annum" For Heading C: "Not to exceed 47.22 acre-feet per annum"
Thelma Faye Nickles Lloyd L. Nickles 1394 Highway 170 La Plata, NM 87418	004-0052	7/21/2011	AF-01-488	C	Amount of Water in Heading C incorrectly states: "Not to exceed [blank space] acre-feet per annum"	For Heading C: Correct the Amount of Water to state: "NONE"
Nila L. Hamblin G. Elbert Hamblin 1380 Highway 170 La Plata, NM 87418	005-0002	Original SO vacated and corrected SO entered 12/29/2009	AF-01-140	B	Amount of Water in Heading B of Corrected Order incorrectly states: "Not to Exceed 0.00 acre-feet per annum"	For Heading B: Correct the Amount of Water to state: "NONE"
Tamie S. Cottrell Tim J. Cottrell 332 County Road 1191 La Plata, NM 87418	005-0008	5/22/2008	AF-01-189	B	Amount of Water in Heading B incorrectly states: "Not to exceed [blank space] acre-feet per annum"	For Heading B: Correct the Amount of Water to state: "NONE"

Ronald L. Sparks 7 Road 1344 La Plata, NM 87418	005-0021	5/28/2008	AF-01-201	B	Amount of Water in Heading B incorrectly states: "Not to exceed [blank space] acre-feet per annum"	For Heading B: Correct the Amount of Water to state: "NONE"
Theresa Anderson Rich Anderson PO Box 436 La Plata, NM 87418	005-0023	5/28/2008	AF-01-203	B	Amount of Water in Heading B incorrectly states: "Not to exceed [blank space] acre-feet per annum"	For Heading B: Correct the Amount of Water to state: "NONE"
Timothy Allen Black Michelle Black PO Box 414 La Plata, NM 87418	005-0024	5/28/2008	AF-01-204	B	Amount of Water in Heading B incorrectly states: "Not to exceed [blank space] acre-feet per annum"	For Heading B: Correct the Amount of Water to state: "NONE"
Michael M. Belt Suzanne Belt PO Box 358 La Plata, NM 87418	005-0025	5/28/2008	AF-01-205	B	Amount of Water in Heading B incorrectly states: "Not to exceed [blank space] acre-feet per annum"	For Heading B: Correct the Amount of Water to state: "NONE"

Thelma Faye Nickles Lloyd L. Nickles 1394 Highway 170 La Plata, NM 87418	005-0031	10/5/2015	AF-01-210	A, B, C, D, E	<p>The original Subfile Order was a consequence of an Order of the court subsequent to litigation: Order Determining Water Rights of Thelma Faye Nickles and Lloyd L. Nickles, Subfile SJLP-005-0031</p> <p>Heading A:</p> <p>Amount of Water incorrectly states: Not to Exceed 288.30 acre-feet per annum</p> <p>Heading B:</p> <p>Amount of Water incorrectly states: Amount of Water: NONE</p>	<p>Correct the Amount of Water for Headings A, B, C, D, and E to state:</p> <p>For Heading A:</p> <p>Correct the Amount of Water to state: Not to Exceed 21.30 acre-feet per annum</p> <p>For Heading B:</p> <p>Correct the Amount of Water to state: Not to Exceed 267.00 acre-feet per annum</p> <p>For Heading C:</p> <p>Amount of Water: NONE</p> <p>For Heading D:</p> <p>Amount of Water: NONE</p> <p>Add new Heading E:</p> <p>Amount of Water: NONE</p>
Jolena R. Mills Aaron Mills 41 County Road 1401 La Plata, NM 87418	005-0039	5/28/2008	AF-01-214	B	<p>Amount of Water in Heading B incorrectly states: "Not to exceed [blank space] acre-feet per annum"</p>	<p>For Heading B:</p> <p>Correct the Amount of Water to state: "NONE"</p>

Robert W. Dinning Connie S. Dinning 7219 Driftwood Farmington, NM 87402	006-0043	10/16/2008	AF-01-221	A	Amount of Water in Heading A incorrectly states: "Not to exceed 162.00 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 163.08 acre-feet per annum"
Jon Myers Jackie Myers PO Box 477 La Plata, NM 87418	007-0027	5/28/2008	AF-01-230	B, C	Amount of Water in Heading B incorrectly states: "Not to exceed [blank space] acre-feet per annum" Amount of Water in Heading C incorrectly states: "Not to exceed [blank space] acre-feet per annum"	For Heading B: Correct the Amount of Water to state: "NONE" For Heading C: Correct the Amount of Water to state: "NONE"
Gary W. Bees Marsha M. Bees 20955 West Lost Creek Drive Buckeye, AZ 85396	007-0033	12/29/2009	AF-01-233	A, B	Amount of Water in Heading A incorrectly states: "Not to exceed 81.24 acre-feet per annum." Amount of Water in Heading B incorrectly states: "Not to exceed 24.48 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 105.40 acre-feet per annum." For Heading B: Correct the Amount of Water to state: "NONE"

Jeremy A. Kuchera Rebecca A. Kuchera 20 County Road 1636 Farmington, NM 87401	007-0044	8/22/2008	AF-01-314	A	Amount of Water in Heading A incorrectly states: "Not to exceed 1.53 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 1.51 acre-feet per annum"
Jeremy A. Kuchera Rebecca A. Kuchera 20 County Road 1636 Farmington, NM 87401	007-0045	8/22/2008	AF-01-317	A	Amount of Water in Heading A incorrectly states: "Not to exceed 2.75 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 2.72 acre-feet per annum"
Lynett Griffith Joe M. Brice 28 Road 1636 Farmington, NM 87401	007-0047	5/25/2007	AF-01-239	A	Amount of Water in Heading A incorrectly states: "Not to exceed 1.22 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 1.21 acre-feet per annum"
Douglas D. Fessenden 30 County Road 1636 Farmington, NM 87401	007-0048	8/5/2009	AF-01-313	A	Amount of Water in Heading A incorrectly states: "Not to exceed 1.53 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 1.51 acre-feet per annum"
Frank W. Andrews Renee Andrews 32 Road 1636 Farmington, NM 87401	007-0049	12/29/2009	AF-01-314	A	Amount of Water in Heading A incorrectly states: "Not to exceed 5.20 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 5.13 acre-feet per annum"

Caroline Hartsell Sidney L. Hartsell 27 County Road 1636 Farmington, NM 87401	007-0051	Amended 6/11/2019	AF-01-321	A	Amount of Water in Heading A of Amended Order incorrectly states: "Not to exceed 1.22 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 1.21 acre-feet per annum"
Ginger K. Lockerby Johnny L. Lockerby 25 County Road 1636 Farmington, NM 87401	007-0052	10/16/2008	AF-01-322	A	Amount of Water in Heading A incorrectly states: "Not to exceed 1.84 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 1.81 acre-feet per annum"
Teresa Perkins Glen Perkins PO Box 1091 Farmington, NM 87499	007-0053	10/16/2008	AF-01-323	A	Amount of Water in Heading A incorrectly states: "Not to exceed 1.22 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 1.21 acre-feet per annum"
Rebecca L. Buckley 19 County Road 1636 Farmington, NM 87401	007-0054	10/16/2008	AF-01-324	A	Amount of Water in Heading A incorrectly-states: "Not to exceed 1.84 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 1.81 acre-feet per annum"
Fred V. Archuleta Juanita S. Archuleta PO Box 211 La Plata, NM 87418	007-0063	10/16/2008	AF-01-332	A	Amount of Water in Heading A incorrectly states: "Not to exceed 1.84 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 1.81 acre-feet per annum"

Kathy Waybourn Don Waybourn PO Box 326 La Plata, NM 87418	007-0067	10/16/2008	AF-01-336	A	Amount of Water in Heading A incorrectly states: "Not to exceed 19.58 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 19.33 acre-feet per annum."
Christine N. Dunlap Jim T. Dunlap 740 Highway 170 Farmington, NM 87401	008-0003	Amended 10/13/2015	AF-01-341	A	Amount of Water in Heading A of Amended Order incorrectly states: "Not to exceed 21.42 acre-feet per annum."	For Heading A: Correct the Amount of Water to state: "Not to exceed 20.50 acre-feet per annum"
Heimo Trathnigg PO Box 1693 Farmington, NM 87499	008-0009A	10/16/2008	AF-01-346	A, B	Amount of Water in Heading A incorrectly states: "Not to exceed [blank space] acre-feet per annum" Amount of Water in Heading B incorrectly states: "Not to exceed [blank space] acre-feet per annum"	For Heading A: Correct the Amount of Water to state: "Not to exceed 18.05 acre-feet per annum." For Heading B: Correct the Amount of Water to state: "NONE"
Russell Walls PO Box 3871 Farmington, NM 87499	008-0030B	10/16/2008	AF-01-368	A	Amount of Water in Heading A incorrectly states: "Not to exceed [blank space] acre-feet per annum"	For Heading A: Correct the Amount of Water to state: "Not to exceed 7.34 acre-feet per annum."

Juan A. Vigil Cathy F. Vigil 5 County Road 1768 Farmington, NM 87401	008-0060	9/20/2010	AF-01-396	B	Amount of Water in Heading B incorrectly states: "Not to exceed [blank space] acre-feet per annum"	For Heading B: Correct the Amount of Water to state: "NONE"
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