

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

2025 SEP -2 PM 4:39

**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
James J. Wechsler
Judge Pro Tempore**

**SAN JUAN RIVER BASIN
ADJUDICATION
La Plata River Section**

Court No. AF-01-									
39	43	122	135	138	233	239	313	315	317
318	320	321	322	323	324	325	326	327	328
329	330	331	332	333	334	335	336	521	

**ORDER CORRECTING ERRONEOUS INFORMATION UNDER
“POINT OF DIVERSION” HEADINGS IN TWENTY-NINE CONSENT ORDERS
IN THE LA PLATA ADJUDICATION**

THIS MATTER having been reviewed by the Court on the *Global Motion to Correct Erroneous Information Under “Point of Diversion” Headings in Twenty-Nine 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 29 above-named cases. The relevant information regarding the Consent Orders for each of the 29 cases is included in the Appendix to this Order.

3. Because of technical errors, some of the details included under the “Point of Diversion” headings in the Consent Orders for those 29 cases were incorrectly identified or missing.

4. The Appendix below describes the specific errors in the “Point of Diversion” 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 “Point of Diversion” 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.*

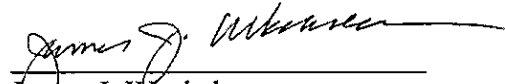
filed on July 29, 2025.

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

1. The State's *Global Motion to Correct Erroneous Information Under "Point of Diversion" Headings in Twenty-Nine 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:

/s/

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

Appendix 1

POINT OF DIVERSION

Owner & Address	Subfile No.	Date Subfile Order Entered	Court No.	Headings with Error	Error	Change Needed
Mary R. Enos Stephen K. Enos 1897 Highway 170 La Plata, NM 87418	001-0017	Amended 10/22/2009	AF-01-39	B	Heading B states No Right Point of Diversion is on the Pickering Ditch. Map shows only Pioneer Ditch.	Change Heading B Point of Diversion from Pickering Ditch to Pioneer Ditch.
Elizabeth B. Smagacz Anthony P. Smagacz 31 County Road 1006 La Plata, NM 87418	001-0021	Amended 1/30/2009	AF-01-43	B	Heading B states No Right Point of Diversion is on the Pickering Ditch. Map shows only Pioneer Ditch.	Change Heading B Point of Diversion from Pickering Ditch to Pioneer Ditch.

Appendix 1

Nickles Brothers Inc. c/o Charles & Lloyd Nickles 1412 Highway 170 La Plata, NM 87418	003-0051	9/20/2012	AF-01-122	A, B, C	<p>Heading A correctly states Point of Diversion is La Plata Indian Ditch, but incorrectly includes Murphy Arroyo Ditch as supplemental water.</p> <p>Heading B correctly states Point of Diversion is La Plata Indian Ditch, but incorrectly includes Murphy Arroyo Ditch as supplemental water.</p> <p>Heading C incorrectly describes 1.7 No Right acres with La Plata Indian Ditch as Point of Diversion.</p> <p>There is no Heading D.</p> <p>There is no Heading E.</p>	<p>Change Heading A Point of Diversion to La Plata Indian Ditch and remove references to Murphy Arroyo Ditch.</p> <p>Change Heading B Point of Diversion to La Plata Indian Ditch and remove references to Murphy Arroyo Ditch.</p> <p>Change Heading C Point of Diversion to supplemental water from the Murphy Arroyo Ditch.</p> <p>Add Heading D with Point of Diversion to supplemental water from the Murphy Arroyo Ditch.</p> <p>Add Heading E with La Plata Indian Ditch as Point of Diversion for 1.7 No Right acres.</p>
Tyler Eugene Truby 4635 Frasers Owl Ave, Unit 102 North Las Vegas, NV 89084-4785	004-0035-B	6/22/2015	AF-01-521	A, B	Headings A and B Points of Diversion incorrectly state Greenhorn Ditch.	Change Headings A and B Points of Diversion from Greenhorn Ditch to Larkin-Reynolds Ditch.

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Gary W. Bees Marsha M. Bees 20955 West Lost Creek Drive Buckeye, AZ 85396	007-0033	12/29/2009	AF-01-233	A, B, C, D	Heading A incorrectly states 26.9 acres from Helton Ditch. Heading B incorrectly states 8.0 acres from Jackson Canal Ditch. Heading C incorrectly states 1.6 No Right acres from Helton Ditch. Heading D incorrectly states 0.1 No Right acres from Helton Ditch.	Change Heading A to 34.9 acres from Helton Ditch. Change Heading B to Helton Ditch for 1.6 No Right acres. Change Heading C to Jackson Canal Ditch for 0.1 No Right acres. Heading D is eliminated.
Jeremy A. Kuchera Rebecca A. Kuchera 20 County Road 1636 Farmington, NM 87401	007-0044	8/22/2008	AF-01-315	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.
Jeremy A. Kuchera Rebecca A. Kuchera 20 County Road 1636 Farmington, NM 87401	007-0045	8/22/2008	AF-01-317	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.
David Watson P.O. Box 2811 Farmington, NM 87401	007-0046	Amended 3/30/2012	AF-01-318	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Lynett Griffith Joe M. Brice 28 Road 1636 Farmington, NM 87401	007-0047	5/25/2007	AF-01-239	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.

Appendix 1

Douglas D. Fessenden 30 County Road 1636 Farmington, NM 87401	007-0048	8/5/2009	AF-01-313	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.
Frank W. Andrews Renee Andrews 32 Road 1636 Farmington, NM 87401	007-0049	12/29/2009	AF-01-320	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.
Nickles Brothers Inc. c/o Charles & Lloyd Nickles 1412 Highway 170 La Plata, NM 87418	007-0050	6/4/2011	AF-01-135	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Caroline Hartsell Sidney L. Hartsell 27 Country Road 1636 Farmington, NM 87401	007-0051	Amended 6/11/2019	AF-01-321	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.
Ginger K. Lockeby Johnny L. Lockeby 25 County Road 1636 Farmington, NM 87401	007-0052	10/16/2008	AF-01-322	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.
Teresa Perkins Glen Perkins P.O. Box 1091 Farmington, NM 87499	007-0053	10/16/2008	AF-01-323	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.
Rebecca L. Buckley 19 County Road 1636 Farmington, NM 87401	007-0054	10/16/2008	AF-01-324	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.
Shannon Gould 17 RD 1636 Farmington, NM 87401	007-0055	8/5/2009	AF-01-325	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.

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Lonnie Fuller 13 CR 1636-2004 Farmington, NM 87401	007-0056	8/5/2009	AF-01-326	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Desert Investments Inc. c/o David Allison 4510 Main Farmington, NM 87401	007-0057	5/27/2009	AF-01-327	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Debi Bell Ruth Van Boening P.O. Box 350077 Palm Coast, FL 32135	007-0058	1/25/2010	AF-01-328	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Barbara Earp Roland M. Earp 49 CR 1636 Farmington, NM 87401	007-0059	Amended 6/17/2010	AF-01-329	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Christopher D. Opperman 45 CR 1636 Farmington, NM 87401	007-0060	Amended 6/17/2010	AF-01-330	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Loretta Y. Haley Michael J. Haley 38 RD 1636 Farmington, NM 87401	007-0061	3/19/2009	AF-01-138	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Brook Klitzke Donald Klitzke, III 40 Road 1636 Farmington, NM 87401	007-0062	8/11/2009	AF-01-331	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Fred V. Archuleta Juanita S. Archuleta PO Box 211 La Plata, NM 87418	007-0063	10/16/2008	AF-01-332	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.

Appendix 1

Mary McCormack Jerry R. Stevens 5651U Highway 64 Farmington, NM 87401	007-0064	Amended 12/7/2015	AF-01-333	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Chester H. Benally Elvonne J. Benally 50 Road 1636 Farmington, NM 87401	007-0065	4/30/2014	AF-01-334	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Cindy L. Stockton 54 Road 1636 Farmington, NM 87401	007-0066	6/15/2011	AF-01-335	A	Heading A Point of Diversion incorrectly states Jackson Canal Ditch.	Change Heading A Point of Diversion from Jackson Canal Ditch to Helton Ditch.
Kathy Waybourn Don Waybourn PO Box 326 La Plata, NM 87418	007-0067	10/16/2008	AF-01-336	A, B	Headings A and B Points of Diversion incorrectly state Jackson Canal Ditch.	Change Headings A and B Points of Diversion from Jackson Canal Ditch to Helton Ditch.