

2025 SEP 16 PM 3: 21 .

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-
507
508
509

**MOTION TO CORRECT MISTAKES REGARDING SUMP DESCRIPTIONS IN THREE
CONSENT ORDERS IN THE LA PLATA ADJUDICATION**

STATE OF NEW MEXICO, *ex rel.* State Engineer, (State) moves the Court for an Order under Rule 1-060(A) NMRA to correct clerical mistakes regarding sumps in three Consent Orders that adjudicated water rights within the La Plata in the above-captioned cases, and says in support thereof:

1. This Motion is made under the authority of the Court's Order on the State's Rule 1-060(A) Procedure Motion entered February 28, 2023.¹ [Exhibit A.]
2. Consent Orders were entered by this Court adjudicating the water rights in the La Plata for the above captioned subfiles.
3. The Appendix below describes the specific errors in the sump descriptions associated

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.

with the above-captioned cases, and it provides the correct language that will resolve these errors. [Exhibit B]

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

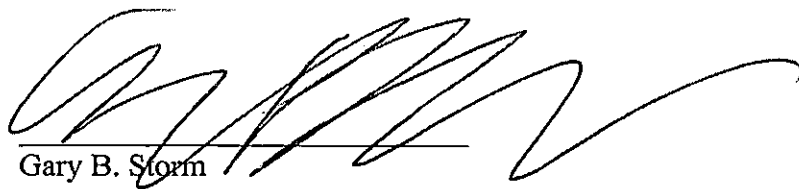
5. These corrections will not substantively affect any rights of the owners of the above captioned subfiles, nor will the corrections impair other water users or the State's administrative responsibilities.

6. 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 this Motion. A hearing will be conducted on any objections filed, following notice to the parties.

WHEREFORE, the State respectfully requests the Court grant its Motion and order that the Consent Orders in the above-captioned cases be corrected so that:

1. The sump descriptions in each subfile conforms with the adjudicated water rights, and
2. Such other relief as the Court deems appropriate.

Respectfully submitted,

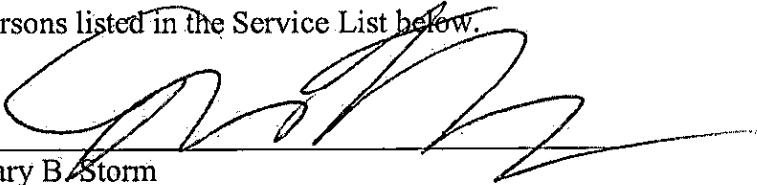


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Attorney for Plaintiff State of New Mexico,
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CERTIFICATE OF SERVICE

I certify that on September 16, 2025, an electronic version of this document was filed by electronic mail to: sanjuanwater-grp@nmcourts.gov, and by United States Postal Service to the persons listed in the Service List below.



Gary B. Storm
Special Assistant Attorney General

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

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

2023 FEB 28 PM 4: 01

JB

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-Intervener.

D-1116-CV-75-184

Honorable James J. Wechsler
Judge Pro Tempore

SAN JUAN RIVER BASIN
ADJUDICATION

La Plata River Section

**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**

THIS MATTER having been reviewed by the Court on the 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 by the State of New Mexico ex rel. State Engineer [State]; and the Court, being fully advised in the premises, FINDS:

1. The Court's Database Manager has undertaken a "Quality Control" review of all the Consent Orders that were entered by this Court adjudicating the water rights in the La Plata. This review has revealed mistakes in numerous filed Consent Orders.

2. In the course of adjudicating La Plata water rights, the State has identified certain mistakes in filed Consent Orders.

EXHIBIT A

3. This Motion concerns errors that are more appropriately addressed by Rule 1-060(B) because they may concern substantive aspects of a water right and are not necessarily merely clerical in nature.

4. Though numerous filed Consent Orders in the La Plata contain mistakes, there are comparatively few categories of such mistakes among all the Consent Orders. The various categories of these mistakes may include, but are not necessarily limited to:

- a) Discrepancies between maps and the Consent Orders to which they are attached.
- b) Incorrect Acreages for irrigated lands as well as no right lands.
- c) Missing and erroneous Amounts of Water.
- d) Incorrect ditch listed as Point of Diversion.
- e) Incorrect location for Point of Diversion of ditch.
- f) Ponds not included in Subfile Order.
- g) Incorrect or missing Priority Date.
- h) Incorrect or missing Rate of Flow.
- i) Incorrect aliquot part and location.

5. The correction of any of the above-listed errors may affect the substantive rights of the Defendants and may affect the State's administrative responsibilities.

6. Because the correction of these mistakes requires making a change in a Consent Order entered by the Court, Rule 1-060(B) is the most appropriate mechanism for affecting the necessary changes.

7. In the interest of promoting judicial efficiency, conserving the resources of the State, and shortening the time needed for completion of the adjudication of the La Plata, the State

should employ expedited procedures for globally correcting errors that are shared by multiple consent orders in La Plata Consent Orders.

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

The State shall implement the following expedited procedures for globally resolving ambiguities and achieving consistency among multiple Consent Orders in the La Plata Adjudication:

- (a) The State and the Court shall confer regarding the date, time, and place for a hearing on the Global Motion to resolve a particular category of Consent Order ambiguity or inconsistency.
- (b) The Court shall issue a Notice of Hearing setting a hearing date, time, and place on the Global Motion. This Notice of Hearing will not be sent to the Defendants.
- (c) The State shall file a copy of the Global Motion for each subfile listed in that Motion's caption and shall serve on each original Defendant and, if applicable, on each current owner of record:
 - a copy of this Order on double sided paper as an Exhibit to the Global Motion;
 - the Global Motion; and
 - a cover letter and Notice Form, as an Exhibit to the Global Motion, informing the Defendants of the date and time of the hearing, which the Defendants can use to notify the State and the Court of any response to the proposed change and their intent to appear at the hearing. The State shall file with the Court all of the Notice Forms that are returned by Defendants.
- (d) The Global Motion and proposed Global Order shall contain a table [Appendix] specifying the Owner whose name appears in the Consent Order at issue, their address, the

subfile number, the paragraph to be corrected within each Consent Order, the court number, the date the original Consent Order was filed, and any other information that the particular situation requires. The font of the table may be reduced to 11 or 10 points to minimize the number of pages of the Global Motion and Global Order.

(e) The State, if the Court believes it to be necessary, will publish the Global Motion, the proposed Global Order, Order on the Motion for expedited procedure, the Notice of Hearing, and the Form Notice on the Office of the State Engineer website on a page devoted to the La Plata adjudication. The State will provide further notice as the Court directs.

(f) In order to provide notice to all affected parties in accordance with due process requirements, the State shall use due diligence to determine the current owners of the water rights described in the Consent Orders that are the subject of each Global Motion. Such due diligence shall consist of:

- Obtaining available ownership information that has been updated by the Defendant and filed in the records of the Office of the State Engineer in accordance with NMSA 1978, § 72-1-2.1 (1996), and the Consent Order signed by the original Defendant, and
- Obtaining available ownership information from the San Juan County Assessor.


(g) Following the hearing, the Court shall enter a single Global Order correcting all the affected Consent Orders.

(h) The State shall serve the Global Order on each Defendant and on each identified current owner of record whose Consent Order is to be corrected and file a copy of the Global Order for each subfile listed in its caption.

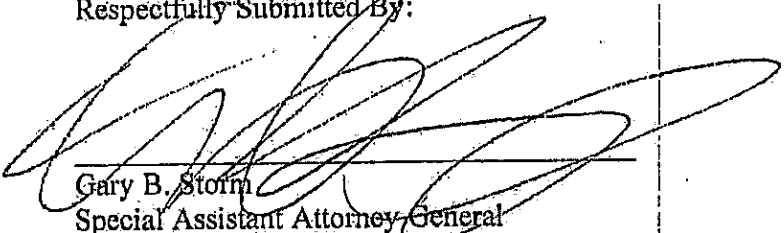
(i) The Global Order shall expressly correct the original Consent Order.

IT IS SO ORDERED.

Date: February 28, 2023


JAMES J. WECHSLER
JUDGE PRO TEMPORE

Respectfully Submitted By:


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

EXHIBIT B

SUMP

Owner & Address	Subfile No.	Date Subfile Order Entered	Court No.	Heading with Error	Error	Hydro Survey Comments
David Standifer Pamela Standifer 3400 B La Plata Highway Farmington, NM 87401	009-0023	6/9/2011	AF-01-507	A	<p>Heading A lists, "Purpose of Use: NO RIGHT"</p> <p>Heading A lists, "Sump: DITCH NO. LP 18 SUMP" as Point of Diversion.</p> <p>On the map the sump POD is about 400 feet from the edge of the subject property.</p>	<p>In Heading A, change Purpose of Use to:</p> <p>NO RIGHT; No right or use of Point of Diversion.</p> <p>In Heading A, change Point of Diversion to:</p> <p>Sump: LP-18 Sump</p>
Tamara J. Coombs 3450 La Plata Highway Farmington, NM 87401	009-0024	1/25/2010	AF-01-508	A	<p>Heading A lists, "Purpose of Use: NO RIGHT"</p> <p>Heading A lists "Sump: DITCH NO. LP 17 SUMP" as Point of Diversion.</p> <p>On the map the sump POD is a few feet outside the subject property.</p>	<p>In Heading A, change Purpose of Use to:</p> <p>NO RIGHT; No right or use of Point of Diversion.</p> <p>In Heading A, change point of diversion to:</p> <p>Sump: LP-17 Sump</p>

Linda K. Rodriguez Israel P. Rodriguez 3400 La Plata Highway Farmington, NM 87401	009-0025	5/3/2010	AF-01-509	A	<p>Heading A lists, "Purpose of Use: NO RIGHT"</p> <p>Heading A lists "Sump: DITCH NO. LP 18 SUMP" as Point of Diversion.</p> <p>Although the map does not show the sump POD, it is about 400 feet from the edge of the subject property.</p>	<p>In Heading A, change Purpose of Use to:</p> <p>NO RIGHT; No right or use of Point of Diversion.</p> <p>In Heading A, change point of diversion to:</p> <p>Sump: LP-18 Sump</p>
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SERVICE LIST

David Standifer
Pamela Standifer
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Farmington, NM 87401

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