

DISTRICT COURT
SAN JUAN COUNTY NM
FILED TD
2025 DEC 17 AM 10:12

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

STATE OF NEW MEXICO,
ex rel. STATE ENGINEER,

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

Plaintiff,

SAN JUAN RIVER BASIN ADJUDICATION

vs.

La Plata River Section

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

Defendants,

vs.

THE JICARILLA APACHE TRIBE and
THE NAVAJO NATION,

Defendant-Interveners.

Court No. AF-01-						
122	160	520	210	211	216	233

GLOBAL MOTION TO CORRECT ERRONEOUS INFORMATION REGARDING THE AMOUNTS OF IRRIGATED ACREAGE IN SEVEN 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(B) NMRA to correct the erroneous information regarding amounts of irrigated acreage in various Consent Orders regarding the La Plata River Section of the San Juan River Basin that adjudicated water rights in the seven above-captioned cases, and says in support thereof:

1. This Motion was made under the authority of the Court's Order on the State's Rule 1-

060(B) Procedure Motion, under 4(b), entered February 28, 2023.¹ [Exhibit A.]

2. This Court entered Consent Orders adjudicating the water rights in the La Plata Section of the San Juan River Basin for each of the seven above-named cases. The relevant information regarding the Consent Orders for each of the seven cases is included in the Appendix to this Motion. [Exhibit B]

3. Because of technical errors, some of the details included under the amounts of irrigated acreage in the Consent Orders for those seven cases were incorrectly identified.

4. The Appendix below describes the specific errors regarding the amounts of irrigated acreage descriptions associated with the above-captioned cases, and it provides the correct language that will resolve these errors. [Exhibit B]

5. All of the above-captioned cases should be corrected by an Order of the Court directly changing each erroneous detail regarding the amount of irrigated acreage 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. 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.

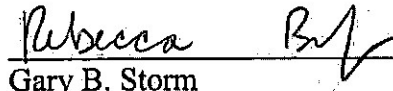
¹ *Order on State of New Mexico's Motion for Approval of an Expedited Rule 1-060(B) NMRA Procedure for Globally Correcting Mistakes that are Shared by Multiple Consent Orders in the La Plata Adjudication.*

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 this Motion concurrent with this filing.

WHEREFORE, if no objections are filed within 30 days/January 16, 2026, the State respectfully requests the Court grant its Motion and order that all the Consent Orders in the above-captioned cases be corrected so that:

1. The amount of irrigated acreage in each subfile conforms with the adjudicated water rights, and
2. Such other relief as the Court deems appropriate.

Respectfully submitted,



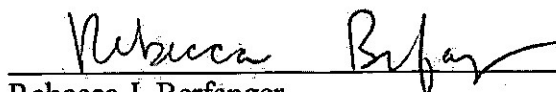
Gary B. Storm
Rebecca J. Berfanger
Special Assistant Attorneys General
Office of the State Engineer
P. O. Box 25102
Santa Fe, NM 87504-5102
505/827-6150
505/827-3887 (fax)

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

CERTIFICATE OF SERVICE

I certify that on December 17, 2025, an electronic version of this document was filed by electronic mail to: sanjuanwater-grp@nmcourts.gov, and mailed through the United States

Postal Service: to the persons listed below on the attached Service List.



Rebecca J. Berfanger
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.

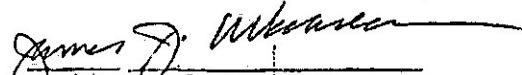
(g) Following the hearing, the Court shall enter a single Global Order correcting all the affected Consent Orders.

(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.

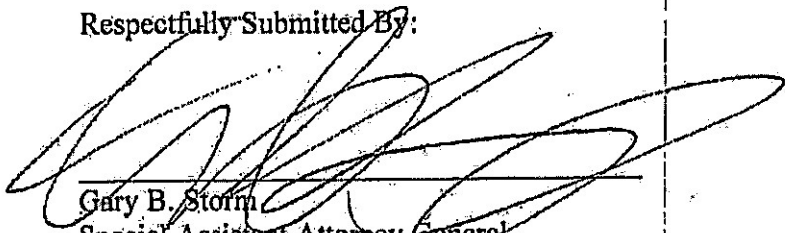
(i) The Global Order shall expressly correct the original Consent Order.

IT IS SO ORDERED.

Date: February 28, 2023


JAMES G. 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

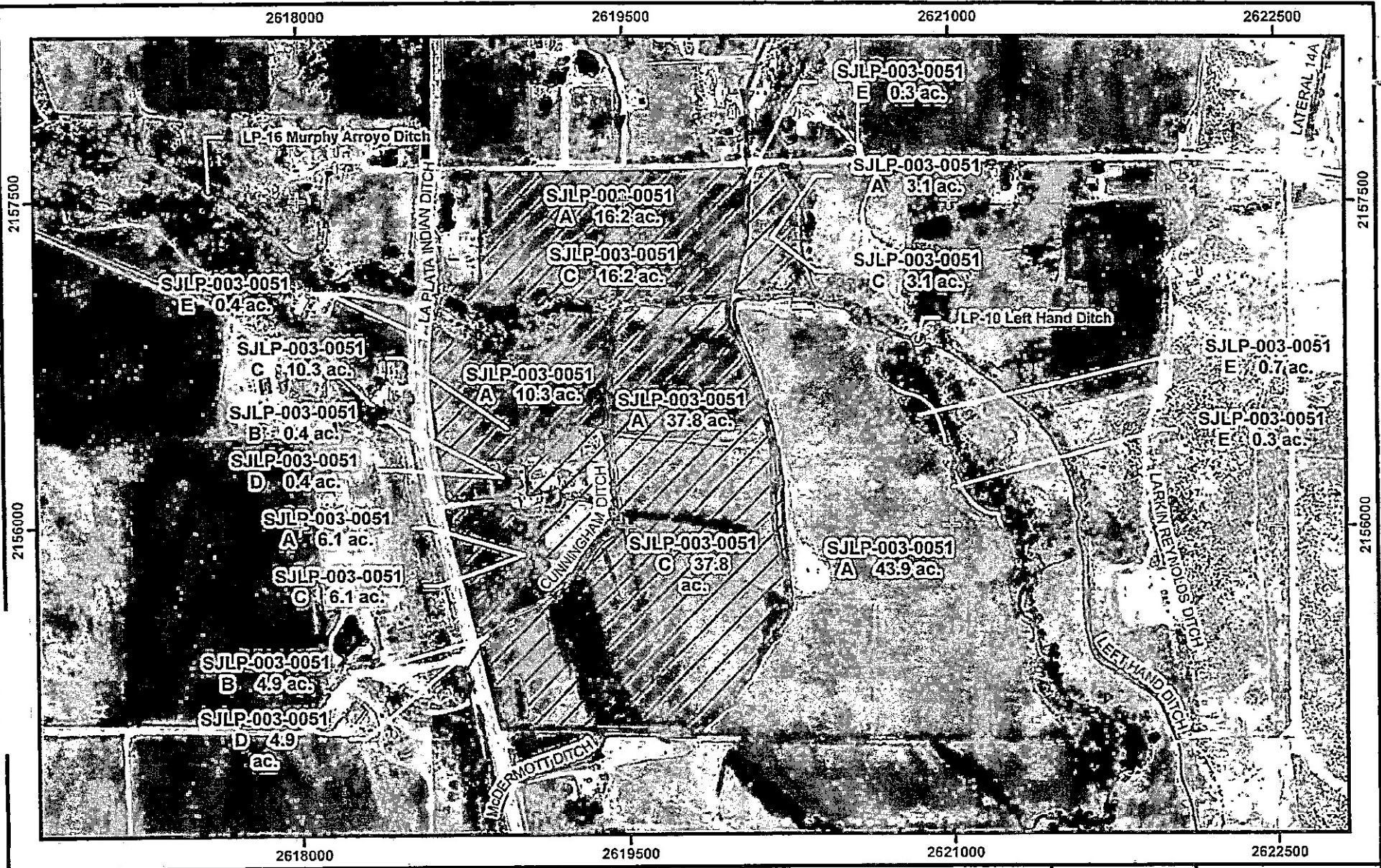
ACREAGE ERRORS

Owner & Address	Subfile No.	Date Subfile Order Entered	Court No.	Subfile Order Section with Error	Error	Changes Needed
Nickles Brothers Inc. c/o Charles & Lloyd Nickles 1412 Highway 170 La Plata, NM 87418	SJLP-003-0051	9/20/2012	AF-01-122	A, B, C	Heading A correctly states Point of Diversion is La Plata Indian Ditch, but incorrectly includes Murphy Arroyo Ditch as supplemental water. Heading B correctly states Point of Diversion is La Plata Indian Ditch, but incorrectly includes Murphy Arroyo Ditch as supplemental water. Heading C incorrectly describes 1.7 No Right acres with La Plata Indian Ditch as Point of Diversion. There is no Heading D. There is no Heading E.	Corrected map attached as Exhibit A. Change Heading A Point of Diversion to La Plata Indian Ditch and remove references to Murphy Arroyo Ditch. Change Heading B Point of Diversion to La Plata Indian Ditch and remove references to Murphy Arroyo Ditch. Change Heading C Point of Diversion to supplemental water from the Murphy Arroyo Ditch. Add Heading D with Point of Diversion to supplemental water from the Murphy Arroyo Ditch. Add Heading E with La Plata Indian Ditch as Point of Diversion for 1.7 No Right acres.



Darlene Lenocker David Lenocker PO Box 435 La Plata, NM 87418	SJLP-004-0014	1/13/2010	AF-01-160	B	Heading B in both Subfile Order and map state the No Right is 1.2 acres. This acreage is incorrect.	Corrected map attached as Exhibit B. Change acreage for Heading B to 0.4 No Right acre.
Tyler Eugene Truby 4635 Frasers Owl Ave Unit 102 North Las Vegas, NV 89084-4785	SJLP-004-0035-A	6/22/2015	AF-01-520	A, B	No right of 31.5 acres in Subfile Order and in map is incorrectly ascribed to eastern portion of Heading B. This polygon should be a separate Heading C.	Corrected map attached as Exhibit C. Replace eastern portion of Heading B with Heading C for the 31.5 No Right acres on Greenhorn Ditch.
Thelma Faye Nickles Lloyd L. Nickles 1394 Highway 170 La Plata, NM 87418	SJLP-005-0031	10/5/2015	AF-01-210	A	Heading A in both Subfile Order and map incorrectly is 96.1 acres of Surface Water Irrigation. Heading B in both Subfile Order and map incorrectly is 0.7 No Right acre. Heading C in both Subfile Order and map incorrectly is 32.8 No Right acres. Heading D in both Subfile Order and map incorrectly is 4.2 No Right acres. There is no Heading E.	Corrected map attached as Exhibit D. Heading A changed to Heading B less 7.1 acres that will remain in Heading A Heading B changed to 89.0 acres due to different Priorities and Flow Rates on the 7.1 acres in Heading A. Move Heading B to Heading C for 0.7 No Right Acre. Move Heading C to Heading D for 32.8 No Right acres. Change Heading D to newly created Heading E for 4.2 No Right acres.

<p>Elizabeth Smith Revocable Trust c/o Elizabeth Smith P.O. Box 2524 Farmington, NM 87499-2524</p>	<p>SJLP-005-0033</p>	<p>Amended 12/8/2021</p>	<p>AF-01-211</p>	<p>A, B</p>	<p>Heading A Irrigated acreage incorrectly is 31.3 in Subfile Order and 27.0 acres on map.</p> <p>Heading B No Right acreage incorrectly is 1.7 in Subfile Order and 0.9 acre on map.</p> <p>Heading C No Right acreage incorrectly is 2.0 acres in both Subfile Order and the map.</p>	<p>Corrected map attached as Exhibit E.</p> <p>Correct acreage for Heading A is a 21.7 acre polygon plus a 6.2 acre polygon, for a total of 27.9 acres.</p> <p>Correct acreage for Heading B No Right is a 1.7 acres.</p> <p>Heading B now occupies the land occupied by Heading C in the former erroneous Subfile Order. Heading C is eliminated.</p>
<p>Robert H. Jennings Dorothy Jennings P.O. Box 336 La Plata, NM 87418</p>	<p>SJLP-005-0050</p>	<p>8/22/2008</p>	<p>AF-01-216</p>	<p>C</p>	<p>Heading C No Right acreage incorrectly is 11.5 in Subfile Order and 11.6 acre on map.</p>	<p>Corrected map attached as Exhibit F.</p> <p>Correct acreage for Heading C is 11.1 No Right acres.</p>
<p>Gary W. Bees Marsha M. Bees 20955 West Lost Creek Drive Buckeye, AZ 85396</p>	<p>SJLP-007-0033</p>	<p>12/29/2009</p>	<p>AF-01-233</p>	<p>A, B, C, D</p>	<p>Heading A incorrectly states 26.9 acres from Helton Ditch.</p> <p>Heading B incorrectly states 8.0 acres from Jackson Canal Ditch.</p> <p>Heading C incorrectly states 1.6 No Right acres from Helton Ditch.</p> <p>Heading D incorrectly states 0.1 No Right acres from Helton Ditch.</p>	<p>Corrected map attached as Exhibit G.</p> <p>Change Heading A to 34.9 acres from Helton Ditch.</p> <p>Change Heading B to Helton Ditch for 1.6 No Right acres.</p> <p>Change Heading C to Jackson Canal Ditch for 0.1 No Right acres.</p> <p>Heading D is eliminated.</p>



Land with Irrigation Right	Operable, Ditch	Grid Interval = 1500'
Supplemental Water Right	Operable, Culvert	NMSP West NAD83
No Right		1:7,200
Ditch Points of Diversion		1 inch = 600 feet
		0 250 500 1,000 Feet

State of New Mexico
 Office of the State Engineer
 Elizabeth K. Anderson, P.E., State Engineer

San Juan River Stream System
 Hydrographic Survey
 La Plata River Section



Tract Number
SJLP-003-0051
 La Plata - Indian
 Ditch
 September 13, 2024

2622000

2623000

2162000

2162000

SJLP-004-0014
A 74.5 ac.




SJLP-004-0014
B 0.4 ac.

GREENHORN DITCH

2622000

2623000

APPENDIX
EXHIBIT R

-  Land with Irrigation Right
-  No Right
-  Ditch

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

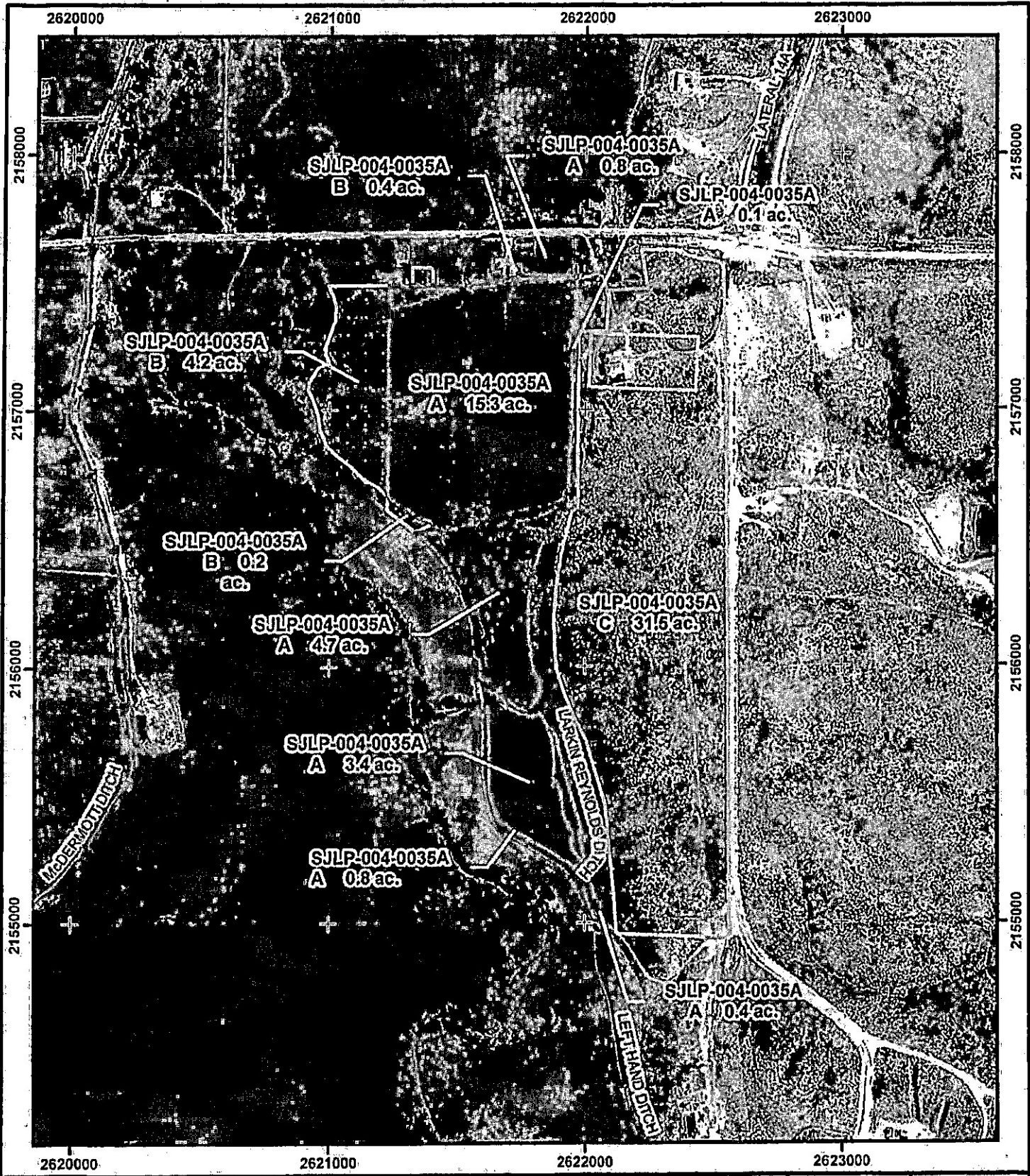


State of New Mexico
 Office of the State Engineer
 Mike A. Hamman, P.E., State Engineer

San Juan River Stream System
 Hydrographic Survey
 La Plata River Section



Tract Number
SJLP-004-0014
 Greenhorn Ditch
 November 22, 2023



	Land with Irrigation Right	Grid Interval = 1000' NMSP West NAD83	N
	No Right		
	Point of Diversion	1:6,000	1,000
	Operable, Ditch	1 inch = 500 feet	
	Inoperable, Ditch	0 500	
			Feet

State of New Mexico
Office of the State Engineer
 Elizabeth K. Anderson, P.E., State Engineer

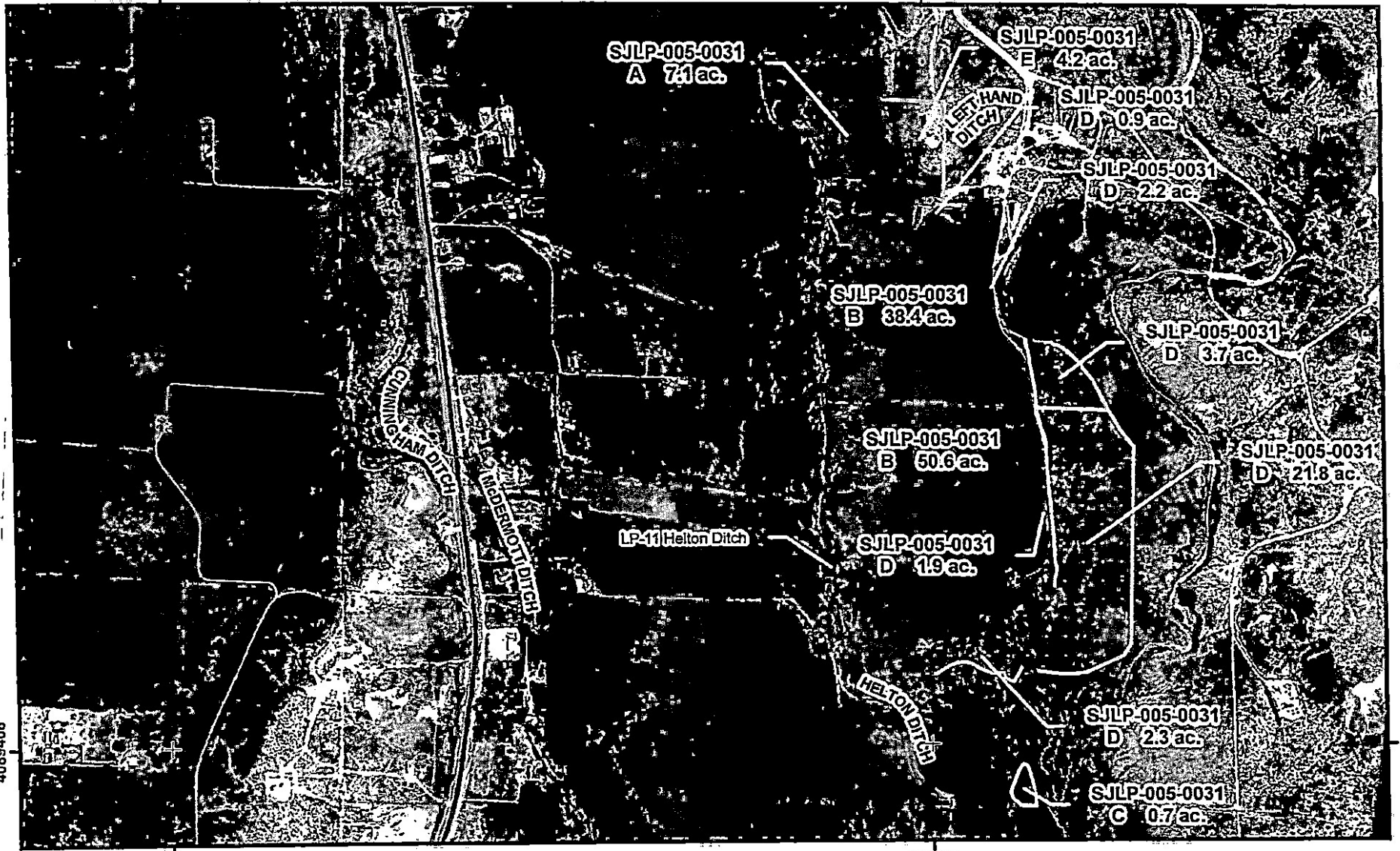
San Juan River Stream System
 Hydrographic Survey
 La Plata River Section



Tract Number
SJLP-004-0035A
 Greenhorn/
 Larkin-Reynolds
 Ditches
 December 9, 2025

215392

216916








APPENDIX
EXHIBIT D

4089408

4089408

215392

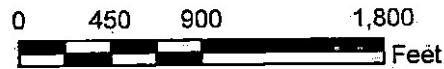
216916

-  Water Right
-  Pond
-  No Right
-  Point of Diversion
-  Ditch

Grid: NMSP West NAD83

1:10,800

1 inch = 900 feet

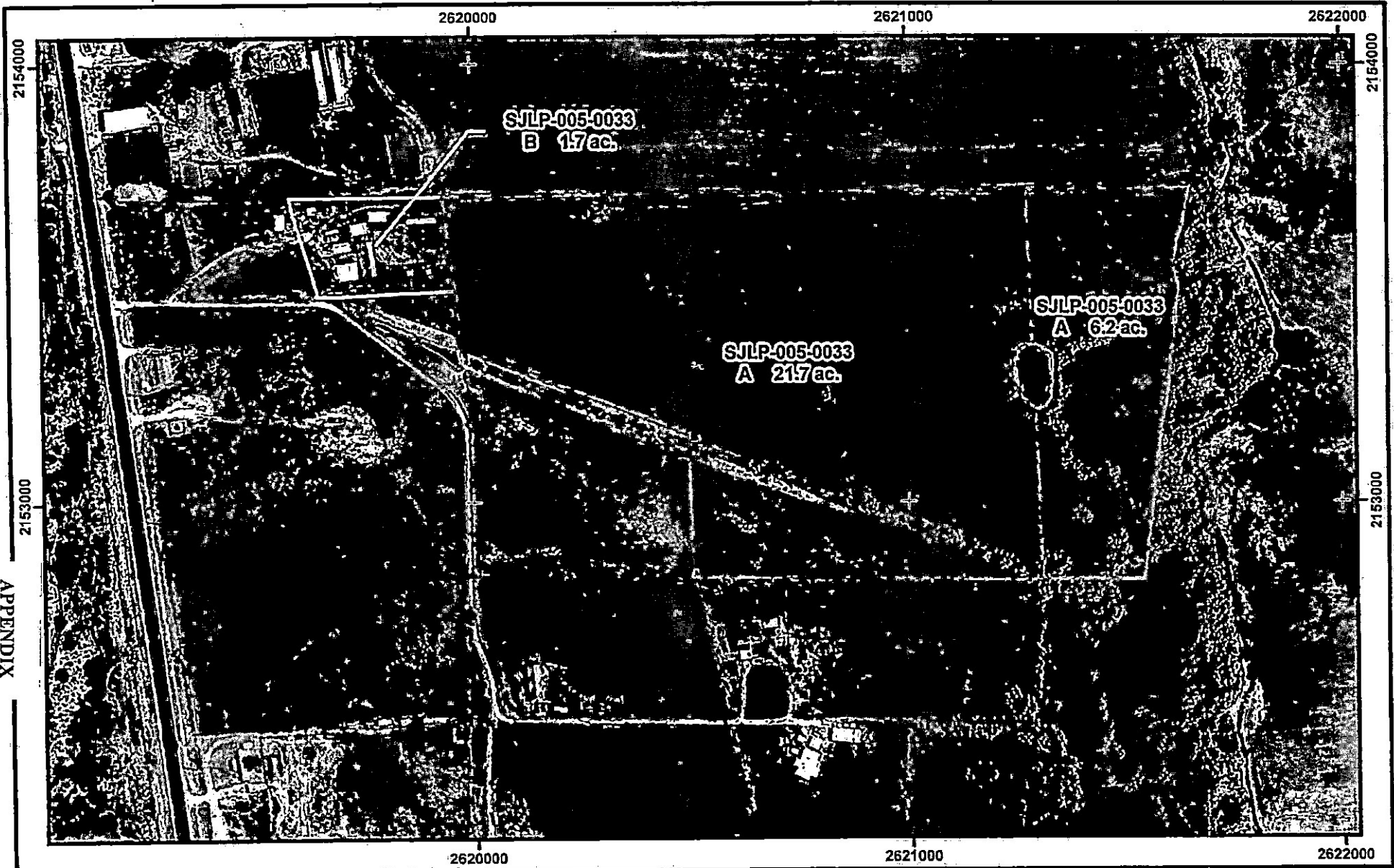





State of New Mexico
 Office of the State Engineer
 Mike A. Hamman, P.E., State Engineer

San Juan River Stream System
 Hydrographic Survey
 La Plata River Section



Tract Number:
SJLP-005-0031
 Left Hand Ditch
 Greenhorn Ditch
 November 22, 2023



-  Land with Irrigation Right
-  No Right
-  Ditch

Grid: NMSP West NAD83
1:3,600
1 inch = 300 feet
0 150 300 600 Feet

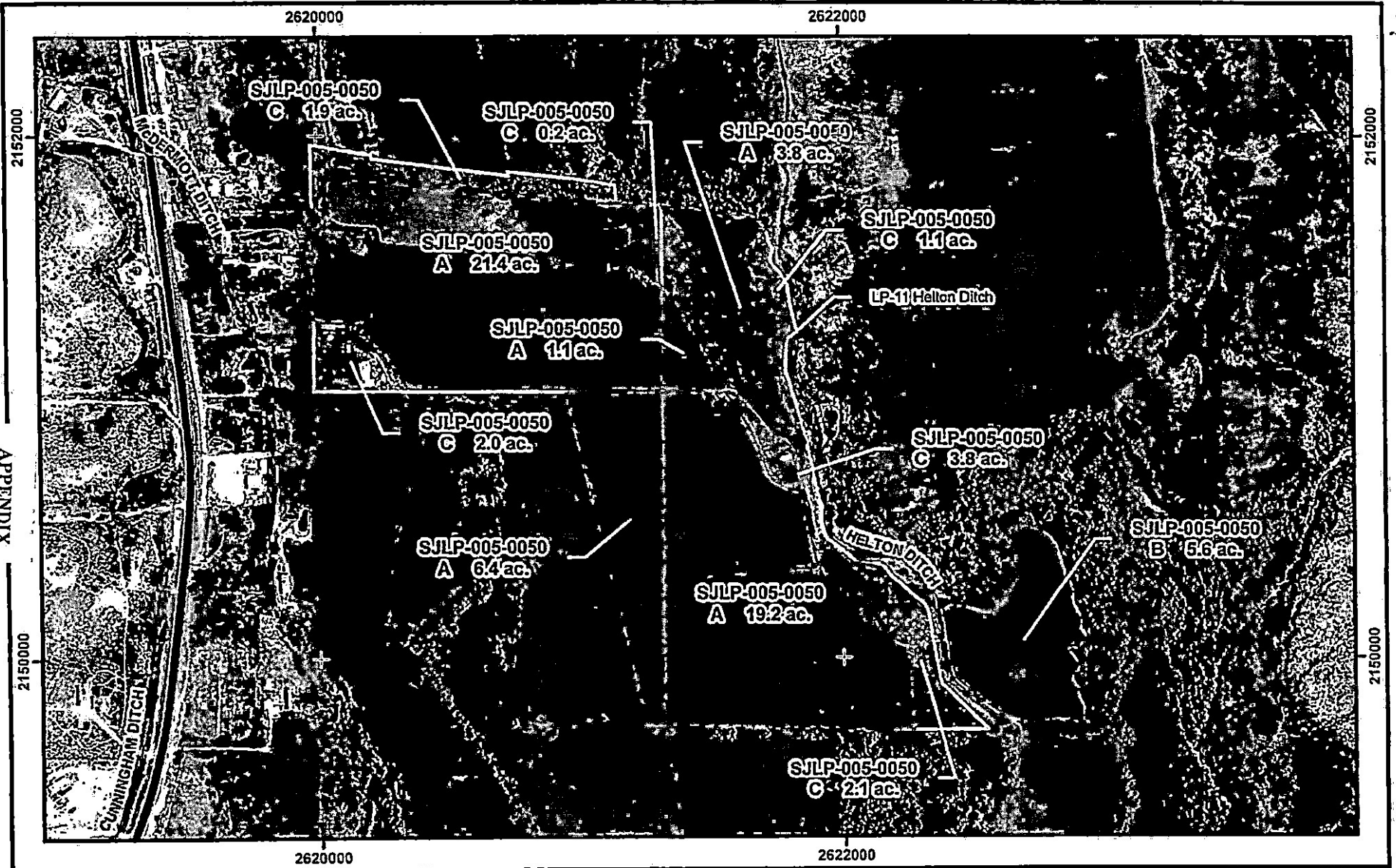


State of New Mexico
Office of the State Engineer
Elizabeth K. Anderson, P.E., State Engineer

San Juan River Stream System
Hydrographic Survey
La Plata River Section



Tract Number
SJLP-005-0033
McDermott Ditch
Cunningham Ditch
November 27, 2023



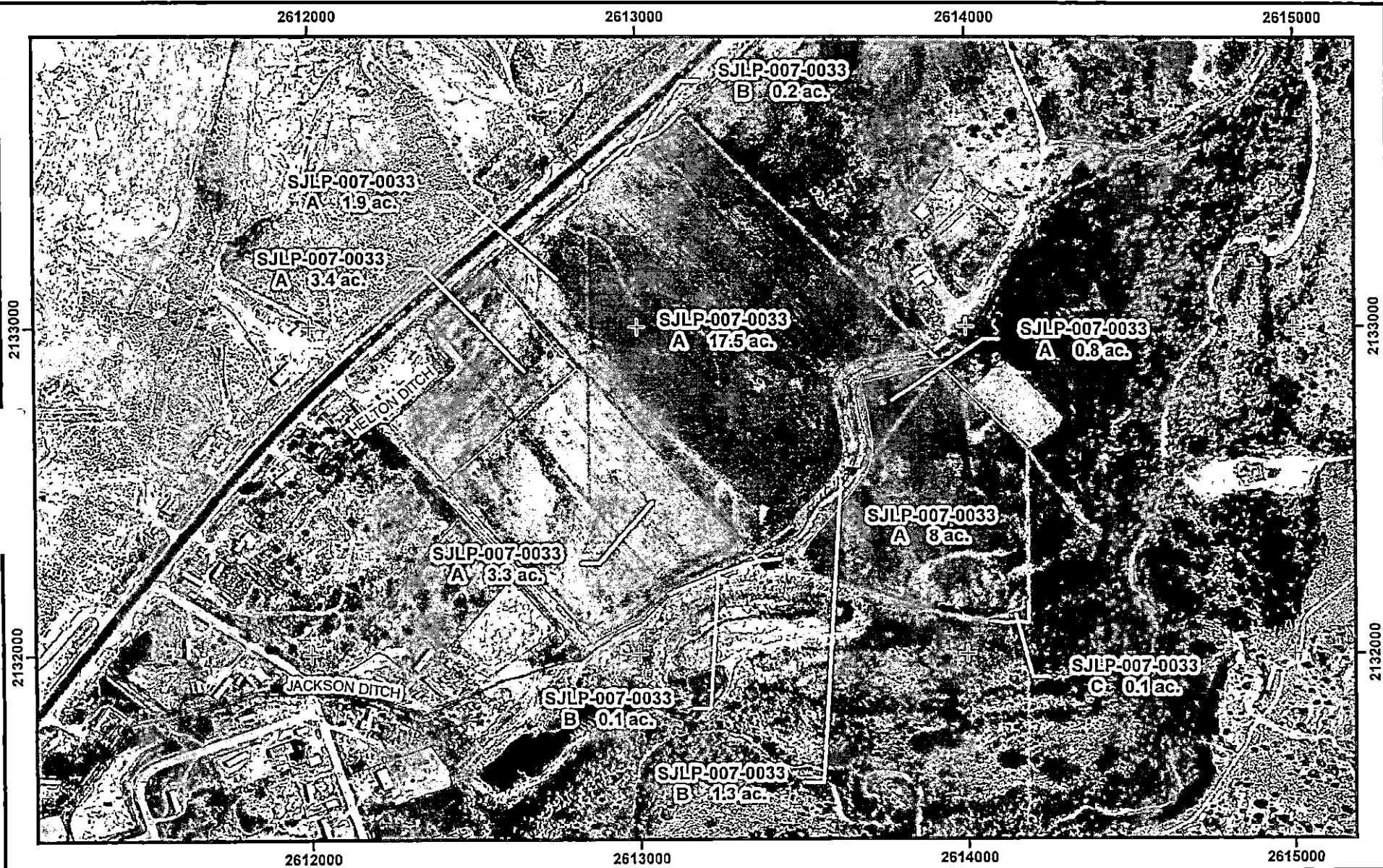
Land with Irrigation Right
 No Right
 Point of Diversion
 Ditch

Grid: NMSP West NAD83
 1:6,000
 1 inch = 500 feet
 0 200 400 800 Feet

State of New Mexico
 Office of the State Engineer
 Elizabeth K. Anderson, State Engineer
 San Juan River Stream System
 Hydrographic Survey
 La Plata River Section



Tract Number
SJLP-005-0050
 McDermott Ditch
 November 27, 2023



Grid: NMSP West NAD83
1:4,800
1 inch = 400 feet

Land with Irrigation Right
 No Right
 Operable, Ditch

0 200 400 800 Feet

State of New Mexico
Office of the State Engineer
Elizabeth K. Anderson, P.E., State Engineer

San Juan River Stream System
Hydrographic Survey
La Plata River Section



Tract Number
SJLP-007-0033
Helton Ditch
Jackson Ditch
December 6, 2024

SERVICE LIST

Nickles Brothers Inc. c/o Charles & Lloyd Nickles 1412 Highway 170 La Plata, NM 87418	Darlene Lenocker David Lenocker P.O. Box 435 La Plata, NM 87418
Tyler Eugene Truby 4635 Frasers Owl Avenue Unit 102 North Las Vegas, NV 89084-4785	Thelma Faye Nickles Lloyd L. Nickles 1394 Highway 170 La Plata, NM 87418
Elizabeth Smith Revocable Trust c/o Elizabeth Smith P.O. Box 2524 Farmington, NM 87499-2524	Robert H. Jennings Dorothy Jennings P.O. Box 336 La Plata, NM 87418
Gary W. Bees Marsha M. Bees 20955 West Lost Creek Drive Buckeye, AZ 85396	

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

**CLAIMANT'S OBJECTION TO GLOBAL MOTION TO CORRECT ERRONEOUS
INFORMATION REGARDING THE AMOUNTS OF IRRIGATED ACREAGE IN
SEVEN CONSENT ORDERS IN THE LA PLATA ADJUDICATION**

If you object to the correction of your La Plata Consent Order in the manner described in the *Global Motion to Correct Erroneous Information Regarding The Amounts of Irrigated Acreage In Seven Consent Orders In The La Plata Adjudication [Global Motion]*, you **MUST** (1) complete and return this form to the State within the time designated below **AND** (2) attend the hearing.

The STATE must RECEIVE this Objection by mail, fax, or hand delivery NO LATER THAN JANUARY 16, 2026, at: Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, New Mexico 87504-5102.

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

If you object but fail to attend the hearing, the Court will enter an Order correcting your La Plata Consent Order in accordance with the *Global Motion*.

If you do not object, you do not need to attend the hearing or return this form, and the Court will enter an Order correcting your La Plata Consent Order in accordance with the *Global Motion*.

STATEMENT OF OBJECTION AND INTENT TO PARTICIPATE IN HEARING

Full Name of Party or Parties:

Mailing Address:

Telephone Number: _____

E-Mail: _____

If this Objection is filed by an attorney on behalf of the party, the attorney must enter an appearance as required by Rule 1-089 NMRA and attach it to this completed Objection.

I (We), _____, object to correcting my (our) La Plata Consent Order in accordance with the *Global Motion*.

Describe as specifically as possible the nature of your objection. Use additional pages as necessary. Attach any supporting documents with explanations as to the relevance of these documents.

Signed: _____

Dated: _____

You must complete this Statement of Objection and submit the original by mail, fax, or in person to the State on or before **January 16, 2026**. The State will file your Objection and a Certificate of Service with the Court.

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