

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

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED  
2026 MAR -2 PM 3:25  
dr

STATE OF NEW MEXICO,  
*ex rel.* STATE ENGINEER,  
  
Plaintiff,

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

vs.

SAN JUAN RIVER BASIN ADJUDICATION

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

La Plata River Section

Defendants,

vs.

THE JICARILLA APACHE TRIBE and  
THE NAVAJO NATION,

Defendant-Interveners.

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

**ORDER CORRECTING ERRONEOUS INFORMATION REGARDING THE AMOUNTS  
OF IRRIGATED ACREAGE IN SEVEN CONSENT ORDERS IN THE LA PLATA  
ADJUDICATION**

THIS MATTER having been reviewed by the Court on the *Global Motion to Correct Erroneous Information Regarding The Amounts of Irrigated Acreage In Seven Consent Orders In The La Plata Adjudication [Global Motion]*, 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.<sup>1</sup>

2. The Court entered Consent Orders adjudicating the water rights in the La Plata Adjudication 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 Order.

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 in the amounts of irrigated acreage 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 amounts 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 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

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<sup>1</sup> *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.*

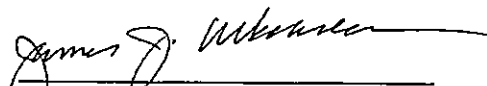
filed on December 17, 2025.

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

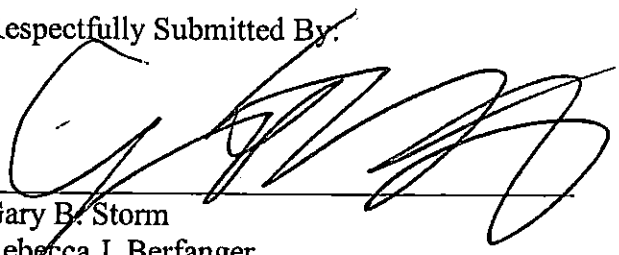
1. The State's *Global Motion to Correct Erroneous Information Regarding The Amounts of Irrigated Acreage In Seven Consent Orders In The La Plata Adjudication* is hereby granted.

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  
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)

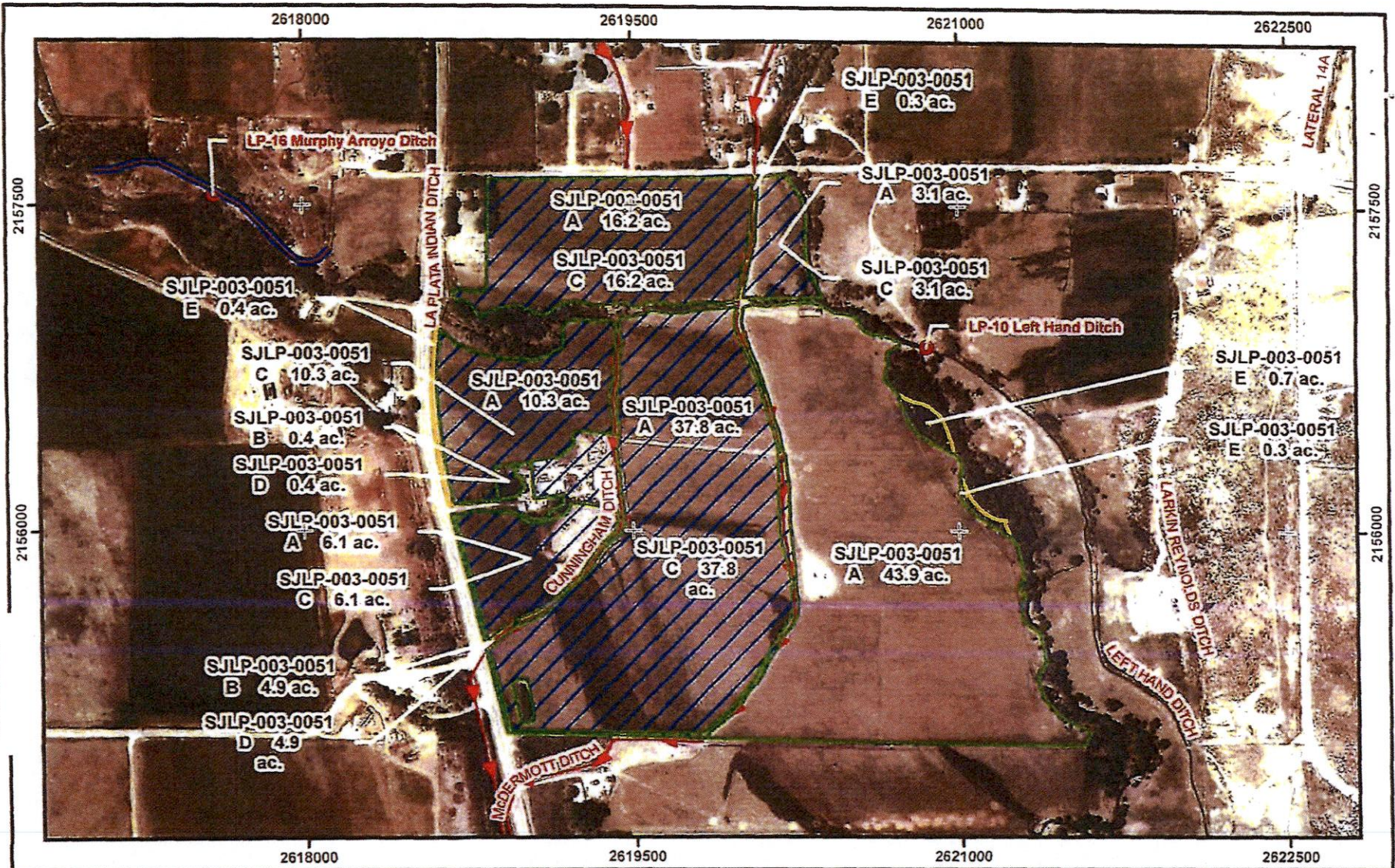
Attorneys for Plaintiff State of New Mexico,  
*ex rel.* State Engineer

**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 2 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 Possible Amount error. Map differs	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.   Heading B No Right acreage incorrectly is 1.7 in Subfile Order and 0.9 acre on map.   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.   Correct acreage for Heading A is a 21.7 acre polygon plus a 6.2 acre polygon, for a total of 27.9 acres.   Correct acreage for Heading B No Right is a 1.7 acres.   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.   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.   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.</p>	<p>Corrected map attached as Exhibit G.   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.</p>



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

0 250 500 1,000 Feet

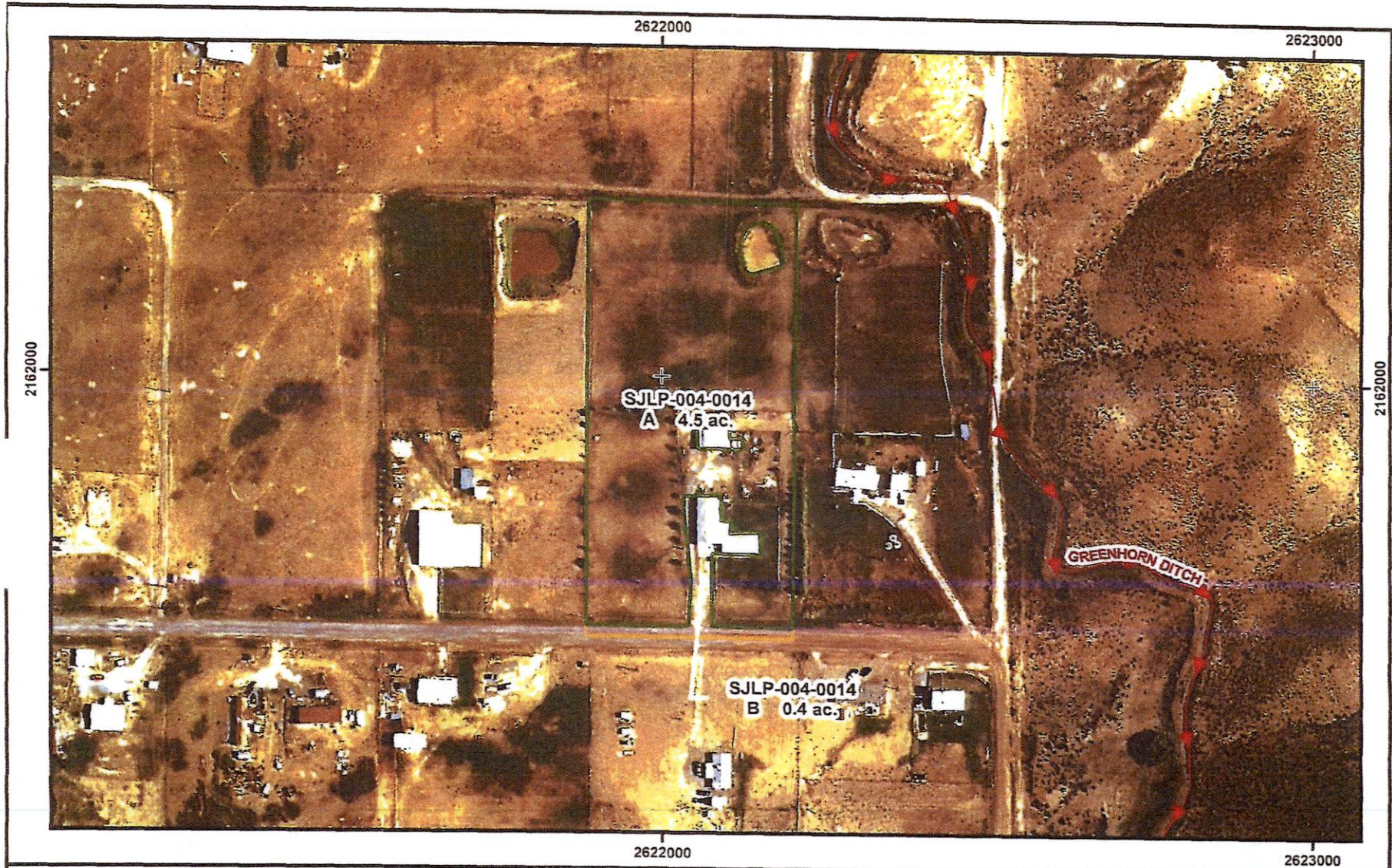
**State of New Mexico**  
Office of the State Engineer  
Elizabeth K. Anderson, P.E., State Engineer




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San Juan River Stream System  
Hydrographic Survey  
La Plata River Section

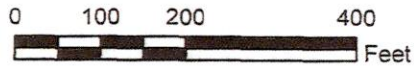


Tract Number  
**SJLP-003-0051**  
La Plata - Indian  
Ditch  
September 13, 2024



-  Land with Irrigation Right
-  No Right
-  Ditch

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

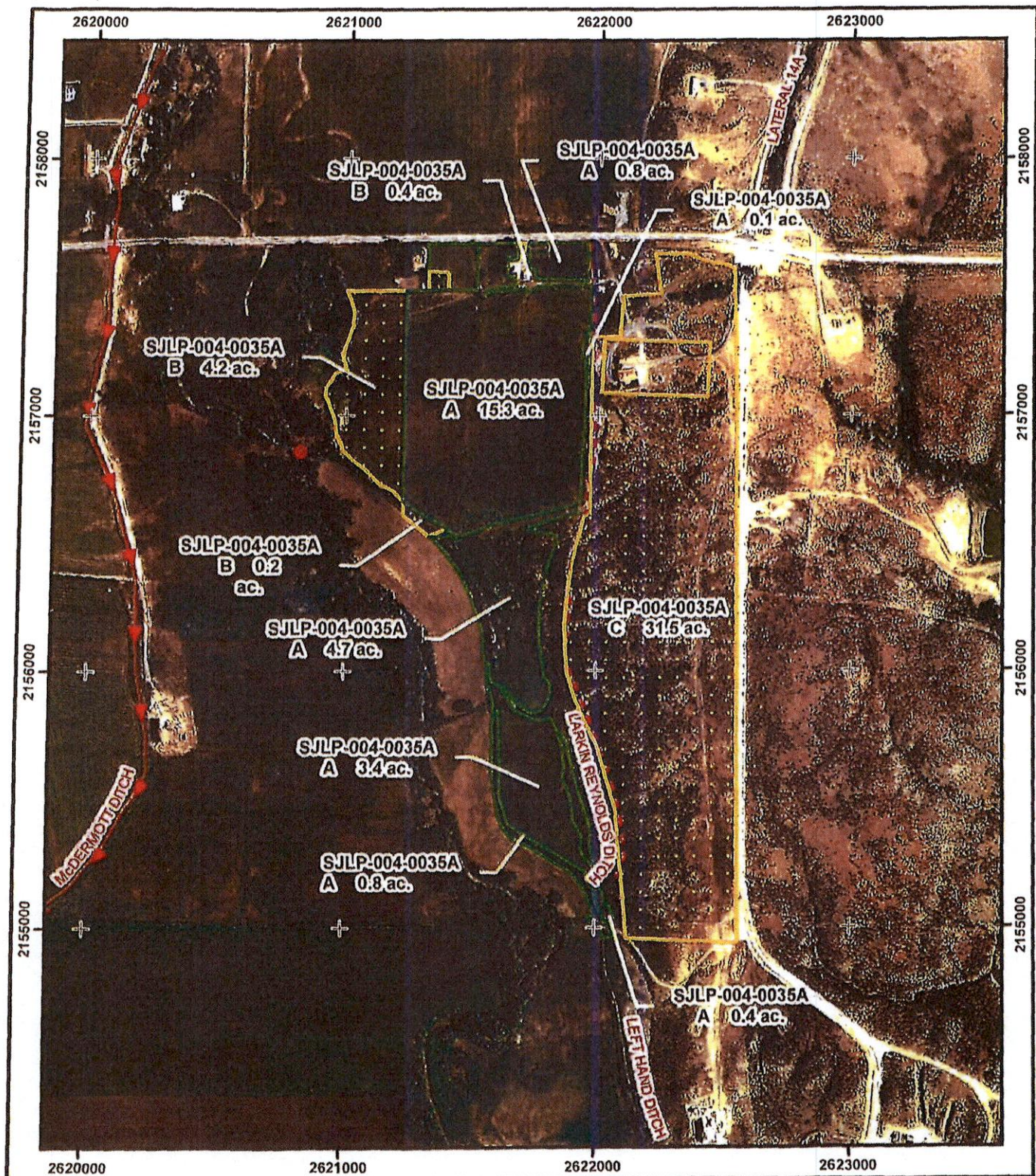


State of New Mexico  
 Office of the State Engineer  
 Mike A. Hamman, P.E., State Engineer

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 inch = 500 feet
	Operable, Ditch	0	
	Inoperable, Ditch	500	1,000
		Feet	

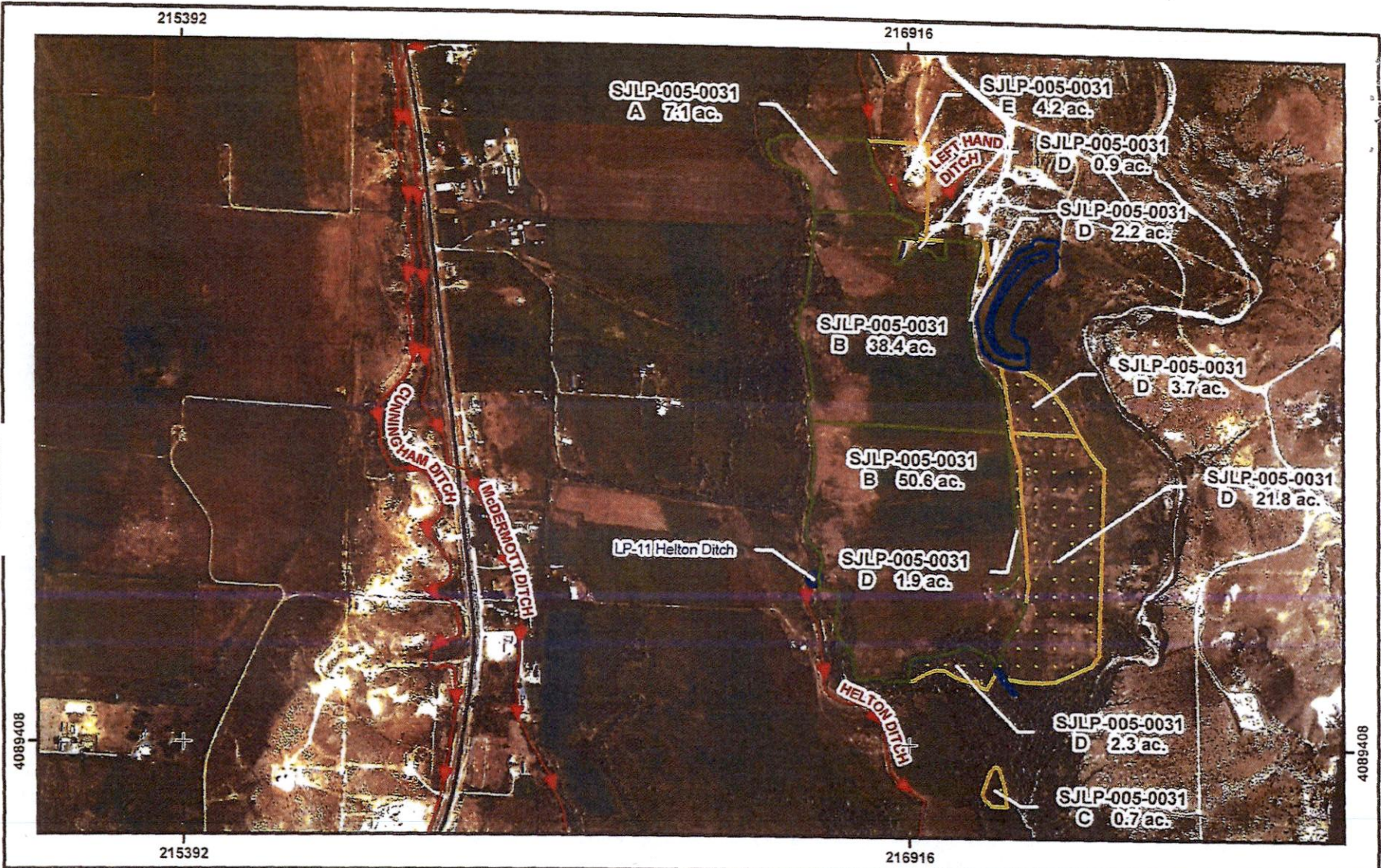
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 Elizabeth K. Anderson, P.E., State Engineer

San Juan River Stream System  
 Hydrographic Survey  
 La Plata River Section

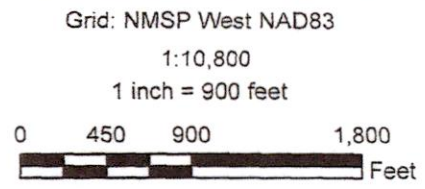


Tract Number  
**SJLP-004-0035A**  
 Greenhorn/  
 Larkin-Reynolds  
 Ditches  
 December 9, 2025

APPENDIX  
 EXHIBIT C



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

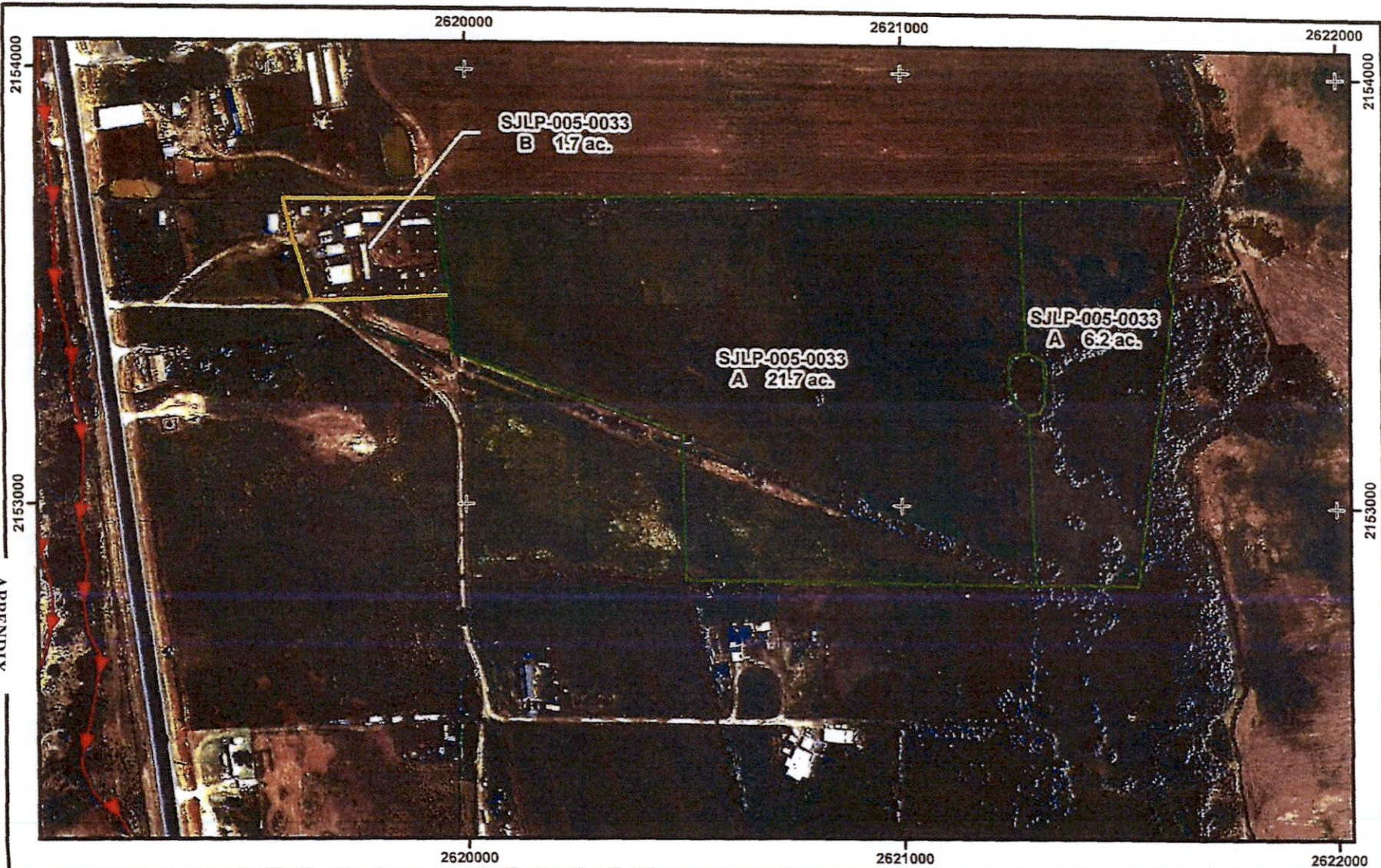


**State of New Mexico**  
 Office of the State Engineer  
 Mike A. Hamman, P.E., State Engineer

San Juan River Stream System  
 Hydrographic Survey  
 La Plata River Section



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



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

0 150 300 600 Feet

Legend:  
Land with Irrigation Right (Green outline)  
No Right (Yellow outline)  
Ditch (Red arrow)

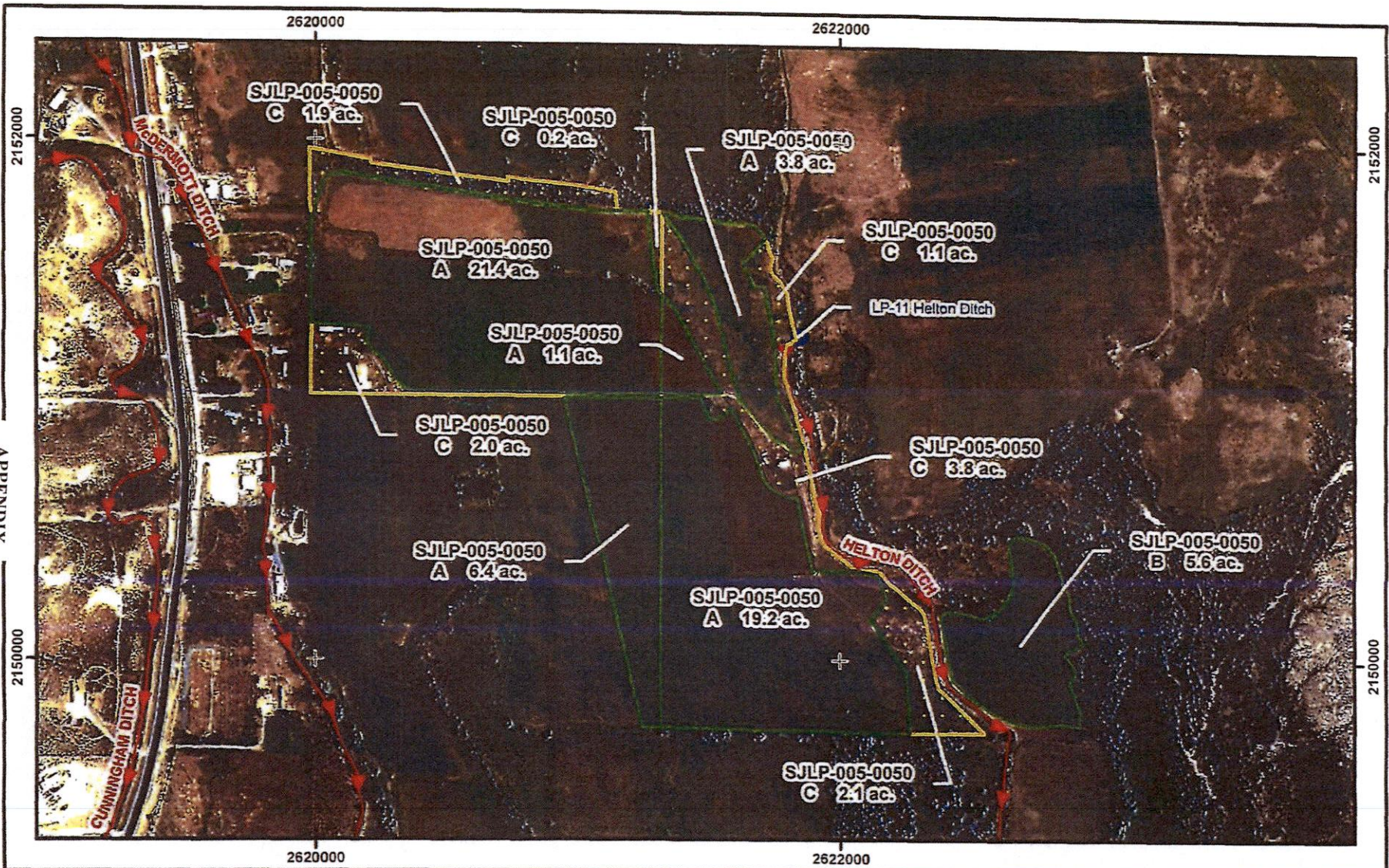
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State of New Mexico  
Office of the State Engineer  
Elizabeth K. Anderson, P.E., State Engineer

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



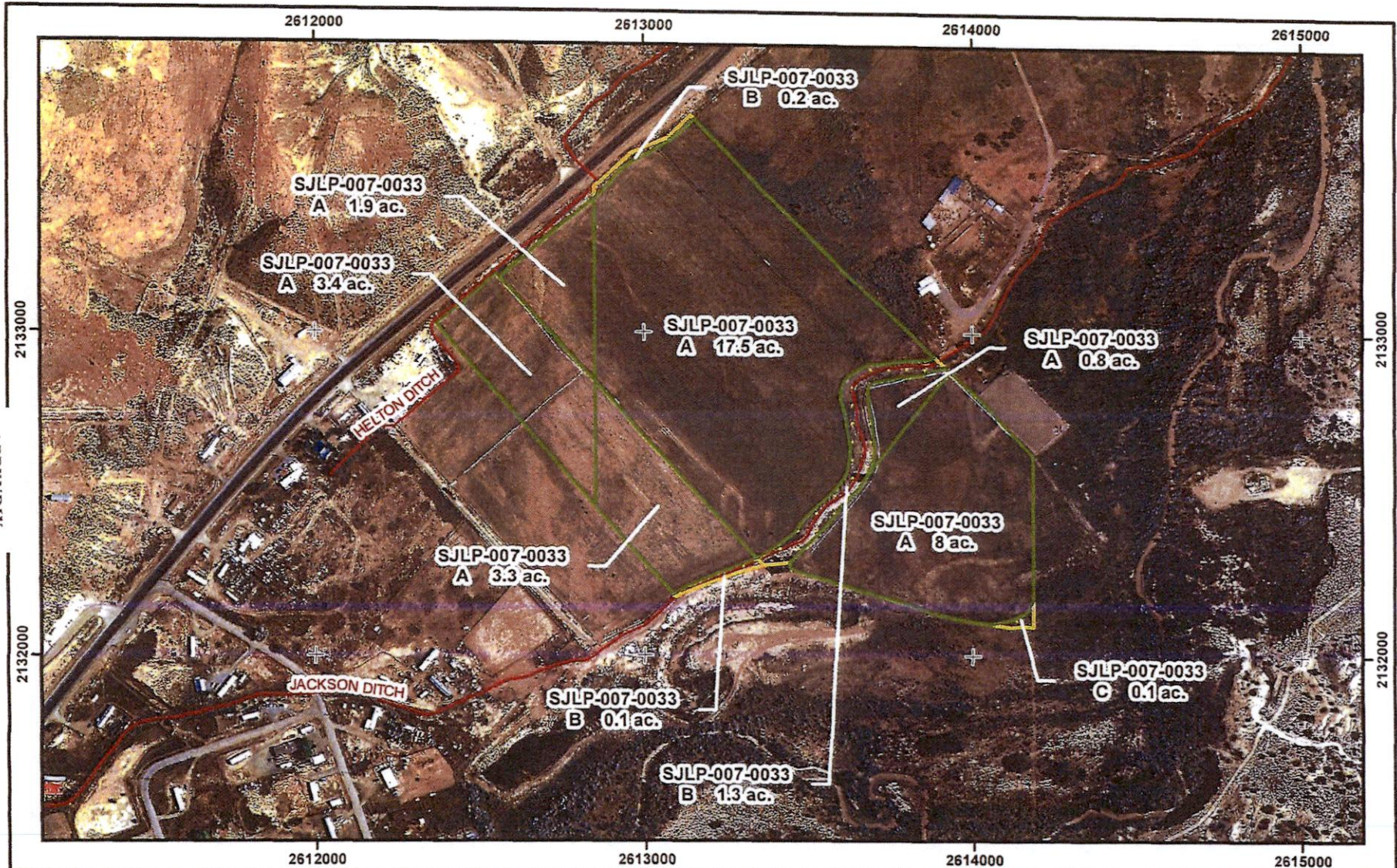
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 Elizabeth K. Anderson, State Engineer

San Juan River Stream System  
 Hydrographic Survey  
 La Plata River Section

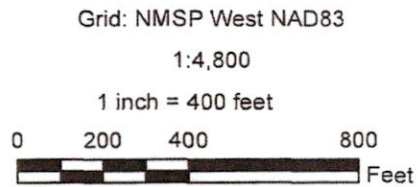


Tract Number  
**SJLP-005-0050**  
 McDermott Ditch  
 November 27, 2023

APPENDIX  
EXHIBIT C



- Land with Irrigation Right
- No Right
- Operable, Ditch



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