

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

DISTRICT COURT  
SAN JUAN COUNTY NM  
*RS* FILED  
2007 JUL 10 AM 11 36

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

**Plaintiff,**

vs.

**D-1116-CV-75-184**

**ROZIER E. SANCHEZ  
District Judge *pro tempore***

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

**La Plata River Section**

**Defendants.**

**And  
JICARILLA APACHE TRIBE and the  
NAVAJO NATION,**

**Defendant-Intervenors.**

**ORDER APPROVING PROPOSED SECTION-WIDE SUBPROCEEDING #1,  
DENYING GARY HORNER AND BLOOMFIELD IRRIGATION DISTRICT'S  
PROPOSED SECTION-WIDE ISSUES, AND REQUESTING ADDITIONAL  
BRIEFING ON NOTICE**

The Court having considered the State's Notice of Proposed Section-Wide Subproceedings, the State's Brief in Support of the Proposed Section-Wide Subproceedings, the Bloomfield Irrigation District's and Gary Horner's Motion for Consideration of Proposed Section-Wide Issues, and all objections and responses filed thereto, and the oral arguments made during the June 19, 2007 hearing on the matter, FINDS AS FOLLOWS:

The measurement of water is an issue universally prescribed in a stream adjudication. The quantity of an irrigation water right may be adjudicated by a total annual amount of water, by a rate of flow, or by both a total amount and a rate of flow. The application of these

methods of water measurement may vary from section to section within the San Juan River Basin.

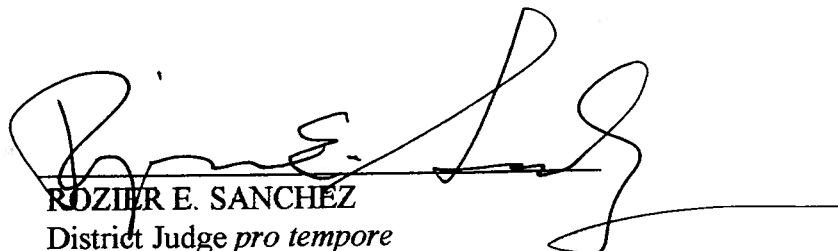
THE COURT THEREFORE approves the State's Proposed Section-Wide Subproceeding #1.

THE COURT FURTHER resolves the State's Proposed Section-Wide Subproceeding #1, determining that irrigation water rights within the La Plata Section should be described and adjudicated by the "amount of water" and/or the "rate of flow."

IT IS FURTHER ORDERED that during adjudication of the La Plata Section the notice of this issue does not have to be given to claimants outside the La Plata Section.

THE COURT further denies the nine issues proposed for Section-Wide Subproceedings by Gary Horner and the Bloomfield Irrigation District.

IT IS FURTHER ORDERED THAT the parties may submit written briefs on the issue of NOTICE outside the La Plata Section on the State's Proposed Section-Wide Subproceedings #2 and #3 filed January 23, 2007. Written briefs shall be filed no later than thirty (30) days from the date of entry of this Order and responses to the briefs shall be filed no later than thirty (30) days thereafter. No further responses are permitted.

  
ROZIER E. SANCHEZ  
District Judge *pro tempore*

*secwidord*