

**THIRD JUDICIAL DISTRICT  
COUNTY OF DOÑA ANA  
STATE OF NEW MEXICO**

**FILED**  
2010 JAN 29 PM 12:56  
DISTRICT COURT  
DOÑA ANA COUNTY, NM

STATE OF NEW MEXICO, ex rel. )  
Office of the State Engineer, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
ELEPHANT BUTTE IRRIGATION )  
DISTRICT, et al., )  
 )  
Defendants. )

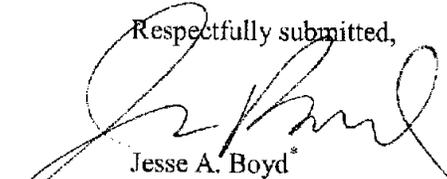
CV-96-888  
Hon. Jerald A. Valentine  
District Judge Division IV

Stream System Issue #102  
Stream System Issue #104

**STATEMENT CONCERNING PRIORITIZATION OF STREAM SYSTEM ISSUES**

COME NOW Carolyn Adams, James Scott Boyd, as administrator of the Estate of Dr. Nathan Boyd, John B. Fleming as legal representative of Jane Johnston Fleming, Wayne and Rebecca Miller, and Sami Singh ("Claimants"), and state as follows:

Any rights the Elephant Butte Irrigation District ("EBID") might have that are associated with the Rio Grande Project stem from any rights the United States legally acquired when the Rio Grande Project was established. Therefore, to the extent that Stream System Issue #102 affects rights claimed by EBID that are associated with the Rio Grande Project, Stream System Issue #104 concerning the rights of the United States should be determined before Stream System Issue #102 concerning the rights of EBID.

Respectfully submitted,  
  
Jesse A. Boyd\*  
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84 Harlow St.  
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\* Attorney for Claimants for the limited purpose of filing papers associated with, and arguing, Claimants' Motion to Set Stream System Issue Concerning the Rights of the United States.

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