

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

FILED

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DISTRICT COURT
DOÑA ANA COUNTY, N.M.

STATE OF NEW MEXICO, *ex rel.*,
Office of the State Engineer,

Plaintiff

vs.

ELEPHANT BUTTE IRRIGATION DISTRICT, *et al.*,

Defendants.

CV-96-888

Jerald A. Valentine

District Judge Division IV

Stream System Issue/
Expedited *Inter Se*

Proceeding No.104

United States Interests

**ORDER DESIGNATING STREAM SYSTEM ISSUE/
EXPEDITED *INTER SE* PROCEEDING NO. 104
THE UNITED STATES INTERESTS IN THE STREAM SYSTEM**

THIS MATTER having come before the Court on the Court's Motion *sua sponte* to designate the interests of the United States deriving from the establishment of the Rio Grande Project as a stream system issue and the Court, having considered briefing and argument on the matter and being otherwise fully advised in the premises, FINDS:

1. The Court finds that the interests of the United States in the Lower Rio Grande stream system:

- a) is an issue that could affect the interests of all or a substantial number of parties and,
- b) a resolution of this issue which did not bind all parties would create a risk of:
 - i) inconsistent or varying decisions with respect various claimants
 - ii) a decision which would, as a practical matter, be dispositive of the interests of other claimants, inter alia, Boyd's assertion that the United States did not legally acquired any pre-existing or other, delivery, storage,

or water rights when the Rio Grande Project was established.

iii) a decision that would substantially impair and impede the ability of claimants or the State to protect their interests; and,

c. a timely decision, binding on all parties to the adjudication, will promote judicial efficiency and expedite the adjudication.

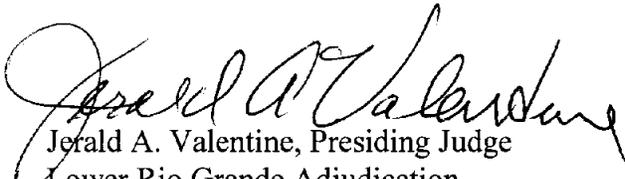
IT IS THEREFORE ORDERED that the interests of the United States deriving from the establishment of the Rio Grande Project is designated as Stream System Issue/Expedited *Inter Se* No. 104.

Any documents hereafter filed relating to this matter shall include the designation:

**Stream System Issue/
Expedited *Inter Se* 104
United States Interests**

in the location as shown above.

IT IS FURTHER ORDERED that the stream system procedure set out in the First Amended Case Management Order for Stream System Issues and Expedited *Inter Se* Proceedings Authorizing Notice by a Monthly Report and Setting Procedures, Filed September 14, 2009 shall be stayed and not commenced until further Order of the Court. This stay will be reviewed at the April 8, 2010 Status Conference.


Jerald A. Valentine, Presiding Judge
Lower Rio Grande Adjudication