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JAMES SCOTT BOYD
DONA ANA COUNTY, NM
NATHAN SANCHEZ

THIRD JUDICIAL DISTRICT COURT)
COUNTY OF DONA ANA)
STATE OF NEW MEXICO)
STATE OF NEW MEXICO *ex rel.*)
Office of the State Engineer.)
Plaintiff,)
VS.)
ELEPHANT BUTTE IRRIGATION)
DISTRICT, *et al.*,)
Defendant.)

No. CV 96-888
Hon. Jerald A. Valentine

MOTION TO INTERVENE

COMES NOW James Scott Boyd, *pro se*, Administrator of the Nathan Boyd Estate, and Intervenor in the above-entitled and numbered cause, files his Motion to Intervene, as follows:

Pursuant to Rule 1-019 NMRA, the Nathan Boyd Estate moves this court to grant his intervention into the above caption case which, (1) in the Estate's absence complete relief cannot be accorded among those already parties; and (2) the Estate claims an interest relating to the subject of the action and is so situated that the disposition of the action in the Estate's absences may: (a) as a practical matter impair or impede the Estate's ability to protect that interest and (b) leave any and all of the persons already parties subject to a substantial risk.

UJ/MC
(12-18-01)

Pursuant to this court's THIRD ADMENDED ORDER REGARDING ADJUDICATION PROCEDURES dated May 26th 1998, decreed: "Joiner of water users and all possible claimants to the use of water from the Lower Rio Grande Basin". In the adjudication of rights a final decree shall, pursuant to 72-4-19 NMSA, in every case declare, "as to the water right adjudged to each party, the priority, amount, and purpose...".

Dr. Nathan E. Boyd, in September of 1893 and in conformity with the federal and territorial laws of New Mexico, organized the Rio Grande Dam and Irrigation Company for the purpose of building a storage dam at Elephant Butte, about 112 miles north of El Paso. The 1894-1897 filings and approved plans called for a complete system of diverting dams and distributing canals for the irrigation of the Rio Grande Valley extending through the El Paso Valley. In the process of constructing Elephant Butte Dam before completing the private works of the Company, the US Government took control under Reclamation law and finished what would become the Elephant Butte Dam (Rio Grande Project). The Nathan Boyd Estate, as owner of stock of the Rio Grande Dam and Irrigation Company is entitled to an adjudication of its rights, which the above captioned case is adjudicating for the first time.

To adjudicate the water rights filed for by the Bureau of Reclamation in 1906 under permit 8, before determining the prior rights of the Boyd Estate under the Rio Grande Company's 1894 filings, would jeopardize and put at risk all parties herein joined

as defendants and would be contrary to the prior appropriation doctrine, as explained in the attached Memorandum in Support of this Motion.

The Attorney for the State Engineer's Office was contacted regarding this motion and never responded.

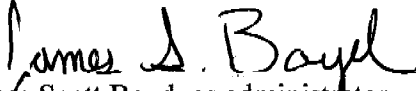
WHEREFORE Defendant prays the court order the following relief:

a. That this court enter an order granting the Boyd Estate leave to intervene as Defendant in the above-titled cause.

b. That this court order the Plaintiff State Engineer's Office to establish a separate subfile and to gather further evidence for the adjudication of the prior 1894 rights appropriated by the Rio Grande Dam and Irrigation Company, to which the Boyd Estate is successor thereof.

Respectfully submitted,

Dated: Dec. 15th 2001


James S. Boyd, as administrator
Nathan E. Boyd Estate,
Intervenor Defendant, *pro se*
Box #162
4400 N Scottsdale Rd. #9
Scottsdale, Arizona 85250
602-524-5525

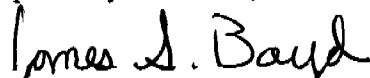
CERTIFICATE OF SERVICE

I, THE UNDERSIGNED James Scott Boyd, Administrator of the Estate of Nathan Boyd, do hereby certify the I have this 15th day of .December 2001, mailed postage prepaid a true and correct copy of the above and forgoing Motion to Intervene of James Scott Boyd, Administrator of the Estate of Nathan Boyd, to the followings:

Tom Turney
Greg Ridgley
Susanne Hoffman-Dooley
NM Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
Attorney for NM State Engineer

Dated this 15TH day of December , 2001

Respectfully submitted,



James Scott Boyd, as administrator
Nathan E. Boyd Estate,
Intervenor Defendant, *pro se*
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