

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

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DISTRICT COURT
DONA ANA COUNTY, NM

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

No. CV 96-888
Lower Rio Grande Adjudication
James J. Wechsler
Presiding Judge

**JOINT MOTION OF THE STATE OF NEW MEXICO AND
ELEPHANT BUTTE IRRIGATION DISTRICT TO ADOPT PROCEDURES FOR
ADDING ASSESSED ACREAGE TO PREVIOUSLY ADJUDICATED SUBFILES**

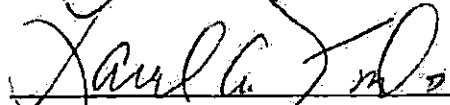
The State of New Mexico (“State”) and Elephant Butte Irrigation District (“EBID”) jointly move the Court to adopt procedures for adding assessed acreage to subfiles that were adjudicated prior to implementation of the agreement between the State and EBID to adjudicate EBID members’ surface water rights as appurtenant to the acreage assessed by EBID, rather than to the actual irrigated acreage, as had been the practice for both groundwater and surface water in the past. *See* Stipulated Order Regarding Threshold Motion Number Two: Declaration That Lands Under Irrigation Ditches and Temporary Farm Roads Are Lands Upon Which Water Rights Can Attach, filed November 19, 2009.

The Stipulated Order directed the State and EBID to “collaborate in establishing a court procedure by which the acreage . . . with surface water irrigation rights from Rio Grande Project water will be reconciled and conformed to the acreage assessed by EBID at the time the subfile was adjudicated.” Order, p. 2. A proposed Procedural Order for Global Assessed Acreage

Proceedings is submitted with this Motion as Exhibit A.

Wherefore, the Movants respectfully request that the Court enter an order granting the Motion and adopting the procedures as proposed by the Movants for adding assessed acreage.

Respectfully submitted,



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Electronically approved March 8, 2017

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PROCEDURAL ORDER FOR GLOBAL ASSESSED ACREAGE PROCEEDINGS

This matter comes before the Court on the Joint Motion of the State of New Mexico (“State”) and Elephant Butte Irrigation District (“EBID”) to Adopt Procedures for Adding Assessed Acreage to Previously Adjudicated Subfiles. The Movants request that the Court adopt procedures for adding assessed acreage to the subfiles of EBID members that were adjudicated prior to implementation of the agreement between the State and EBID to adjudicate EBID members’ surface water rights as appurtenant to the acreage assessed by EBID, rather than to the actual irrigated acreage, as had been the practice for both groundwater and surface water in the past. *See* Stipulated Order Regarding Threshold Motion Number Two: Declaration That Lands Under Irrigation Ditches and Temporary Farm Roads Are Lands Upon Which Water Rights Can Attach, filed November 19, 2009.

For good cause shown, I hereby GRANT the Motion. The procedures for adding assessed acreage, to be designated Global Assessed Acreage Proceedings, are as follows:

I. Identifying the historical assessed acreage.

- A. The tracts of assessed acreage to be added to previously adjudicated subfiles will be identified by their EBID parcel numbers, with the amounts of acreage specified.
- B. The State will create and provide to EBID a special ARC map layer of the adjudicated subfile polygons with spatially referenced attributes for each, including but not limited to: subfile number, EBID map serial number, status use, right heading, purpose of use, ownership and date adjudicated.
- C. EBID will research its records using this layer and provide the State, in stages, with parcel numbers and assessed acreage amounts for each subfile as of the date the

subfile was adjudicated.

II. Adjudicating the assessed acreage.

- A. The Court will create a case file number for Global Assessed Acreage Proceedings.
- B. Periodically, as sufficient data is provided by EBID, the State will produce a list of previously adjudicated subfiles with their parcel numbers and assessed acreage amounts denoted.
- C. The State will file the list with the Court, captioned to reflect its status as the first, second, etc., list in the global proceedings.
- D. The list will be posted on the Court's adjudication website at <http://lrgadjudication.nmcourts.gov/>, and additionally will be made available at the Lower Rio Grande hydrographic survey office, Office of the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, N.M.
- E. Once a week for three consecutive weeks, the State will publish notice of the list in a newspaper of general circulation, informing EBID members where the list may be viewed and directing those with subfile numbers on the list to review their parcel numbers and amounts of assessed acreage. The notice also will be posted on the Court's adjudication website.
- F. The notice will explain that claimants who object to their parcel numbers or amounts of assessed acreage must appear and show cause why their acreage should not be adjudicated as described on the list, by completing a Form F, Objection to Assessed Acreage, and mailing it to the State within thirty (30) days of the final publication of the notice. The notice will inform claimants that Form F, with the mailing address for

the State, will be available on the Court's adjudication website at

<http://lrgadjudication.nmcourts.gov/court-forms.aspx>.

- G. When the State receives a Form F, it will promptly file the Form F with the Court.
- H. The State will have sixty (60) days from the date the objection was filed to contact the claimant and resolve the objection.
- I. If the State and claimant agree to a change in the description of the assessed acreage, the State will file a stipulated amendment to the list, signed by both parties, substituting the revised description for the original on the list.
- J. If the State and the claimant are unable to resolve the objection informally, they will proceed to mediation and, if necessary, to trial.
- K. If mediation leads to a change in the description, the State will file a signed stipulated amendment reflecting the change. If the objection is resolved through trial, the State will file an amendment with the judgment attached.
- L. Any subfiles with objections unresolved within the sixty-day period will be deleted from the list and deferred for inclusion on a future list.
- M. Following the sixty-day period, the State will prepare and file a final list incorporating any changes to the original, with a proposed Global Order adjudicating the assessed acreage for the subfiles as described on the list.
- N. The Court will issue a Global Order, with the final list attached. The Order will be posted on the Court's adjudication website at <http://lrgadjudication.nmcourts.gov/>.
- O. The State will file an individually captioned Statement of Adjudication for each subfile, describing the parcel number(s) and assessed acreage amount(s) to be added

to that subfile and indicating that the assessed acreage has been adjudicated by a
Global Order.

James J. Wechsler
Presiding Judge
Lower Rio Grande Adjudication