

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

**State of New Mexico *ex rel.*  
Office of the State Engineer,  
Plaintiff,**

**No. D-307-CV-96-888  
Lower Rio Grande Adjudication  
James J. Wechsler  
Judge Pro Tempore**

**v.**

**Stream System Issue No. 107  
D-307-SS-9700107**

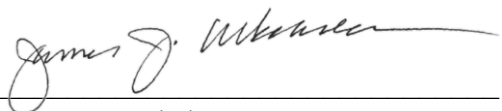
**Elephant Butte Irrigation District, *et al.*  
Defendants**

**AMENDED ORDER DENYING MOTION FOR RECONSIDERATION**

This matter having come before the Court on the Motion to Reconsider Order Denying the Motion for Summary Judgment and, Alternatively, for Certification for Interlocutory Appeal (the motion), filed on July 31, 2026, of Oscar V. Butler, and Rose Marie A. Butler, and Sammie H. Singh, Jr., (Movants), and the Court having considered the motion, the responses of the United States and the State of New Mexico, and Movants' reply in support of its motion, hereby denies the motion.

The Court clarifies that this proceeding will determine the stream system issue of "whether surface water rights developed before the Rio Grande Project and now served by the Project were extinguished by any means." Order Designating Stream System Issue No. 107 Regarding Surface Water Rights Developed Before the Rio Grande Project, July 6, 2016. If it is determined that such rights were not extinguished, individual claimants, including Movants, will be able to pursue their claims for pre-Project rights in this adjudication. State *ex rel.* Office of the State Engineer v. Garcia, No. A-1-CA-36269, does not preclude Movants pursuing rights that are not derived from the Rio Grande Dam & Irrigation Company.

**IT IS SO ORDERED.**

  
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James J. Wechsler  
Judge Pro Tempore

### **CERTIFICATE OF SERVICE**

I hereby certify that on the above file-stamped date, I have caused to be emailed and/or mailed by First Class US Mail, a true and correct copy of the foregoing instrument to counsel or parties of record located on the SS-97-107 service list on the Lower Rio Grande Adjudication Website.

A handwritten signature in dark ink, appearing to read "Javier Cuevas". The signature is fluid and cursive, with a large initial "J" and a stylized "Cuevas".

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Javier Cuevas  
Paralegal