

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

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

**v.**

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

FILED

2018 FEB 28 PM 3: 52

DISTRICT COURT  
DOÑA ANA COUNTY, NM

**No. CV 96-888**

**Hon. James J. Wechsler**

**Subfile No. LRO-28-008-9010**

**Case No.: 307-OA-9702236**

**William J Frost**

**Case No.: 307-OA-9702237**

**Harris Gray**

**SUBFILE ORDER AND JUDGMENT**

This matter having come before the Court as a designated expedited *inter se* proceeding, and trial having been held on March 14 through 18, June 14, and June 27 through July 1, 2016, with the active participation of New Mexico Copper Corporation, William Frost, Harris Gray, Turner Ranch Properties, L.P., fifteen named individuals and entities from the vicinity of Hillsboro, New Mexico, and the State of New Mexico, and the Court having filed its Findings of Fact and Conclusions of Law on December 28, 2017, this final Subfile Order and Judgment is hereby entered with respect to the right of Defendants

**WILLIAM J FROST**

**HARRIS GRAY**

to use the public waters of the Lower Rio Grande stream system and the Lower Rio Grande Underground Water Basin. The Court FINDS that it has jurisdiction over the parties and the subject matter of this suit, and that the rights of William J. Frost and Harris Gray to use the public waters of the Lower Rio Grande stream system and the Lower Rio Grande Underground Water

Basin are as follows:

December 29, 2017

Event Code: 3597



(4) Point(s) of Diversion for this right:

Well No. LRG-04652	Location: X=1,291,335	Y= 718,314
Map: LRO-8		
Well No. LRG-04652-S	Location: X=1,292,054	Y= 716,041
Map: LRO-8		
Well No. LRG-04652-S-2	Location: X=1,288,755	Y= 718,032
Map: LRO-8		
Well No. LRG-04652-S-3	Location: X=1,289,990	Y= 716,449
Map: LRO-8		

on the New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

(5) Place of Use: Within the property owned by the Defendant(s).

(6) Amount of Water: Historical beneficial use not to exceed 3.00 acre-feet per year, from all points of diversion, combined.

UNDERGROUND WATER ONLY

C. Office of the State Engineer File No(s): LRG-04652-A

(1) Priority: NONE

(2) Source of Water: Underground waters of the Lower Rio Grande Underground Water Basin.

(3) Purpose of Use: No Right

**(4) Point(s) of Diversion for this right:**

Well No. LRG-04652-S-11	Location: X=1,272,229	Y= 704,397
Map: LRO-8		
Well No. LRG-04652-S-12	Location: X=1,266,899	Y= 707,060
Map: LRO-8		
Well No. LRG-04652-S-13	Location: X=1,260,532	Y= 712,977
Map: LRO-8		
Well No. LRG-04652-S-14	Location: X=1,290,921	Y= 718,640
Map: LRO-8		
Well No. LRG-04652-S-15	Location: X=1,285,699	Y= 719,730
Map: LRO-8		
Well No. LRG-04652-S-16	Location: X=1,268,811	Y= 718,316
Map: LRO-8		

on the New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

**(5) Place of Use: NONE**

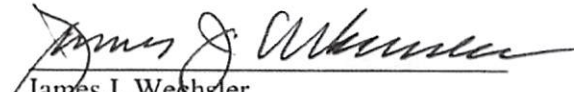
**(6) Amount of Water: NONE**

1. Any conditions imposed by the Office of the State Engineer in granting any permit or license relating to these water right(s) are incorporated into this Stipulated Subfile Order.
2. The Court may enjoin and condition the exercise of the Defendant(s)' right(s) to the extent provided by state or federal law.
3. The Defendant(s) will file notice with the Court and provide the Office of the State Engineer with a copy of any change of ownership of all or any part of their water right(s).

4. The Court enters this Subfile Order and Judgment as a final judgment.
5. There is no just reason for delay of the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this Subfile Order and Judgment.

IT IS THEREFORE ORDERED that the water right(s) of the Defendant(s) are as set forth above.

IT IS FURTHER ORDERED the Defendant(s) and all those in privity with the Defendant(s) are enjoined from any diversion or use of the public underground and surface waters of the Lower Rio Grande stream system and the Lower Rio Grande Underground Water Basin on the properties specifically described herein, except in strict accordance with the water right(s) set forth in this Order and in other orders of this Court. This restriction in no way affects any additional water rights the Defendant(s) may have in other subfiles.

  
James J. Wechsler  
Presiding Judge

Submitted by:



Richard A. Allen  
Special Assistant Attorney General  
P.O. Box 25102  
Santa Fe, New Mexico 87504-5102  
(505) 827-3854  
Attorney for the State of New Mexico

Approved as to form only:

Law & Resource Planning Associates, PC

By: approved by email, 2/22/2018

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Attorneys for New Mexico Copper Corporation, William Frost and Harris Gray

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By: telephonic approval, 2/22/2018

Tessa T. Davidson

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Corrales, NM 87048

Attorney for Turner Ranch Properties, LP

As of the date of submission of this Subfile Order and Judgment, February 28, 2018, the New Mexico Environmental Law Center, 1405 Luisa Street, Ste. 5, Santa Fe, NM 87505, Attorneys for the Hillsboro Mutual Domestic Water Consumers Association, Charles T. Barrett, Melody K. Sears, *et al.*, has not been able to convene the Board of the Hillsboro Mutual Domestic Water Consumers Association to either approve or object to the form of this Subfile Order and Judgment, per phone conference with Douglas Meiklejohn, New Mexico Environmental Law Center, on February 27, 2018.



Richard A. Allen

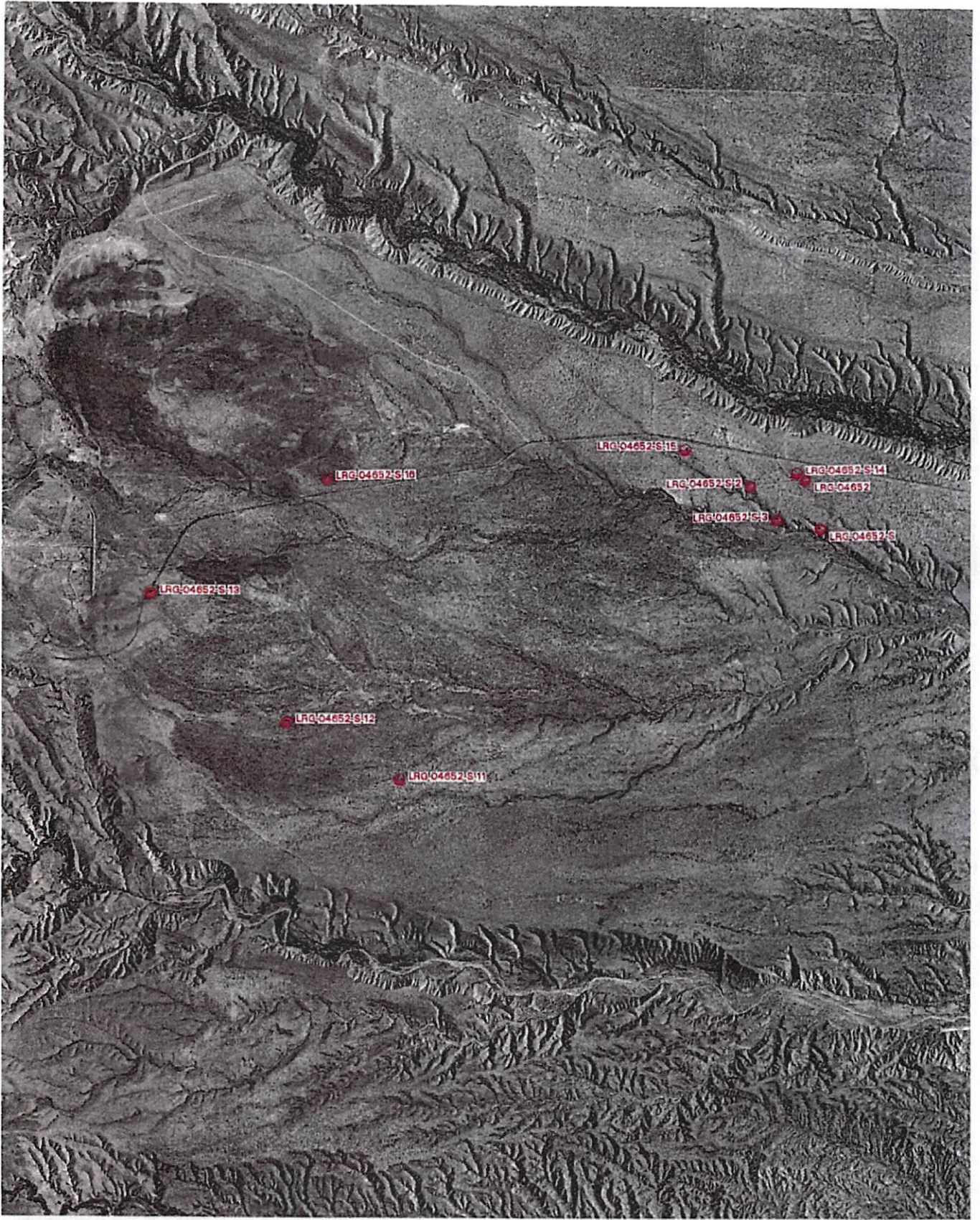
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STATE OF NEW MEXICO  
 Office of the State Engineer  
 Tom Blaine, P.E.  
 State Engineer

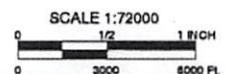
Lower Rio Grande  
 Adjudication  
 Outlying Areas Section

**Legend**

- Irrigated Tract Boundary
- Land with No Right
- Reservoir
- Total Irrigated Acreage:

- Irrigation Wells
- Domestic/Livestock Wells
- All Other Wells
- Spring
- Headgate or Siphon
- Land Formerly Irrigated

- Land with Water Rights Transferred Off
- Encroachments



Subfile Number  
 LRO-280089010

