

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

July 13, 2017

NO. 17-8500-DS

IN THE MATTER OF THE DESIGNATION OF
HON. JAMES J. WECHSLER TO PRESIDE OVER
WATER RIGHTS ADJUDICATIONS IN THE
FIRST, THIRD, FIFTH, ELEVENTH, AND THIRTEENTH
JUDICIAL DISTRICT COURTS

ORDER

WHEREAS, on November 10, 2009, and December 21, 2010, the Chief

Justice of the Supreme Court of New Mexico issued orders designating Court of Appeals Judge James J. Wechsler to preside over the following water rights adjudications:

1. *Anaya v. Public Service Company of New Mexico*, cause numbered CV-71-43347, pending in the First Judicial District Court;
2. *State of New Mexico, ex rel., Office of the State Engineer v. Elephant Butte Irrigation District, et al.*, cause numbered CV-96-888, pending in the Third Judicial District Court, with the exception of the proceeding entitled Stream System Issue 97-101 that concerns consumptive irrigation requirements and farm delivery requirements for all crops in the Lower Rio Grande basin;
3. The consolidated cases of *State of New Mexico, ex rel., State Engineer, and Pecos Valley Artesian Conservancy District v. Lewis, et al.*, cause number 20294, and *State of New Mexico, ex rel., State Engineer, and Pecos Valley Artesian Conservancy District v. Hagerman Canal Co.*,

D504-WA-6000000;
D504-WB-1000001;
D504-WC-7000000;
D504-WD-4000000;
D504-WE-5000001;
D504-WF-8000001;
D504-WG-9000000;
D504-WH-3000001;
D504-WI-10000000;
D504-WJ-2000000;
D504-WK-11000001;
D504-WN-14000001;
D504-WR-18000001;
D504-WS-19000001.

JUDICIAL DISTRICT
2017 JUL 13 AM 11:59
FEDERAL OFFICE

1 cause numbered 22600, pending in the Fifth Judicial District Court;

2 4. *State of New Mexico, ex rel., State Engineer v. The United States of*
3 *America, et al.*, cause numbered CV-75-184, pending in the Eleventh
4 Judicial District Court; and

5 5. *State of New Mexico, ex rel., State Engineer v. Kerr-McGee Corp.*, cause
6 numbered CV-83-190, pending in the Thirteenth Judicial District Court;

7 WHEREAS, Hon. James J. Wechsler has announced his intention to retire
8 as a Court of Appeals Judge, effective July 31, 2017; and

9 WHEREAS, it appearing to the Chief Justice that it would be in the best
10 interests of judicial economy and the expeditious disposition of the foregoing
11 cases if Judge Wechsler were to continue presiding as a pro tem judge in the
12 above-entitled water rights adjudications to which he was previously designated
13 while a Court of Appeals Judge.

14 NOW, THEREFORE, IT IS ORDERED that, pursuant to the authority of
15 the Chief Justice under Article VI, Sections 3 and 15, of the Constitution of the
16 State of New Mexico, effective July 31, 2017, Hon. James J. Wechsler is
17 designated to preside over the following water rights adjudications:

18 1. *Anaya v. Public Service Company of New Mexico*, cause numbered CV-
19 71-43347, pending in the First Judicial District Court;

20 2. *State of New Mexico, ex rel., Office of the State Engineer v. Elephant*
21 *Butte Irrigation District, et al.*, cause numbered CV-96-888, pending in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

the Third Judicial District Court, with the exception of the proceeding entitled Stream System Issue 97-101 that concerns consumptive irrigation requirements and farm delivery requirements for all crops in the Lower Rio Grande basin;

3. The consolidated cases of *State of New Mexico, ex rel., State Engineer, and Pecos Valley Artesian Conservancy District v. Lewis, et al.*, cause number 20294, and *State of New Mexico, ex rel., State Engineer, and Pecos Valley Artesian Conservancy District v. Hagerman Canal Co.*, cause numbered 22600, pending in the Fifth Judicial District Court;
4. *State of New Mexico, ex rel., State Engineer v. The United States of America, et al.*, cause numbered CV-75-184, pending in the Eleventh Judicial District Court; and
5. *State of New Mexico, ex rel., State Engineer v. Kerr-McGee Corp.*, cause numbered CV-83-190, pending in the Thirteenth Judicial District Court;

IT IS FURTHER ORDERED that Judge Wechsler shall be compensated for services rendered pursuant to this order at the rate of ninety-seven dollars and forty-one cents (\$97.41) per hour, which shall be paid from the Water Rights Adjudication Fund administered by the Administration Office of the Courts;

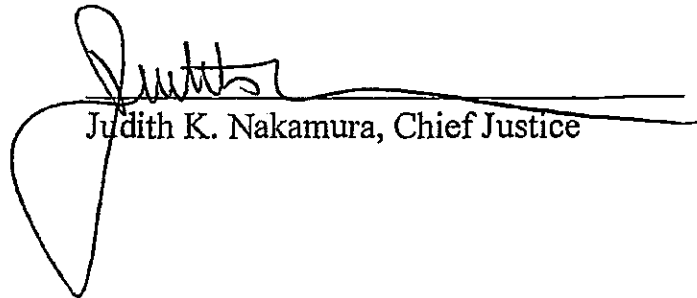
IT IS FURTHER ORDERED that Judge Wechsler may be reimbursed for mileage and per diem, provided that such costs are paid from the Water Rights Adjudication Fund administered by the Administration Office of the Courts; and

IT IS FURTHER ORDERED that the Clerks of the First, Third, Fifth, Eleventh, and Thirteenth Judicial District Courts shall provide a copy of this

1
2
3
4

order to the parties in the cases referenced in this order.

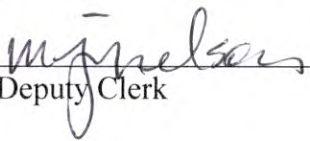
DONE at Santa Fe, New Mexico, this 13th day of July, 2017.



Handwritten signature of Judith K. Nakamura, Chief Justice, written in black ink. The signature is stylized and cursive, with a large loop at the end.

Judith K. Nakamura, Chief Justice

I certify that a true and correct copy of the foregoing pleading was served on the following parties, via e-mail, on the 20th day of July, 2017.

By 
Deputy Clerk

Kelly Mack Cassels
kmcassels@sbcw-law.com

AJ Olsen/Alvin Jones
ajolsen@h2olawyers.com

Steven Hernandez
slh@lclaw-nm.com

Gary Storm
gary.storm@state.nm.us

W. T. Martin, Jr.
martinlaw@zianet.com

Bruce Bernard
bruce.bernard@usdoj.gov

Paul Bossert
paul.bossert@state.nm.us

C. Joseph Lennihan
jlennihan4@gmail.com

Daniel Sanchez
dansanchez911@gmail.com

Leila Milliken
leila.milliken@state.nm.us

David Benavides
davidb@nmlegalaid.org

Sue Umshler
dsumshler@att.net

Eugenio Mathis
mathislawoffice@gmail.com

Jimmy Craig
craiglawpc@gmail.com

Kathleen Segura
kathleen.segura1@state.nm.us

Jay Stein
jfstein@newmexicowaterlaw.com

Kurt Sommer
kas@somlawfirm.com

Nicolas Leger
nicklaw@zialink.com

Raul Lopez
raulalopez@qwest.net

Rebecca Dempsey
rdempsey@cuddymccarthy.com

Robert Desiderio
rjdesiderio@smdlegal.com

Steve Ross
sr@lrpa-usa.com

Christopher Vigil
aoccjv@nmcourts.gov

Stephen Snyder
sesnyder@q.com

Adrian Oglesby
oglesby@law.unm.edu

Donald Monnheimer
dmonnheimer@rodey.com

Pete Domenici
pdomenici@domenicilaw.com

Faith Kalman Reyes
freyes@simonsfirm.com

Maria O'Brien
mobrien@modrall.com

Max and Rachel Garcia
rachel.garcia2011@gmail.com

Lorraine Hollingsworth
lhollingsworth@domenicilaw.com

D L Sanders
esquiperro@gmail.com

Cow Creek Water Basin