

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

WILDEARTH GUARDIANS,
Petitioner/Appellant,

v.

Case No. D-101-CV-2016-00734
Honorable Francis J. Mathew

TOM BLAINE, in his capacity as
New Mexico State Engineer,
Respondent/Appellee,

and

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT,
and U.S. BUREAU OF RECLAMATION,**
Real Parties in Interest.

NOTICE OF APPEAL

WildEarth Guardians, by and through its counsel of record Samantha Ruscavage-Barz, and pursuant to NMRA 12-201.A(b) and 12-202, hereby files this Notice of Appeal to the New Mexico Court of Appeals of the final judgment in the above case issued by Judge Mathew on September 13, 2018, and attached hereto.

Respectfully submitted on this 9th day of October 2018.

/s/ Samantha Ruscavage-Barz
WildEarth Guardians
516 Alto St.
Santa Fe, NM 87501
(505) 401-4180
ruscavagebarz@wildearthguardians.org

Attorney for Petitioner/Appellant

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2018, I electronically filed the foregoing Notice of Appeal through the court's File and Serve system, which served the Notice on the First Judicial District court clerk and counsel of record for Respondent and Real-Parties-in-Interest. I also declare that I sent the Notice of Appeal to the following via email:

L. Christopher Lindeen (lclindeen@gmail.com)
Meghan Thomas (meghan.thomas@state.nm.us)
Office of the State Engineer

Attorneys for Respondent/Appellee New Mexico State Engineer Tom Blaine

Manuel Lucero (manny.lucero@usdoj.gov)
Assistant U.S. Attorney, Department of Justice

Attorney for Real-Party-in-Interest U.S. Bureau of Reclamation

Charles DuMars (ctd@lrpa-usa.com)
Tanya Scott (tls@lrpa-usa.com)
Law & Resource Planning Assoc.

Attorneys for Real-Party-in-Interest Middle Rio Grande Conservancy District

I also declare that I mailed the foregoing Notice of Appeal to the following on October 9, 2018, via U.S. First Class mail:

Brenda Casillas
Official Court Reporter
First Judicial District Court
P.O. Box 2268
Santa Fe, NM 87504

Court Reporter

I also declare that I personally delivered the foregoing Notice of Appeal to the following on October 9, 2018:

Clerk of the New Mexico Court of Appeals
237 Don Gaspar
Santa Fe, NM 87501

/s/ Samantha Ruscavage-Barz

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

WILDEARTH GUARDIANS,

Petitioner,

vs.

No. D-101-CV-2016-00734

TOM BLAINE, in his capacity as
New Mexico State Engineer,

Respondent,

and

MIDDLE RIO GRANDE CONSERVANCY
DISTRICT, U.S. BUREAU OF RECLAMATION,

Real Parties in Interest.

**ORDER DENYING PEREMPTORY WRIT OF MANDAMUS AND QUASHING
ALTERNATIVE WRIT OF MANDAMUS**

THIS MATTER came on for hearing before the Court on Wildearth Guardians' First Amended Verified Petition for Alternative Writ of Mandamus; Wildearth Guardians ("Petitioner") appearing by and through its attorney, Samantha Ruscavage-Barz, Esq., Tom Blaine ("Respondent") appearing by and through his attorney, L. Christopher Lindeen, Esq., Special Assistant Attorney General, Middle Rio Grande Conservancy District appearing by and through its attorney, Charles DuMars, Esq. and U.S. Bureau of Reclamation failing to appear; the Court having heard arguments of counsel, reviewed the pleadings and all matters of record and being fully advised in the premises, finds that a Peremptory Writ of Mandamus should not issue and that the Alternative Writ of Mandamus issued herein should be quashed.

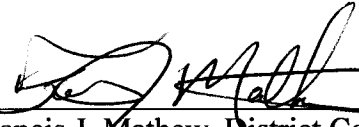
Based upon the pleadings and all matters of record, this Court finds:

1. This Court has jurisdiction over the parties hereto and the subject matter hereof.

2. The Respondent has to exercise discretion in the performance of the duty which is the subject of the Petition.

3. The Petitioner has a plain, speedy and adequate remedy in the ordinary course of law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that a Peremptory Writ of Mandamus is **DENIED** and the Alternative Writ of Mandamus issued herein is **QUASHED**.


Francis J. Mathew, District Court Judge

xc: Counsel, e-served.