

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.

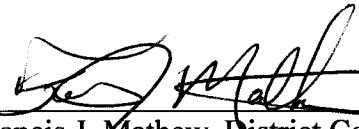
Based upon the pleadings and all matters of record, this Court finds:

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.