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**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**March 02, 2022**

**NO. S-1-SC-38195**

**ADOBE WHITEWATER CLUB  
OF NEW MEXICO, a non-profit  
corporation, NEW MEXICO WILDLIFE  
FEDERATION, a non-profit corporation,  
and NEW MEXICO CHAPTER OF  
BACKCOUNTRY HUNTERS & ANGLERS,  
a non-profit organization,**

Petitioners,

v.

**STATE GAME COMMISSION,**

Respondent,

and

**CHAMA TROUTSTALKERS, LLC;  
RIO DULCE RANCH;  
Z&T CATTLE COMPANY, LLC;  
RANCHO DEL OSO PARDO, INC.;  
RIVER BEND RANCH;  
CHAMA III, LLC; FENN FARM;  
THREE RIVERS CATTLE LTD., CO.;  
FLYING H. RANCH INC.;  
SPUR LAKE CATTLE CO.;  
BALLARD RANCH;  
DWAYNE AND CRESSIE BROWN;  
COTHAM RANCH;  
WAPITI RIVER RANCH;  
MULCOCK RANCH;  
WILBANKS CATTLE CO.;  
130 RANCH; WCT RANCH;**

1 **THE NEW MEXICO FARM AND**  
2 **LIVESTOCK BUREAU; CHAMA**  
3 **PEAK LAND ALLIANCE;**  
4 **NEW MEXICO CATTLE GROWERS'**  
5 **ASSOCIATION; NEW MEXICO COUNCIL**  
6 **OF OUTFITTERS AND GUIDES;**  
7 **AND UPPER PECOS WATERSHED**  
8 **ASSOCIATION,**

9  
10 Intervenor-Respondents.

11 **ORDER**

12 WHEREAS, this matter came on for consideration by the Court upon  
13 verified petition for writ of prohibitory mandamus, responses, reply, briefing by  
14 the parties, briefing by amici curiae, and oral argument, and the Court having  
15 considered the foregoing and being sufficiently advised, Chief Justice Michael E.  
16 Vigil, Justice C. Shannon Bacon, Justice David K. Thomson, Justice Julie J.  
17 Vargas, and Justice Briana H. Zamora concurring;

18 NOW, THEREFORE, IT IS ORDERED that this case involves a matter of  
19 great public importance and petitioners have standing to bring this matter before  
20 the Court as an original proceeding under Article VI, Section 3 of the New Mexico  
21 Constitution and Rule 12-504 NMRA;

22 IT IS FURTHER ORDERED that the petition for writ of mandamus is  
23 GRANTED;

24 IT IS FURTHER ORDERED that the New Mexico State Game  
25 Commission's regulations set forth in 19.31.22 NMAC violate Article XVI,

1 Section 2 of the New Mexico Constitution and are inconsistent with a  
2 constitutional reading of NMSA 1978, Section 17-4-6(C) (2015);

3 IT IS FURTHER ORDERED that the certificates that the New Mexico State  
4 Game Commission has issued to private landowners pursuant to 19.31.22 NMAC  
5 are hereby declared VOID;

6 IT IS FURTHER ORDERED that a writ of mandamus shall issue,  
7 prohibiting the New Mexico State Game Commission from further implementation  
8 of the regulations set forth in 19.31.22 NMAC and directing the Commission to  
9 withdraw the regulations; and

10 IT IS FURTHER ORDERED that an opinion explaining the Court's  
11 reasoning will follow.

12 IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 2nd day of March, 2022.

  
Jennifer L. Scott, Chief Clerk of the Supreme Court  
of the State of New Mexico

I CERTIFY AND ATTEST:  
A true copy was served on all parties  
or their counsel of record on date filed.  
Jennifer L. Scott  
Chief Clerk of the Supreme Court  
of the State of New Mexico