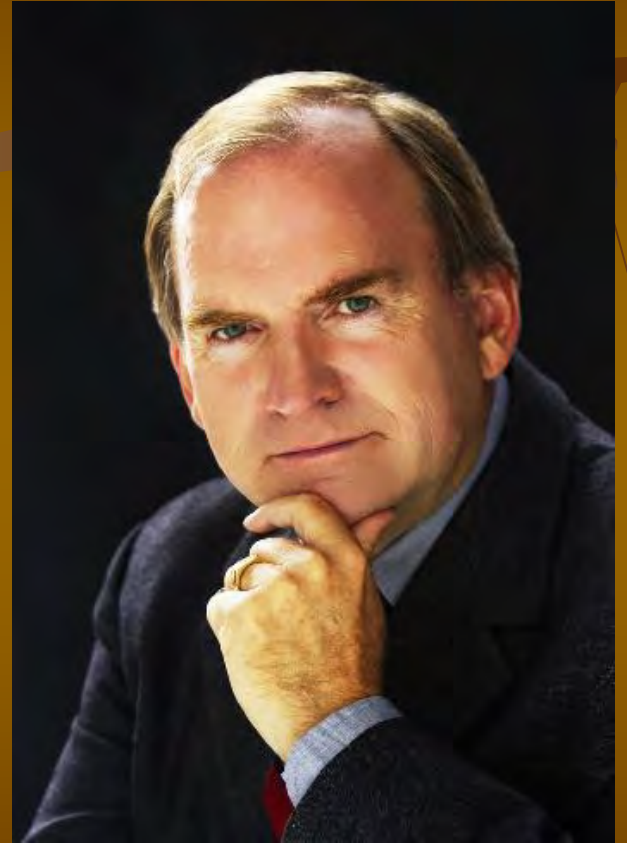
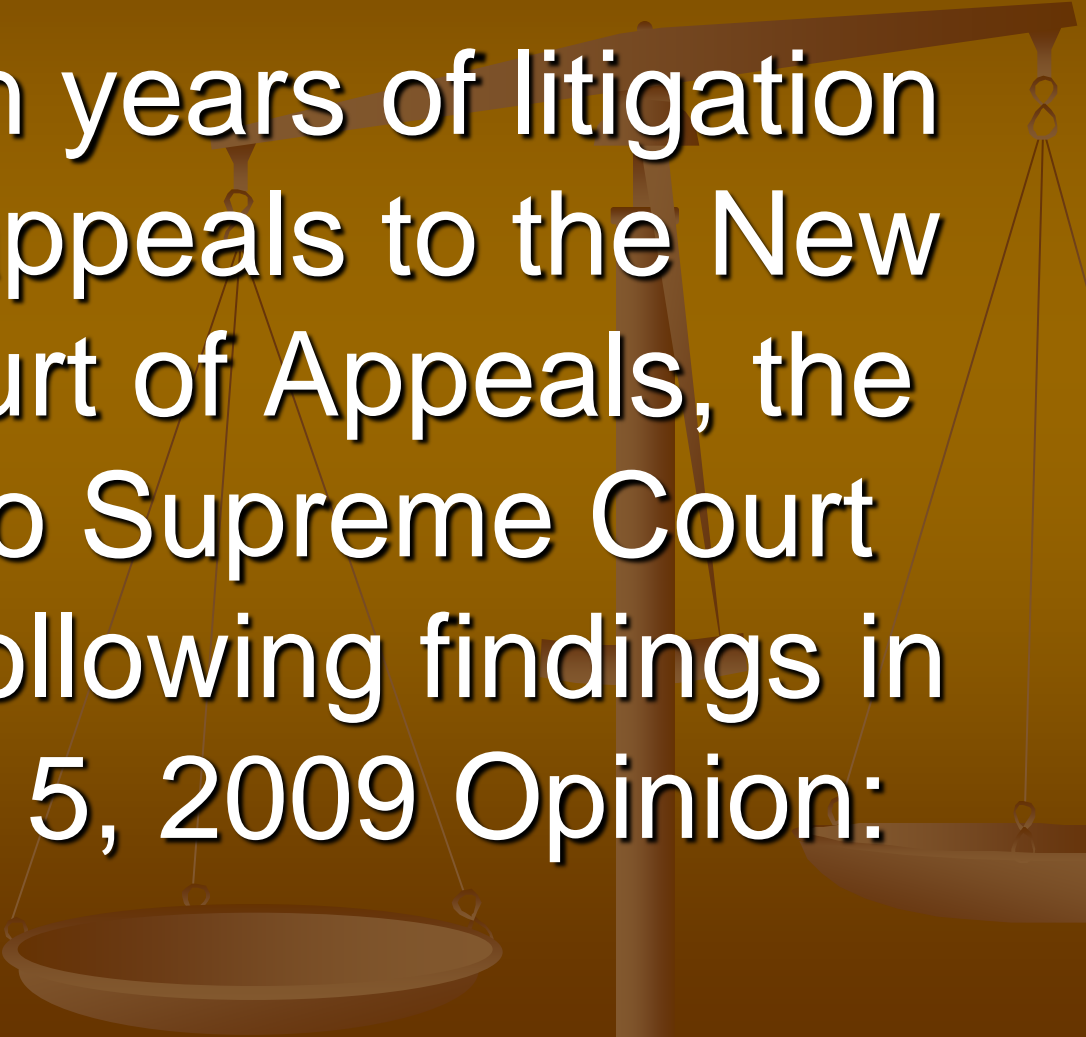


State of New Mexico
ex rel. Gary K. King,
Attorney General
and New Mexico
Game Commission
v.
UU Bar Ranch
Limited Partnership



OPINION

After eleven years of litigation and three appeals to the New Mexico Court of Appeals, the New Mexico Supreme Court made the following findings in their March 5, 2009 Opinion:





- The Attorney General filed a quiet-title action to secure title to a roadway in Colfax and Mora County that has been blocked with a gate by a rancher in late summer of 1997.
- The AGO argued that the gate blocked access that dated back at least 150 years as a public thoroughfare for public access to state trust lands and that the road was part of the Northern Branch of the Santa Fe Trail.

- The AGO prevailed and title is quieted with two Court of Appeals opinions agreeing that the state holds title to the road in question.
- The Supreme Court found conclusively that the road did provide access to state trust lands and that the state holds title to the road that provides public access to state trust lands unless, and until, there is a proper adjudication of the boundary.



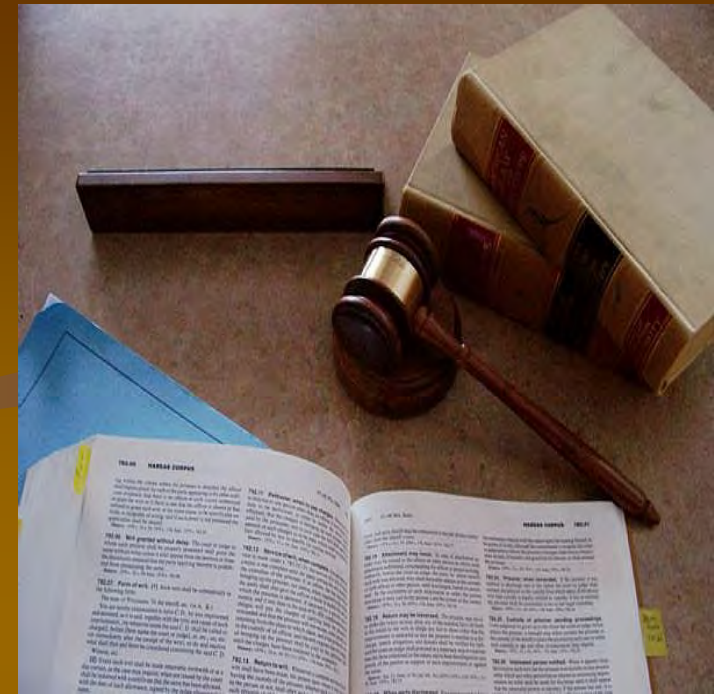
Background

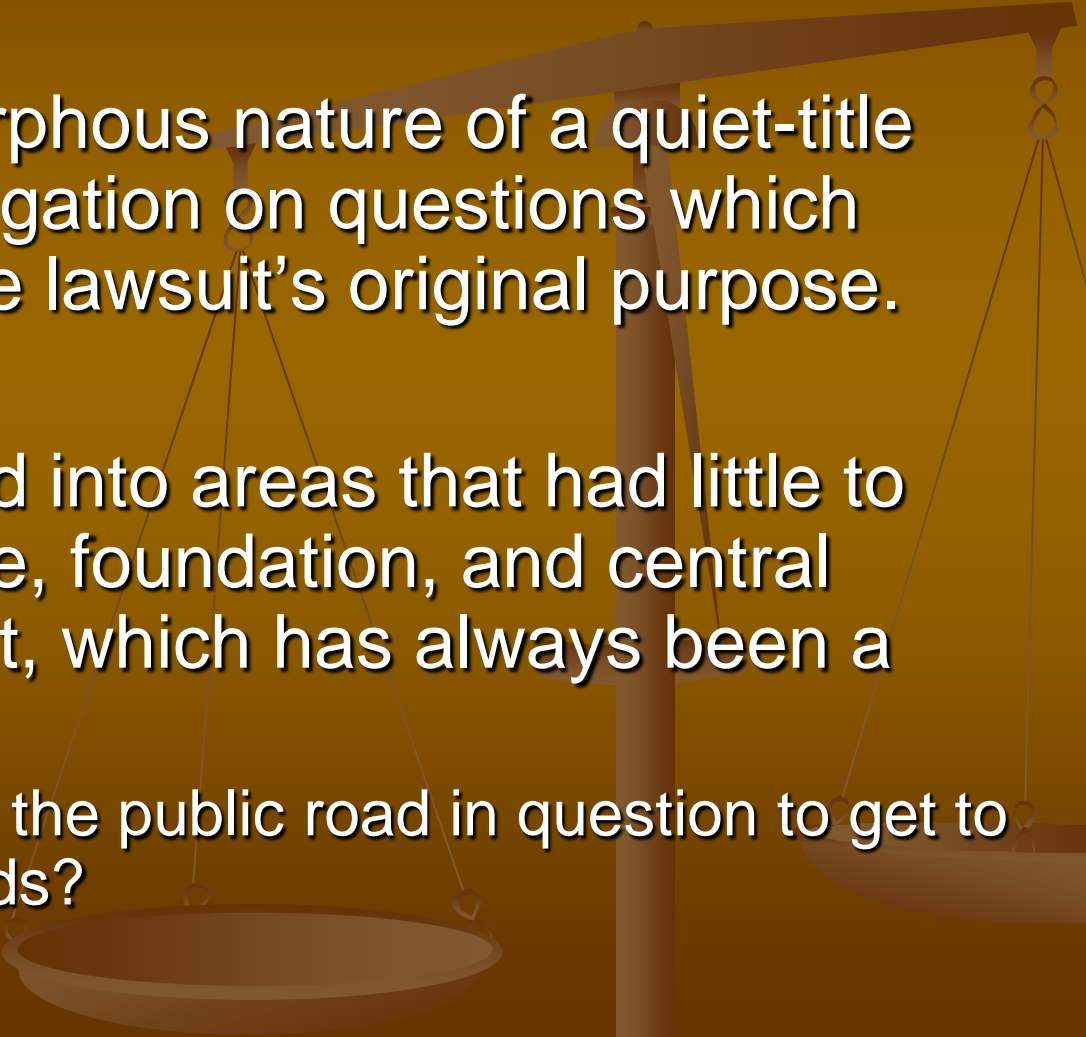
- Summer of 1997, a private company built a locked gate across a public thoroughfare, which for many decades had been a principal means of public access to 41,000 acres of nearby state trust land.
- Local residents complained to public officials about the company's blockade of this public resource.
- The Attorney General investigated and discovered that state officials had told the company, UU Bar Ranch ("the Ranch"), that the state had abandoned its interest in the road.
- Relying on this advice, the Ranch had blocked public passage across the road.



- The Attorney General filed suit in 1998, requesting injunctive relief.
 - Seeking to guarantee public access to adjacent state trust lands
 - Asked the district court of Colfax County for an order requiring Ranch to remove the gate and allow access.
 - The district court dismissed the suit, but suggested that the Attorney General re-file the action as a quiet-title action.

- Quiet-title action transformed the case into a more complicated proceeding.
 - Same goal as the original injunctive action.
 - But goal had to be achieved by establishing that the state held title to the road.



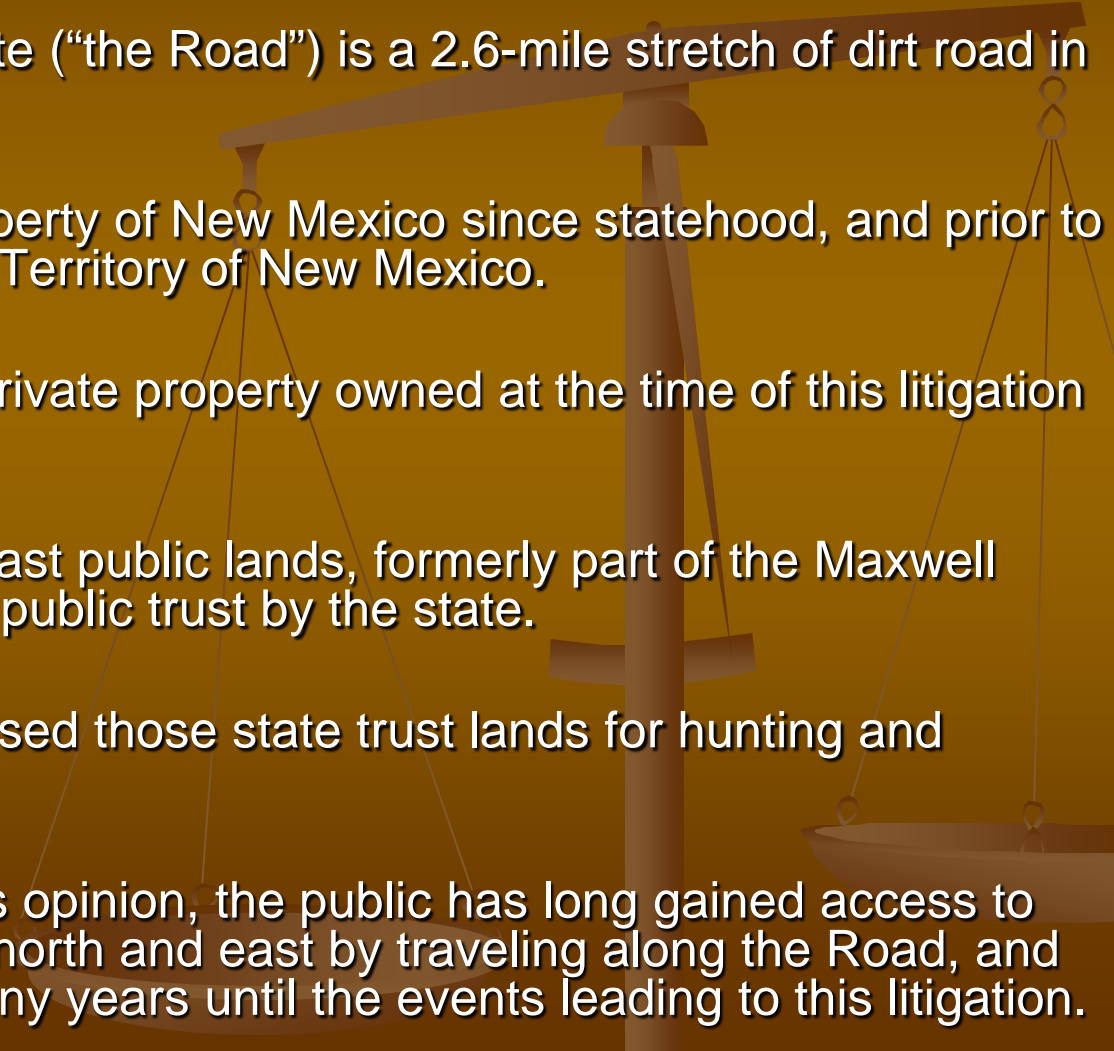
- 
- The State successfully proved title.
 - The Court of Appeals agreed in two separate opinions that the state and not the Ranch held title.
 - However, the amorphous nature of a quiet-title action permitted litigation on questions which strayed far from the lawsuit's original purpose.
 - The litigation drifted into areas that had little to do with the purpose, foundation, and central issue of this lawsuit, which has always been a simple question:
 - May the public use the public road in question to get to publicly owned lands?

- The Court acknowledged that the location of the boundary between the Ranch and state trust lands could, in later litigation before a different court, affect the more basic question of whether the road enters public lands. But this litigation has not yet happened, and the case before the Court was never, and still is not, a boundary dispute.





District Court - Findings of Fact and Conclusions of Law

- Largely uncontested
 - The section of road in dispute (“the Road”) is a 2.6-mile stretch of dirt road in Colfax County.
 - The Road has been the property of New Mexico since statehood, and prior to that was the property of the Territory of New Mexico.
 - The Road passes through private property owned at the time of this litigation by the Ranch.
 - The Ranch property abuts vast public lands, formerly part of the Maxwell Land Grant, that are held in public trust by the state.
 - Historically, the public has used those state trust lands for hunting and recreational activities.
 - Of special importance to this opinion, the public has long gained access to those public lands from the north and east by traveling along the Road, and did so continuously over many years until the events leading to this litigation.
- 

Conclusion



- The New Mexico Supreme Court finally resolves this case in the State's favor, granting title in the State and setting the road width at 24 feet.
- The Court further found that the road provides public access to state trust lands by way of the Heck Canyon Trail, and the Ranch may not blockade public access along the Road or the Heck Canyon Trail to those state trust lands unless and until the Ranch judicially establishes in a new and separate proceeding that its boundary with the State is differently situated.