

STATE OF NEW MEXICO  
COUNTY OF SAN MIGUEL  
FOURTH JUDICIAL DISTRICT COURT  
No. D-412-CV-2024-00289

TDS

STATE OF NEW MEXICO ex rel. RAÚL TORREZ,  
ATTORNEY GENERAL, STATE OF NEW  
MEXICO,

Plaintiff,

vs.

RICHARD JENKINS and JEAN JENKINS,

Defendants.

**PERMANENT INJUNCTION**

This matter came before the Court on the State of New Mexico's Motion for Summary Judgment, filed October 28, 2024. The Court has reviewed the motion, response, and reply; considered argument from the parties during a hearing on March 4, 2025; and is otherwise advised in the premises. The Court finds the motion is well-taken and is hereby GRANTED.

The undisputed facts confirm that Richard and Jean Jenkins knowingly violated the right of New Mexicans to access the Pecos River after the New Mexico Supreme Court decided *Adobe Whitewater Club of New Mexico v. New Mexico State Game Comm'n*, 2022-NMSC-020, ¶¶ 28-34, *cert. denied*, 143 S. Ct. 980 (2023), continued to violate the public's right of access despite repeated warnings of the need to comply from the New Mexico Department of Justice, and remained in violation of *Adobe Whitewater* until after the filing of this action. Though the Jenkins removed the fence and improper signage after this action was filed, there remains a live

case or controversy between the parties, and the Court finds that entering a permanent injunction is the appropriate remedy.

The Court therefore permanently enjoins Richard and Jean Jenkins from:

(1) fencing or otherwise erecting any obstructions on their land or land they control that interfere with the right of the public to fish or recreate on the Pecos River protected in *Adobe Whitewater*; or

(2) posting signs that suggest it is trespassing or otherwise unlawful for members of the public to access the Pecos River, including touching the stream bed or banks as reasonably necessary to enjoy the public's right of access to public water, or otherwise prevent public access to the Pecos River through interference or coercion.

To the extent the Jenkins wish to fence for purposes of dealing with livestock, they may not do so in a manner that interferes with floating or wading the Pecos River as protected in *Adobe Whitewater*. In constructing any fence for livestock, the Jenkins should do so in accordance with examples of compliant fences the New Mexico Department of Justice previously identified for landowners.

The parties have agreed that the State will withdraw its request for attorney fees and costs, and the Jenkins will not appeal this permanent injunction.



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**HONORABLE MICHAEL ARAGON  
DISTRICT COURT JUDGE**

Submitted by:

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Attorney General

/s/ James Grayson  
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**Approved as to form:**

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