


FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

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CLERK-SANTA FE 

STATE OF NEW MEXICO, ex rel. STATE )  
ENGINEER, )

Plaintiff, )

v. )

R. LEE AAMODT, et al., )

Defendants. )

and )

UNITED STATES OF AMERICA, )  
PUEBLO OF NAMBE, )  
PUEBLO OF POJOAQUE, )  
PUEBLO OF SAN ILDEFONSO, )  
AND PUEBLO DE TESUQUE, )

CASE NO. 66cv6639 MV/WPL

Plaintiffs-in-Intervention

**REPLY TO RESPONSE TO MOTION FOR LEAVE TO FILE OBJECTION TO SETTLEMENT AGREEMENT AND PROPOSED PARTIAL FINAL JUDGEMENT AND DECREE**

COME NOW HEATHER NORDQUIST AND TERRENCE NORDQUIST to reply to the response by State of New Mexico and the United States of America (“Respondents”) in opposition to the motion filed by Heather Nordquist and Terrence Nordquist (“Movants”) for leave to file an objection to the approval of the settlement agreement and entry of partial final judgement (Document 9676). The Movants oppose this response because the criteria that Respondents uses to deny such leave to file an objection in this case are inaccurate and deny the Movants due process in this case.

Stipulation by the court and by the State of New Mexico was that the Movants were aware of the deadline for filing objections prior to the passing of that date. Respondents are correct. One of the Movants has numerous family members in the NPT basin that were filing objections. However, a detailed timeline

regarding how and when the Movants acquired real property in the NPT basin, and their subsequent efforts to file an objection in a timely manner will now be presented.

On March 17, 2014, one of the Movants flew from Vienna, Austria (Movants home for over five years from 2009-2014) to Albuquerque and began looking for a property to buy in the Pojoaque Valley. The second movant was still a resident of Austria. On March 28, 2014, a real estate contract was signed to purchase the property at 40 County Road 84B, Santa Fe, NM, along with surface and ground water rights. Movants made sure that the water rights were documented and in the name of the sellers. This contract was executed by second Movant from their location in Europe. An initial closing date of May 7, 2014 was set, which would later be moved to May 13, 2014.

On April 10, 2014, second Movant relocated to the United States and the final purchase of the house was completed on May 13, 2014. On the advice of legal counsel, Movants began the process to transfer water rights to their names as soon as feasible so that they could file an objection.

On approximately May 20, 2014, Movants received the warranty deed to their property from the title company. A warranty deed is required by the State Of New Mexico, Office of the State Engineer (OSE), in order to transfer water rights. One of the Movants visited the OSE to transfer the water rights.

OSE staff (Vince Chavez, Brian Gallegos) were unable to transfer the domestic well rights RG39893 because the OSE could not find well logs for this well. After trying a number of times to settle the issue, by researching the matter with the OSE's office, trying to schedule a field visit by Mr. Gallegos, showing previous transfers, permits and adjudication from the court regarding this well, scheduling an inspection of the well by a local well driller (Lorenzo Romero) to try to discern the age or driller of the well and numerous visits to the OSE, the Movants had no choice but to enter a contract with a local law office in order to properly transfer the water rights. The OSE gave wrong information during this time, telling

Movants that the well didn't exist, that the well was on a different property or that the well was somewhere other than the known well on the property was located. In the meantime, water rights for SD0105, subfile 2.27 were transferred into Movants names on June 14, 2014.

Legal counsel for the Movants was able to verify the water rights connected with both RG39893 and SD0105 were in fact the same well. Domestic well rights were connected to the surface rights initially, a practice not allowed under today's regulations, and then the post-moratorium well rights connected with RG 39893 were "stacked" on top of the older water rights, but located in the same physical well.

Movants took their earliest opportunity after the findings of legal counsel's findings to transfer RG39893, but the OSE still could not transfer the water rights correctly without a call to Movants' lawyers. This transfer finally took place on September 9, 2014, at which point Movants prepared the motion asking to join objectors to the Aamodt Settlement.

Whether previous owners accepted the agreement or failed to respond, Movants are now registered as non-responders, when every bit of this timeline rightly shows them to have done EVERYTHING in their power to expediently transfer these water rights and file an objection. There is great material harm being done to Movants as a result of the OSE's inability to perform the most basic task of transferring lawfully owned water rights into Movants' names.

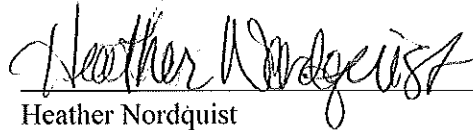
Movants are not lawyers, nor are they privy to the dictionary definition of a motion or a filing or whatever the court wants to parse as a reason to deny due process to them.

Furthermore, they would not like to file a new objection to the settlement, nor do they wish to further delay the court's actions in this matter, but instead wish to join a group of objector's already being


represented in this matter with the objection that the Office of the State Engineer lacks the authority to settle this matter due to a violation of our constitutional separation of powers clause.

Movants humbly ask the court to grant us our right to due process in filing our objection for all the above-stated reasons.

Date: 10/9/2014

  
Heather Nordquist

Date: Oct 9, 2014

  
Terrence Nordquist

40 County Road 84B  
Santa Fe, NM 87506  
(505) 470-3622  
Property and Water Rights Owners

cc: Carlos Sisneros, New Mexico Senator  
Nancy Rodriguez, New Mexico State Representative  
Carl Trujillo, New Mexico State Representative