

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

STATE OF NEW MEXICO, ex rel.)	
STATE ENGINEER,)	
Plaintiff,)	
)	
v.)	
)	
R. LEE AAMODT, et al.,)	No. 66cv6639 MV/WPL
Defendants,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	
PUEBLO DE NAMBÉ,)	
PUEBLO DE POJOAQUE,)	
PUEBLO DE SAN ILDEFONSO,)	
and PUEBLO DE TESUQUE,)	
Plaintiffs-in-Intervention.)	

OBJECTION TO ORDER TO SHOW CAUSE
(Docket No. 7861)

Defendants, Robert C. Habbersett and Katharine A. Palmer, by their undersigned representative, Object to the Order to Show Cause (Docket # 7861). As grounds for this Objection, Defendants state:

- Defendants’ right to use 3.0 AFY for domestic uses is a vested property right;
- a. Defendants have used and/or will use within a reasonable time, 3.0 AFY of water for domestic purposes.
 - b. The State Engineer must show impairment before he may curtail or reduce Defendants’ right to use 3.0 AFY;
 - c. To the extent the Order proposes to limit the outdoor use of the domestic well is clear error and should be quashed;
 - d. The reduction of Defendants’ water rights from beneficial use of 3.0 AFY to 0.7 AFY violates the Taking Clause;

- e. The reduction of Defendants' water rights is a deprivation of property rights without Due Process; and
- f. The Legislature of New Mexico has identified a special class consisting of domestic water users for special treatment for purposes of administration of water rights, and
- g. The Legislature of New Mexico has granted any person, firm or corporation that applies for a permit pursuant to 72-12-1.1, underground public water for beneficial use, including water sufficient to irrigate up to one acre of trees, lawn and/or garden (If the water be available).

WHEREFORE, Defendants object to the Order and request that their right to use of water not be limited to below 3.0 AFY or to indoor use only.

Robert C. Habbersett

Robert C. Habbersett
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Santa Fe, NM 87506

Katharine A. Palmer

Katharine Palmer
by JEN

I hereby certify that I have served by email a true and correct copy of the foregoing pleading upon the following opposing counsel of record this 12th day of March, 2015:

Edward C. Bagely
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/s/
Joseph E. Manges