

**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.,

Defendants,

and

UNITED STATES OF AMERICA, PUEBLO
DE NAMBÉ, PUEBLO DE POJOAQUE,
PUEBLO DE SAN ILDEFONSO, and
PUEBLO DE TESUQUE,

Plaintiffs-in-Intervention.

No. 66cv6639 WJ/WPL
Subfile No.: RG-33483

SUBFILE ANSWER

COME NOW Defendants, Robert C. Habbersett and Katharine A. Palmer, and object to the amount and description of the water rights in the proposed Consent Order for the above Subfile on grounds as follows:

1. The water rights are insufficient in quantity and in described purpose of use. Water has been actually placed to beneficial use in amounts which substantially exceed the proposed 0.7 ac/ft. per year. The amount of water historically actually used has exceeded 1.25 ac/ft. per annum prior to 2011. The water has been used for both domestic and agricultural uses, including water for one three-bedroom residence having two and a half bathrooms, a kitchen, a studio having a separate bathroom, approximately 5,000 square feet of outdoor vegetable and flower gardens, 16 fruit trees and numerous ornamental plants, bushes and trees.

In addition, defendants have watered native pinion trees. Defendants claim a water right in the amount of 1.25 ac/ft. per year for domestic and agricultural uses.

2. Please see our objections filed for the record on March 12, 2015 and incorporated by reference herein.

3. The parties are presently engaged in a good faith effort to resolve their disagreements with the Consent Order proposed by the State. The undersigned has contacted counsel for the State and explained the parties' position as set forth above and we are in the process of determining if a mutually satisfactory compromise can be reached.

COMEAU MALDEGEN TEMPLEMAN
& INDALL, LLP

By: /s/ Joseph E. Manges

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*Attorneys for Robert C. Habbersett and
Katharine A. Palmer*

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 _____ day of April, 2015:

Edward C. Bagely
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102

 /s/ Joseph E. Manges
Joseph E. Manges