

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

STATE OF NEW MEXICO, <i>ex rel.</i> STATE ENGINEER,)	
)	
Plaintiff,)	CASE NO. 6:66-cv-6639 WJ/WPL
)	
v.)	
)	
R. LEE AAMODT, <i>et al.</i> ,)	
)	
Defendants.)	
)	
and)	
)	
UNITED STATES OF AMERICA)	
PUEBLO DE NAMBE,)	
PUEBLO DE POJOAQUE)	
PUEBLO DE SAN ILDEFONSO,)	
and PUEBLO DE TESUQUE,)	
)	
Plaintiffs-in-Intervention)	
_____)	

PLAINTIFFS-IN-INTERVENTION THE UNITED STATES, PUEBLO DE NAMBÉ, PUEBLO DE POJOAQUE, AND PUEBLO DE SAN ILDEFONSO’S MOTION TO STRIKE OBJECTION TO SETTLEMENT AGREEMENT AND PROPOSED PARTIAL FINAL JUDGMENT AND DECREE ON THE WATER RIGHT OF THE PUEBLOS OF TESUQUE, POJOAQUE, NAMBE, AND SAN ILDEFONSO, AND INTERIM ADMINISTRATIVE ORDER WITH REGARD TO WELLS RG-22469, RG-27268, AND RG-23468 [DOC. 10231, 10235]

Plaintiffs-in-Intervention the United States and the Pueblos of Nambe, Pojoaque and San Ildefonso hereby move the Court to strike the untimely *OBJECTION TO SETTLEMENT AGREEMENT AND PROPOSED PARTIAL FINAL JUDGMENT AND DECREE ON THE WATER RIGHT OF THE PUEBLOS OF TESUQUE, POJOAQUE, NAMBE, AND SAN ILDEFONSO, AND INTERIM ADMINISTRATIVE ORDER WITH REGARD TO WELLS RG-*

22469, RG-27268, AND RG-23468 [Doc. 10231, and amendment, Doc. 10235] filed by Barbara and Leroy Garcia, represented by The Streeper Firm (“Garcia Objection”).

The deadline to file objections to the settlement agreement and proposed partial final judgment and decree was April 7, 2014, as established in the Court’s *Order to Show Cause and Notice of Proceeding to Approve Settlement Agreement and Enter Proposed Partial Final Judgment and Decree on the Water Rights of the Pueblos of Tesuque, Pojoaque, Nambé, and San Ildefonso* [Doc. 8035, Dec. 6, 2013; Doc. 8236, March 13, 2014]. The Garcia Objection states, “This Objection must be received by the Court no later than July 13, 2015 to be effective.” Garcia Objection at 3 (emphasis in original). This is contrary to the Court’s Order to Show Cause and has no basis in any rulings of the Court. The Garcia Objection states that, as well owners, Mr. and Mrs. Garcia were mailed and did receive a copy of the Court’s Order to Show Cause. Garcia Objection at 2.

Because the Garcia Objection was filed over 15 months after the Court’s deadline for objections, the Garcia Objection should be stricken from the record. The Court has pending before it briefing on the many timely objections filed, and permitting the Garcia Objection to remain in the record may encourage others to file objections, thus delaying the Court’s consideration of the current briefing at significant prejudice to all parties to the settlement agreement.

Respectfully submitted this 13th day of July, 2015.

/s/ electronic approval
Andrew “Guss” Guarino
U.S. Department of Justice
Environmental and Natural Resources
Division
999 18th Street
Denver, CO 80202

/s/ electronic approval
Scott B. McElroy
Alice E. Walker
McElroy, Meyer, Walker and Condon, P.C.
1007 Pearl Street, Suite 220
Boulder, CO 80302
Phone: 303-442-2021

Phone: 303-844-1343
Fax: 303-844-1350
Guss.Guarino@usdoj.gov

Attorneys for the United States of America

Fax: 303-444-3490
smcelroy@mmwclaw.com

Attorneys for the Pueblo of Nambé

/s/ Maria O'Brien

Maria O'Brien
Sarah M. Stevenson
Modrall Sperling
P.O. Box 2168
Albuquerque, NM 87103
Phone: 505-848-1803
Fax: 505-848-9710
mobrien@modrall.com
sstevenson@modrall.com

Attorneys for the Pueblo of Pojoaque

/s/ electronic approval

Peter C. Chestnut
Ann Berkley Rodgers
Chestnut Law Offices
P.O. Box 27190
Albuquerque, NM 87125
Phone: 505-842-5864
Fax: 505-843-9249
pcc@chestnutlaw.com
abr@chestnutlaw.com

Attorneys for the Pueblo de San Ildefonso

CERTIFICATE OF SERVICE

I hereby certify that, on July 13, 2015, the foregoing was filed electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

I further certify that, on July 13, 2015, copies of the foregoing were mailed by first-class United States mail to the following non-CM/ECF Participants:

Elmer Lee Waite 55 Banana Lane Santa Fe, NM 87506	Mary G.B. Waite 55 Banana Lane Santa Fe, NM 87506	Ramona Gonzales 17 Camino del Ojito Santa Fe, NM 87506
Serota LLC 2218 Old Arroyo Chamiso Santa Fe, NM 87505	Paul F. Romero Rt. 4 Box 20 Santa Fe, NM 87506	Aniver R. Roybal 27 Mi Ranchito Santa Fe, NM 87506
Larry D. Roybal Sr. 4609 Aquamarine Rio Rancho, NM 87124	Robert C. Dick P.O. Box 236 Tesuque, NM 87574	Felice Garduno 4 CR 119N Santa Fe, NM 87506
Phillip I. Lujan 13A Feather Catcher Santa Fe, NM 87506	Audelia Roybal 366 CR 84 Santa Fe, NM 87506	Roy Heilbron Sr. 1524A Bishops Lodge Road Santa Fe, NM 87506
Jose A. Valdez 282 A State Road 503 Santa Fe, NM 87506	Dan Valencia 84C County Road 84B Santa Fe, NM 87506	Joseph R. Vigil 02 Ricardos Ct. Santa Fe, NM 87506
DeZevallos 2012 Family Trust 9219 Katy Frwy. #120 Houston, TX 77024	Filia Valdez Duran 280 State Road 503 Santa Fe, NM 87506	Mariano Garcia 11 Callejon Valdez Santa Fe, NM 87506
Ignacio Carreno 105-A County Road 84C Santa Fe, NM 87506	Christina D. Lopez County Road 84C 1 Ricardos Ct. Santa Fe, NM 87506	Stella M. Garduno 2 CR 119 N Santa Fe, NM 87506
Juanita Misere 64 Summer Road Santa Fe, NM 87506	Cecilia G. Popp 28 Harriet's Road Santa Fe, NM 87506	Jose Isaudro Salazar 01 State Road 503 Santa Fe, NM 87506
Barak Wolff 28 Harriet's Road Santa Fe, NM 87506	Esquipula N. Valdez 05 Caminito Valdez Santa Fe, NM 87506	Jose and Margarita Trujillo 28A Grazing Elk Drive Santa Fe, NM 87506
Seferino & Ruby Valdez 5 Kokopelli Dr Santa Fe, NM 87506	Mary Berkeley 125 B County Rd 84 Santa Fe, NM 87506	Mabel Bustos 1834 Sunset Gardens Rd SW Albuquerque, NM, 87105
George Valdez 11 Caminito Valdez Santa Fe, NM, 87506	Oralia Quintana 387-A County Road 84 Santa Fe, NM 87506	Christen B. & Howell Howell P.O. Box 636 Los Alamos, NM, 87544
Amy Louise Roybal 22 AB Jose Alfredo Lane Santa Fe, NM, 87506	Jose Alfredo Roybal 22 AB Jose Alfredo Lane Santa Fe, NM, 87506	Rosalita Trujillo 9 Calle Tia Louisa Santa Fe, NM, 87506

Robert Valencia
Rt 5 Box 304
Santa Fe, NM, 87506

David Roybal
10 Aaron y Veronica Road
Santa Fe, NM 87506

Loyola E. Gomez
430 County Road 84
Santa Fe, NM 87506

Pedro N. Romero
06 Nuestro Callejon
Santa Fe, NM 87506

Pedro I. Garcia
15 Camino Catalina
Santa Fe, NM, 87506

Colleen Ortiz
340 A County Road 84
Santa Fe, NM 87506

David R. Herrera
99 Feather Road
Santa Fe, NM 87506

Jose L. Lopez
245 State Road 503
Santa Fe, NM 87506

Louise L. Jimenez
10 Sombra de Jose
Santa Fe, NM 87506

Kay Lee Family Partnership
6214 Preston Road
Dallas, TX 75205

Las Acequias de Chupadero
C/O William Lazar
PO Box 776
Tesuque, NM 87574

Cynthia A. Miscikoski
396 Fordyce Rd.
Los Angeles, CA 90049

Barak Wolff
28 Harriet's Road
Santa Fe, NM 87506

Robert Valencia
Rt 5 Box 304
Santa Fe, NM, 87506

David Roybal
10 Aaron y Veronica Road
Santa Fe, NM 87506

Josie G. Martinez
22B North Shining Sun
Santa Fe, NM 87506

Mary Ortiz
41 Camino Chupadero
Santa Fe, NM 87506

Roberta R. Fine
258 B CR 84
Santa Fe, NM 87506

Ruth Roybal
P.O. Box 515
Tesuque, NM 87574

Jerome T. & Susan R. Wolff
8 Molino Viejo
Santa Fe, NM 87506

Ernesto R. Lujan
5 Calle de Vecinos
Santa Fe, NM 87506

Leslie Beaty
P.O. Box 177
Tesuque, NM 87574

Gail Factor-Wilkinson
P.O. Box 276
Tesuque, NM 87574

Reymundo J Lopez
12 Bouquet Lane
Santa Fe, NM 87506

Carlos Sena
P.O. Box 366
Tesuque, NM 87574

Isauro Valencia
84C County Road 84B
Santa Fe, NM 87506

Tranquilino Vigil
19 Short Road
Santa Fe, NM 87506

Louie J. Romero
34 Callejon de Atanacio
Santa Fe, NM 87506

Marie Noelle Meyer
7 Tod's Driftway
Old Greenwich, CT 06870

Kathryn S. Brotherton
28 County Road 89-D
Santa Fe, NM 87506

Gabriel A. Herrera
77AB Feather Catcher Road
Santa Fe, NM 87506

Alexandra Doty
110 CR 84
Santa Fe, NM 87506

Eric Matthew Romero
Rt. 4 Box 20
Santa Fe, NM 87506

Deborah Dant
P.O. Box 301
Tesuque, NM 87574

Chester H Johnson
551 Canyon Rd.
Santa Fe, NM 87501

Patricia Mary
P.O. Box 962
Los Alamos, NM 87544

Diane Senutovitch
P.O. Box 303
Santa Fe, NM 87504

Jose and Margarita Trujillo
28A Grazing Elk Drive
Santa Fe, NM 87506

/s/Maria O'Brien
Maria O'Brien