

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

STATE OF NEW MEXICO, ex rel.)	
STATE ENGINEER,)	
)	
Plaintiff,)	
vs.)	No. 6:66-cv-06639-WJ/WPL
)	
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.)	
_____)	

SANTA FE COUNTY’S RESPONSE TO NOTICE

Santa Fe County (“County”) submits this response to the *Notice of Development Related to Motion to Approve Settlement Agreement and Entry of Proposed Partial Final Judgment and Decree* (“Notice”) (No. 10278), filed on August 28, 2015 by “Defendant-Objectors.” The Defendant Objectors are not authorized to file notices on behalf of the County, and the *Notice* does not accurately describe the County’s status or position regarding the Settlement Agreement pending before the Court for approval.

Although the *Notice*’s Exhibit is an accurate copy of “The Board of County Commissioners of Santa Fe County Resolution No. 2015-125,” the *Notice* incorrectly states: “Thus, Santa Fe County is withdrawing any agreement to provide funds, previously anticipated in the amount of \$7.4 million dollars to implement the Proffered Settlement Agreement.” Santa Fe County has not withdrawn from any agreement to provide funds for the settlement and in particular remains a party to the Cost-

Sharing and System Integration Agreement by and among the United States, the State of New Mexico, the Pueblo of Nambe, the Pueblo of Pojoaque, the Pueblo of San Ildefonso, the Pueblo of Tesuque, the City of Santa Fe, and the County. Section 4.1 of that agreement makes contribution of funds for the Regional Water System by the County, State and the United States contingent upon sufficient appropriations and authorizations being made by those parties.

As expressed in Resolution No. 2015-125, the County believes it is necessary to resolve certain road issues to assure the viability of the Regional Water System. Santa Fe County believes that these issues can and will be resolved, and it intends to work in good faith with the other parties to the Settlement Agreement, including the Pueblos, towards that end.

Moreover, the Aamodt Litigation Settlement Act, Pub. L. No. 111-291, title VI, §§ 601-626, 124 Stat. 3064, 3134-3156 (“Act”), provides for the voiding of any Final Decree entered by this Court in the event the Regional Water System is not substantially complete by the deadline established in the Act as well as other conditions that must be met for the Settlement Agreement to remain effective. See Act, § 623(b), (e)(5), and (f).

In sum, the County’s Resolution has no bearing on the validity of the Settlement Agreement or any other matter before the Court. Construction of the Regional Water System remains, as it always has been, contingent upon appropriations being made for its construction. Moreover, the Act itself addresses the question of what happens if the Regional Water System is not timely constructed or other conditions to the continued effectiveness of the Settlement Agreement are not timely met. Accordingly, the County asks the Court to disregard the *Notice* and to approve the Settlement Agreement and enter the Partial Final Judgment and Decree as requested in the *Joint Memorandum in Support of Settlement*, filed November 6, 2014 (No. 9913) and in the *Joint Reply to Response to Memorandum in Support of Settlement*, filed February 4, 2015 (No. 10012).

Respectfully submitted this 1st day of September 2015.

Respectfully submitted,

SHEEHAN & SHEEHAN, P.A.
Attorneys for Santa Fe County
6001 Indian School Rd., N.E., Suite 400 (87110)
Post Office Box 271
Albuquerque, New Mexico 87103
(505) 247-0411

BY: /s/John W. Utton
JOHN W. UTTON
jwu@sheehansheehan.com

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of September, 2015, I filed the foregoing electronically through the CM/ECF system which caused the parties or counsel on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF participants below via first class mail, postage prepaid:

Donald E. Benjamin, Post Office Box 544, Tesuque, NM 87574
Katherine Garduno, 11 Camino Los Gardunos, Santa Fe, NM 87506
Julie A. Johnston, 8 A Entrada de Gonzales, Santa Fe, NM 87506
Ben F. Ortiz, 284 C NM 503, Santa Fe, NM 87506
Olivia T. Romero, 11 W. Gutierrez Unit 3215, Santa Fe, NM 87506
Pedro W. Romero, 11 W. Gutierrez Unit 3215, Santa Fe, NM 87506
Wilfredo Romero, 38 Country Road 113A, Santa Fe, NM 87506
Anthony Sandoval, 44 A Arroyo Nambe, Santa Fe, NM 87506
Kathryn Walker, Post Office Box 638, Tesuque, NM 87574

/s/John W. Utton
JOHN W. UTTON