

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

STATE OF NEW MEXICO

State Engineer, *ex rel.*

Plaintiff,

v.

R. LEE AAMODT,

*et al.*,

Defendants.

and

UNITED STATES OF AMERICA,

PUEBLO DE NAMBE,

PUEBLO DE POJOAQUE,

PUEBLO DE SAN ILDEFONSO,

and PUEBLO DE TESUQUE,

Plaintiffs-in-Intervention

No. 66cv06639 WJ/WPL

Subfile No: PM-95103

**NOTICE THAT THE CONSULTATION PERIOD HAS ENDED**

Pursuant to the Procedural and Scheduling Order for the Adjudication of Water Rights Under Domestic Wells Permitted After January 13, 1983, filed June 14, 2007 (Doc. No. 6239) and Special Master's Order Limiting the Consultation Period, filed October 20, 2008 (Doc. No. 6417), the State of New Mexico *ex rel.* State Engineer ("State"), hereby notifies

**LISA KAPP**  
**JAMES EVANSON**  
P.O. BOX 35  
HOLMES, NY 12531

that the consultation period for Subfile No. PM-95103 has ended.

Notice That The Consultation Period Has Ended  
Subfile No: PM-95103

**Within twenty (20) days of the date of service of this notice, defendant must either:**

- 1. Sign and accept the last Consent Order offered by the State for the above subfile number and return the entire Consent Order to counsel for the State,**
- OR**
- 2. File with the Court and serve on counsel for the State a Subfile Answer.**

A form Subfile Answer is provided with this notice. You may use the provided form or prepare your own Subfile Answer. However, in order to satisfy the Court's requirements, your Subfile Answer must:

1. Provide the caption and civil action number of this case (No. 66cv06639 MV/WPL) and identify the subfile by the subfile number,
2. Explain your reasons for disagreeing with the Consent Order offered for the subfile by the State,
3. Include a statement that you have made a good faith effort to consult with and resolve the disagreement with the State, and
4. Be properly filed with the Clerk of Court and served by mailing a copy to counsel for the State.

**Failure to properly sign and return the last-offered Consent Order or file and serve a Subfile Answer within twenty (20) days of service of this Notice shall be considered grounds for entry of a default order incorporating the terms proposed by the State.**

Electronically Filed

/s/ Edward C. Bagley  
EDWARD C. BAGLEY  
Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
505-827-7844  
edward.bagley@state.nm.us

COUNSEL FOR THE STATE OF NEW MEXICO  
*ex rel.* STATE ENGINEER

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 28,2016 I filed the foregoing Notice that the Consultation Period Has Ended electronically through the CM/ECF system, which caused parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND FURTHER CERTIFY that on such date I served the foregoing, together with a form Subfile Answer, on the following non-CM/ECF Participants in the manner indicated:

**Via U.S. Postal Service, First-class mail, Postage Pre-Paid**

JAMES EVANSON	P.O. BOX 35, HOLMES, NY 12531
LISA KAPP	P.O. BOX 35, HOLMES, NY 12531

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No. 66cv06639 WJ/WPL

Subfile No: PM-95103

SUBFILE ANSWER

COME(S) NOW

**JAMES EVANSON**

**LISA KAPP**

and answers the complaint as follows

I (We) object to the description of the water right(s) described by the proposed Consent Order for the above Subfile because: (explain and attach additional pages if needed)

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I (We) made a good faith effort to resolve my(our) disagreement with the Consent Order proposed by the State by:(describer and attach additional pages if needed)

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(Instructions: Each named defendant, or the defendant's attorney, must sign and date this Answer. If multiple defendants are named and you have separate addresses or telephone numbers, please attach an additional address providing address information for each defendant. If you are signing on behalf of the named defendant, you must indicate the source of your legal authority to do so and provide both your address and the address of the named defendant.)**

\_\_\_\_\_  
LISA KAPP

\_\_\_\_\_  
JAMES EVANSON

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_  
\_\_\_\_\_

**IMPORTANT:**

**Within 20 days of service of this Notice, October 28, 2016, you must EITHER sign and send in the last Consent Order previously sent to you by the State OR file the enclosed Subfile Answer with the United States District Court. If you fail to accept and return the Consent Order OR do not file the Subfile Answer with 20 days, any right you may have to use your domestic well will be adjudicated by default judgment in accordance with the Consent Order.**

**Send signed Consent Orders OR a copy of your Subfile Answer to:**

**Edward C. Bagley  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102**

**Send Subfile Answers to:**

**U.S. District Court  
P.O. Box 2384  
Santa Fe, NM 87504-2384**