

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 NAMBE,)
PUEBLO DE POJOAQUE,)
PUEBLO DE SAN ILDEFONSO,)
and PUEBLO DE TESUQUE,)
))
Plaintiffs-in-Intervention.)

No. 66cv6639 WJ/WPL

**STATE OF NEW MEXICO’S REPORT ON *INTER SE* OBJECTIONS AND
UPDATE ON PROVISIONAL WATER RIGHTS IDENTIFIED IN THE ADDENDUM
TO THE PROPOSED FINAL JUDGMENT AND DECREE**

The State of New Mexico (“State”), by and through its counsel, provides this report summarizing all *inter se* objections that were timely filed pursuant to section C(2) of the *Order Granting Plaintiff’s State of New Mexico’s Motion to Establish Procedures for Final Inter Se Proceedings and Entry of A Final Judgment and Decree [Doc. No. 10761]* (Doc. 10849, September 9, 2016) (“Procedural Order”) and updating the provisional water rights identified in the *Addendum to Proposed Final Judgment and Decree of Water Rights in the Nambe-Pojoaque-Tesuque Stream System Non-Pueblo Surface Water and Groundwater Rights* (Doc. 11186, December 9, 2016) (“Addendum”), pursuant to section D of the *Order Granting State of New Mexico’s Motion to Establish Inter Se Notice Procedure for Provisional Water Rights Identified in the Addendum to the Proposed Final Judgment and Decree* (Doc. 11152, November 30, 2016).

Summary of *Inter Se* Objections

Pursuant to the Procedural Order, objections “must include the following: (1) name and address of objector; (2) description of water rights claimed by objector; (3) description of the water right(s) subject to the objection; (4) statement of the specific legal and factual basis of the objection; and (5) how the objector will be injured or harmed by the determination of the water right(s) objected to in a legally cognizable way.” Doc. 10849 at 6. Table A, attached, identifies and summarizes the 37 *inter se* objection forms that were filed with the Court on or before the January 24, 2017 deadline.

The following four *inter se* objection forms were received by the State through regular mail, but have not been filed with the Court:

No.	Objector	Date Received by State
1	Jose J. Roybal and Della C. Roybal 372 Cty Rd. 84 – 164 Ct. Rd. 84C	January 23, 2017
2	Jake E. Roybal and Bonnie Roybal 403-A County Rd. 84 – 87506	January 23, 2017
3	Rudy Frank Gallegos 309 Camino Cerrito	January 25, 2017
4	Theresa Lucia Gallegos 309 Camino Cerrito Santa Fe, NM 87505	January 25, 2017

In addition, two objections were filed after the January 24, 2017 deadline:

Docket No.	Objector(s)	Date Filed
11310	Rosa Rajkovic 244 Camino del Rincon	January 30, 2017
11311	Ramon Martinez P.O. Box 35181 Albuquerque, NM 87176	January 30, 2017

Summary of Objections or Changes to Provisional Water Rights

“Provisional water rights” are those water rights identified by the State in the Addendum that did not have a final order adjudicating water rights entered by the Court as of December 5,

2016. The Addendum identified those water rights with an asterisk (“*”). Table B, attached, sets forth the updated status of the provisional water rights. Table B provides the subfile number; the adjudication status of the water right as of December 5, 2016; the updated adjudication status of the water right (as of February 2, 2016); and the docket number of the order entered by the Court since December 5, 2016. The orders did not change any of the water rights identified in the Addendum. If an order has not been entered, the water right remains provisional, and the “status as of 2/2/2017” column remains blank in Table B.

Three subfiles, PM-74469, PM-85431 and PM-67673, were not marked as provisional water rights in the Addendum, even though a motion was pending to amend the subfile orders. An order amending these subfiles was entered on February 1, 2017 (Doc. 11321). The Addendum reflects the order and no change to the Addendum was made or is necessary.

Service of Report and Inter Se Objections to Affected Parties

The State will mail a copy of the *inter se* objections and this report to those persons whose water rights are the subject of these objections, by certified mail, return receipt requested, and will file a separate Certificate of Service with the Court. The State will mail a copy of this report to those who filed an objection and will file a separate Certificate of Service with the Court.

In addition, this report will be available for public inspection, along with the Proposed Final Decree, on the Office of the State Engineer’s website (at the following link: http://www.ose.state.nm.us/Legal/Adjudication/Aamodt/adj_aamodt.php), and at the Federal District Court in Santa Fe and Albuquerque, the Utton Center at the UNM School of Law, the Office of the State Engineer District I, and the Santa Fe County Pojoaque Satellite Office at the following addresses:

Office of the Clerk
United States District Court
106 South Federal Place
Santa Fe, New Mexico

Office of the Clerk
United States District Court
333 Lomas Blvd. NW
Albuquerque, NM

Joe M Stell Ombudsman Program at the Utton Center
UNM School of Law
1117 Stanford NE Rm. 1216
Albuquerque, New Mexico

Office of the State Engineer
Water Resource Allocation Program
District VI
Bataan Memorial Building, Rm. 102
Santa Fe, New Mexico

County of Santa Fe
Pojoaque Satellite Office
5 West Gutierrez, Suite 9
Pojoaque, New Mexico

Notice of Future Status Conferences

For parties that filed an objection, the Court will be holding its first mandatory final *inter se* status conference on Tuesday, February 7, 2017 at 2:00 pm at the United States Courthouse, South Federal Place, Santa Fe, New Mexico (“First *Inter Se* Status Conference”). *Notice of First Mandatory Final Inter Se Status Conference* (Doc. 11304, January 25, 2017) (mailed to those who filed an objection form). If you did not file a water right objection form, but believe that your water right is affected by an objection, you are not required to attend the First *Inter Se* Status Conference.

If you wish to participate in the resolution of *inter se* objections because you believe your water right is the subject of an *inter se* objection, the Court will be setting a status conference

following the First *Inter Se* Status Conference. Notice of any further status conferences will be posted on the State Engineer's website within two weeks of the First *Inter Se* Status Conference, at the following link: http://www.ose.state.nm.us/Legal/Adjudication/Aamodt/adj_aamodt.php.

Ted Bagley or Kelly Brooks Smith are available to answer any questions at 305-827-6150.

Electronically Filed,

/s/ Kelly Brooks Smith

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 3, 2017, I filed the foregoing *State of New Mexico's Report On Inter Se Objections and Update On Provisional Water Rights Identified In The Addendum To The Proposed Final Judgment And Decree* electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means and mailed to the parties listed below by regular mail.

/s/ Kelly Brooks Smith

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