

LATEST NEWS – MAY 2018

As many of you know, the Appeal Trial finished on March 19, 2018 after 10 days of testimony. **You can read the official transcripts of the entire trial on our website...**just follow the links for the TRIAL. Each day's transcript starts out with a table of contents for that day's testimony. It is an interesting look into the legal system and the constraints imposed on getting to the facts.



Our attorneys and experts (and Bernalillo County's attorneys and experts), presented a strong case in spite of the numerous procedural issues within our judicial system, and we feel very positive that the outcome should be in our favor. There is NO UNAPPROPRIATED WATER in the Sandia Basin AND existing domestic wells WILL BE IMPACTED. However, a concern about any "trial" is that the outcome is not assured.



Thanks go out to everyone who spent time with us in the Courtroom! The Judge took note!

BUT the trial is not officially over yet. Our attorneys are now preparing some very important documents: The written **Closing Statement**, and the **Findings of Fact & Conclusions of Law**. The judge will use these documents, along with the trial testimony and the admitted exhibits to make her decision - which could take 6 months or longer. These documents will also be extremely important in the event that another Appeal occurs .



In order to make sure that these documents give us the best shot at convincing the Judge to rule in our favor and to be prepared for the possibility of an Appeal, Deep Well Protest (DWP) and San Pedro Creek Estates HOA (SPCE) decided to re-organize and supplement our current legal team. Consequently, SPCE has engaged Kelly, Durham & Pittard (KDP), which has offices in Santa Fe, to work as part of our legal team. KDP has expertise in Appellate Court cases.

Paul Hultin, who was co-counsel (with Bruce Frederick-NMELC) during the OSE Administrative Hearing in 2013 and was also co-counsel (with Jon Block-NMELC) during the March 2018 Appeal trial, will lead this combined team of KDP and NMELC (represented by Doug Meiklejohn, the Executive Director of NMELC). This new team is preparing the critical documents to be filed in the District Court by May 21, 2018. They also will prepare any documents that must be filed in the event of an appeal.

In addition, KDP has joined the Common Interest Agreement that NMELC has had with Bernalillo County ensuring that all communications between NMELC, Bernalillo County and KDP lawyers are kept confidential and protected by the attorney client privilege.

Together, we have a great team going forward! Many thanks go out to Bernalillo County for their steadfast support and commitment to this case! And to SPCE for boosting our legal team! And, of course, to all of you who have supported this effort for the past 8 years!

WHAT CAN YOU DO?

1. Drop us a check or donate on our website...attorneys don't work for free and we still have bills to pay! Make checks out to **N14 Forum/Deep Well Protest** and mail to **Deep Well Protest, PO Box 311, Sandia Park, NM 87047**. (It's tax deductible.)
2. Let your new **County Commissioner James Smith** know how important this case is and how much you appreciate that Bernalillo County is helping oppose this water grab. Office Phone: (505) 468-7212 E-mail: District5@bernco.gov