

**STATE OF NEW MEXICO
COUNTY OF SANDOVAL
THIRTEENTH JUDICIAL DISTRICT COURT**

CASE NO. D1329CV20092408

SANDOVAL COUNTY, NEW MEXICO, a
statutorily created County,

Petitioner,

v.

TESORO PROPERTIES, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY; BUTERA PROPERTIES, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY; RECORP NEW MEXICO ASSOCIATES LIMITED PARTNERSHIP, A NEW MEXICO LIMITED PARTNERSHIP; RECORP-NEW MEXICO ASSOCIATES LIMITED PARTNERSHIP I, A NEW MEXICO LIMITED PARTNERSHIP; RECORP-NEW MEXICO ASSOCIATES LIMITED PARTNERSHIP II, A NEW MEXICO LIMITED PARTNERSHIP; RECORP-NEW MEXICO ASSOCIATES LIMITED PARTNERSHIP III, A NEW MEXICO LIMITED PARTNERSHIP; and ALL UNKNOWN OWNERS OR CLAIMANTS OF THE PROPERTY INVOLVED,

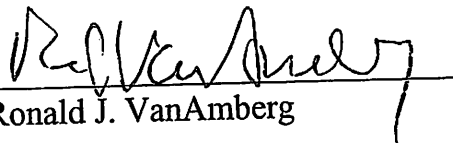
Respondents.

MOTION FOR INJUNCTION

COME NOW the Respondents and move this Court to preliminarily enjoin the Petitioner from accessing or utilizing any of the wells on the Respondents' property, and specifically, restrain the County from withdrawing any water from any wells on any property owned by any Respondents and as grounds therefore state that as shown in the verified Objection to Entry of Preliminary Order of Entry and the County's own Petition/Complaint, the County is not intending to condemn Respondents' wells and associated rights to water, but is simply announcing a claim of ownership to those wells and is offering no compensation to the Respondents. These wells are located on

Respondents' properties and the rights to water are associated with these wells. Respondents have not lost their rights to their property, which include their wells and associated rights. The burden is on the County to show how it came to own the Respondents' wells and water rights. This would involve a judicial determination unrelated to these condemnation proceedings. The County should have no access to the water or water facilities on the Respondents' properties, except to remove any County property from Respondents' properties, until it judicially establishes these claims. The use of the water by the County will prejudice the rights of the Respondents to develop their wells and their rights to water for their projects.

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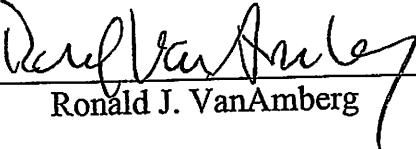
By 
Ronald J. VanAmberg

CERTIFICATE OF SERVICE

It is hereby certified that on the 26th day of October, 2009 a true and correct copy of the foregoing was deposited in the United States Mail at Santa Fe, New Mexico, first-class, postage prepaid, addressed to:

David Mathews, County Attorney
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Peter B. Shoenfeld
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Ronald J. VanAmberg