



**MONTGOMERY  
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LAW FIRM

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## Sharon T. Shaheen

*Shareholder*

Santa Fe, NM  
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### Practice Areas

- Administrative Regulatory
- Air Quality
- Appellate Practice
- Commercial Law and Litigation
- Environmental Law
- Land Use
- Litigation
- Municipal and Government Law
- Natural Resources
- Oil and Gas
- Public Utility and Telecommunications Regulation
- Real Estate
- Water Law
- Waste Management
- Water Quality

### Overview

Ms. Shaheen works in the areas of water, oil and gas, environment, property, and complex litigation, including class actions. In these practice areas, Ms. Shaheen has represented public and private clients in water rights permits and transactions, water rights disputes, contracts and contract disputes, royalty payment disputes, environmental regulation and contamination, real estate transactions, title issues, land use regulation, and water and wastewater utilities. She represents clients before state agencies, at the district court level, and in the appellate courts. Ms. Shaheen has also assisted clients in interstate water disputes litigated in the original jurisdiction of the United States Supreme Court. She regularly represents clients engaged in complex litigation. Ms. Shaheen enjoys helping clients grow and protect their business interests, by providing support for transactions and development and by providing vigorous advocacy in litigation and resolution of disputes.

### Background

**University of New Mexico School of Law**  
Juris Doctor, 2005

**University of North Texas**  
Bachelor of Music, 1979

Natural Resources Journal, University of New Mexico School of Law, citations & processing co-editor

## Additional Experience

Law Clerk to the Honorable Celia Foy Castillo, New Mexico Court of Appeals

## Experience

### Representative Matters

#### Water

- Representing a land developer before the Office of the State Engineer in a protested application to appropriate water.
- Representing clients in various purchases and sales of water rights and land with appurtenant water rights.
- Representing clients in applications to change the place and purpose of use and point of diversion of water rights before the Office of the State Engineer.
- Evaluating the existence and nature of water rights and advising clients regarding the manner in which such rights can be protected.
- Representing client in negotiating and drafting a contract with a state agency to offset groundwater pumping impacts on the Rio Grande.
- Representing clients in drafting and getting Office of the State Engineer approval of return flow plans.
- Representing clients in obtaining permits from the Office of the State Engineer.
- Representing mutual domestic water association in obtaining relief from developer who constructed sub-standard water system.
- Drafting briefs and other papers in interstate water cases.

#### Oil and Gas

- Litigating royalty payment class actions.
- Litigating title disputes between operators and between operators and mineral owners.
- Representing mineral owners before the New Mexico Oil Conservation Division.
- Evaluating status of mineral rights ownership and advised clients regarding leasing of same.

#### Property and Real Estate

- Representing client regarding title dispute on appeal.
- Drafting purchase and sale agreements for unique land transactions.
- Resolving title issues.
- Litigating easement claim between municipality and developer.
- Counseling home owners regarding right of access over tribal property.
- Drafting easements and easement agreements for conservation and road easements.
- Facilitating settlement of water contamination claims by obtaining restrictive covenants from land owners, *inter alia*.
- Representing client in reaching settlement with State Land Office after denial of access easement.

#### Environmental

- Representing client with radioactive materials license in enforcement action
- Advising client regarding public water system and compliance with drinking water regulations

#### Complex litigation

- Defending class actions concerning royalty payments
- Defending oil and gas client in numerous simultaneous collection actions
- Defending electric cooperative in employee personal injury "*Delgado*" claim with numerous defendants

- Representing defendant in asbestos lawsuit with more than 50 defendants
- Representing defendant in class action for bad faith insurance practices

## Representative Cases / Transactions

*Chavez v. N.M. Public Education Department*, 621 F.3d 1275 (10th Cir. 2010) (on briefs) (obtained reversal of district court's ruling that agency had violated the Individuals with Disabilities in Education Act)

*City of Rio Rancho v. AMREP Southwest, Inc.*, 2011-NMSC-037, 150 N.M. 428, 60 P.3d 414 (represented municipality in obtaining reversal of district court's summary judgment)

*Gomez v. Chavarria*, 2009-NMCA-035, 146 N.M. 46, 206 P.3d 157 (on briefs) (successfully represented insurance company in appeal of district court's determination that the statute of limitations had run)

## Representative Clients

Chevron Mining, Inc.  
 City of Rio Rancho  
 Devon Energy Corp.  
 Energen Resources Corporation  
 General Electric  
 Highland Meadows Estates Mutual Domestic Water Consumers & Sewage Works Association  
 Intel Corporation  
 Jemez Mountains Electric Cooperative Inc.  
 Marathon Oil  
 San Juan County  
 State of New Mexico

## Professional Memberships and Activities

American Bar Association, Environment, Energy, and Resources Section  
 State Bar of New Mexico, Natural Resources, Energy and Environmental Law Section  
 New Mexico Supreme Court Appellate Rules Committee  
 First Judicial District Bar Association, outgoing President  
 New Mexico Women's Bar Association, Board member  
 First Judicial District Access to Justice Committee  
 Rocky Mountain Mineral Law Foundation  
 Oliver Seth American Inn of Court, Barrister  
 New Mexico Defense Lawyers Association

## Bar Admissions

New Mexico  
 U.S. District Court for the District of New Mexico  
 U.S. Court of Appeals for the Tenth Circuit

## Publications

Co-author, with Gary Kilpatrick, of *A New Day in New Mexico for Third Party Bad Faith Claims*, FORC Quarterly Journal of Insurance Law Regulation, Vol. XV, ed. VII, (Sept. 1, 2004)

## Presentations

Understanding Mineral Rights and Surface Issues, CLE/CE/PDH, Santa Fe, New Mexico (June 18, 2009)

## Honors

Thesis Honors, University of New Mexico School of Law, Weighing and Balancing Social and Economic Considerations of Siting Landfills to Address Environmental Justice Concerns