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HOUSE MEMORIAL 97

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Gail Armstrong

A MEMORIAL

ASKING THE OFFICE OF THE STATE ENGINEER TO REFRAIN FROM ISSUING
A PERMIT TO AUGUSTIN PLAINS RANCH LIMITED LIABILITY COMPANY TO
APPROPRIATE FIFTY-FOUR THOUSAND ACRE-FEET OF WATER.

WHEREAS, a group of New York-based investors operating
under the name Augustin Plains ranch limited liability company
sought a permit from the office of the state engineer for the
right to appropriate fifty-four thousand acre-feet of water per
year from a deep well field of thirty-seven wells in the Plains
of San Augustin near Datil, New Mexico; and

WHEREAS, Augustin Plains ranch plans to market water to
municipalities and the state; and

WHEREAS, in response to the permit application, nearly
nine hundred protests were filed with the office of the state
engineer's administrative hearing unit; and

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1 WHEREAS, after a hearing and a recommendation from the
2 hearing officer, the state engineer denied the application
3 because it was vague, overly broad and lacked specificity and
4 the effects of granting it could not reasonably be evaluated,
5 problems that the state engineer found contrary to public
6 policy; and

7 WHEREAS, Augustin Plains ranch then appealed the permit
8 denial to the district court and lost that appeal; and

9 WHEREAS, next, Augustin Plains ranch appealed the district
10 court's holding to the New Mexico court of appeals, but that
11 appeal was dismissed as moot, since Augustin Plains ranch
12 submitted a new application to the office of the state
13 engineer; and

14 WHEREAS, the office of the state engineer is reviewing the
15 new application; and

16 WHEREAS, over six hundred protests have been filed in
17 opposition to the issuance of a permit in this instance; and

18 WHEREAS, the current list of protestants includes the
19 Navajo Nation, the Pueblos of Acoma, Isleta, Santo Domingo,
20 Sandia and Santa Ana, Catron, Socorro and Sierra counties, the
21 city of Socorro, the village of Magdalena, the United States
22 forest service, the federal bureau of reclamation, the federal
23 bureau of Indian affairs, the federal department of the
24 interior, the United States fish and wildlife service, the
25 federal bureau of land management, the university of New

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1 Mexico, the national radio astronomy observatory, several
2 acequia associations and many individuals who would be directly
3 affected by the proposed drilling; and

4 WHEREAS, senior water users cannot be assured that they
5 will not suffer impairment of their water rights because the
6 office of the state engineer does not have a clear and concise
7 definition of "impairment"; and

8 WHEREAS, according to Jim Libbon, associate dean of
9 agriculture and economics at New Mexico state university,
10 ranchers should be very concerned about Augustin Plains ranch's
11 attempt to pump water from Catron county to municipalities and
12 businesses along the Rio Grande; and

13 WHEREAS, the area of the proposed drilling does not
14 receive enough rainfall to replenish the aquifer with enough
15 water to meet the needs of agriculture and economic development
16 efforts; and

17 WHEREAS, a depleted aquifer would be exceptionally harmful
18 in this location, where agriculture is the largest sector of
19 the economy;

20 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
21 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the office of
22 the state engineer be asked to refrain from issuing a permit to
23 Augustin Plains ranch to appropriate fifty-four thousand acre-
24 feet of water; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the state engineer, the governor, the president
2 of the Navajo Nation, the Navajo Nation council, the governor
3 of the Pueblo of Acoma and the members of New Mexico's
4 congressional delegation.

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