

Good Afternoon,

Madam Chair, members of the committee.

My name is Anita Hand. I am a Catron County Commissioner for District 1. The land where the drilling application originates is in my District. I also am personally impacted by the application as my family's ranch is adjacent to the applicant's real property and we have been told that our wells will be significantly impaired. I am here with two of my constituents, Mr. Bruton and Mr. Edwards as well as many others in the audience.

The State of New Mexico empowers the Board of County Commissioners to develop plans for water conservation and use to protect the public health, safety, convenience, and welfare of the citizens and to ensure that all water users in the county are secure in their water rights. Public welfare of water resources is safeguarded by the State Engineer through active management of the state's limited water resources in the decision-making process used to evaluate new appropriations. The Augustin Plains Ranch has not met the criteria for approval. They have not identified an end user, have not assured the public that they will not impair existing wells and the application asks that the State Engineer allow a two-part approval process. The two-part process is a change in the process. Is this a change that needs legislative approval or is this allowed solely at the discretion of the State Engineer? Water is a life sustaining natural resource, shouldn't the process for appropriation be consistent and not on a case by case approval process?

The County has concerns about the conceptual plan. This plan lists Catron County, Socorro County, Sierra County, the City of Socorro and the Village of Magdalena as potential end users. All five have filed protest letters. The plan outlines recharge facilities to offset the water pumped. The recharge facility will rely on rainfall. Can the Augustin Plains Ranch guarantee rainfall to offset the water depleted from the aquifer? The plan to pipe water to Rio Rancho is a huge undertaking. The State Engineer's guidelines are specific in the amount of time given to apply the water to beneficial use. The pipeline could take years to build and even longer if they are required to go thru the NEPA process on government owned lands. The plan outlines utilization of the Department of Transportation right of way – is there documentation that the Department of Transportation will grant even the right of way? There is no right of eminent domain against the State

To reiterate Mr. Bruton comments, impairment is not clearly defined. Is it to the depth of the deepest well, on a case by case basis or is it defined when all available means of replacing the water lost is exhausted? The applicant must prove that their application will not impair existing water rights. How is this possible when impairment has not been clearly defined? Impairment to my constituents is when their existing senior wells go dry NOT when they drill to the depth of the deepest well or can no longer financially replace the water. Impairment to my constituents means additional cost to recover the water that existed prior to drilling. Catron County cannot begin to calculate the cost if this application is approved. How will the loss of property values effect the County's general fund and therefore its ability to provide its constituents with basic service, ie, Fire protection, police protection and roads?

Catron County opposed the application in 2007 and continues in opposition today. Our opposition remains consistent: the application is contrary to water conservation and public welfare; an end user has not been identified and there will be impairment to existing wells. Should this application be approved, Catron County will request that the applicant post a significant bond in an amount that will adequately cover any actual damages that will occur when impairment happens.

Thank you. I stand for any questions.