

1 A MEMORIAL

2 ASKING THE OFFICE OF THE STATE ENGINEER TO REFRAIN FROM
3 ISSUING A PERMIT TO AUGUSTIN PLAINS RANCH LIMITED LIABILITY
4 COMPANY TO APPROPRIATE FIFTY-FOUR THOUSAND ACRE-FEET OF WATER
5 UNTIL INPUT IS RECEIVED FROM SPECIFIED PARTIES.

6
7 WHEREAS, a group of New York-based investors operating
8 under the name Augustin Plains ranch limited liability
9 company sought a permit from the office of the state engineer
10 for the right to appropriate fifty-four thousand acre-feet of
11 water per year from a deep well field of thirty-seven wells
12 in the Plains of San Agustin near Datil, New Mexico; and

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

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

18 WHEREAS, after a hearing and a recommendation from the
19 hearing officer, the state engineer denied the application
20 because it was vague, overly broad and lacked specificity,
21 and the effects of granting it could not reasonably be
22 evaluated, problems that the state engineer found contrary to
23 public policy; and

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

1 WHEREAS, next, Augustin Plains ranch appealed the
2 district court's holding to the New Mexico court of appeals,
3 but that appeal was dismissed as moot as Augustin Plains
4 ranch submitted a new application to the office of the state
5 engineer; and

6 WHEREAS, the office of the state engineer is reviewing
7 the new application; and

8 WHEREAS, more than six hundred protests have been filed
9 in opposition to the issuance of a permit in this instance;
10 and

11 WHEREAS, the current list of protestants includes the
12 Navajo Nation; the Pueblos of Acoma, Isleta, Santo Domingo,
13 Sandia and Santa Ana; Catron, Socorro and Sierra counties;
14 the city of Socorro; the village of Magdalena; the
15 United States forest service; the federal bureau of
16 reclamation; the federal bureau of Indian affairs; the
17 federal department of the interior; the United States fish
18 and wildlife service; the federal bureau of land management;
19 the university of New Mexico; the national radio astronomy
20 observatory; several acequia associations; and many
21 individuals who would be directly affected by the proposed
22 drilling; and

23 WHEREAS, senior water users cannot be assured that they
24 will not suffer impairment of their water rights because the
25 office of the state engineer does not have a clear and

1 concise definition of "impairment"; and

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

7 WHEREAS, the area of the proposed drilling does not
8 receive enough rainfall to replenish the aquifer with enough
9 water to meet the needs of agriculture and economic
10 development efforts; and

11 WHEREAS, a depleted aquifer would be exceptionally
12 harmful in this location, where agriculture is the largest
13 sector of the economy;

14 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
15 STATE OF NEW MEXICO that the office of the state engineer be
16 asked to refrain from issuing a permit to Augustin Plains
17 ranch until the voices and concerns of the Navajo Nation; the
18 Pueblos of Acoma, Isleta, Santo Domingo, Sandia and
19 Santa Ana; Catron, Socorro and Sierra counties; the city of
20 Socorro; the village of Magdalena; the United States forest
21 service; the federal bureau of reclamation; the federal
22 bureau of Indian affairs; the federal department of the
23 interior; the United States fish and wildlife service; the
24 federal bureau of land management; the university of
25 New Mexico; the national radio astronomy observatory; several

1 acequia associations; and many individuals who would be
2 directly affected by the proposed drilling have been
3 considered; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the state engineer, the governor, the
6 president of the Navajo Nation, the Navajo Nation council,
7 the governor of the Pueblo of Acoma and the members of
8 New Mexico's congressional delegation. _____

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