

1 SENATE MEMORIAL 117

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 A MEMORIAL

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

14  
15 WHEREAS, a group of New York-based investors operating  
16 under the name Augustin Plains ranch limited liability company  
17 sought a permit from the office of the state engineer for the  
18 right to appropriate fifty-four thousand acre-feet of water per  
19 year from a deep well field of thirty-seven wells in the Plains  
20 of San Agustin near Datil, New Mexico; and

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

23 WHEREAS, in response to the permit application, nearly  
24 nine hundred protests were filed with the office of the state  
25 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 as Augustin Plains ranch submitted  
12 a new application to the office of the state engineer; and

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

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

17           WHEREAS, the current list of protestants includes the  
18 Navajo Nation, the Pueblos of Acoma, Isleta, Santo Domingo,  
19 Sandia and Santa Ana, Catron, Socorro and Sierra counties, the  
20 city of Socorro, the village of Magdalena, the United States  
21 forest 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 New  
25 Mexico, the national radio astronomy observatory, several

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

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

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

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

15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE  
16 STATE OF NEW MEXICO that the office of the state engineer be  
17 asked to refrain from issuing a permit to Augustin Plains ranch  
18 to appropriate fifty-four thousand acre-feet of water; and

19 BE IT FURTHER RESOLVED that copies of this memorial be  
20 transmitted to the state engineer, the governor and the members  
21 of New Mexico's congressional delegation.

