

SENATE MEMORIAL 30

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

George K. Munoz

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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 SCONC→**UNTIL INPUT IS RECEIVED FROM SPECIFIED PARTIES**←SCONC.

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

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of San Agustin 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

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

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

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

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

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

WHEREAS, the current list of protestants includes the Navajo Nation; the Pueblos of Acoma, Isleta, Santo Domingo, Sandia and Santa Ana; Catron, Socorro and Sierra counties; the

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city of Socorro; the village of Magdalena; the United States forest service; the federal bureau of reclamation; the federal bureau of Indian affairs; the federal department of the interior; the United States fish and wildlife service; the federal bureau of land management; the university of New Mexico; the national radio astronomy observatory; several acequia associations; and many individuals who would be directly affected by the proposed drilling; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE

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STATE OF NEW MEXICO that the office of the state engineer be asked to refrain from issuing a permit to Augustin Plains ranch until the voices and concerns of the Navajo Nation; the Pueblos of Acoma, Isleta, Santo Domingo, Sandia and Santa Ana; Catron, Socorro and Sierra counties; the city of Socorro; the village of Magdalena; the United States forest service; the federal bureau of reclamation; the federal bureau of Indian affairs; the federal department of the interior; the United States fish and wildlife service; the federal bureau of land management; the university of New Mexico; the national radio astronomy observatory; several acequia associations; and many individuals who would be directly affected by the proposed drilling have been considered; and

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