Filename: Sample-long LetterRevised4-ProtestAPRproject-2016.docx

City state zip

date

(Your address)

State Engineer

5550 San Antonio Drive NE

Albuquerque, NM   87109-4127

Dear Sir: [OR use name if there is one]:

I am writing with regard to RG-89943, an application that proposes to mine water in the Plains of San Augustin.

My protest to this application is based principally on concerns for the public welfare and on the need for New Mexico to conserve and use every water resource wisely. Underlying this is my outrage at a corporation seeking to steal our water out from under us for their own profit.

This applicant, the Augustin Plains Ranch LLC (APR LLC), proposes to pump 54,000 acre feet of water per year and pipe it to the Albuquerque area. We doubt that this massive amount of water can be withdrawn from their small portion of the San Augustin basin. We are sure that such massive withdrawal would quickly dry up nearby wells, and eventually draw down wells many miles away.

The applicant asserts that none of this will happen, and that they will recharge the aquifers by capturing runoff into the basin. This is transparently false in view of the very limited rainfall in the area and the existing equilibrium in the basin. In fact, it is known that the water is ancestral and will not be replaced. Evidence shows that outflow from the basin now flows toward the Gila River system. It may also go to the Rio Grande. It is likely that this outflow would be compromised by the proposed pumping. There is no “offset” for the water stolen from the existing natural flows. Such a result would be contrary to the public interest and to the conservation of water.

Water is not now needed in the Albuquerque area where the proposed pipeline would take it. Albuquerque is committed to water conservation and has reduced its water use per person in recent years. The people of Albuquerque are not clamoring for a new supply of water. Instead, it is the applicant who has been clamoring to sell our San Augustin Plains water to anyone who will buy it. Providing a new source of water would not encourage conservation. The major consequence of the pumping would be to leave large chunks of Catron County literally high and dry. This would not be in the public interest and would be contrary to rational water conservation policy.

The State Engineer has not accepted responsibility for carrying out a proper study to determine if the Plains can support such massive water pumping without destroying existing uses, existing flows, and the lives of the residents. Instead, it is deemed largely the job of the protesting citizens to fund their own study to refute the pumping scheme. There are no such funds available in a sparsely populated, low income county. The state has the responsibility for such a study before considering a massive proposal that would disrupt, and probably destroy, such a large region and so many people. It would be contrary to public interest and to the conservation of water not to conduct such a study before considering this massive scheme for the financial benefit of a corporation with foreign roots.

We also question if this proposal is in fact a beneficial use of the basin’s water. In economic terms alones, this project surely would cost the residents of Catron County more in loss of property value and economic viability than the APR, LLC, would gain. The project could also cost all New Mexicans a lot of money. The APR LLC has advocated for a public/private partnership arrangement to accomplish this project. Such an arrangement could sell obligate the taxpayers of New Mexico to assume the risk that the project is economically viable. Profit for one corporation does not qualify as a beneficial use for the citizens of New Mexico. This proposal remains a speculation in water.

Two of the four core criteria for water appropriation, incorporated in New Mexico water law, have been largely ignored by the Office of the State Engineer: public welfare and conservation. Those criteria alone give citizens who have been largely ignored in the past standing in this matter. These criteria should not be ignored any longer.

Yours sincerely,

Your name

Cc: New Mexico Environmental Law Center