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For more information, contact:

Julie Maas
Public Relations Specialist
(505) 383-4095

New Mexico State Engineer Denies Augustin Plains Ranch LLC Application

(SANTA FE, New Mexico) – The New Mexico State Engineer made a decision today to deny an application submitted by Augustin Plains Ranch LLC.

In October, 2007, the application was filed to obtain a permit to drill 37 wells to pump 54,000 acre/feet of water per year for all purposes of use, including delivery into the Rio Grande.

The application was amended in 2008, changing the maximum depth of the wells from 2,000 feet to 3,500 feet. The application originally had over 900 protestants, including the NM Interstate Stream Commission, the Middle Rio Grande Conservancy District, US Bureau of Reclamation; NM Dept of Game and Fish, Gila and Cibola National Forests, Catron County, Socorro County, Luna Irrigation Ditch, Monticello Irrigation District, several adjoining ranches, over 100 individuals and the Pueblos of: Santa Ana, Zuni, San Felipe, Isleta, Sandia, Acoma, Kewa (Santo Domingo) and the Navajo Nation. A motion hearing on Motions to Dismiss was held in Socorro on February 7, 2012.

The application was denied because it was vague, over broad, lacked specificity, and the effects of granting it cannot reasonably be evaluated; problems which are contrary to public policy.

Individuals who protested the application by Augustin Plains Ranch LLC argued that the drawdown of water could impact their wells and would have an adverse impact on their rural, agricultural lifestyle. Groups that protested, ranging from the Middle Rio Grande Conservancy District to the Navajo Nation to the Monticello Community Ditch Association, challenged the feasibility and reasonableness of transporting groundwater from a remote rural region of the state to the Rio Grande when no end user for the water has been identified.

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As is standard practice, the denial is without prejudice, meaning the applicant can re-file if they chose to do so, and have the option of appealing the decision by the State Engineer in District Court.

"I've approached this appropriation with a thorough eye for the overall impacts this would have on New Mexicans," said State Engineer Scott Verhines. "As our society becomes increasingly dense in urban areas, we remain encouraging to innovations in water movement around the state. However, reasonable applications are those that identify a clear purpose for the use of the water, include reasonable design plans, and include specifics as to the end user of the water. All applications demand intense scrutiny with all decisions made based on sound science, reason and caution, as it is our obligation to New Mexico to effectively and transparently manage, allocate and protect its water resources. Along with the proof of clear demand for the water in one area, and an absence of harm to those in the basin area from which the water is taken, a commitment to proper backing and contractual arrangements must also be in place."

The Office of the State Engineer is charged with administering the state's water resources. The State Engineer has power over the supervision, measurement, appropriation and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission.

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