



For Immediate Release

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**Water Win for Southern New Mexico!
Court Ruling Protects San Augustin Plains Groundwater
from Out-of-State Water Grab**

Reserve, NM —On Friday, April 5, Judge Roscoe Woods of the 7th Judicial District ruled from the bench that the New Mexico State Engineer was correct in denying Augustin Plains Ranch (APR) LLC's application to mine and hoard tens of thousands of gallons per year of San Augustin Plains groundwater.

The judge's decision was based on the fact that the application is speculative—ruling that APR failed to demonstrate an imperative need for the groundwater exists and failed to show that APR would be able to put the water to any beneficial use—a requirement under the New Mexico State Constitution.

In a standing-room-only courtroom, a hundred community members heard the arguments of several attorneys awaiting a ruling on APR's request to pump 54,000 acre feet per year of groundwater from San Augustin Plains, a closed basin (all water that falls in the basin stays in the basin) in southern New Mexico which will not be recharged by perennial streams.

The community members fighting against the water grab include small landowners, mostly from the Datil and Magdalena areas, who came together to protect the groundwater which they rely on for their homes, gardens and livestock. **Ricky and Patty Lindsey**, adjoining landowners to the Augustin Plains Ranch said, "We were very relieved by Judge Woods' ruling and the knowledge that our groundwater is safe for now—and are hopeful that this will come to an end after all these years."

At the hearing, Judge Woods heard arguments from and asked many questions of attorneys for Augustin Plains Ranch, the State Engineer, the Catron County Commission, the Helen Hand Ranch, and two groups of residents of the area protesting

against APR's application, including a group called the Community Protestants, represented by NMELC. After 5 hours of arguments and rebuttal, the Judge granted the State Engineer's Motion for Summary Judgment, ultimately preventing Augustin Plains Ranch from drilling and pumping water from 30 proposed wells, through which APR intended to pipe water upstate to municipalities north of Socorro such as Los Lunas and Belén—none of which have ever expressed a commitment to use such water.

"The judge's ruling keeps this precious water in the ground and upholds New Mexico law on beneficial use governing appropriation of water," said **NMELC Staff Attorney Ann McCartney**. "It was telling that the counties of Catron and Socorro protested the application to drill from Augustin Plains Ranch. The cities of Magdalena and Socorro refused to take the groundwater if pumping it had been allowed," McCartney continued.

Community members attending the hearing clapped enthusiastically when Judge Woods finished ruling and rose to leave the bench. **Pattie Murray-Preston, a resident of Datil**, said, "We are relieved that the judge agreed with the State Engineer and the attorneys. Hopefully, our long battle with this will come to an end. Thank you to NMELC for your continued fight against this attempted water grab."

For 17 years, many residents have been fighting against the removal of the fossil groundwater from the basin after APR filed its first application in 2007 to remove the water. Overall, the litigation has included two applications from APR to appropriate the groundwater and multiple appeals from the State Engineer's decisions denying these applications to both the district court and the New Mexico Court of Appeals.

"Community Protestants, year after weary year, have fought against the water speculation proposed by APR and are beyond ready for this to be over," said McCartney.

APR is a New York-based company owned by Italian billionaire Bruno Modena.

Local resident E.K. Dodds said, "Since 2007, NMELC has walked hand-in-hand with the people of northern Catron County, defending the interests of our community members, protecting us from an attack by foreign companies who want to destroy our way of life by mining our only source of water."

APR has 30 days after Judge Woods enters a written order to appeal his decision to the New Mexico Court of Appeals.

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