

LEGAL NOTICE

NOTICE is hereby given that on July 14, 2014, December 23, 2014 and again on April 28, 2016, Augustin Plains Ranch LLC, c/o Draper & Draper LLC, and Montgomery & Andrews, P.A., 325 Paseo del Peralta, Santa Fe, NM 87501 filed Corrected Application No. RG- 89943 with the STATE ENGINEER for Permit to Appropriate Groundwater in the Rio Grande Underground Water Basin of the State of New Mexico. The applicant proposes to divert and consume 54,000 acre-feet per annum from 37 proposed wells, proposed to be drilled to depth of 2,000 feet, with 20-inch casing, on land owned by the applicant located as follows;

Well RG-89943-POD1 (applicant's Well No. 1):

34 deg., 13 min., 29.779 sec. N latitude, 107 deg., 43 min., 13.037 sec. W longitude, within the SW 1/4 NE 1/4 NE 1/4 of Section 13, Township 1 South, Range 9 West, NMPM;

Well RG-89943-POD2 (applicant's Well No. 2):

34 deg., 12 min., 58.958 sec. N latitude, 107 deg., 43 min., 12.778 sec. W. longitude, within the NW 1/4 SE 1/4 SE 1/4 of Section 13, Township 1 South, Range 9 West, NMPM;

Well RG-89943-POD3 (applicant's Well No. 3):

34 deg., 12 min., 58.177 sec. N latitude, 107 deg., 43 min., 47.907 sec. W. longitude, within the NE 1/4 SW 1/4 SW 1/4 of Section 13, Township 1 South, Range 9 West, NMPM;

Well RG-89943-POD4 (applicant's Well No. 4):

34 deg., 12 min., 35.848 sec. N latitude, 107 deg., 43 min., 13.644 sec. W. longitude, within the SW 1/4 NE 1/4 NE 1/4 of Section 24, Township 1 South, Range 9 West, NMPM;

Well RG-89943-POD5 (applicant's Well No. 5):

34 deg., 12 min., 36.275 sec. N latitude, 107 deg., 43 min., 47.142 sec. W. longitude, within the SE 1/4 NW 1/4 NW 1/4 of Section 24, Township 1 South, Range 9 West, NMPM;

Well RG-89943-POD6 (applicant's Well No. 6):

34 deg., 12 min., 6.665 sec. N latitude, 107 deg., 43 min., 48.654 sec. W. longitude, within the NE 1/4 SW 1/4 SW 1/4 of Section 24, Township 1 South, Range 9 West, NMPM;

Well RG-89943-POD7 (applicant's Well No. 7):

34 deg., 12 min., 5.993 sec. N latitude, 107 deg., 43 min., 13.036 sec. W longitude, within the NW 1/4 SE 1/4 SE 1/4 of Section 24, Township 1 South, Range 9 West, NMPM;

Well RG-89943-POD8 (applicant's Well No. 8):

34 deg., 10 min., 1.772 sec. N latitude, 107 deg., 44 min., 16.442 sec. W. longitude, with- in the SW 1/4 NE 1/4 NE 1/4 of Section 2, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD9 (applicant's Well No. 9):

34 deg., 10 min., 0.982 sec. N latitude, 107 deg., 44 min., 51.761 sec. W. longitude, with- in the SE 1/4 NW 1/4 NW 1/4 of Section 2, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD10 (applicant's Well No. 10):

34 deg., 9 min., 31.664 sec. N latitude, 107 deg., 44 min., 48.998 sec. W longitude, within the NE 1/4 SW 1/4 SW 1/4 of Section 2, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD11 (applicant's Well No. 11):

34 deg., 9 min., 32.342 sec. N latitude, 107 deg., 44 min., 18.662 sec. W. longitude, with- in the SE 1/4 NW 1/4 SE 1/4 of Section 2, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD12 (applicant's Well No. 12):

34 deg., 9 min., 7.181 sec. N latitude, 107 deg., 45 min., 18.499 sec. W longitude, within the SW 1/4 NE 1/4 NE 1/4 of Section 10, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD13 (applicant's Well No. 13):

34 deg., 9 min., 7.200 sec. N latitude, 107 deg., 45 min., 51.100 sec. W longitude, within the SW 1/4 NE 1/4 NW 1/4 of Section 10, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD14 (applicant's Well No. 14):

34 deg., 8 min., 40.493 sec. N latitude, 107 deg., 45 min., 50.229 sec. W longitude, within the SW 1/4 NE 1/4 SW 1/4 of Section 10, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD15 (applicant's Well No. 15):

34 deg., 8 min., 40.850 sec. N latitude, 107 deg., 45 min., 17.644 sec. W longitude, within the SW 1/4 NE 1/4 SE 1/4 of Section 10, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD16 (applicant's Well No. 16):

34 deg., 8 min., 17.728 sec. N latitude, 107 deg., 44 min., 15.850 sec. W longitude, within the SW 1/4 NE 1/4 NE 1/4 of Section 14, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD17 (applicant's Well No. 17):

34 deg., 8 min., 17.186 sec. N latitude, 107 deg., 44 min., 49.916 sec. W longitude, within the SE 1/4 NW 1/4 NW 1/4 of Section 14, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD18 (applicant's Well No. 18):

34 deg., 7 min., 43.544 sec. N latitude, 107 deg., 44 min., 51.204 sec. W longitude, within the NE 1/4 SW 1/4 SW 1/4 of Section 14, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD19 (applicant's Well No. 19):

34 deg., 7 min., 43.653 sec. N latitude, 107 deg., 44 min., 16.864 sec. W longitude, within the NW 1/4 SE 1/4 SE 1/4 of Section 14, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD20 (applicant's Well No. 20):

34 deg., 8 min., 15.697 sec. N latitude, 107 deg., 45 min., 17.752 sec. W longitude, within the SW 1/4 NE 1/4 NE 1/4 of Section 15, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD21 (applicant's Well No. 21):

34 deg., 8 min., 15.832 sec. N latitude, 107 deg., 45 min., 50.787 sec. W longitude, within the SW 1/4 NE 1/4 NW 1/4 of Section 15, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD22 (applicant's Well No. 22):

34 deg., 7 min., 44.814 sec. N latitude, 107 deg., 45 min., 52.419 sec. W longitude, within the NE 1/4 SW 1/4 SW 1/4 of Section 15, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD23 (applicant's Well No. 23):

34 deg., 7 min., 44.043 sec. N latitude, 107 deg., 45 min., 18.309 sec. W longitude, within the NW 1/4 SE 1/4 SE 1/4 of Section 15, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD24 (applicant's Well No. 24):

34 deg., 7 min., 21.076 sec. N latitude, 107 deg., 45 min., 18.892 sec. W longitude, within the SW 1/4 NE 1/4 NE 1/4 of Section 22, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD25 (applicant's Well No. 25):

34 deg., 7 min., 20.532 sec. N latitude, 107 deg., 45 min., 53.118 sec. W longitude, within the NE 1/4 SW 1/4 NW 1/4 of Section 22, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD26 (applicant's Well No. 26):

34 deg., 7 min., 21.630 sec. N latitude, 107 deg., 46 min., 19.041 sec. W longitude, within the SW 1/4 NE 1/4 NE 1/4 of Section 21, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD27 (applicant's Well No. 27):

34 deg., 6 min., 52.325 sec. N latitude, 107 deg., 45 min., 20.948 sec. W Longitude, with- in the NW 1/4 SE 1/4 SE 1/4 of Section 22, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD28 (applicant's Well No. 28):

34 deg., 7 min., 22.957 sec. N latitude, 107 deg., 44 min., 15.086 sec. W longitude, within the SW 1/4 NE

1/4 NE 1/4 of Section 23, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD29 (applicant's Well No. 29):

34 deg., 7 min., 21.062 sec. N latitude, 107 deg., 44 min., 49.269 sec. W longitude, within the NW 1/4 SE 1/4 NW 1/4 of Section 23, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD30 (applicant's Well No. 30):

34 deg., 6 min., 53.305 sec. N latitude, 107 deg., 44 min., 47.283 sec. W longitude, within the NE 1/4 SW 1/4 SW 1/4 of Section 23, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD31 (applicant's Well No. 31):

34 deg., 6 min., 53.777 sec. N latitude, 107 deg., 44 min., 16.047 sec. W longitude, within the NW 1/4 SE 1/4 SE 1/4 of Section 23, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD32 (applicant's Well No. 32):

34 deg., 6 min., 32.564 sec. N latitude, 107 deg., 44 min., 14.548 sec. W longitude, within the SW 1/4 NE 1/4 NE 1/4 of Section 26, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD33 (applicant's Well No. 33):

34 deg., 6 min., 32.477 sec. N latitude, 107 deg., 44 min., 48.784 sec. W longitude, within the SW 1/4 NE 1/4 NW 1/4 of Section 26, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD34 (applicant's Well No. 34):

34 deg., 7 min., 45.577 sec. N latitude, 107 deg., 46 min., 20.103 sec. W longitude, within the NW 1/4 SE 1/4 SE 1/4 of Section 16, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD35 (applicant's Well No. 35):

34 deg., 8 min., 14.721 sec. N latitude, 107 deg., 46 min., 17.697 sec. W longitude, within the SW 1/4 NE 1/4 NE 1/4 of Section 16, Township 2 South, Range 9 West, NMPM;

Well RG-89943-POD36 (applicant's Well No. 36):

34 deg., 10 min., 1.553 sec. N latitude, 107 deg., 45 min., 15.118 sec. W longitude, within the SW 1/4 NE 1/4 NE 1/4 of Section 3, Township 2 South, Range 9 West, NMPM; and

Well RG-89943-POD37 (applicant's Well No. 37):

34 deg., 9 min., 30.586 sec. N latitude, 107 deg., 45 min., 15.791 sec. W longitude, within the NW 1/4 SE 1/4 SE 1/4 of Section 3, Township 2 South, Range 9 West, NMPM.

Said wells are generally located north and south of U.S. High- way 60, and east of Datil, Ca- tron County, New Mexico, for municipal purposes, including, but not limited to the following municipal entities and their service areas; the Village of Magdalena, the City of Socorro, the City of Belen, the Village of Los Lunas, the Albuquerque Bernalillo County Water Utility Authority and the City of Rio Rancho, and commercial

bulk water sales in parts of Catron, Sierra, Socorro, Valencia, Bernalillo, Sandoval and Santa Fe Counties, limited to those portions that lie within the geographic boundaries of the Rio Grande Basin, including various municipal and investor owed utilities, commercial enterprises, and state and federal government agencies, including the U.S. Bureau of Reclamation and the New Mexico Interstate Stream Commission whereby groundwater would be directly discharged to the Rio Grande.

Distribution and access connections are via an underground transmission pipeline along three (3) primary right-of-way corridors beginning east of Datil, New Mexico along U.S. Highway 60 approximately 56 miles east to Interstate 25, then north along Interstate 25 approximately 65 miles to State Road 45, the Coors Boulevard interchange, then north along Coors Boulevard approximately 20 miles and ending at State Road 528, Alameda Boulevard. Applicant proposes that any impairment of existing rights in the Gila-San Francisco Basin and the Rio Grande Basin, or any other basin, that would be caused by the applied for pumping, will be offset or replaced.

Applicant also intends to construct enhanced recharge facilities which will collect runoff that would otherwise evaporate in the Plains of Augustin, recharge water that will augment the groundwater in the aquifer and offset the amount of water diverted from the Applicant's wells.

The Applicant also requests credit for the enhanced recharge facilities, which is subject to approval by the State Engineer.

The applicant also filed with the Corrected Application the following documents:

Attachment 1- Point of Diversion Descriptions,

Attachment 2 - Overview of Project, Proposed Hearing Procedure and Additional Information for Sections of the Application,

Exhibit A - Project Description,

Exhibit B- Investor Letters,

Exhibit C - POD Map,

Exhibit D - Routing Analysis,

Exhibit E - Rio Rancho Letters,

Exhibit F - Sample Agreements and

Exhibit G - Technical Memorandum: Summary of Updated Conceptual Design, which may be viewed between the hours of 8:00-12:00 and 1:00-5:00 Monday through Friday, at the District 1 Office of the State Engineer, 5550 San Antonio Drive NE, Albuquerque, NM 87114, or online at www.ose.state.nm.us/ALU/index. (NOTE - THIS URL DOES NOT WORK AS OF 9/29/16 – JAME CHERRY, InformedCynic.com).

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number and mailing address).

The objection to the approval of the application must be based on:

- (1) Impairment; if impairment, you must specifically identify your water rights; and/or
- (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected.

The written protest must be filed, in triplicate, with the State Engineer, 5550 San Antonio Drive NE, Albuquerque, NM 87109-4127, within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile.

Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, (505) 383-4030. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978. In the event that a party filed a timely written protest or objection to the original Application to Appropriate RG-89943, filed with the State Engineer on October 12, 2007 and May 5, 2008, it is not necessary to file an additional written protest.

Those protests or objections are considered timely for this corrected application and notice of publication.

Pub: The Herald

Req: Draper&Draper LLC

Office of State Engineer September 7, 14, 21, 2016

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