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**BEFORE THE NEW MEXICO STATE ENGINEER**

OFFICE OF THE  
STATE ENGINEER  
HEARINGS UNIT  
SANTA FE, NM

**IN THE MATTER OF THE CORRECTED  
APPLICATION FILED BY AUGUSTIN  
PLAINS RANCH, LLC., FOR PERMIT TO  
APPROPRIATE GROUNDWATER IN THE  
RIO GRANDE UNDERGROUND WATER  
BASIN IN THE STATE OF NEW MEXICO**

**Hearing No. 17-005  
OSE File No. RG-89943 POD  
1 through POD 37**

**NOTICE OF ORAL ARGUMENT**

Oral Argument for both Motions for Summary Judgment filed on September 26, 2017 and October 16, 2017, respectively, in the above-captioned matter is scheduled to commence at **1 p.m. on Wednesday, December 13, 2017**, in Reserve, New Mexico, at which time the following will be heard:


- 1) Protestant Community Protestants' (NMELC or ELC) Motion for Summary Judgment and Memorandum in Support (Motion), filed on September 26, 2017;
- 2) Protestants' Joinders: 1) Cuchillo Valley Community Ditch Protestants' Joinder to Motion, filed on October 16, 2017; 2) San Augustin Water Coalition's Joinder to Motion, filed October 13, 2017; 3) WildEarth Guardians' Joinder to Motion, filed October 16, 2017; 4) New Mexico Farm and Livestock Bureau's Joinder to Motion, filed October 17, 2017; 5) Pueblos' (San Felipe, Santa Ana, Sandia, and Isleta) Joinder to Motion for Partial Summary Judgment, filed on October 16, 2017; 6) Hands' Joinder to Motion, filed on October 19, 2017; 7) Pecos Valley Artesian Conservancy District's Joinder to Motion, filed on October 19, 2017; 8) Navajo Nation's Joinder to Motion, filed on October 19, 2017; and 9) Catron County Board of County Commissioners' Joinder to Motion, filed on October 16, 2017.
- 3) Catron County Board of County Commissioners' (Catron County) Motion for Summary Judgment and Memorandum in Support, filed on October 16, 2017;
- 4) Hands' Joinder to Catron County's Board of County Commissioners' Motion for Summary Judgment, filed on November 7, 2017;
- 5) Applicant Augustin Plains Ranch's, LLC., Consolidated Response in Opposition to ELC Protestants' Motion for Summary Judgment, filed on October 30, 2017;

- and, Applicant Augustin Plains Ranch's, LLC., Response to Catron County's Motion for Summary Judgment, filed on November 8, 2017;
- 6) Water Rights Division's Response to NMELC Protestant's Motion, filed on October 30, 2017; and, Water Rights Division's Response to Catron County's Board of County Commissioners' Motion for Summary Judgment, filed on November 6, 2017; and
  - 7) The NMELC's and Catron County's Reply to Applicant Augustin Plains Ranch's, LLC., Response to Motion; the NMELC's and Catron County's Reply to the Water Rights Division's Response to Motion [Anticipated to be filed on or before December 4, 2017].
  - 8) Only the Movants and Respondents will be permitted to provide Oral Argument in support of their respective positions.
  - 9) No pleadings pertaining to the Motions shall be accepted after December 4, 2017.

The Oral Argument will be held in the **Catron County Courthouse, 101 Main Street, Reserve, New Mexico 87830.**

In light of the high costs associated with travel for the majority of Counsel (offices located in Albuquerque, Santa Fe or Taos) that are recognized as either Movants or Respondents, as identified above, and represent the greatest number of interested parties, the Hearing Examiner will entertain an Unopposed Motion from Counsel for Movants and Respondents hold the oral argument in Santa Fe (i.e. Room 309, State Capital Building, Santa Fe, NM) to decrease the Parties' rising expenses. If an Unopposed Motion to hold the Oral Argument is filed, such pleading shall be filed on or before December 1, 2017.

DONE this 17<sup>th</sup> day of November, 2017.

  
Uday V. Joshi  
Hearing Unit, Managing Attorney  
Hearing Examiner

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of November, 2017, a copy of the foregoing Order was mailed to interested parties in Hearing No. 17-005. The Parties Entitled to Notice can be found at <http://www.ose.state.nm.us/HU/AugustinPlains.php>



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Irma E. Corral, Law Clerk  
Hearing Unit Administrator