

Below is an update on the progress of the war to stop the Augustin Plains Ranch LLC (APR) from taking the water from our basin and sending it to points north.

As you know, Judge Reynolds granted summary judgment last year in favor of the Community Protestants (us) “with prejudice” (meaning that the APR cannot come back with the same or a similar application to mine water in the Plains).

Subsequently, the APR appealed this decision to the New Mexico Appellate Court. We are now waiting for that court to take up our case, which, according to Doug Meiklejohn at the New Mexico Environmental Law Center (NMELC), could take up to three years. While we wait we prepare for what could happen.

In the worst case scenario the Appellate Court could remand the case to Judge Reynolds or to the State Engineer for an evidentiary hearing. If that happens we will need to have an expert witness to present our side of the case. You may remember that a couple of years ago we asked for donations to support such a witness, and we also were awarded grant funds from Con Alma and from the McCune Foundation. Some of those funds have now been committed to a hydrologist who will put together a model of the Plains aquifer based on all the available studies and on his own field work. When and if we need the information it will be available.

Do you remember Bruce Frederick who so ably defended us in the early stages of this battle? Bruce left NMELC some years back and is now working for the Sandia Pueblo. Bruce will soon file an Entry of Appearance on behalf of the Pueblo supporting the protest to APR’s application. Good news indeed!

Thank you all for your support of this battle for nearly 13 years.

Carol Pittman – Datil