

## State engineer accepts recommendation denying water application

[http://www.dchieftain.com/news/state-engineer-accepts-recommendation-denying-water-application/article\\_4085d214-9731-11e8-8d01-cb5196d2af90.html](http://www.dchieftain.com/news/state-engineer-accepts-recommendation-denying-water-application/article_4085d214-9731-11e8-8d01-cb5196d2af90.html)

By John Larson - El Defensor Chieftain Staff Writer Aug 3, 2018

Opponents of the attempt by Augustin Plains Ranch LLC to mine water from the large aquifer beneath the San Agustin Plains scored a victory of sorts this week, following the release of a report by the Office of the State Engineer's Hearing Officer.

In a hearing in Reserve on December 13, 2017, the OSE's Hearing Officer Uday V. Joshi heard arguments for and against the application, and then on Tuesday Joshi submitted his recommendation for a motion for summary judgment to State Engineer Tom Blaine.

Problems with the application stem from a too broad of an interpretation of New Mexico's statutes governing water resources.

In his "Report And Recommendation Granting Motions For Summary Judgment," Joshi outlines numerous problem areas.

It states: "The Corrected Application expresses APR's intent to provide water for municipal purposes to the following municipalities and entities: Magdalena, Socorro, Belen, Los Lunas, Albuquerque Bernalillo County Water Utility Authority, and Rio Rancho, but it does not demonstrate the existence of a contractual agreement for the purchase or delivery of water with any of these municipalities or entities."

In other words, at heart is the OSE's opinion that the application is speculative, which is contrary to New Mexico's water laws.

It remains to be seen if Augustin Plains Ranch LLC will file a new application.