

Mr. Chairman, Members of the Subcommittee:           THANK YOU FOR YOUR INVITATION

I'm Eileen Dodds, Secretary of the San Agustin Water Coalition in Catron County, and with me today are Linn Kennedy, our Treasurer, and Anita Hand, also a Board member.

We met with the W&NR Interim Committee in Ruidoso last October and reported that the APR had been turned down by the 7<sup>th</sup> Judicial District Court in their continuing efforts to get approval for this project. That decision by the Court upheld the original decision by the OSE denying their application to appropriate 54,000 a.f. of groundwater annually for sale to as-yet named parties.

The APR has now appealed that decision to the NM Court of Appeals. Notice of the appeal was filed in January, and the Brief was presented in July. The Court has yet to set a hearing date.

In February, Anita and I went to SF during the legislative session to watch the progress of HB 397. Introduced by Rep. Tripp, it was aimed at ending such speculative projects. It cleared the House Ag & Water Resources Committee, but died in Judiciary. We'll be speaking with Rep. Tripp about trying again.

As to drought, this has been a good year for rain. The SA Plains saw rainfall totals ranging from 8 to 14 inches between July 2<sup>nd</sup> and Sept. 24<sup>th</sup>. That's the good news.

The bad news—the last good year for normal monsoon rains was 2006. We recorded as much as 15 inches of rain between July and October of that year. Winter of 2006-7 added another 3 to 4 feet of snow accumulation. Spring 2007 found moisture as deep as 5 feet in the soil. Right now, the soil is dry at 3 or 4 inches deep.

Frank Titus did a study while at Tech in the 1970's, estimating that the entire SA Plains was receiving approximately 100,000 a.f. of annual recharge. The entire Plains. +/- 1997 square miles. That's 1,275,000 acres. Now we're in a drought, with nowhere near as much precipitation.

The APR is requesting a permit to extract over half of the 1970's estimated amount of recharge from their 18,200 acres. 54,000 a.f. That's 1.4% of the entire area of the Plains. Since their 37 wells are concentrated on that 18,200 acres, that area will be depleted at a much higher rate. Datil sits 4 miles to the west.

MAPS HERE

The APR has drilled 2 test wells. One was +/-3000 feet deep, nothing was found, and the well was plugged. The second well found water at 500 feet, and went through water another 1000 feet, stopping at 1500 feet. That well has not been plugged. They describes the Plains as a "bathtub full of water". Isn't 500 feet is pretty deep to drill before finding water if that's true ?

They have also proposed some sort of runoff recapture on their northernmost holdings. This could work---except that the land is so flat that water soaks into the ground where it falls. The blue lines on the map represent sub-basin watersheds, and several cross their property. There's a fault running north/south on the property, too. They'd have to develop infiltration basins close to and below the fault lines where surface water would run during the monsoon season.

All of these sub-basin watershed haven't had "live" water in several thousand years. If they did, the Plains would still be a lake.

Infiltration basin structures also require permits from the OSE because it represents a point of diversion and will affect the surrounding private landowners including Ms. Hand and Ms. Kennedy who will protest.

We continue to believe the APR's proposal is poorly thought out, and a use of a resource that remains unproven. Cities can't be built on the unknown. The issue needs to be thought out more completely as to specific use and purpose.

This is a finite resource and should not be tapped without concrete hydro-geological proof of its existence. And that's all we're asking. Get the hydrological study first.

Thank you for your time and consideration.