

**BEFORE THE NEW MEXICO STATE ENGINEER**

**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**

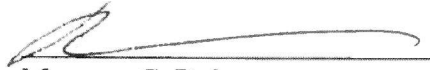
**Hearing No. 17-005  
OSE File No. RG-89943 POD1  
through POD 37**

**WATER RIGHTS DIVISION'S RESPONSE TO APPLICANT'S EXPEDITED  
REQUEST FOR POST-DECISION EVIDENTIARY HEARING**

The Water Rights Division of the Office of the State Engineer responds to Applicant's Expedited Request for Post-Decision Evidentiary Hearing ("Expedited Request"), filed August 24, 2018. The legal issue raised in the Expedited Request regarding the fulfillment of the NMSA §72-2-16 requirement for a hearing in the context of summary judgment motions before the State Engineer was fully briefed in the administrative process and argued at hearing. It was considered and decided in the Report and Recommendation that was accepted and adopted by the State Engineer as the final order in this matter. Report and Recommendation Granting Motions for Summary Judgment, adopted by the State Engineer, filed on August 1, 2018 ("Final Order"). The Final Order states that a hearing before the State Engineer on summary judgment "satisfies the requirement of a hearing held before the State Engineer before an appeal may be taken to the district court under NMSA 1978, Section 72-2-16." *Id.*, ¶10.

No expedited hearing is needed before an appeal can proceed. The Expedited Request should therefore be denied.

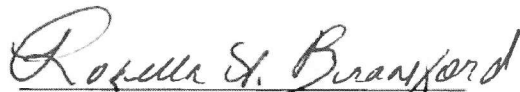
Respectfully submitted:



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of August, 2018, I served a copy of the foregoing Water Rights Division's Response to Applicant's Expedited Request for Post-Decision Evidentiary Hearing was served by either electronic mail or U.S First Class Mail according to the service designation in *Parties Entitled to Notice (Revised April 24, 2018)* service list found at <http://www.ose.state.nm.us/HU/AugustinPlains.php>.



Rozella A. Bransford, Paralegal  
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