

2017 OCT 6 PM 9:50

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

ORDER ADOPTING BRIEFING SCHEDULE

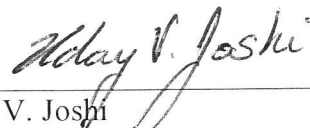
This matter came before Uday V. Joshi, the State Engineer's designated Hearing Examiner, upon the Water Rights Division's Partially Unopposed Motion Requesting an Extension of Time to File Response, filed on September 29, 2017, the Applicant's Expedited Motion to Extend Briefing Deadlines on the Community Protestants' (NMELC) Motion for Summary Judgment (Motion), filed and served on October 4, 2017, and the NMELC's Response in Opposition to the Augustin Plains Ranch's Expedited Motion to Extend Briefing Deadlines on the Motion, filed and served on October 5, 2017.

Having considered the matter and for good cause shown, the Hearing Examiner finds: 1) the deadline to file a Joinder in Support of the Motion should be October 16, 2017; 2) the deadline for the Water Rights Division, the Applicant and all other Parties to file Responses in opposition to the Motion should be October 30, 2017; and 3) the deadline for the NMELC to file a Reply in Support of the Motion should be December 4, 2017

Therefore, the following deadlines are adopted:

- 1) The deadline to file a Joinder in Support of the Motion shall be October 16, 2017.
- 2) The deadline for the Water Rights Division, the Applicant and all other Parties to file Responses in opposition to the Motion shall be October 30, 2017.
- 3) The deadline for the NMELC to file a Reply in Support of the Motion shall be December 4, 2017.

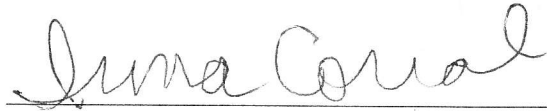
DONE this 16th day of October, 2017.



Uday V. Joshi
Hearing Examiner

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2017, a copy of the Order Granting Motion for Extension of Time to File Response 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>

A handwritten signature in cursive script, reading "Irma Corral", written in black ink.

Irma E. Corral, Law Clerk
Hearing Unit Administrator

2017 OCT 9 AM 10:05

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Hearing No. 17-005
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ORDER DISMISSING CERTAIN PROTESTANTS

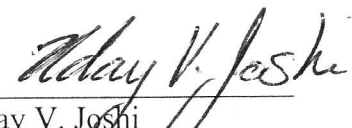
This matter came before Uday V. Joshi, State Engineer's designated Hearing Examiner, upon a review of the Scheduling Order, issued on August 10, 2017, and the Public Meeting held on September 28, 2017. The Hearing Examiner required, on or before September 28, 2017, or at the public meeting: 108 parties to participate in the proceeding and comply with docketing requirements and apprise the Hearing Unit of any change(s) of address; and 28 parties, not individuals, to retain counsel.

Having considered the matter the Hearing Examiner finds the following:

1. The Hearing Examiner previously dismissed 234 parties for failing to submit hearing fees pursuant to 19.25.2.10(B) NMAC, issued on May 3, 2017.
2. In addition to the aforementioned, of the 108 parties that were ordered to provide a correct mailing address to the Hearing Unit, approximately 102 failed to provide the required information and should be dismissed pursuant to 19.25.2.10 (D) and 19.25.2.23 (H) See Attachment A.
3. Last, of the 28 parties that were ordered to retain counsel pursuant to 19.25.2.11(C) NMAC, 23 failed to retain counsel and should be dismissed. See Attachment B.

Therefore, the 102 parties who failed to participate in the proceeding by not maintaining a correct address on file with the Hearing Unit are dismissed and the 23 parties who failed to retain counsel are dismissed.

DONE this 6th day of October, 2017.


Uday V. Joshi
Hearing Examiner

ATTACHMENT A

Protestant Parties Dismissed For Failing to Maintain Updated Contact Information

Akincroft Ranch Rudy and Julie Akin	Gary and Carol Gisler
Bruce Allred	Ronald Goecks
Henry and Evelyn Bailey	Frank Goetz and Irma Goetz
Rita Boettcher	Lonnie Guin, Jr.
Cecelia Briley	Cheryl Hall
Toni Boyd Broaddus & Luther Broaddus III Revocable Trust Luther & Toni Broaddus	Don Harold
Joan Brock	Theron Haslan
Gloria Brown	Thomas Hayes
Eileen Buchanan	George and Susan Herman
Beverly Cassata	Henry Herman
Robert and Melinda Chandley	Timothy Holecek and Shelley Holecek
Allan C. And Katherine A. Check	Richard W. Holecek
Bob and Mary Clark	Daniel Howell
Kelly Collins	Thomas Jenne
Ronald Cook	Ben Johnson
Abigail Coolahan, Glen Collahan and Shawnti Collahan	Lewis (Bill) Kelly
Kenneth Cope	Janette Kelly
Kendra Copelan	John Koerber and Mary Koerber
Marion Crum	Eric Krueger
Laura Darn	Burton Krueger
Dr. Jeffrey Davis	Larry Lapierre
C. Wayne Donham	Bob Lee and Anah Lee
Karen Donn	Cynthia Lee
John Dorsett and Laura Dorsett	Donna Lee
Rex Duffet	Luna Irrigation Ditch
Roger Duffy and Teresa Duffy	Thomas and Mary Marinko
Alfred Dunzweiler	Janis Marston
Frank and Christine Ellington	Michael Martin
David and Mary Elliott	P. Mayfield and Nancy McCloud
John Fazio	C. William McCabe and Valerie McCabe
Scott Feiten	Anne McDiarmid
Prof. Steven & Monica Ferry, MBA	Carol McKee
Fuller Family Trust - Charles and Mary Fuller, Trustees	Jeanne Mims
Velma Garcia	Jim and Pat Mitchell
Melanie Gasparich	Keith Mosca
Dan Gatlin	Kristi Moya
Joseph Gauntt*	Bob Myers
Ghost Rose Ranch Lisa T. Olsen and James R. Jarrett	Todd A. Myers & Pamela J. Seymore

Lisa Giles	Jim Nance
Steven Nestor	Mark Svir
T. Otero	David Thompson and Linda Thompson
Catherine Packard	Donna Todd
Sebastian Parker	René Trabu
Daryl Parks	Joe Trujillo
Herbert Perkins	Velvet Antler Elk Ranch, Inc. and Evelyn Carlisle Yates
Bob and Janene Prudler	Harry Weber
Scott and Leissa Randolph	Joseph Wettach
Wolfgang and Monica Rempen	Randell Whaley
Pamela Winfield Rosar	Dennis Wilder and Kelly Wilder
Robert Sanders	Lauren Witt
Ned Smith, Jr.	Paul Womack
Ellen S. Soles	Larry Woodcum
Jean A. and William K. Strickler	Herschel and Sharon Wright
Frank Stubbs	Sherman Yates
Susan L. Bolander	Robert Burdette
Bernard N. Chancellor	Rex E. Duffet
Peter H. Pache, Ph.D	Frank R. Stubbs

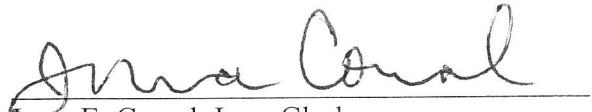
Attachment B

Protestant Parties that Failed to Retain Counsel

Coalition of the Six Middle Rio Grande Basin Pueblos	Datil Volunteer Fire Department – Robert Bassett, Chief
Harriett Ranch, LLC, Nicole Sanders, Michel Harriet, III & Ruth Ann Harriet	J Bar K Enterprises d/b/a OK Feed & Supply – Douglas C. Jordan, President
Middle Rio Grande Conservancy District	Monticello Canyon Association – Jane Darland, President
National Radio Astronomy Observatory c/o Robert L. Dickman & Mark M. McKinnon	Northern Catron County Ranchers Association – F. Farr
Pueblo of Acoma – Jason Johnson, Governor	San Miguel Ditch Association Donald B. Lucero
Strand Enterprises c/o Lif C. Strand	Socorro Catron Farm Service Agency County Committee – c/o John Hand, Chairman
USDA Office of General Counsel U.S. Dept of Agriculture Gila and Cibola National Forests	Torstenson Wildlife Center/ Double H Ranch c/o Robert Fedoris/ Jack Salerno
Green Gap's Ranch Landowners' Association, Inc. – Doug Mackenzie, President	Opuntia, LLC – D.A. Hayes & Michael Donlan
Magdalena Area Community Development Corporation – Lee Scholes, President	Santo Domingo Tribe Nelson Pacheco, Governor
Monticello Community Ditch Association – Claudia B. Jeffrey	Wolfy Financial, LLC David Wolfswinkel, Manager
State of New Mexico Department of Game & Fish Brian Lang	Sonntag Enterprises
Socorro Soil & Water Conservation District – Larry Whitefield, Chairman	

CERTIFICATE OF SERVICE

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A handwritten signature in black ink, appearing to read "Irma Corral", written over a horizontal line.

Irma E. Corral, Law Clerk
Hearing Unit Administrator

