

**STATE OF NEW MEXICO
CATRON COUNTY
SEVENTH JUDICIAL DISTRICT COURT**

Augustin Plains Ranch, LLC,

Applicant/Appellant,

v.

Dist. Ct. No. _____

Tom Blaine, P.E.,

Appeal from
OSE Hearing No. 17-005
OSE File No. RG-89943 POD 1
through POD 37

New Mexico State Engineer/Appellee,

and

Catron County Board of County Commissioners, Socorro County Commission, Kokopelli Ranch, LLC, John & Helen A. Hand and The Hand Living Trust, Last Chance Water Company, Monticello Properties, LLC, Double Springs Ranch, LLC, Gila Mountain Ranches, LLC, John Hubert Richardson Rev. Trust, Richardson Family Farms, LLC, City of Truth or Consequences, Cuchillo Valley Community Ditch Association, Salomon Tafoya, Apache Ranch – Kenneth R. Brumit, New Mexico Farm & Livestock Bureau, Catron County Farm & Livestock Bureau, State of New Mexico Commissioner of Public Lands, Pueblo of Sandia, Pueblo of Santa Ana, Wildearth Guardians, Pecos Valley Artesian Conservancy District, Pueblo of Zuni, Pueblo of San Felipe, University of New Mexico, Navajo Nation, Advocates for Community & Environment, New Mexico Interstate Stream Commission, Pueblo of Isleta, Manuel and Gladys Baca, Robert and Mona Bassett, Patti BearPaw, Sue Berry-Fox, (Babe) Ann Boulden, Donald and Joan Brooks, David and Terri Brown, Jack Bruton and Bruton Ranch, LLC, Lisa Burroughs and Thomas Betras, Jr., Charles and Lucy Cloyes, Michael D. Codini, Jr., Randy Coil, James and Janet Coleman, Thomas A. Cook, Wildwood Highlands Landowners Association, Randy Cox, Nancy Crowley, Tom Csurilla, Elk Ridge Pass Development Company, LLC, Top of the World Land Company, LLC, Roger and Dolores Daigger, Michael and Ann Danielson, Bryan and Beverly Dees, John and Eileen Dodds, Louise and Leonard Donahe, Patricia Eberhardt, Roy Farr, Paul and Rose Geasland, Gila Conservation Coalition Center for Biological Diversity and Gila Watershed Alliance, Mary Rakestraw Greiert, Michael Hasson, Don and Cheryl Hastings, Gary and Carol Hegg, Patricia Henry, Catherine Hill, Eric Hofstetter, Sandy How, M. Ian and Margaret Jenness, Amos Lafon, Marie Lee, Cleda Lenhardt, Rick and Patricia Lindsey, Victoria Linehan, Owen Lorentzen, Mike Loya, Sonia MacDonald, Robert and Susan MacKenzie, Douglas Marable, Thea Marshall, Sam and Kristin McCain, Jeff McGuire, Michael Mideke, Kenneth Mroczek and Janice Przybyl Mroczek, Peter Naumnik, John Naumnik, Regina Naumnik, Robert Nelson, Veronika Nelson, Walter and Diane Olmstead, Dennis and Gertrude O'Toole, Karl Padgett, Max Padget & Leo

Padgett, Barney and Patricia Padgett, Wanda Parker, Ray and Carol Pitman, John Preston and Patricia Murray Preston, Daniel Rael, Stephanie Randolph, Mary C. Ray, Kenneth Rowe, Kevin and Priscilla Ryan, Ray and Kathy Sansom, Christopher Scott Sansom, John and Betty Schaefer, Susan Schuhardt, Ann and Bill Schwebke, Janice Simmons, Jim Sonnenberg, Margaret and Roger Thompson, Gloria Weinrich, James Wetzig and Maureen M. MacArt, Donald and Margaret Wiltshire and Wildwood Landowners Association, Joseph and Janet Siomiak, Homestead Landowners' Association, Kristin Ekvall, Bette Dugie, Abbe Springs Homeowners Association, Anne Sullivan, Victor Anspach, Andres Aragon, Frank Baker, Mary Annette Boulden, Theresa J. Bottomly, Allen Bassler, M.D., Clark & Midge Bishop, Dorothy Brook, Baxter B. Brown & Sherry L. Fletcher, Jack Brunacini and Janice Brunacini, James Cherry, Dean Crane, Barbara Daitch, CPA, Sandra Coker, Carol Coker, David and Martha Dalbey, Lloyd Daniels, Hara Davis, Thomas Dolan, Monte Edwards, Elena Farr, Henry Edwards, Karen Farr, Sam Farr, Farr Cattle Co., Roy T. Farr, Dana Farr-Edwards, Freddy and Yvonne Ferguson, Connie Gibson, Lucy Fowles, Nelson Garber, O.R. and Sharon Gigante, Suzanne Garrigues, Mary Horn, Fancher Gotesky, Randall Greenwood, Raymond and Linda Gray, Amber Guin, Bertie Guin, James Hall, James M. Hall, M.D. and Linn Kennedy Hall, Dennis Inman, John Hanrahan and Ruth Hanrahan, John Hand, Fred Hunger and Leslie Hunger, Dallas Hurt, Gary L. McKennon, Lynn Daniel Montgomery, Linda Major, Randell & Mary Lynn Major, Major Ranch Realty, Karl and Ann Kohler, Montosa Ranch, Dale Armstrong, Nick and Laurene Morales, Janet Mooney, Jamie O'Gorman, Karen Rhoads, Georgianna Pena-Kues, L. Randall Roberson, John Pemberton, Jr., Rudy Saucedo, Saulsberry Lazy V7 Ranch, LLC, Regor Saulsberry, PE, Estate of Paul Rawdon, c/o Barbara Rawdon, Cordelia Rose, Dr. Robert Sanders, Mikel Schoonover, Scott A. and Samantha G. Seely, Shortes XX Ranch, Ron Shortes Sally Taliaferro, Robert and Elaine Smith, Mark and Sue Sullivan, Marjory Traynham, Judith and Joe Truett, Anthony Trennel, Socorro Soil & Water Conservation District, U.S. Department of the Interior, Bureau of Indian Affairs, Southwest Regional Office, Brett Traynor, Pete Zamora, Charles A. Wagner, Charlene F. Wagner, Walkabout Creek Ranch, George & Susan Howarth, Max Yeh, Teresa Winchester, John A. Barnitz, Barbara and Eddie Aragon, Ann Bauer, Kat Brown, Sandy Bartelsen, Eric D. Bottomly, Joshua and Sarah Chong, Frederick J. Bookland, Patsy J. Douglas, Jay B. Carroll, Carroll Dezabelle, Jim and Mary Ruff, Cyndy and Charles Costanza, David P. Smith, Nancy H. Smith, Darnell L. Pettis, Montana Pettis, David and Sara Robinson, Floyd Sanders, Luera Ranch, LLC, Connie May, Karl E. May, Ron & Mahona Burnett – Flying V. Ranch, Ellen S. Soles, Geraldine Schwabb,

Protestants/Appellees.

**PROOF OF SERVICE OF
NOTICE OF APPEAL DE NOVO
FROM ORDER OF THE STATE ENGINEER**

Comes now Augustin Plains Ranch, LLC, Applicant/Appellant in the above-captioned proceeding, which is an appeal de novo 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, and files this Proof of Service of Notice of Appeal de Novo from Order of the State Engineer in accordance with NMSA 1978, Section 72-7-1(C). Service of the Notice of Appeal has been accomplished as required by NMSA 1978, Section 72-7-1(C), Rule 1-004 of the New Mexico Rules of Civil Procedure, and federal requirements where applicable, as shown by the following original documents, attached as exhibits hereto:

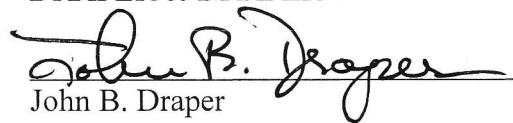
- Exhibit 1. Acceptance of Service of Notice of Appeal de Novo from Order of the State Engineer on behalf of Tom Blaine, P.E., New Mexico State Engineer on August 21, 2018;
- Exhibit 2. Return of Service of Notice of Appeal de Novo on the New Mexico Attorney General on August 21, 2018;
- Exhibit 3. Notice of Appeal de Novo served on U.S. Department of Interior, Bureau of Indian Affairs, Southwest Regional Office; United States Attorney, District of New Mexico; and Attorney General of the United States; all by certified mail on August 22, 2018;
- Exhibit 4. Affidavit of Publication: Albuquerque Journal published Notice of Appeal de Novo, August 15, August 22, August 29, and September 5, 2018;
- Exhibit 5. Affidavit of Publication: The Santa Fe New Mexican published Notice of Appeal de Novo, August 15, August 22, August 29, and September 5, 2018;
- Exhibit 6. Affidavit of Publication: The Silver City Daily Press and Independent published Notice of Appeal de Novo, August 15, August 22, August 29, and September 5, 2018;
- Exhibit 7. Affidavit of Publication: The Herald published Notice of Appeal de Novo, August 15, August 22, August 29, and September 5, 2018;
- Exhibit 8. Affidavit of Publication: The Valencia County News-Bulletin published Notice of Appeal de Novo, August 16, August 23, August 30, and September 6, 2018;
- Exhibit 9. Affidavit of Publication: El Defensor Chieftain published Notice of Appeal de Novo, August 16, August 23, August 30, and September 6, 2018.

Respectfully submitted,

MONTGOMERY & ANDREWS

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Attorneys for Applicant/ Appellant Augustin Plains Ranch, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Proof of Service of Notice of Appeal de Novo from Order of the State Engineer was placed in the U.S. Mail (without exhibits) to all parties of record, and via electronic mail to parties with specified email addresses this 3rd day of October, 2018.


John B. Draper