

STATE OF NEW MEXICO
COUNTY OF CATRON
SEVENTH JUDICIAL DISTRICT

AUGUSTIN PLAINS RANCH, LLC,

Applicant/Appellant,

v.

No. D-728-CV-2018-00026

SCOTT A. VERHINES, P.E.,

New Mexico State Engineer,

and

KOKOPELLI RANCH, LLC, *et al.*,

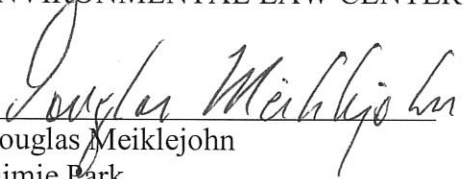
Protestants/Appellees.

NOTICE OF SUBMISSION
OF FINAL ORDER GRANTING SUMMARY JUDGMENT
IN FAVOR OF
THE COMMUNITY PROTESTANTS AND THE
CATRON COUNTY BOARD OF COUNTY COMMISSIONERS AND
DISMISSAL WITH PREJUDICE

The Protestants represented by the New Mexico Environmental Law Center, who are listed on the following page (“the Community Protestants”), hereby give notice that they have submitted the attached proposed Final Order Granting Summary Judgment in Favor of the Community Protestants and the Catron County Board of County Commissioners and Dismissal with Prejudice to the Honorable Matthew G. Reynolds on this date.

Dated: August 14, 2019.

NEW MEXICO
ENVIRONMENTAL LAW CENTER



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CERTIFICATE OF SERVICE

I certify that on August 14, 2019 copies of the foregoing Notice were e-served on the following parties entitled to notice:

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STATE OF NEW MEXICO
COUNTY OF CATRON
SEVENTH JUDICIAL DISTRICT COURT

AUGUSTIN PLAINS RANCH, LLC,

Applicant/Appellant,

v.

D-728-CV-2018-00026
Judge Matthew G. Reynolds

TOM BLAINE, P.E.,

New Mexico State Engineer/Appellee,

and

Appeal from a decision of the
New Mexico State Engineer
in OSE Hearing #17-005

CATRON COUNTY BOARD OF COUNTY
COMMISSIONERS, *et al.*,

Protestants/Appellees.

**FINAL ORDER
GRANTING SUMMARY JUDGMENT
IN FAVOR OF
THE COMMUNITY PROTESTANTS AND THE
CATRON COUNTY BOARD OF COUNTY COMMISSIONERS AND
DISMISSAL WITH PREJUDICE**

This matter came before the Court on a *de novo* appeal from the State Engineer's August 1, 2018 summary judgment denial of an application for a groundwater permit filed by Augustin Plains Ranch, LLC. Motions for Summary Judgment were filed by the New Mexico State Engineer, the Augustin Plains Ranch, the protestants represented by the New Mexico Environmental Law Center ("the Community Protestants"), and the Catron County Board of County Commissioners.

The motions for summary judgment filed by the Community Protestants, the Catron County Board of County Commissioners, and the New Mexico State Engineer sought dismissal

of the Augustin Plains Ranch's application to appropriate ground water from the San Agustin Basin that was filed in 2014 and amended in 2016. The motion for summary judgment filed by the Augustin Plains Ranch sought reversal of the State Engineer's order denying the Augustin Plains Ranch's application to appropriate ground water from the San Agustin Basin.

The Court has considered each of the motions, the joinders, responses, and replies filed in connection with each of the motions, and the arguments of counsel pertaining to the motions that were presented at the Court's hearing on June 26, 2019. The Court also has considered the ruling entered by this Court in case #D-728-CV-2012-00008.

THE COURT FINDS THAT:

1. The Court has jurisdiction over this matter; and
2. The Community Protestants and the Catron County Board of County Commissioners are entitled to judgment as a matter of law for the reasons set forth in this Court's Memorandum Decision filed on July 24, 2019, which includes Attachment A, Order on Protestants' Motion for Summary Judgment, filed January 3, 2013 in case D-728-CV-2012-00008, and Attachment B, Memorandum Decision on Motion for Summary Judgment, filed on November 14, 2012, in case D-728-CV-2012-00008.

IT IS THEREFORE ORDERED THAT:

3. The motions for summary judgment filed by the Community Protestants and the Catron County Board of County Commissioners are granted;
4. All other motions for summary judgment are denied as moot; and
5. The Augustin Plains Ranch's Application to appropriate ground water from the San Agustin Basin is dismissed with prejudice.

Dated: _____, 2019.

Matthew G. Reynolds
District Judge
Seventh Judicial District Court

SUBMITTED BY:

/s/ Douglas Meiklejohn

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No response to request for approval as of 8/14/2019

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