

STATE OF NEW MEXICO  
COUNTY OF CATRON  
SEVENTH JUDICIAL DISTRICT COURT

FILED  
7th JUDICIAL DISTRICT COURT  
Catron County  
8/23/2019 12:25 PM  
CLERK OF THE COURT  
Rosemary Wilburn

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,

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

and

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.

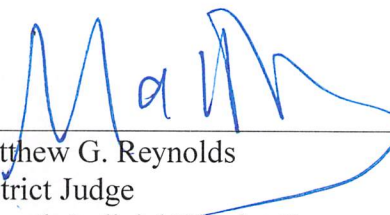
THE COURT FINDS THAT:

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: August 23, 2019.

  
Matthew G. Reynolds  
District Judge  
Seventh Judicial District Court

SUBMITTED BY:

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

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