

September 26, 2019 –

From the New Mexico Environmental Law Center

“The Augustin Plains Ranch filed an appeal to the Court of Appeals. The Ranch is seeking to have the Court of Appeals rule that Judge Reynolds made the wrong decision. We do not know the specific grounds that the Ranch will argue, but the gist of the appeal will be that Judge Reynolds made one or more mistakes and the Court of Appeals should reverse his ruling.

“The motion filed by the State Engineer is separate from and not related to the appeal filed by the Ranch. The State Engineer is not asking that Judge Reynolds change his decision denying the Ranch's application. Rather, the State Engineer has asked Judge Reynolds to correct three mistakes that he made. The State Engineer has asserted that:

“1) Judge Reynolds only had authority to dismiss the Ranch's appeal from the State Engineer ruling, and Judge Reynolds did not have authority to dismiss the Ranch's application;

“2) Judge Reynolds did not have authority to dismiss the Ranch's application with prejudice because that means that the Ranch cannot ever file an application to appropriate water again; and

“3) Judge Reynolds's order should have specified that it was limited to the application filed by the Ranch in 2014 and amended in 2016.”