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SENATE MEMORIAL 30

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

George K. Munoz

A MEMORIAL

ASKING THE OFFICE OF THE STATE ENGINEER TO REFRAIN FROM ISSUING
A PERMIT TO AUGUSTIN PLAINS RANCH LIMITED LIABILITY COMPANY TO
APPROPRIATE FIFTY-FOUR THOUSAND ACRE-FEET OF WATER.

WHEREAS, a group of New York-based investors operating
under the name Augustin Plains ranch limited liability company
sought a permit from the office of the state engineer for the
right to appropriate fifty-four thousand acre-feet of water per
year from a deep well field of thirty-seven wells in the Plains
of San Agustin near Datil, New Mexico; and

WHEREAS, Augustin Plains ranch plans to market water to
municipalities and the state; and

WHEREAS, in response to the permit application, nearly
nine hundred protests were filed with the office of the state
engineer's administrative hearing unit; and

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1 WHEREAS, after a hearing and a recommendation from the
2 hearing officer, the state engineer denied the application
3 because it was vague, overly broad and lacked specificity, and
4 the effects of granting it could not reasonably be evaluated,
5 problems that the state engineer found contrary to public
6 policy; and

7 WHEREAS, Augustin Plains ranch then appealed the permit
8 denial to the district court and lost that appeal; and

9 WHEREAS, next, Augustin Plains ranch appealed the district
10 court's holding to the New Mexico court of appeals, but that
11 appeal was dismissed as moot as Augustin Plains ranch submitted
12 a new application to the office of the state engineer; and

13 WHEREAS, the office of the state engineer is reviewing the
14 new application; and

15 WHEREAS, more than six hundred protests have been filed in
16 opposition to the issuance of a permit in this instance; and

17 WHEREAS, the current list of protestants includes the
18 Navajo Nation; the Pueblos of Acoma, Isleta, Santo Domingo,
19 Sandia and Santa Ana; Catron, Socorro and Sierra counties; the
20 city of Socorro; the village of Magdalena; the United States
21 forest service; the federal bureau of reclamation; the federal
22 bureau of Indian affairs; the federal department of the
23 interior; the United States fish and wildlife service; the
24 federal bureau of land management; the university of New
25 Mexico; the national radio astronomy observatory; several

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1 acequia associations; and many individuals who would be
2 directly affected by the proposed drilling; and

3 WHEREAS, senior water users cannot be assured that they
4 will not suffer impairment of their water rights because the
5 office of the state engineer does not have a clear and concise
6 definition of "impairment"; and

7 WHEREAS, according to Jim Libbon, associate dean of
8 agriculture and economics at New Mexico state university,
9 ranchers should be very concerned about Augustin Plains ranch's
10 attempt to pump water from Catron county to municipalities and
11 businesses along the Rio Grande; and

12 WHEREAS, the area of the proposed drilling does not
13 receive enough rainfall to replenish the aquifer with enough
14 water to meet the needs of agriculture and economic development
15 efforts; and

16 WHEREAS, a depleted aquifer would be exceptionally harmful
17 in this location, where agriculture is the largest sector of
18 the economy;

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
20 STATE OF NEW MEXICO that the office of the state engineer be
21 asked to refrain from issuing a permit to Augustin Plains ranch
22 until the voices and concerns of the Navajo Nation; the Pueblos
23 of Acoma, Isleta, Santo Domingo, Sandia and Santa Ana; Catron,
24 Socorro and Sierra counties; the city of Socorro; the village
25 of Magdalena; the United States forest service; the federal

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1 bureau of reclamation; the federal bureau of Indian affairs;
2 the federal department of the interior; the United States fish
3 and wildlife service; the federal bureau of land management;
4 the university of New Mexico; the national radio astronomy
5 observatory; several acequia associations; and many individuals
6 who would be directly affected by the proposed drilling have
7 been considered; and

8 BE IT FURTHER RESOLVED that copies of this memorial be
9 transmitted to the state engineer, the governor, the president
10 of the Navajo Nation, the Navajo Nation council, the governor
11 of the Pueblo of Acoma and the members of New Mexico's
12 congressional delegation.