

# Hundreds file protests against water application

Scott Turner – El Defensor Chieftain Editor Jun 22, 2017 Updated Jun 22, 2017

Between 300 and 400 letters have been filed in protest of Augustin Plains Ranch's application to pump water from the San Augustin Plains in Catron County to municipalities and businesses along the Rio Grande.

Edwin Kitzes, a water resource specialist with the New Mexico State Engineer's Office, said Monday the letters were being processed and that hearings would be set up with those filing protests. The protests could be heard in groups, Kitzes said.

"It's going to take some time to process them," Kitzes said.

Those filing protests were required to pay a \$25 fee by June 14. Catron County Commissioner Anita Hand expressed a concern that confusion over the process may have caused some of the protests to be thrown out.

Among Hand's concerns was whether protests filed in 2010 required a fee this time around. Kitzes said protests filed in 2010 were still valid and did not require an additional fee, citing the case from the state engineer's website.

A pre-hearing scheduling conference (PHSC) is tentatively scheduled for July 19, according to a letter posted in the section about the application on the state engineer's website. Advance notice about the PHSC will be sent out indicating the time and location, according to the letter by Uday V. Joshy, Hearing Unit Managing Attorney.

Augustin Plains Ranch LLC is applying for a permit to pump 54,000 acre-feet per year (1/1000 of the estimated water in storage) from the San Augustin Plains through 37 wells. This is equivalent to 48 million gallons per day, project manager Michel Jichlinski told The Chieftain last fall.

Jichlinski said the ranch was proposing to transport the water to users in the Rio Grande Valley by building a well field and conveying the water through 140 miles of pipeline.

Among those filing protests against the project include private citizens, ranchers, environmental groups and governing bodies such as the Catron and Socorro boards of county commissioners.

## Protest letters

Among concerns cited by protestors:

"My opposition has to do with the welfare of all who live in this area, humans as well as the wild animal population, and also all the visitors and hunters and hikers who come to this area," Datil resident Sally Taliaferro said in her protest letter. "I am outraged that the Augustin Plains Ranch wants to remove 54,000 acre per feet of water per year forever, or until it runs out, with no way to

replenish this ancestral water."

"Taking valuable water resources from the Datil area is problematic at best and is evidenced by previous testimony at hearings that impairment to local wells would occur," Former New Mexico Speaker of the House Don Tripp said in his protest. "This is ancestral water. Undoubtedly the water levels in the Plains would sink progressively, with dire consequences for the Plains and its population."

Tripp cited a concern that the natural water flow of the Gila River system would be diminished or possibly eliminated by the pumping of the water.

In Socorro County's protest, County Attorney Adren Nance said the proposed diversion was abstract, speculative and unsustainable "and is therefore is contrary to the public welfare of the State of New Mexico."

Nance also stated the project was inconsistent with state and regional water plans.

"The Applicant has not demonstrated that the unappropriated water is available; that there is a demand for water; that the aquifer will not be damaged; that land subsidence will not occur; that there are feasible methods of delivery and that it has the financial means to sustain the project," the Socorro County protest reads.

"As you know, water in the Southwestern States are more valuable than gold, and evidently the Augustin Plains Ranch LLC New Yorkers know this too," Jim and Sharri Haught of 76 Slash Cattle Co. LLC state in their protest. "Our ranch alone is sustained by 98 percent pumped water from the Augustin Water Basin. The amount of water that the Augustin Plains Ranch LLC is wanting to pump out would shut our cattle operation down, not to mention all of our neighbors. Not only would the cattle and farms be gone but all the wildlife too. NO WATER NO LIFE! Tank waters dry up in drouthy times, so there you have it, NO water NO wildlife."

The Haughts letter of protest states the project would devastate Catron County both economically and environmentally.

Protest letters can be found on the state engineer's website.

Augustin Plains Ranch's application states that enhanced recharge facilities would be constructed to collect runoff that would otherwise evaporate from the Augustin Plains and would replenish water pumped from the plains.

The application states the ranch would offset or replace any impairment caused by the project to the Gila-San Francisco Basin, the Rio Grande Basin or any other basin.

The application for permit can be found on the state engineer's website.

Jichlinski also told The Chieftain that the ranch would pay for the cost of solutions if ranchers or farmers find their water rights impaired by the project. If no solution could be found, he said, the project could not move forward.