

MYSTERIOUS FIRM'S WATER PLAN DRAWS PROTESTS

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Small towns in the San Agustin Plains worry about impact on wells

By Staci Matlock

The New Mexican

Datil, N.M., is a tiny rural town with a cafe, a school, three churches, a U.S. Department of Agriculture office and a mom-and-pop grocery store next to the post office, snuggled up to the Datil Mountains and cupped by the San Agustin Plains.

California retiree Carol Pittman said ranch families and "people trying to escape the law or life or something else" used to populate the valley. In the last couple of decades, retirees like Pittman have steadily moved in.

All it took to unite the old-time ranchers and the new retirees, however, was the threat of a New York company siphoning off 17 billion gallons of water each year from an area near Datil. "It is a real rallying point," Pittman said.

Last year, Augustin Plains Ranch LLC filed an application with the state engineer to drill 37 deep wells and annually pump up to 54,000 acre-feet of water. The company proposes to use the water for everything from farming to recreation and, according to the application, maybe pipe it to the Rio Grande "to reduce the current stress on the water supply" of the river.

In August, the company filed an amended application to drill the wells deeper, as much as 3,500 feet. The company proposes to sink all the wells along U.S. 60 between the Catron-Socorro county line and Datil.

More than 450 individuals, pueblos, school districts and government agencies filed protests over the original application. More than 100 have already protested the amended application. The protest deadline is Monday, according to Jess Ward, water rights director in the Albuquerque office of the State Engineer's Office.

People in Datil, Magdalena, Quemado and other small towns ringing the San Agustin Plains worry about the impact that much pumping might have on their own wells and the flows in nearby streams. They also are suspicious about who's behind Augustin Plains Ranch and what they want with the water.

Who owns Augustine Plains Ranch remains a mystery, even to the New Mexico Environmental Law Center, hired to represent several of the protestants.

The company is registered in New Mexico, but the home office listed on its state corporation filings is in New York. A Santa Fe office listed for the company simply serves as an address for out-of-state corporations. Attempts to track down the organizer listed, Barry W. Silverstein, were unsuccessful.

Calls to the ranch representative, Everett Shaw of ERS Consulting in New York, were not returned. John Draper, an Albuquerque attorney with the Montgomery and Andrews law firm, which represents the ranch, said to call Shaw.

Last year, Shaw told the Albuquerque Journal that one of the principals in the company that owns the ranch was an Italian businessman, Bruno Modena. But Modena's name is not linked to any of the New Mexico corporation

papers. A Bruno Modena is involved in another controversial project, an eco-resort development on Maine's Schoonic Peninsula.

People opposed to the water application, such as Liz Strand, who lives west of Quemado in Catron County, say the difficulty in finding out who owns the ranch adds to the belief the company wants the water rights so it can sell water to the highest bidder. "Why should a few rural people bear the burden for someone else's profit making?" Strand said. "This happens repeatedly in rural America."

Carol and Ray Pittman's property borders Augustin Plains Ranch. They have water rights dating to the 1920s on one 350-foot deep well and another well is for livestock and wildlife. They figure they'll be among the first to feel the impacts if the company gets its wells and starts pumping.

Peter Chestnut is an attorney representing Acoma Pueblo, one of a half-dozen pueblos protesting the water application. Chestnut said Acoma is worried the pumping would impact a livestock well on a ranch the pueblo bought in the area and opposes what they think is water speculation.

"We think it is tough enough to find enough wet water to satisfy existing rights, especially senior rights," Chestnut said. "The idea of someone proposing a very water intensive project in a water-short area is something Pueblo of Acoma thinks is unsustainable."

The New Mexico State Department of Game and Fish opposes the application because pumping out so much water near Datil could impact Alamosa Creek and the Gila River Basin, which support fish and wildlife already struggling to survive.

The Augustin Plains Ranch application says if someone else's wells are impacted by the proposed pumping, the company would compensate them.

Said Strand: "That is the most bizarre thing. If the (State Engineer's Office) approves that, they're approving the breaking of state law -- allowing the company to damage someone else's water rights."

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CAPTION(S):

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