

[San Agustin Water Meeting Set For Nov. 9](#)

By John Larson – Mountain Mail Oct 22, 2010

SOCORRO – A conference in Socorro has been scheduled for November 9 by the Office of the State Engineer to describe the administrative hearing process and clarify issues that are in dispute – specifically the permit filed by a company owned by Italian businessman Bruno Modena to remove water from the San Agustin aquifer. Bruce Frederick, attorney and hydrologist with the New Mexico Environmental Law Center, said the meeting was to establish a schedule for the actual hearings on the San Augustin Ranch LLC’s permit. Frederick is representing about 80 individual protesters, members of the San Agustin Water Coalition.

“It’s a standard pre-hearing conference the state engineer calls when there are a large number of parties involved,” Frederick said. “The state engineer’s hearing officer will set time limits and deadlines for when the actual evidentiary hearing will be. With so many parties it may be strung out over a year for the whole hearing process.”

Frederick said the state engineer’s hearing officer, Victor Kovac, will be letting valid protesters or their lawyers offer comments or make suggestions.

“If they are represented by an attorney the attorney will speak for them, but individual protesters without an attorney can speak for themselves,” he said.

Two protest periods were scheduled. The first one ended in December 2007. The second, after an amendment to the original request was filed, ended in early September, 2008. Over 900 people or entities have filed protests. If approved, the permit would allow San Augustin LLC to pump 6.9 billion gallons of water per day from the San Augustin aquifer and sell it back to the state to meet commitments to the Rio Grande Compact. The company wants to pump the water from 37 wells on ranchland it owns in western Socorro and eastern Catron counties.

The original proposal - which has since been amended - asked for permission to “divert and consumptively use 54,000 acre-feet of water yearly for domestic, livestock, irrigation, municipal, industrial, and commercial uses to include providing water to the state of New Mexico to augment its capacity to meet deliveries to the state of Texas at Elephant Butte dam and offsetting effects of ground water pumping on the Rio Grande in lieu of retirement of agriculture via a pipeline to the Rio Grande.”

The proposal was amended in May, 2008 to allow the drilling to go deeper; from 2,000 feet to 3,000 feet. In the meantime, representatives from the San Augustin Water Coalition gave a presentation to the state legislature’s Water and Natural Resources Committee Tuesday, Oct. 19.

Addressing the committee were Coalition members Eileen Dodds and Anita Hand-Gutierrez of Datil. State Representative Don Tripp, a member of that committee, said their presentation was “excellent.” “They let the committee know, very plainly, what’s going on. Anytime constituents appear before a committee and knows the law and is well informed the committee listens,” Tripp said. “One thing the legislature needs to look at is a statute limiting interbasin transfers, which they recommended.”

In her presentation, Dodds said, “Catron and Socorro Counties won’t survive the mining of this aquifer. There’s a delicate balance between usage and supply that these counties have always nurtured for their needs. Ranching, farming, hunting, tourism and recreation, State and National forestry, wildlife habitat, and just plain quality of life will be destroyed.”

She told the Mountain Mail that whatever happens, “we are in it for the long haul.

“We believe it will end up in the courts,” she said. “We believe it will become a landmark case that will eventually find its way to the United States Supreme Court.

“We here today may not be alive to see the outcome, but we may well determine, by the decisions we make in

the immediate future, the water usage not only for New Mexico, but for the entire western United States,” Dodds said.

Tripp agreed and said, “This has far reaching implications the legislature needs to look at. As far a policy decision in water speculation.”

He said the committee was in total support of the SAWC’s positions.