

## Officials listen to water concerns

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More than 80 ranchers and concerned citizens crowded into Ballroom B of New Mexico Tech's Fidel Student Center last Wednesday for a meeting by the Interim Legislative Committee for Water and Natural Resources to discuss the Augustin Plains Ranch LLC (APR) plan to move groundwater from the San Agustin aquifer to municipalities in the Albuquerque metropolitan area.

Speaker of the House Don Tripp welcomed the attendees in the audience, saying that it was important that many members of the community were involved.

"As we go forward with this, we'd like to put it to bed and be done with it, but I think we're going to see it go on for quite a while. I think I've predicted that over the years," Tripp said. "We have to stay involved and keep protecting ourselves the best we can."

Appearing before the committee were Chris Lindeen from the Office of the State Engineer, Catron County Commissioner Anita Hand, San Augustin Plains rancher Brett Bruton and Henry Edwards, representing the San Augustin Water Coalition.

Lindeen summarized the lengthy history of the applications, the first of which was in 2007. The latest application is on the State Engineer's desk.

Lindeen told the lawmakers the 900 previous protests are still valid, and on top of that there are 150 new protests, bringing the total number of protestants to 1,050. At present no hearings have yet been scheduled by State Engineer Tom Blaine to hear arguments.

Sen. Pat Woods (R- Curry, Quay and Union) asked Lindeen if it was known how much water was in the aquifer. "We have the application for quite a bit of water. Do we know that water's even there?" Woods said.

Lindeen said the first application was dismissed in part because of the lack of complete mapping of the aquifer. He said hydrologist will be able to present their findings at the next evidentiary hearing with the State Engineer.

### Long process

Lindeen told Woods that typically the process would take about 12 months, but "we have over a thousand protests. My experience is that the more protestants the longer it needs to take. In circumstances where we do not have as much certainty with the data in the bottom, the state engineer has always been very conservative in his approach to approvals for appropriations," he said.

Hand, in her opening statement, said her family's ranch is adjacent to the applicant's property and "we have been told that our wells will be significantly impacted."

"Public welfare of water resources is safeguarded by the State Engineer through active management of the state's limited water resources in the decision-making process used to evaluate new appropriations," Hand said. "Augustin Plains Ranch has not met the criteria for approval. They have not identified an end user, have not assured the public that they will not impair existing wells. The applicant must prove that their application does not impair existing water rights. How is this possible when impairment has not been clearly defined?"

She said APR's conceptual plan lists Catron County, Socorro County, Sierra County, the City of Socorro and the Village of Magdalena as potential end-user, but "all five have filed protest letters."

Hand also called into question the company's announced intention to construct recharge facilities.

“The recharge facility will rely on rainfall,” she said. “Can the Augustin Plains Ranch guarantee rainfall to offset the water depleted from the aquifer?”

It was a question Edwards also brought up.

“In order for them to be able to recharge 54,000 acre-feet with rainwater, as they propose, they will have to collect every drop of rain and snow over a 78 square mile area, at an average of 14 inches of precipitation a year,” Edwards said. “That was our annual rainfall and since the drought it has been half that. It would have to rain more than that for one drop to hit the ground, to water the grass, the trees, the cattle, the elk and antelope, and the people who live there.”

He argued that everyone who relies on the Tularosa River, the Gila River and Alamosa Creek will be affected as those waters are supplied by the San Augustine Plains aquifer. “Fully one quarter of the State will inherit the privilege of suffering from this corporate greed, and a generations old way of life will be left to die of thirst,” Edwards said.

Bruton told the committee he believed that when APR starts pumping water from the aquifer “that it will force the rest of us to drill new wells we can’t afford.”

“I was raised to believe that if you take care of the land, it will take care of you,” Bruton said. “Why should I continue to conserve our resources when this project is allowed to ignore them? Before he died, (New Mexico Tech hydrologist) Frank Titus estimated this project will empty the aquifer within 10 years.”

Hand added that moving water to Rio Rancho would be a huge undertaking. “The State Engineer guidelines are specific in the amount of time taken to apply the water to beneficial use. The pipeline could take years to build and even longer to the required right of way over government owned land.”

Catron County Commissioners opposed the application in 2007.

“Our opposition remains consistent,” Hand said.

Edwards told the commission his family has been ranching in Carton County “since before New Mexico was a state.”

### **Broad opposition**

“Many of my other family members in Catron County are teachers, mechanics, ranchers, outfitters, artists, and everything in-between,” he said. “This seems like the first time in the history of Catron County that conservatives and liberals, ranchers and environmentalists, and the government finally agree with each other. For Catron County that’s saying something.”

Rep. Jeff Steinborn, D-Doña Ana, observed that people are brought together from all persuasions to defend water.

“Everyone has a shared interest In water. It isn’t just might makes right,” Steinborn said.

Sen. Joseph Cervantes, D-Doña Ana, said he was of the understanding that the San Augustin aquifer showed evidence of ancient water.

Lindeen said, “The water tested was 11,000 years old with no access for recharging.”

“In other words, when it’s gone, it’s gone,” Cervantes said. “It may help Rio Rancho, or it may help Los Lunas but it isn’t going to help the rest of the state.”

“I’m not too excited about this proposal, and I hope the State Engineer looks at it extremely closely,” he said. “And does come up with a real reason to turn it down or pass it, but hopefully turn it down.”

Sen. Peter Wirth, D-Santa Fe, said he’s asked the company if they’ve done the actual study of the aquifer, “and the response I was always given was, ‘well, that’s going to cost millions of dollars, we’ll do that once we have the permit’.”

Wirth also said inter-basin transfers might not be welcome in New Mexico.

“We really need to look at this,” he said.

Other legislators who spoke included Rep. Bealquin Bill Gomez, D-Doña Ana; Rep. Paul Bandy, R-San Juan; Rep. Tomás Salazar, D-San Miguel, Santa Fe and Torrance; and Sen. Nancy Rodriguez, D-Santa Fe.

In an earlier hearing on Wednesday, legislators were briefed on aquifer mapping by State Geologist Nelia Dunbar; J. Michael Timmons, Deputy Director of the New Mexico Bureau of Geology and Mineral Resources and Stacey Timmons, Aquifer Mapping Program Manager at New Mexico Tech. Stacey Timmons explained that aquifer mapping is meant to show where the groundwater is, how much there is, and how long the groundwater supply will last. She said at this point in the mapping of the San Augustin aquifer there is not enough information.

“No high quality data,” she said.

In closing comments, Water and Natural Resources Committee Chair Rep. Candy Spence Ezell, R-Roswell, offered words of caution.

“We now have a situation throughout our state where they’re going after our pasture lands. And there are quite a few ranchers here...I am one of you,” she told the audience. “Eleven years ago I was approached by a couple of entrepreneurs in my area who wanted to do exactly the same thing that we’re talking about here. They wanted me to come up with capital outlay money to help them put in this pipeline from the Pecos Valley Artesian Conservancy District area to pipe the water all the way north to Santa Fe across the Rio Grande to Rio Rancho and the Albuquerque area.

All we are doing is promoting the metropolitan area or whoever has the most dollars for the water.

“If we allow movement of water like this every rural area in our state is lost,” Spence said. “Whiskey’s for drinking and water is for fighting over. It’s time we start fighting to protect our water.”