

Mining fossil water will leave community ‘high and dry’

Carol Pittman November 17, 2017

To say that the New Mexico Environmental Law Center is an asset to the state is an understatement.

The Center is an advocate for all that makes New Mexico a wonderful place to live: healthy communities, a well-functioning environment, social and environmental justice. The center represents those who have no other advocate, leveling the playing field so that ordinary citizens have a chance to prevail against odds that are stacked against them. Here in the Augustin Plains, for example, we face an international corporation with deep pockets that is intent on mining water from an aquifer of fossil water that sustains the residents and the economy of Catron County, an aquifer that cannot recover from the massive pumping and transporting of water that is proposed. The Center has steadfastly supported and represented this community, opposing the wealthy investors who are capable of hiring a large array of attorneys, all of them trying to convince the state that mining water in our basin will be good for the state.

The Center has provided, and continues to provide, critically important support to our community. With its help, the project has been rejected twice by the Office of the State Engineer, and those decisions have been upheld by the court upon appeal. The center continues to guide our community and the two organizations – San Augustin Water Coalition and the Augustin Plains Challenge – fighting this water grab attempt, providing advice for direction and strategy.

The project of the Augustin Plains Ranch LLC would, if approved, pump 54,000 acre feet of water – 17 billion gallons – per year from the aquifer, put that water in a pipeline and ship it to the Albuquerque area. The application for this project does not state a “beneficial use” in the form of an end user, and it is impossible to tell to whom this water will eventually be sold. This amount of pumping from the aquifer would deplete it in a finite amount of time, and the people here in Catron County would be left literally “high and dry.” To our community this project makes no sense unless the profit of an international corporation is all that matters. Our organization, the Augustin Plains Challenge, is determined to make sure that decision makers know that a lot matters besides lining corporate investors’ pockets. This project jeopardizes the viability of a thriving ranching community. The New Mexico Environmental Law Center stands on the front line with us, helping to safeguard our future.

In a related case, the Santolina planned community, the Center has supported those who find such a large-scale development out of proportion to the needs of the Albuquerque area. The SouthWest Organizing Project has opposed this development, and the Augustin Plains Challenge opposes this project as well. There are indications that the water from the Augustin Plains basin will be the source of water for this development, and two bad projects do not combine to make one good project. With the help of the NMELC, decision makers will be persuaded to deny both these proposals.

The rules of the process established by the Office of the State Engineer and the intricacies of water law leave the ordinary citizen in an untenable position if left to his/her own resources. None of us as individuals can adequately defend ourselves in such a complex case, and we have banded together to form an organization that will support the law center that supports us in our effort to stop this proposed project. Should the project be approved, that approval would set the stage for such projects across the state, and rural communities would find themselves fighting similar battles. It is of the utmost importance to keep the New Mexico Environmental Law Center alive and vibrant, giving our communities a fighting chance to preserve our water which will by extension preserve our culture, our way of life, our economy, and the environment, which, indeed, makes all life possible.