

Water fight continues with oral arguments scheduled

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John Larson – El Defensor Chieftain staff writer - Nov 23, 2017 Updated Nov 23, 2017

Another round of arguments will be heard for and against the proposed project by Augustin Plains Ranch LLC (APR) to drill 37 wells to a depth of 2,000 feet to pump water from the aquifer beneath the Plains of San Agustin in Catron and Socorro counties and send it in bulk via a north-south pipeline to prospective customers in Albuquerque and surrounding communities.

The New Mexico State Engineer has scheduled oral arguments to be held at the Catron County Court House in Reserve on Wednesday, Dec. 13 at 1 p.m., concerning the permit application.

This hearing for oral arguments is in the wake of two motions that have been filed to dismiss the application.

“A number of parties have filed what are called ‘joinders’ in those motions,” said Doug Meicklejohn, an attorney with the New Mexico Environmental Law Center (NMELC). “In other words, they’re saying, ‘we support those motions’ and they will be given a chance to speak.”

In addition to Augustin Plains Ranch, the Water Rights Division of the State Engineer’s Office have both filed responses rejecting the motions to dismiss.

Reduced to simple terms, the hearing is for the purpose of hearing arguments on all the pending motions to dismiss the application.

“In other words, anybody who has filed something is going to have an opportunity to get up and make an argument to the hearing officer about the validity of the application and whether it should be dismissed,” Meicklejohn said.

The State Engineer’s order adds that, “in light of the high cost of travel for the majority of Counsel,” the Hearing Examiner would be willing to consider holding the hearing in Santa Fe if all the parties agree.

According to the hearing order, the following will be heard:

- The New Mexico Environmental Law Center’s Motion for Summary Judgment and Memorandum in Support.
- Cuchillo Valley Community Ditch Protestants’ Joinder to Motion.
- San Augustin Water Coalition’s Joinder to Motion.
- WildEarth Guardians’ Joinder to Motion.
- New Mexico Farm and Livestock Bureau’s Joinder to Motion.
- San Felipe, Santa Ana, Sandia, and Isleta Pueblo’s Joinder to Motion for Partial Summary Judgment.
- Hands’ Joinder to Motion.
- Pecos Valley Artesian Conservancy District’s Joinder to Motion.
- Navajo Nation’s Joinder to Motion.
- Catron County Board of County Commissioners’ Joinder to Motion.

- Catron County Board of County Commissioners' (Catron County) Motion for Summary Judgment and Memorandum in Support.
- Hands' Joinder to Catron County's Board of County Commissioners' Motion for Summary Judgment.
- Augustin Plains Ranch's, LLC., Consolidated Response in Opposition to NMELC Protestants' Motion for Summary Judgment.
- Augustin Plains Ranch's Response to Catron County's Motion for Summary Judgment.
- Water Rights Division's Response to New Mexico Environmental Law Center Protestant's Motion.
- Water Rights Division's Response to Catron County's Board of County Commissioners' Motion for Summary Judgment.
- NMELC's and Catron County's Reply to Applicant Augustin Plains Ranch's, LLC., Response to Motion
- NMELC's and Catron County's Reply to the Water Rights Division's Response to Motion.