

# Company wants to help N.M. fulfill water contract

[Staci Matlock The New Mexican](#) - Dec 13, 2007

Has a New York company got a water deal for New Mexico?

Augustin Plains Ranch LLC is proposing to pump billions of gallons of water into the Rio Grande that could help New Mexico fulfill its interstate stream obligations to Texas and alleviate the pressure on farmers to sell their water rights, according to the company's drilling application. The pumping also could be a new source of water for cities along the river.

The company has filed an application with the state engineer to drill 37 wells each about 2,000 feet deep in Catron County and pump 54,000 acre-feet of groundwater a year into the Rio Grande. That's about half the annual amount of water used by Albuquerque and more than 10 times what Santa Fe uses. (One acre-foot equals 325,851 gallons.)

The water could be used for all kinds of purposes — domestic, livestock, irrigation and municipal — or, the company proposes, the state could buy it to meet its water delivery requirements under the 1938 Rio Grande Compact. Delivering the water promised under the compact has been the driving force behind water policies in the state that have impacted cities like Santa Fe and farmers along the river.

But the residents of nearby rural Datil, Quemado, Magdalena and Pie Town are riled by the Augustin Plains Ranch proposal. About 300 of them turned out for a meeting in Datil on the proposed pumping last week, and more than 200 had filed protests against the application by Thursday. Protests still were pouring in to the tune of 40 a day, according to the State Engineer's Office. The U.S. Forest Service and the Interstate Stream Commission are among those protesting.

"There's a lot of unanswered questions about what this water will be used for," said Rep. Don Tripp, D-Socorro, who was at the meeting. "It's considered a water grab by most people."

The public has until Monday to protest the application. The permissible grounds for protest are that approval would be detrimental to existing water rights, contrary to water conservation within the state or detrimental to the public welfare.

Attorney Charles DuMars, whose Albuquerque company Law and Resource Planning Associates, is representing Augustin Plains Ranch, was out of his office and did not respond to messages seeking comment.

The area where the wells are planned is mostly ranch country in the Plains of San Augustin but is attracting a growing number of retirees and a burgeoning tourism industry, Tripp said. About 2,800 members of the Alamo band of the Navajo Nation also live nearby. Most of the estimated 3,000 other residents in the area rely on shallow wells that produce little water, he said, and are concerned the deep wells and massive amount of water the company is proposing to pump would drain the aquifer and dry up their wells.

New Mexico State Engineer John D'Antonio said the application is the first step in a long process, and it could take more than 18 months just to approve the wells. The company then would have to put the water to beneficial use within four years. But if that happened, he said, it would be a big, new potential source of water for cities like Santa Fe and Albuquerque.

"What makes this different is it's an application for a new appropriation for water," D'Antonio said. "Most requests we see are for a change of use or transfer of water rights. And it's a large amount of water."

The application is broad, covering every possible type of use and many points of diversion. "It kind of implied the state is a potential customer (for the water)," D'Antonio said. "No one in the state as far as I know has said they're interested."

If the application is approved and the company gains the right to pump all that water, it could become available to cities to offset the impact of their municipal well pumping on the Rio Grande. Cities such as Santa Fe could lease water from the company to leave in the river down south while pumping water for their own use from the river up north.

Interstate Stream Commissioner Estevan Lopez said his office has protested the application because it wants to be sure the pumping proposed by Augustin Plains Ranch won't hurt flows in the Rio Grande or the Gila River basin. "We don't really have interest in purchasing that water for compact compliance, at least not in the near future," Lopez said.

He noted he commission has a similar application to pump about 90,000 acre-feet of water a year from the underground Salt Basin in southeastern New Mexico and pipe it to the Rio Grande or the Pecos River to meet interstate stream compact requirements. That application was filed in 2002. "There hasn't been much movement on it," Lopez said.

D'Antonio said it is likely there will be increasing interest in piping water from areas of the state that have more of it to areas with less, especially along the Rio Grande. But if there are sufficient precautions, he said, that's not necessarily a bad thing.