

NOTE: Augustin Plains Ranch

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Project ID:

FOCUS - 1 of 3 DOCUMENTS

Deseret Morning News (Salt Lake City)

April 10, 2011 Sunday

NM ranchers: Venture threatens to leave area dry**BYLINE:** John Fleck Albuquerque Journal**LENGTH:** 1056 words

DATIL, N.M. ? Ray Pittman pulled his 1994 F-150 pickup to the top of a thinly wooded hill, a short walk from the water tank he built back in 1999 on his 1,300-acre ranch. A mile down the hill, Pittman's 540-foot-deep well pumps groundwater, pushing it up to the tank to provide for cattle on this remote patch of central New Mexico landscape. To the west, on the vast plain that makes up the **Augustin Plains Ranch**, a commercial venture has proposed sinking 37 wells to pump groundwater and pipe it to the Rio Grande Valley to supplement dwindling water supplies of central New Mexico's farms and cities.

The **Augustin Plains Ranch** proposal would move 54,000 acre-feet per year of water to the Rio Grande Basin 50 miles away ? enough water to meet the needs of a city the size of Albuquerque. In their application to the state, project backers were not specific about how the water would be used. The group declined repeated requests to provide further information. But it appears to be aimed at making up for a water shortfall in the rapidly growing Rio Grande Valley, either through direct use or replacing water removed from the Rio Grande by municipal or industrial users upstream. Those in the central New Mexico ranch country where the water would start its journey fear the project would leave them high and dry. Pittman and his wife, Carol, use a second well to provide water to two ranch houses, three horses, two donkeys, "six or seven cats," one dog and nine goldfish that call one of the stock tanks home. "People are afraid that this will deplete the aquifer," said Carol Pittman. "We all have wells." The proposal would "essentially dry up the whole damn basin," said Albuquerque hydrologist Frank Titus. Water would disappear from wells, said Titus, who investigated the issue on behalf of the Pittmans and other residents of the ranching community. He said he has received no financial compensation for his work. The **Augustin Plains Ranch** proposal and a similar project in eastern New Mexico, which would send water from the Fort Sumner area to Santa Fe, reflect entrepreneurial attempts to deal with a glaring New Mexico water problem. The most detailed analysis, done for the New Mexico Interstate Stream Commission in 2004, found residents of New Mexico's Middle Rio Grande Valley are using water at an unsustainable rate, consuming water faster than nature replenishes it. Albuquerque and Santa Fe have in the past few years started using water imported from the Colorado River Basin via the San Juan-Chama Project, reducing their dependence on unsustainable groundwater pumping. Cities also have been pushed to make up some of the shortfall by buying up agricultural water rights in the Rio Grande Valley and taking the land out of production to reduce irrigation use. To meet all municipal water needs would require taking nearly all the valley's agricultural land out of farming and shifting the water to city use, according to an analysis by the state Interstate Stream Commission. The search for alternatives has led to the proposals to pump water from rural New Mexico into the Rio Grande Valley. "There's no question in my mind that at some point there may be a need to augment the Middle Rio Grande by bringing in some bulk water from somewhere," State Engineer John D'Antonio said. The proposals raise the specter of the Owens Valley, the California area dried up early in the 20th century to bring water to Los Angeles. Taking that water devastated the Owens Valley, D'Antonio said. For now, D'Antonio, whose office administers New Mexico water rights, has said no. In a ruling earlier this year, D'Antonio turned down the Fort Sumner proposal. The group proposing the pipeline has appealed. Attorneys involved in the case say the law cited in D'Antonio's decision is likely to apply to the **Augustin Plains Ranch** proposal. But the legal argument behind the decision is narrow, leaving open the possibility the proposal could return. There are significant differences between the proposals. The Fort Sumner proposal at 6,425 acre-feet of water per year involves about one-eighth the amount proposed to be pumped from the basin adjacent to the Pittmans' ranch. The Fort Sumner proposal also involves existing groundwater pumping rights being used to irrigate farm land, said Ron Green, the Roswell rancher behind the project. The **Augustin Plains Ranch** wants to create new water rights with its 37 wells. But the chief complaint against both projects is similar ? that pumping water from rural

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areas to meet demand in New Mexico's cities will reduce the water available to communities left behind. Green says the Fort Sumner project was designed to protect the water rights and economy of the Pecos River Valley, where the water will originate. The project has been structured to take only groundwater from farms in a way that won't affect the rights of other water users, Green said. Steve Hernandez, the attorney who represents Pecos Valley irrigators who oppose the project, says the project poses the risk of upsetting the delicate water rights balance in the valley. The project has a fatal flaw, according to D'Antonio's decision: Green has not identified who, specifically, will be using the water. State water law requires an identified "beneficial use" on the receiving end, D'Antonio ruled. Without knowing who will use the water, where and how, the state cannot approve the application, D'Antonio ruled. The argument used in the Fort Sumner ruling appears to apply to the **Augustin Plains Ranch** proposal, said Bruce Frederick of the New Mexico Environmental Law Center, who represents the Pittmans and other opponents. The **Augustin Plains Ranch** proposal submitted in 2008 simply says the water can be used for any purpose anywhere in the portions of Catron, Sierra, Socorro, Valencia, Bernalillo, Sandoval and Santa Fe counties that lie in the Rio Grande Basin. That falls short of the requirement to specify a "beneficial use," said Frederick. The proposal amounts to an "attempt to monopolize a water supply for purposes of speculation and possible future water sales," Frederick wrote in a brief filed in the case. There has been no decision in the case. But observers note both projects could overcome the current legal hurdle by signing up and identifying users, starting the legal discussions anew.

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STATE OFFICIAL REJECTS COMPANY'S MASSIVE WATER PERMIT REQUEST The Santa Fe New Mexican
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FOCUS - 2 of 3 DOCUMENTS

The Santa Fe New Mexican (New Mexico)

April 3, 2012 Tuesday

STATE OFFICIAL REJECTS COMPANY'S MASSIVE WATER PERMIT REQUEST

BYLINE: Staci Matlock

SECTION: MAIN; Pg. A-1

LENGTH: 558 words

A New Mexico hearing examiner recommends denial of a permit to a New York company seeking to pump millions of gallons of groundwater from Catron County in Southwestern New Mexico and make it available to cities including Santa Fe.

The New York-based **Augustin Plains Ranch** LLC applied for rights to pump up to 54,000 acre-feet of water a year from 37 wells around Datil, N.M., in the San Augustin Plains. An acre-foot of water is equal to 325,851 gallons. The company estimated the wells could sustain that yield for 300 years.

The application was protested by 80 groups and individuals, including Catron County farmers, ranchers and residents. The groups were represented by the New Mexico Environmental Law Center. The Navajo Nation, the Pueblo of Acoma and the Interstate Stream Commission also protested the application.

The company can refile its application or appeal the decision to state District Court. "We don't know which one we're going to do, but we will look to see what is the best way to present our case to the public," company spokesman Tom Carroll said. "It is possible we'll do one or both or something else."

The proposal is to withdraw water from an aquifer below the San Augustin Plains about 50 miles west of Socorro. **Augustin Plains Ranch** representatives said last year the water would supplement supplies for municipalities, including Santa Fe, and help the state meet required Rio Grande water deliveries to Texas.

"The Ranch is committed to public priorities for water use and pledges to bring the water to market in a manner that upholds the public welfare, incorporates best-practices in water conservation, does not impair existing water rights, protects the environment, and upholds New Mexico's cultural heritage and agricultural traditions," the applicants promised in a proposal made public in 2011 under the heading "A New Management Structure for a New Water Supply."

The plan included a diagram showing a pipeline along the Rio Grande through Rio Rancho to Santa Fe.

Hearing examiner Andrew B. Core of the New Mexico Office of the State Engineer issued his decision Friday. Core wrote in his recommendation that approving a vague and overbroad application to pump groundwater for a nonspecific purpose and location is "contrary to sound public policy."

New Mexico water law requires water-use applications to have a specific benefit -- such as household use or farming.

Bruce Frederick, who handled the case for the New Mexico Environmental Law Center, said the application sought rights to the largest amount of water he knows of from a private entity. "It's certainly the most egregiously speculative one I've seen," Frederick said. "People often ask for more water than they need, but they usually need some water for a specific project."

Frederick said the application should never have been accepted by the state engineer. "We could have saved the state and the parties tens of thousands of dollars if someone at the [State Engineer's Office] had recognized the application was invalid on its face," he said.

STATE OFFICIAL REJECTS COMPANY'S MASSIVE WATER PERMIT REQUEST The Santa Fe New Mexican
(New Mexico) April 3, 2012 Tuesday

Carroll said there was a valid reason behind the application. "New Mexico is going to have a huge water deficit in the next 15 to 30 years," he said. San Augustin "is a vast resource. ... We believe the state ought to take a look at our project."

Contact Staci Matlock at 986-3055 or smatlock@sfnewmexican.com

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