

1           **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2   **AUGUSTIN PLAINS RANCH, LLC,**

COURT OF APPEALS OF NEW MEXICO  
ALBUQUERQUE  
**FILED**

3           Applicant-Appellant,

AUG 19 2014

4   v.

NO. 32,705



5   **SCOTT A. VERHINES, P.E.,**

6           New Mexico State Engineer-Appellee,

7   and

8   **KOKOPELLI RANCH, LLC, et al.,**


9           Protestants-Appellees.

10                           **ORDER**

11           Appellant, Augustin Plains Ranch, LLC filed a Clarification of Appellant's  
12   Position on Supplemental Briefing representing that it "has no intention of pursuing  
13   an evidentiary hearing on the merits of the [p]rior [a]pplication, or seeking any other  
14   relief with respect to the [p]rior [a]pplication" that is the subject of this appeal.  
15   Appellant asserts that an opinion from this Court concerning the prior application has  
16   been rendered "unnecessary" because its new application has replaced and  
17   superceded the prior application. Appellant's position accords with that of the State  
18   Engineer who has represented to the Court that, in light of the fact that Appellant has  
19   filed a new application that replaces and supercedes the prior application, the present

1 appeal is moot. We read Appellant's Clarification to constitute a request to this Court  
2 to dismiss its appeal.

3 The **COURT ORDERS** that the Appeal in Cause No. 32,705 is dismissed.  
4 The **COURT FURTHER ORDERS** that the hearing before this Court set for August  
5 21, 2014, at 10:00 a.m. is vacated.

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JONATHAN B. SUTIN, Judge

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LINDA M. VANZI, Judge

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11 \_\_\_\_\_  
M. MONICA ZAMORA, Judge