Billions of gallons of Water at stake
NM Officials Consider Request for Water Appropriation
by Shelbie Knox

We sat in benches that looked remarkably like pews. There were about 100 of us in the Socorro County courthouse on February 7 - a smattering of reporters and me sprinkled in a crowd that mostly hailed from Catron County, where an Italian billionaire seeks to claim more than 17 billion gallons of water annually. In what seemed like an oddly short hearing - just over an hour - the dozen or so attorneys in the room argued the points of law in one of the most important water battles in recent memory.

“In essence, Augustin Plains Ranch simply wrote a very large number [of acre-feet] on a piece of paper and listed every potential need for water that might arise sometime in the future within a vast area of the state,” explained Law Center attorney Bruce Frederick, who represents most of the people in the gallery.

Shortly before her election, Susana Martinez promised that “As governor, I would absolutely remove the Pit Rule as a regulation.” Her promise took a stumble in February, after District Court Judge Raymond Ortiz granted us a rare “writ of prohibition” in the case.

Industry appealed the Pit Rule in state District Court in July 2008, that case is ongoing. Leery of an uncertain outcome, the New Mexico Oil & Gas Association (NMOGA) took a new tack late last year in its efforts to sink the Rule. Put this case on hold, its attorneys asked District Court Judge Barbara Vigil, and the Oil Conservation Commission will adopt our new proposed Pit Rule. Then the Court won’t have to worry about this case anymore.

Judge Vigil ordered a stay of the appeal in January 2012.

On the same day as Judge Vigil handed down her decision, NMELC attorney Eric Jantz filed a petition for the writ. “One of the basic tenets of our democratic system is the separation of powers,” explains Eric. “Once a regulation has been appealed, the executive branch is done making decisions in the case. At that point, it’s up to the courts to decide what happens.”

A month later, Judge Ortiz issued the writ of prohibition.
Con artists rely on speed. They pressure, create confusion. They don’t allow their victims time to weigh alternatives or ask questions.

It’s no wonder New Mexico’s environmental community feels conned by the way the Construction Industries Commission (CIC) rolled back the state’s energy conservation codes on June 10, 2011. It took a mere four minutes for the CIC to vote to repeal the state’s electrical, energy conservation and mechanical codes and replace them with codes that just barely meet federal standards. During that same four minutes, the CIC also voted to amend the state’s plumbing codes.

The Wrong Way to Repeal a Regulation

Every aspect of the Martinez Administration’s building codes repeal and replacement was rushed. “What they held were not public hearings,” said Tammy Fiebelkorn, a member of the Code Change Committee that drafted the energy conservation codes. “At a real public hearing witnesses can ask questions, they can cross examine other witnesses. Instead, under the Martinez Administration, witnesses were given two minutes, then they were cut off. The meetings in Albuquerque, Farmington, Las Cruces and Roswell were all held on the same night. There were no commissioners at any of those meetings.”

The CIC repealed and amended the codes a week after those four statewide meetings. “There was no discussion—no pros and cons—just a vote,” Fiebelkorn added. “There was supposed to be analysis, expert witnesses.” The commission was so blitzed in its contempt for the law, it issued a press release announcing its decisions before the meeting was over, even though the votes to amend the codes took place at the end of the meeting.

“Another problem is that the CIC should explain its actions. It is common for an agency to say, ‘this is what we are doing for your benefit,’ ” Fiebelkorn added. “There was supposed to be an analysis of the pros and cons of the change, of the implications of that law, how it would affect the community. It is common for an agency to say, ‘this is what we are doing for your benefit.’ ”

A True Collaborative Process

Contrast the actions of the CIC under the Martinez Administration to the painstaking work done by the Code Change Committee in 2009 and 2010. “I was the only energy advocate on the committee,” Fiebelkorn recalled. “The other members were builders, people who would enforce the codes locally. Construction Industries Division staff members, state engineering and materials staff members, architects and builders. We met weekly for 14 months, and we had to come to consensus on every part of that code.”

The Code Change Committee also met with representatives of cities, counties, building-supply companies, national builders, utilities and environmental groups. In 2010 the CIC unanimously accepted the energy conservation codes, which mandated that energy usage would be 20 percent more efficient. “We didn’t pull estimates out of thin air,” Fiebelkorn continued. “We worked with the builders, and they provided the cost of those measures. We made sure our code would save people more than it cost. We really thought through the issues faced by low-income home buyers and renters. Most low-income people rent, and landlords have no incentive to make apartment buildings more efficient.”

Compared to the energy saved, the added building costs under the efficiency codes were small. Fiebelkorn estimates an increase of $750 on an average home and perhaps $2,000 for a very large house. For commercial buildings the added expense was approximately one half of one percent. “We have to change our mindset because the cost of energy is going to increase over time,” said client Faren Dancer, a Santa Fe green builder and host of Green Talk Radio. “Why create more buildings that are going to be too expensive to maintain, more buildings that will need to be retrofitted in a few years?”

Santa Fe’s building codes prove Dancer’s point. They mandate a 30 percent increase in energy efficiency. Since the recession began, production builders have constructed the majority of new homes in Santa Fe. “They’re building affordable housing,” Dancer said. “Large national companies like Centex are building in Santa Fe and they are meeting the code.”

The Law Center represents the Southwest Energy Efficiency Project, Environment New Mexico, Sandia Creations Custom Builders, LLC; eSolved Inc.; New Mexico; Sundancer Creations Custom Builders, LLC; eSolved Inc.; New Mexico; Sundancer Creations Custom Builders, LLC; and the Sierra Club and several individuals.

As always, find Elizabeth’s full articles, in their honest majesty, at our website: nmelc.org/elizabeth

Case Profile: Obsolete building codes leave New Mexico in the cold by Elizabeth Cook-Romero

In conclusion, Bruce argued that Augustin Plains Ranch “is a private, for-profit corporation that is seeking through its application to have more unlimited power over our water than any person, city, county or public utility has ever had. It took me more than two hours to drive down from Santa Fe, and I never left the area of use proposed by the Ranch.” The hearing centered on Motions to Dismiss the Ranch’s water rights application. We, along with the Middle Rio Grande Conservancy District, filed those motions in February 2011. The Cliff’s Notes version of our motion: water speculation for the coming years. Or it literally, open the floodgates for the summer storm in the San Augustin basin.

Without the writ, it is almost certain that the Commission (2 of its 3 members were appointed by Governor Martinez) would adopt the industry-sponsored Pit Rule, which guts the Rule’s substantive environmental provisions. If the writ remains in place, “we’ll return to court. This issue of separation of powers is also being argued in our climate change cases (see page 4-5).”

Case Updates
Con artists rely on speed. They pressure, create confusion. They don’t allow their victim’s time to weigh alternatives or ask questions. It’s no wonder New Mexico’s environmental community feels conned by the Martinez Administration. The Construction Industries Commission (CIC) rolled back the state’s energy conservation codes on June 10, 2011. It took a mere four minutes for the CIC to vote to repeal the state’s electrical, energy conservation and mechanical codes and replace them with codes that just barely meet federal standards. During that same four minutes, the CIC also voted to amend the state’s plumbing codes.

The Wrong Way to Repeal a Regulation

Every aspect of the Martinez Administration’s building codes repeal and replacement was rushed. “What they held were not public hearings,” said Tammy Fiebelkorn, a member of the Code Change Committee that drafted the energy conservation codes. “At a real public hearing, witnesses can ask questions, they can cross examine other witnesses. Instead, under the Martinez Administration, witnesses were given two minutes, then they were cut off. The meetings in Albuquerque, Farmington, Las Cruces and Roswell were all held on the same night. There were no commissioners at any of those meetings.”

The CIC repealed and amended the codes a week after those four statewide meetings. “There was no discussion, no pros and cons – just a vote,” Fiebelkorn added. “There was supposed to be analysis, expert witnesses.” The commission was so blatant in its contempt for the law, it issued a press release announcing its decisions before the meeting was over, even though the votes to amend the codes took place at the end of the meeting.

A Time Collaborative Process

Contrast the actions of the CIC under the Martinez Administration to the painstaking work done by the Code Change Committee in 2009 and 2010. “I was the only energy advocate on the committee,” Fiebelkorn recalled. “The other members were builders, people who would enforce the codes locally. Construction Industries Division staff members, state engineers and contractors, staff members, architects and builders. We met weekly for 14 months, and we had to come to consensus on every part of that code.” The Code Change Committee also met with representatives of cities, counties, building-supply companies, national builders, utilities and environmental groups.

In 2010 the CIC unanimously accepted the energy conservation codes, which mandated that energy usage would be 20 percent more efficient. Compared to the energy saved, the added building costs under the efficiency codes were small. Fiebelkorn estimates an increase of $750 on an average home and perhaps $2,000 for a very large house. For commercial buildings the added expense was approximately one half of one percent. “We have to change our mindset because the cost of energy is going to increase over time,” said client Faren Dancer, a Santa Fe green builder and host of Green Talk Radio. “Why create more buildings that are going to be too expensive to maintain, more buildings that will need to be retrofitted in a few years?”

Santa Fe’s building codes prove Dancer’s point. They mandate a 30 percent increase in energy efficiency. Since the recession began, production builders have constructed the majority of new homes in Santa Fe. “They’re building affordable housing,” Dancer said. “Large national companies like Century are building in Santa Fe and they are meeting the code.”

The Law Center represents the Southeast Energy Efficiency Project, Environment New Mexico, San Diegos Charities Custom Builders, LLC;袖手(Building, Santa Fe)

“Another problem is that the CIC had discussed the issues before its public meeting, which is against the law,” he explained. “Another problem is that the CIC should explain its actions. It is common for an agency to say, ‘this is what we looked at, and this is how we came to a decision.’”

Case Profile: Obsolete building codes leave New Mexico in the cold

by Elizabeth Cook-Romero

Without the writ, it is almost certain that the Commission (of its 3 members were appointed by Governor Martinez) would adopt the industry-sponsored Pit Rule, which guts the Rule’s substantive environmental provisions. If the writ remains in place, we’ll return to court. This issue of separation of powers is also being argued as argued by the Ranch’s lawyer, safeguard free enterprise in our state.)

Hearing Officer Andrew Cone is working on his recommendation. He will forward it to State Engineer Scott Verhines, who will decide whether or not to dismiss the application, or to head into an evidentiary hearing in the case. We expect a decision on the motions to dismiss this Spring.

In conclusion, Bruce argued that Augustin Plains Ranch “is a private, for-profit corporation that is seeking through its application to have more unlimited power over our water than any person, city, county or public utility has ever had. It took me more than two hours to drive down from Santa Fe, and I never left the area of use proposed by the Ranch.”

The hearing centered on Motions to Dismiss the Ranch’s water rights application. We, along with the Middle Rio Grande Conservancy District, filed those motions in February 2011. The Cliff’s Notes version of our motion: water speculation in New Mexico is illegal, so speculative applications should be dismissed.

Bruce and opposing counsel agreed on one point: the State Engineer’s decision will be felt throughout our state for years to come. It will shut the door on water speculation for the coming years. Or it could lead to a decision that would, literally, open the floodgates for the specific environmental protections, the Administration is going to cause mass confusion. They don’t allow their victim’s time to weigh alternatives or ask questions.”

Energy Efficiency that Makes Sense

“In 2010 the CIC unanimously accepted the energy conservation codes, which mandated that energy usage would be 20 percent more efficient.

Energy Efficiency that Makes Sense for New Mexico

“We didn’t pull estimates out of the air,” Fiebelkorn continued. “We worked with the builders, and they provided the cost of those measures. We made sure our code would save people more than it cost. We really thought through the issues faced by low-income home buyers and renters. Most low-income people rent, and landlords have no incentive to make apartment buildings more efficient.”

Summer storm in the San Augustin basin.
Playing Defense | Under a pro-industry Administration, Law Center members make environmental defense possible.

In 2011, Governor Susana Martinez and her Administration tackled many of New Mexico’s most progressive environmental protections. Working hand-in-hand with industry (Small Business-Friendly Task Force, anyone?), her staffers worked to repeal regulations, help corporations step over community concerns, and hamper regulatory oversight.

Our members didn’t stand by and idly watch. Your support went above and beyond in 2011, making it possible for us to challenge nearly every attempt by her Administration to weaken regulations that protect air, water, land and people. Sometimes the best defense is a strong offense... sometimes it’s a tough attorney.

URANIUM MINING
What happens when your permit application is old enough to drive?

In 2011, the State became a major player in uranium casework. In Church Rock, NMED asserts that it can renew Hydro Resources’ groundwater discharge permit—a permit that expired in 1996 (by the way, people who were born in 1996 are now eligible to drive...) We filed a lawsuit in July 2011 to stop the renewal process, and to prevent the company from mining unless a valid permit is issued; we anticipate a decision this Spring.

The State just awarded the shuttered Mount Taylor mine its 4th “standby” mining permit since 1998, despite the fact that the mine is leaking a radioactive plume into groundwater. We are appealing the permit to the state Mining Commission.

CLIMATE CHANGE
Simply put, it’s complicated

In a nutshell, since 2010 there have been two rulemakings to adopt two major climate change rules (we petitioned for Rule 100 on behalf of New Energy Economy and New Mexico Environment Department petitioned for Rule 350):

• seven appeals by industry.

The Environmental Improvement Board just repealed the regulations, although there was no substantive new evidence offered at the rulemaking hearings this fall. We’ll keep you apprised of what happens in these cases this year.

OIL & GAS DRILLING
We don’t need no ‘fracking’ regulations

In December 2011, the Oil Conservation Commission adopted industry-sponsored regulations governing disclosure of fluids used for hydrofracturing (“fracking”). The new regulations require drilling companies to disclose some of the fluids they inject into the ground—and to disclose no less than 45 days after they track. It’s no surprise that these rules are worse than those in Wyoming and Texas. For more on oil and gas, see page 2.

ENERGY EFFICIENCY REGULATIONS
It’s not easy being green... under this Administration

It took four minutes for the Construction Industries Commission to vote to obliterate months of work when it repealed our state’s electrical, mechanical, plumbing and energy conservation codes in June 2011. (That’s twice as long as it gave citizens to comment on the proposed changes in public meetings.) We took the Commission to court in July 2011, in a case that is ongoing, (see page 3).

Rulemakings and Repeals

- Rule 100 Repeal (March 2012)
- Rule 350 Repeal (February 2012)
- Rule 100 Repeal Appeals (Potential: Law Center + New Energy Economy, March 2012)
- Rule 350 Repeal Appeals (Law Center + New Energy Economy, March 2012)
- Rule 100 Industry Appeals (January 2011)
- Rule 350 Rulemaking (adoption November 2010)
- Rule 100 Rulemaking (adoption December 2010)
- Rule 350 Rulemaking (repeal February 2012)

A Normal Rulemaking Process

Climate Change
Rule 100
ADOPTED (December 2010)
COURTS hand down DECISIONS
Rule 100
APPEALED (by industry January 2011)

Thank you to long-time member Cathie Sullivan (who designed our logo in 1987) for donating 80% of the profits from her notecard series. You can pick up New Mexico Botanicals Series I and II at Mail Call in Santa Fe, 551 West Cordova Street, or you can purchase through the Law Center. 6 cards for $18.

Thank you to author Harvey Stone for donating a portion of the proceeds from his climate change thriller Melting Down. Find out more at meltingdownnovel.com.

And thanks to Kirt Kempter, volcanologist and photographer, for donating two of his photocanvases for auction during our fall lecture series, produced by our wonderful partner, Southwest Seminars. You can check out Kirt’s large format photos at geomosaics.com.
Playing Defense | Under a pro-industry Administration, Law Center members make environmental defense possible.

In 2011, Governor Susana Martinez and her Administration tackled many of New Mexico’s most progressive environmental protections. Working hand-in-hand with industry (Small Business-Friendly Task Force, anyone?), her staffers worked to repeal regulations, help corporations step over community concerns, and hamper regulatory oversight.

Our members didn’t stand by and idly watch. Your support went above and beyond in 2011, making it possible for us to challenge nearly every attempt by her Administration to weaken regulations that protect air, water, land and people. Sometimes the best defense is a strong offense… sometimes it’s a tough attorney.

INDUSTRIAL DAIRIES
We’re going to milk this victory for a long time

Governor Martinez’s first executive order, signed within minutes of being sworn in, stopped the publication of new regulations like the dairy groundwater standards. A victory in 2011 before the state Supreme Court mandated that the rules be printed. Shortly thereafter, we entered into negotiations with the New Mexico Environment Department (NMED) and the dairy industry – and safeguarded the dairy groundwater standards. The final regulations were adopted in December 2011.

Our members stepped up. We were represented in nearly every step of the process: shortening the public comment period; preventing NMED from issuing permits; challenging the legality of the rules; and arguments that the dairy groundwater standards were adopted in December 2011.

URANIUM MINING
What happens when your permit application is old enough to drive?

In 2011, the State became a major player in our uranium casework. In Church Rock, NMED asserts that it can renew Hydro Resources’ groundwater discharge permit – a permit that expired in 1996 (by the way, people who were born in 1996 are now eligible to drive…) We filed a lawsuit to stop the renewal process, and to prevent the company from mining unless a valid permit is issued; we anticipate a decision this Spring.

The State just awarded the shuttered Mount Taylor mine its 4th “standby” mining permit since 1998, despite the fact that the mine is leaking a radioactive plume into groundwater. We are appealing the permit to the state Mining Commission.

OIL & GAS DRILLING
We don’t need no ‘fracking’ regulations

In December 2011, the Oil Conservation Commission adopted industry-sponsored regulations governing disclosure of fluids used for hydrofracturing (“fracking”). The new regulations require drilling companies to disclose some of the fluids they inject into the ground – and to disclose no less than 45 days after they track.

It’s no surprise that these rules are worse than those in Wyoming and Texas. For more on oil and gas, see page 1.

ENERGY EFFICIENCY REGULATIONS
It’s not easy being green... under this Administration

In a nutshell, since 2010 there have been:
• two rulemakings to adopt two major climate change rules (we petitioned for Rule 100 on behalf of New Energy Economy and New Mexico Environment Department petitioned for Rule 350);
• two rulemakings to repeal those rules;
• three state Supreme Court victories in our favor; and
• seven appeals by industry.

The Environmental Improvement Board just repealed the regulations, although there was no substantive new evidence offered at the rulemaking hearings this fall. We’ll keep you apprised of what happens in these cases this year.

New Council helps Law Center plan 25th Anniversary Campaign

We are excited to announce the inaugural members of NMELC’s newly formed Advisory Council. The Advisory Council will provide leadership and support for the Law Center’s 25th Anniversary program, membership outreach and resource development. Please join us in welcoming Tony Abeyta, Gay Dillingham, Jennifer Marshall, Michelle Mosser, John Scanlan, and Katie Zemlick to the NMELC Advisory Council!

On behalf of all of us at NMELC, we greatly appreciate the Advisory Council members’ commitment and leadership and look forward to working with all of them in the years to come. We hope you will have an opportunity to meet them at our 25th Anniversary events! We’ll be sharing more details about these events in the near future – please contact Shellie Knox at (505) 989-9022, ext. 29 if you would like to discuss volunteer opportunities.

Thank you to long-time member Cathie Sullivan (who designed our logo in 1987) for donating 80% of the profits from her notecard series. You can pick up New Mexico Botanicals Series I and II at Mail Call in Santa Fe, 551 West Cordova Street, or you can purchase through the Law Center: 6 cards for $18.

Thank you to author Harvey Stone for donating a portion of the proceeds from his climate change thriller Melting Down. Find out more at meltingdownnovel.com.

And thanks to Kirt Kempter, volcanologist and photographer, for donating two of his photocanvases for auction during our fall lecture series, produced by our wonderful partner, Southwest Seminars. You can check out Kirt’s large format photos at geomosaics.com.
WE MADE IT – Thanks to you!

A huge thank you to those who donated in November and December 2011! You met the match for a $25,000 challenge grant from the EMA Foundation! These funds directly translate into cleaner air, water and land for New Mexico in 2012!

Thank you to everyone who makes our work possible.

If you would like to join this monthly donor club for as little as $5/month, call (505) 899-9022, sign up on our website, nmelc.org or email shellie@nmelc.org.

Thank you for your support!
Development News

Thank you everyone to make our work possible.

If you would like to join this monthly donor club for as little as $5/month, call (505) 989-9022, sign up on our website, nmelc.org or email shellie@nmelc.org.

Thank you for your support!

Stay connected and informed
Facebook.com/NMELC
Twitter.com/NMELC
Sign up for our monthly enews online!

Thank you for your support!

If you would like to join this monthly donor club for as little as $5/month, call (505) 989-9022, sign up on our website, nmelc.org or email shellie@nmelc.org.

WE MADE IT – Thanks to you!

A huge thank you to those who donated in November and December 2011! You met the match for a $25,000 challenge grant from the EMA Foundation! These funds directly translate into cleaner air, water and land for New Mexico in 2012!

Institutional Funders
Anonymous
Briscoe Foundation
EMA Foundation
Energy Foundation
Nancy and Thomas Florschue
Family Foundation
French American Charitable Trust
Frost Foundation
William H. and Mattie Watts Harris Foundation
Kindle Fund Project of the Common Council Foundation
Charitable Trust
Lannan Foundation
Livingly Foundation
McCurie Charitable Foundation
Mumford Family Foundation
New Cycle Foundation
Richard and Rachel Fund, New Mexico Community Foundation
New-Land Foundation
Oppenheimer Brothers Foundation
Pattagine
Santa Fe Community Foundation
Mar-Shyfield Opportunity Fund
Joyce and Melender Deason
Just Wake Up Fund
Second Anonymous Fund
William and Ann Marie Sturman Foundation
Seldof Foundation
State Bar of New Mexico
Pro Far Vie Fund
The Suits Foundation
Eugenie V. and Clare Thaw Charitable Trust
Caprock Foundation
Tides Foundation
Foundation on recommendation of My. Kally Wischow
Thankyou Foundation
Green Business Partners
A-1 Self Storages
Marger Cutler, LTD.
Danbur Stained Glass
Grace Communications
GreenMoney Journal
Hand Printed Notepad
Gary Lo Sapis, Progressive Asset Management
HurryMedia
Ink Wall Productions
KESHI, the Zuni Connection
La Montanta Co-op
Lilly Law Offices
Niel Lyon at Sothoby’s International Realty
Mandarin Mansion
Mail Call
Positive Energy
Resources for Change
SouthWest Seminars
Verve Gallery of Photography

Individual Donors
Anne and Paul Aiken
Carol and Theodore Aigen
Alicia Adams
Tony Abatea
Richard Klawans and
Ann Alexander, M.D.
Charmy Alfred
Pamela Ace
Dianne C. Cress and
Jan M. Schell
Thao Crevenna
Michael and Jennie Crow
Irwin D. and Florence Cromwell
Bill and Liz Crozer
William and Julia Abhey
Chris and Art Bakke
Reid Bandeen and
Marcie Wick
Janci Bandrichof and
J. Cleveland Sharp
Paul Barbados and Lisa Enfield
Susan Barde
Arielh Barndwth, M.D.
Edward and Susana Barenco
Barbara Bastie
Mike Batte and Wanda Kiley
Paul Pace
Read and Melinda Benson
Jean L. Bergstrom
Robert Bernstein, M.D.
Crassford Bartst
Garrial Biby
Susan Benneweg and
Karen Bruner
Kimberly Black
Fred and Daryl Black
Joyce Blalock
Rose M. Blankinship and
Anna Irene
Thomas Blog
Stuart I. M. Blustaine, Esq
Michae Boccia and
Laura Saviatly
Carolyn Bouchard and
Richard Werner
John Brooks
Michael Browde
Caroll and John Brown
Donald and Lynda Brown
Joyce Brown-Parker
Sandy Brown
Sandy Buffington
David and Hannah Burling
Mary Ellen Burns-Gonzales
Virginia Burns-Gonzales
Jay Bush and Peg Rudberg
Helene Calvin
Gary Calvert
Joyce Carden
Lawrence Grahn and
Smith Nelson
G. J. Gufy
Jena Gunnell, M.D., MPH
Peter Hagen and
Linda Faulkner Hagen
Carol A. Hall
William and Harriett Harris
Richard and Anna Harrison
Karen Helmsen, Ph.D.
Ann and Jerry Hicks
Dave Holland
Malcolm Holzwarth and
Lloyd Barr
Bruce Hopkins
Toohie Hohsheik and
Karen Ari
Elaine Hounsell
Keri Hughes and Ellen Kennen
Tracy M. Hughes
Tim Hunter
Jeffrey Hysen and
Debora Colias-Clause
Texas Inc.
Brian and Elaine Jacobs
Mark Jeffie
Thomas and Carolyn Jenny
James J. Johnston
Cornelius Duphis and
Suzanne Hoffman-Dooley, Esq
Kevy Debbie
Bruce Driver
Ellen and Bill Dupuy
John Dykson
Connie Eichstadt
E. Jevonys
Janice Evens, M. A.
Farnholm Builders, Inc.
Richard Kaufman, Esq.
Donald King
David King
Darren King and Jami Engley
Robin King
Tina Koetter
Pat Kloost
Mary Feli
Tammy Fambour
Kristina Fisher
Richard and Karen Ford
Wallace and Danye Fard
David Fowler and Polly Brown
Susanne Furgus and
Carroll Wirtz
Willian Gillis and
Richard Werner
Michael and Barbara Langner
Kathleen Laflin
Robe Laughlin
James Lear
Leanne Pinnock
Ray and Carol Pittman
Debrah Lehnert
VB and Bill Rees
Shepherd Landon
Debra Link
Janine Lipman
Stephanie M. Lispector
Rose Lockfield and Ann Murray
Robert Luckett
John Logdes and
Lori Remseg-Loges
Mr. and Mrs. Donald R. Lundgren
Onida Mccgregor and
Thomas Allen*
C. Peter Manley
Emanuel Mandel
L🎀andra Marckis
M. Mariacezo
James C. McGrath
Amanda R. McCaffrey
K. Edward McCaffrey
A. T. and Cinda Cole
A. T. and Cinda Cole
A. T. and Cinda Cole
A. T. and Cinda Cole
Richard and Martha Wilder
Anne Heath Widmark
Richard and Nelda Wilder
John Wiltat
Marta Wilson
Mary Winne
Ed and Marilyn Winter-Takim
Doug Wolff and
A Van Strickland
Romney Wood and
Carol Rosenberg
Peter and Maureen Wurzburger
Debra Link
Judith Lewis and
Deirdre Lennihan
Sarah Piltch and David Heber
John Picaro
David Patton
Eroborus Counseling
George and Elisa Packard
Johannah and John Norman
Richard Neuman and
Werner and Helen Muller
George and Karen Morris
Charlotte Minter
Roberta Miller
Daniel Merians
Matthew McQueen
Edward Marinsek
Richard Leviton
Michael Stout and Marci Beyer
Philip and Aija Thacher
Cathie Sullivan
Kim Straus and Jack Lain
Sebastiaan Stokhof de Jong
John J. Sparacio
Bradley and Jonny Skinner
L.R. and Mary Alice Stoney
Brad Fisher and Jenney Sinner
James L. Micheler
Richard and Maria Sturna
Shirley B. Scott, M.D., P.C.
Rich Schrader and
Carol Gah Schrader
Don K. Sawyer
Melanie Pearson
Laurence Shandler
Mark A. Schade
Johann Karl Schuster
Lonnie Sharp
Alice Schaefer
Luis B. Demetille
Trevor S. Smith
Trevor S. Smith
William and Sue Sauter
John McNellan Scanlon
Alana M. and Mary Scanlon
Frank H. and Hilda Sanchez
William and Sue Sauter
John McNellan Scanlon
Alana M. and Mary Scanlon

Gifts In Honor Of
Stuart Blustaine
Sebia Hawkins
Douglas and Harriet Marik
Mother Earth
New Mexico Mutual
John C. Strickland

Gifts In Memory Of
Vesna Trinko
Blair Boyd
Urula A. Gray
Susan Hartel
Bryan Howard
Jenica Johnson
Keith A. Kallen
Peter K. Martin
Elizabeth Madowitz
Helene Ruthling
Francis K. Tyson
Rick Wachschlag

Amazing NMELC Volunteers
Lynda Brown
Elizabeth Crosby-Kerr
Jamie Douglas
April Elliott
Jen West
Andrea Escher and Todd Tibbals
Frank Titus, Ph.D.
Kim and Cynthia Tate
Jerry and Taylor Turner
D. Van Doren
Gena Nakash
Thela Venerable
Roderick and Jo-Headd
John Verhas
Susan M. Hendrick*
Jana Wall
Peggy Wallace
Richard Warren
L. Watchempino
Stanley Warren
Jean and Trail West
Barbara White
Annie Haith Widmark
Richard and sheri Wilder
John Wiltat
Marta Wilson
Mark Winne
D. Van Doren
Anne Grusin and Nan Newton
Amy Grusin and Nan Newton
Phil Klocke
Linda Joseph
William Gorman
Eda Gordon
Carol Goodman
Byron Goldstein
Eileen Gauna
Kathleen Gallagher
Vickie Gabin
Maria Fellin
James Faris
Kirsten Falke-Boyd
Fairholm Builders, Inc.
Janice Evans, M.D.
E. J. Evangelos
Connie Eichstaedt
Mary Dykton
Bruce Driver
Shannon Donahue
Cornelius Duphis and
Suzanne Hoffman-Dooley, Esq
Kevy Debbie
Bruce Driver
Ellen and Bill Dupuy
John Dykson
Connie Eichstadt
E. Jevonys
Janice Evens, M. A.
Farnholm Builders, Inc.
Richard Kaufman, Esq.
Donald King
David King
Darren King and Jami Engley
Robin King
Tina Koetter
Pat Kloost
Mary Feli
Tammy Fambour
Kristina Fisher
Richard and Karen Ford
Wallace and Danye Fard
David Fowler and Polly Brown
Susanne Furgus and
Carroll Wirtz
Willian Gillis and
Richard Werner
Michael and Barbara Langner
Kathleen Laflin
Robe Laughlin
James Lear
Leanne Pinnock
Ray and Carol Pittman
Debrah Lehnert
VB and Bill Rees
Shepherd Landon
Debra Link
Janine Lipman
Stephanie M. Lispector
Rose Lockfield and Ann Murray
Robert Luckett
John Logdes and
Lori Remseg-Loges
Mr. and Mrs. Donald R. Lundgren
Onida Mccgregor and
Thomas Allen*
C. Peter Manley
Emanuel Mandel
L🎀andra Marckis
M. Mariacezo
James C. McGrath
Amanda R. McCaffrey
K. Edward McCaffrey
A. T. and Cinda Cole
Albuquerque
Vice-President, Roswell
President, Santa Fe
La Mesa
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Santa Fe
Billions of gallons of Water at stake

**NM Officials Consider Request for Water Appropriation**

by Shelbie Knox

We sat in benches that looked remarkably like pews. There were about 100 of us in the Socorro County courthouse on February 7—a smattering of reporters and me sprinkled in a crowd that mostly hailed from Catron County, where an Italian billionaire seeks to claim more than 17 billion gallons of water annually. In what seemed like an oddly short hearing—just over an hour—the dozen or so attorneys in the room argued the points of law in one of the most important water battles in recent memory.

“In essence, Augustin Plains Ranch simply wrote a very large number [of acre-feet] on a piece of paper and listed every potential need for water that might arise sometime in the future within a vast area of the state,” explained Law Center attorney Bruce Frederick, who represents most of the people in the gallery.

Judge says State Commission can’t reconsider Pit Rule...yet

Shortly before her election, Susana Martinez promised that “As governor, I would absolutely remove the Pit Rule as a regulation.” Her promise took a stumble in February, after District Court Judge Raymond Ortiz granted us a rare “writ of prohibition” in the case.

Industry appealed the Pit Rule in state District Court in July 2008; that case is ongoing. Leery of an uncertain outcome, the New Mexico Oil & Gas Association (NMOGA) took a new tack late last year in its efforts to sink the Rule. Put this case on hold, its attorneys asked District Court Judge Barbara Vigil, and the Oil Conservation Commission will adopt our new proposed Pit Rule. Then the Court won’t have to worry about this case anymore.

Judge Vigil ordered a stay of the appeal in January 2012.

On the same day as Judge Vigil handed down her decision, NMELC attorney Eric Jantz filed a petition for the writ. “One of the basic tenets of our democratic system is the separation of powers,” explains Eric. “Once a regulation has been appealed, the executive branch is done making decisions in the case. At that point, it’s up to the courts to decide what happens.”

A month later, Judge Ortiz issued the writ of prohibition.