

Permit to pump water denied

State engineer says plan for Plains of San Agustin didn't ID beneficial use



RICHARD PIPES / JOURNAL The Office of the State Engineer has denied an application to pump water from an aquifer under the Plains of San Agustin, then pipe it to the Rio Grande.

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The Office of the State Engineer has dismissed an application to pump billions of gallons of water annually from an aquifer in the Plains of San Agustin.

Augustin Plains Ranch LLC sought to pump 54,000 acre feet of water a year from groundwater and transport it to the middle Rio Grande Valley. An acre foot is the amount of water it takes to cover one acre of land in a foot of water, equal to around 326,000 gallons.

"After carefully considering all aspects of the application, the State Engineer determined that the applicant failed to identify specific quantities of water for specific identified beneficial uses which are requirements under state law for a water right to be developed," Melissa Doshier-Smith, a spokeswoman for the State Engineer, wrote in an email.

The application was first submitted in 2007 and ultimately denied in 2012. The most recent application was submitted in 2014.

Michel Jichlinski, the project manager, said his team is reviewing the decision before deciding on its next steps.

The proposal has faced opposition from environmental groups, ranchers, farmers and communities in Catron and Socorro counties, many of whom are represented by the New Mexico Environmental Law Center. The center made a motion for summary judgment regarding the application that was granted on

Wednesday.

" New Mexico law provides that in order to appropriate water or the right to use water, a party has to have a current beneficial use for it," said Douglas Meiklejohn, executive director of the center. " A party cannot appropriate the right to use water simply for the use of speculating and putting its use on the open market or up for open bidding."

But Jichlinski called the decision " shortsighted" in an email sent Friday.

" Much is made of the issue of speculation. But anybody who cares to study the recently published New Mexico water plan, presumably the most important document guiding the future of water resources in the State, will note that no entity, except for (Augustin Plains Ranch), has any intention to put this resource to use," Jichlinski wrote. " How can we ' tie up ' a resource that nobody cares about?"

Datil resident Anita Hand's cattle ranch borders the Augustin Plains Ranch, and she said she and her family have fought against the proposal for years.

" Without water, our livelihood is gone," she said. " We don't have anything to fall back on."

Hand said that three to five of their livestock wells would have been impacted by the project.

Hand said the victory was bittersweet, since her father, John Hand, died earlier this year.

" He worked his whole life for what we have today," she said. " He had fought it just as much as everybody else did."