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JUDGE DENIES MASSIVE EAST MOUNTAIN GROUNDWATER APPLICATION

ALBUQUERQUE – Albuquerque District Court Judge Shannon Bacon denied the ground water pumping application of Aquifer Science, a Nevada-based water speculator, to appropriate 350 acre feet of ground water in the East Mountain area of Albuquerque. The Office of the State Engineer had denied the application in 2014, but subsequently changed its position and supported the application during the appeal.

The water was intended to be used for a 10,000-person golf course development. Residents in the area have spent 10 years and over \$800,000 fighting the Aquifer Science application.

Mark Moll, one of several hundred local residents who rely on domestic wells for their water stated: “Our community is gratified that that Judge Bacon has seen this water grab for what it is: an attempt by an out of state water speculator to exploit our precious ground water.”

Judge Bacon ruled that over 100 domestic wells would be impaired by the proposed pumping. She also denied the application because it is contrary to conservation of water in the State. Importantly, she stated that the Applicant and the Office of State Engineer did not consider climate change science and the impact of future drought when assessing conservation.

Paul Hultin, one of the attorneys representing the well-owners along with the New Mexico Environmental Law Center stated: “Judge Bacon’s ground-breaking decision that the Office of State Engineer must consider the undisputed science of climate change will protect New Mexico’s precious water.”

Doug Meiklejohn, Executive Director of the New Mexico Environmental Law Center, stated: “This case shows that community involvement and support is essential to protecting New Mexico’s water and environment. The Law Center is proud to have supported this case from the very beginning.”

Bernalillo County also opposed the Aquifer Science application on the grounds that the application was contrary to County water conservation and land use regulations and would harm residents of the East Mountain area.

Judge Bacon has been appointed to the New Mexico Supreme Court.

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A copy of the decision can be found here:

<https://nmelc.org/wp-content/uploads/2019/01/190129-AS-Findings-and-Conclusions.pdf>