

Q&A: Augustin Plains Ranch

 www.dchieftain.com/news/q-a-augustin-plains-ranch/article_b7439360-909d-11e6-a85f-db1c8fb6fcb2.html

Question: Now that the application has been publicized, have any of the hearings been set?

Answer: The schedule of the hearing hasn't been established yet. The hearing is designed to answer four fundamental questions about the application. As stated on the Office of the State Engineer's website: "When evaluating an application for a new appropriation or to change the place and/or purpose of use of an existing water right, the State Engineer must:

- Determine that water is available
- The appropriation will not impair existing rights
- The intended use meets state water conservation efforts, and that
- The intended use is not detrimental to the public welfare.

The law also requires the applicant to publish the application in a newspaper and give anyone with a legitimate objection the opportunity to protest the application."

Our application has been published and those who wish to protest are now in the process of doing that. To make it easier on the opponents the notice of application stipulates that "In the event that a party filed a timely written protest or objection to the original Application to Appropriate RG-89943, filed with the State Engineer on October 12, 2007 and May 5, 2008, it is not necessary to file an additional written protest. Those protests or objections are considered timely for this corrected application and notice of publication."

Q: Is there enough water under the San Augustin Plains to do what the project proposes? And how do you respond to concerns that this project could cause the basin to dry up?

A: The first question to be determined in the hearing is the question you are asking. The last major study of the hydrology of the plains is the US Geological Survey's Water Resources Investigations Report 94-4125 published over 20 years ago in 1994. This report characterizes the size of the San Augustin Aquifer to be very large, at close to 54 million acre feet of freshwater. This estimate was incorporated in the 2003 State Water Plan published by the Interstate Stream Commission.

We have conducted a preliminary analysis, including the drilling of test wells, which confirmed the findings of the above study. We will be producing a complete, definitive study, including additional field testing during the hearing. Concerning the basin "drying up," it is a very dry area to begin with. The aquifer is several hundred feet deep. Plant and wildlife in the plains are supported by rainfall, not by the aquifer.

Q: How much water are you proposing to be pumped per year (and the per day equivalent) for users in the Rio Grande Valley?

A: Our application is for 54,000 acre-feet per year (1/1000 of the estimated water in storage). This is equivalent to 48 million gallons per day.

Q: How are you planning on doing this? How would the water be transported to potential users?

A: We propose to build a well field and convey the water to the Middle Rio Grande Valley through a 140 miles pipeline.

Q: Have you been in contact with potential users (municipalities or companies), who are they and what has been their response?

A: We have contacted and initiated conversations with several municipalities and companies located along the proposed pipeline right of way. The response has generally been that future sources of water supply are of great concern, and that they would be interested in the project's water if economically and environmentally sound. Some municipalities however are currently opposing the project. We are confident that many of them will review their position once the project is better understood.

Q: This is related to the second question. There has been a concern that the project could cause wells on nearby ranches and farms to dry up, that the ranchers and farmers would have to dig new wells to find water. What is your response to that?

A: The study I referred to in response to your second question, identified several aquifers in the area. Many ranches and farms draw water from aquifers other than the San Augustin Aquifer and will not be affected. The plains themselves are sparsely populated and there aren't many operating wells. Nevertheless, should someone's wells be affected by the project, the law is very clear. If an alternative solution to provide the water that the rancher or farmer is entitled to can be found, the project must pay for the costs involved. If there is no feasible solution, it is called impairment and the project cannot proceed.

Q: There has also been a concern that this project could make the ground unstable on ranches and nearby facilities such as the VLA. Do you believe that will be the case?

A: While subsidence in groundwater extraction projects has occurred, our initial analysis is that it is not likely to be significant in the Augustin Plains. There are many groundwater well fields throughout the state, including the Albuquerque metro area, and they have generally not caused the ground in those cities and areas to be "unstable." This issue will be included in the scientific studies that will be part of the hearing.

Q: Because the basin is a closed basin, and the area only receives about 14 inches of rain per year, how do you propose to replenish the basin to replace the water the project would take out?

A: The closed basin is about 2,000 square miles in extent or 1.3 million acres. At 14 inches of rainfall per year, total rainfall over the basin is approximately 1.5 million acre feet per year, 30 times more than what we have applied for. Our preliminary studies indicate that recharge of the aquifer can be enhanced through the construction of dedicated structures. This is part of our application and will be investigated in detail during the hearing.

Q: In the initial press release, it stated that this project could potentially benefit the economies of Catron and Socorro counties. How do you feel this is possible?

A: The local community will benefit in several ways. First, there will be a direct benefit through additional tax revenues. Secondly, more water will be available for local communities than presently. The area will also benefit through job creation from the construction of the project infrastructure and the development of new industries and technologies in the project area. Specifically, we can imagine a high tech cluster developing from the world class expertise already present at New Mexico Tech in Socorro. Knowledge areas could include enhanced aquifer recharge discussed above, aquifer management, the use of solar and hydropower energy to power well fields, energy storage and more. Finally and perhaps most importantly, we believe that the local community should receive a direct contribution from the project either through a share in equity, royalties or some other mechanism. We have attempted to reach out to the local community through the San Augustin Water Coalition to discuss our proposal, but to date our efforts at promoting a dialogue have been rebuffed.

Q: The release also mentions the project potentially helping endangered species along the Rio Grande such as the silvery minnow. How is this the case?

A: By providing an alternative source of water to the Middle Rio Grande, the project will allow to decrease the takings from the river, leaving more water for “in stream” environmental purposes. Additionally, our design incorporates turn offs from the main pipe line to use project water to augment water in specific wildlife refugia in the river during periods of extreme drought, which are sure to occur again.

Refugia are designated areas in the river which must never dry out to ensure the survival of endangered species.

Q: To clear up the confusion, how many applications has Augustin Plains Ranch LLC filed, and what was the outcome?

A: Two applications were filed. The initial application was filed in October 2007, followed by an amendment. This application was eventually dismissed without prejudice to the filing of a new application. That case is closed. The new application was filed in July 2014, and subsequently amended and corrected as per requests of the Office of the State Engineer.

Q: It has been claimed by opponents that no members of the Modena family have been to New Mexico. Have the owners been to New Mexico, and have they been to the ranch?

A: This claim is false. But more importantly it is irrelevant and has no place in an administrative and legal proceeding. The project sponsors are acting in full compliance with the laws of the State of New Mexico. The water resource of the Augustin plains belongs to the people of New Mexico. The opponents through such a smear campaign are attempting to deprive the citizens of the State of what is rightfully theirs.

Q: Is there anything else you would like to add, anything you would like the public to know about the project that might ease some concerns that have not been addressed by the above questions?

A: I would like to thank you for providing us with a forum to present our project concepts. We want the hearing to be a transparent, science based process.

I urge your readers to keep an open mind, stay well informed and participate in the hearing and future developments of the project.

I believe that this project is a great opportunity for the area to develop a new and valuable resource and improve its economic and environmental conditions as well as those of the State.