Augustin Plains submits new application

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New York company Augustin Plains Ranch, LLC is continuing its efforts to get approval by the Office of the State Engineer for its water project in Catron and Socorro counties.

John Larson - El Defensor Chieftain: Geologist Stacy Timmons describes what studies have shown so far about the characteristics of the San Agustin aquifer.

The latest proposal is to transport water pumped from the San Agustin aquifer via a 142-mile pipeline to Rio Rancho, and presumably, allow other potential users along the way to also purchase the water, including the City of Albuquerque.

The company's plan is to drill 37 wells with 20-inch casings approximately 3,000 feet deep within the exterior boundaries of Catron County, Socorro County and Augustin Plains Ranch.

If approved, the permit would allow the company to pump 54,000 acre-feet of water per year from the San Agustin aquifer.

The company's original application in 2008 was for a permit to "divert and consumptively use 54,000 acre-feet per year for domestic, livestock, irrigation, municipal, industrial and commercial uses to include providing water to the state of New Mexico to augment its capacity to meet deliveries to the state of Texas at Elephant Butte Dam and offsetting effects of ground water pumping on the Rio Grande in lieu of retirement of agriculture via a pipeline to the Rio Grande."

That first application was rejected by the Office of the State Engineer on the basis that the use for the water was too vague. The first comment period by the OSE initially generated more than 600 protests.

In its new application, the company switches gears, and instead of alleviating the state's commitment to the Rio Grande Compact, it now proposes to supply water to Rio Rancho and possibly other municipalities along the route.

On July 14, Augustin Plains Ranch , LLC's president Rich Radice re-submitted its application for a permit to pump, reclaim, and transport water from the west-central New Mexico aquifer up to the

middle Rio Grande River area. Attached to the application were letters from Rio Rancho Mayor Greggory Hull and Rio Rancho City Manager Keith Reisberg indicating they would consider being customers of San Augustin Ranch LLC if the permit was granted.

In an e-mail sent last week, Project Director Michel Jichlinski said he believed the application contained the information needed to move the project forward.

“It was developed following many months of meetings with people across the state who have an interest in developing new sources of water for New Mexico, including water policy experts and leaders, elected officials, scientists and hydrologists, and more,” Jichlinski stated. “One of the nation’s leading financial advisory firms for environmental technologies has been in contact with us and with potential investors and believes that the project is positioned to attract the necessary equity investment it needs to move forward.”

Attorney Bruce Frederick of the New Mexico Environmental Law Center is representing approximately 80 individuals and organizations who are concerned about the impacts of pumping on livestock, wildlife, springs, and on the Rio Grande and Gila Rivers, which are hydrologically connected to the San Agustin Plains. The Gila being the last undammed river in the Southwest.

“The (latest) application is another public relations piece and suffers from the same basic legal deficiency as the prior applications,” Frederick said. “The ranch has again failed to identify any actual place or purpose of use of water. It has again only identified potential places and purposes of use. This violates a basic precept of western water law, as codified in New Mexico’s Constitution, which makes ‘beneficial use the basis, the measure and the limit of the right to use water.’”

Frederick said the fact that the company has no particular place or purpose of use in mind also leads to several practical problems.

“For example, absent any particular place and purpose of use, the State Engineer has no way of evaluating whether the requested amount, 54,000 acre-feet per year, is necessary or whether the proposed appropriation will impair existing water rights,” he said. “The Ranch is simply trying to lay claim to a tremendous amount of water, which belongs to the public before it has any need for that water.”

In a town hall-type meeting with about 75 area property owners, El Defensor Chieftain reported in a December 2012 article, Bob Bowcock, chief technical officer with San Augustin Ranch LLC, said even with no recharge, if the project were using 54,000 acre-feet a year for 300 years, the basin would have been mined of 17 percent of its water.

“But we are talking about recharging the basin,” Bowcock said. “It would absolutely not be mining water. Mining is to extract without the intention to replace.”

Bowcock said water to recharge the system will come from the storm flows from the mountains, which, instead of being allowed to flow out on the plains, where it evaporates and is lost, will be captured.

“We are proposing to go into alluvial fans, capture storm flows and artificially sink them right there,” Bowcock said. “It’s artificial recharge.”

Stacy Timmons, interim manager of the Aquifer Mapping Program the Bureau of Geology at New Mexico Tech, said she has been collecting data since 2009, focusing on annual water level measurements, and that final results of the studies will include groundwater elevation contour map, detailed geologic maps and a technical summary report describing the nature of the groundwater system in the area.

“The project will provide impartial hydrologic information to the state’s regulatory agencies, industry and public about the aquifers and the possible hydrogeologic interconnection with Alamosa Creek and the adjacent aquifers in the Rio Grande Valley,” Timmons said. “We anticipate that our final products of our aquifer mapping should be available by 2015, and will be publicly available through the New Mexico Bureau of Geology and Mineral Resources Web page.”

Preliminary results of a groundwater sampling campaign by hydrologists at the Bureau of Geology suggest that there is limited recharge occurring in the region of the San Agustin Basin.

“The ages of groundwater that we have collected within the San Agustin Plains, based on carbon-14 dates on groundwater, is on average about 12,000 years old,” Timmons said.

Another analysis done on the water is “examining the tritium content, which shows an average less than .5 tritium units,” she said. “This indicates that there is likely no recharge in the the last 50-plus years in the area where we have sampled,” Timmons said.

Rep. Don Tripp, a member of the New Mexico Legislature’s Agriculture and Water Committee and Water and Natural Resources Committee, said in 2007, the plan was “ludicrous. A shot across the bow. First of all, if there’s water appropriated, it has to be put to beneficial use.”

Tripp said if the latest permit are not approved, the company may try to apply again.

“They could make minor changes in the request and try again,” he said. “But any water purchase would have to be appropriated through the legislature.”

Among the protestants currently on file are University of New Mexico, New Mexico Tech, USDA Gila and Cibola National forests, Cibola National Forest, the National Radio Astronomy Observatory, Phelps-Dodge Mining Company, Catron County Commission, Pueblo of Isleta, Middle Rio Grande Water Conservancy, the Bureau of Land Management, New Mexico Interstate Stream Commission, U.S. Dept. of Interior Bureau of Reclamation, New Mexico Dept. of Game and Fish, Socorro Soil and

Water Conservation District, Navajo Nation Department of Justice, Coalition of the Six Middle Rio Grande Pueblos, Gila Conservation Coalition and Socorro Catron Farm Service Agency.