

2017 AUGUSTIN PLAINS WATER GRAB SUMMARY

CONTENTS

2017 Augustin Plains Water Grab Summary	1
13 Jan 2017, Albuquerque Journal	1
2 Feb 2017, New Findings.....	4
27 Jan 2017, Augustin Plains Project on Trump Agenda	5
10 Feb 2017, House Bill	6
19 Feb 2017, House Transportation, Public Works and Capital Improvements Committee recommended a Do Pass	7
9 Mar 2017, Legislative Update	8
22 Mar 2017, Legislature Summary	8

13 JAN 2017, ALBUQUERQUE JOURNAL

Below is a link to the first of a series of articles on the attempt to mine water in the Plains of San Augustin. This article presents an overview of the situation, with reference to Tom Blaine’s talk last spring at the San Augustin Water Coalition annual meeting. With the process of protesting starting over the article is well worth your time as the author gives you a lot of insights into the state’s possible policy positions.

<http://thecandlepublishing.com/nm-state-engineer-you-know-do-we-need-to-be-looking-at-something-like-a-severance-tax-on-that-water/>

NM State Engineer: “You know, do we need to be looking at something like a severance tax on that water?”

Is an elaborate proposal to pump thousands of acre feet of water 150 miles to Albuquerque from the Augustin Plains Ranch (APR) in Catron and Socorro counties about to trigger a new policy for large scale water sales in New Mexico, treating water like oil and gas – including severance compensation as a political sweetener for such a deal?

It appears that is what the owners of the ranch, believed to be composed of international business folks, may ultimately accept to seal the pact on their application before the Office of the State Engineer (OSE) to annually mine 54,000 acre-feet of ancient water out of the aquifer sitting beneath some historical ranches and the home of the Very Large Array; and then pipe it north to greater Albuquerque.

When New Mexico State Engineer Tom Blaine was invited last Spring to address a meeting of the San Augustin Water Coalition (SAWC is a group of concerned residents of the San Augustin Plains) about the APR application, it appears he might have forecast where New Mexico's water policy is headed.

At least as it might unfold in the last two years of the Martinez administration.

In the question and answer forum at the end of a rambling presentation, along with some references to his historical take on New Mexico water policy, Blaine posited:

"You know, do we need to be looking at something like a severance tax on that water?"

That quizzical pronouncement came after answering a question about whether a suburban area far away from the source of the water being more important than the needs of the community in which the water resides.

State Engineer Blaine had also stated earlier:

"As with beneficial use, there's no one beneficial use better than another, in accordance with state statutes. We just talked about beneficial use of water.

"So there's, there's one use that doesn't supersede another use; there's not an area that supersedes another area. So, so the water pertinent to, ah, that's appropriated out of the San Augustin plains; it isn't more important to use it in, in Albuquerque than it is to use it here.

That may have been meant to assuage folks at the meeting, but then he followed with this statement that should be unsettling to any water policy folks who place the public's right to water as a universal right ahead of claims of those who would treat it as a commodity, controlled by so-called free market rules:

"You know water, water is a market driven resource. And at, you know this kind of leads to, to very sensitive um question, and one of the things; you know I love AG. Man our Ag producers are, are the heart and soul of this state. Without the AG producers, you know, what have we got? And, and I look across the state of New Mexico and seventy per cent of our water goes to agricultural uses." (Note: AG, is his apparent shorthand for the agricultural industry.)

"So how do you keep a basin whole that water is being transferred out of? How do you keep an area whole? You know those are questions that need to be thought about. You know if you transfer water from AG to municipal, and part of that AG industry dies, how's that ever replaced, or repaired?

"You know, do we need to be looking at something like a severance tax on that water?" Blaine asked and continued.

"Water's taken out of an area, you know, then you got to be, then you got to be putting money back in that area because the economic vitality of that area has no way of even recovery from that, because of water; there's no water there's no life. So how do you balance some of these things? And these are tough questions that really need to be asked."

Blaine wrapped up the Q&A with these comments:

"But my point is, the water issues in the San Augustin Plains, we need to talk about them. We need to figure out what a path forward is. Not just 'hell no you ain't taking my water, or hell yes I'm taking all your water.'

"I mean that bounds the problem. That gives you boundary on the left side, that gives you boundary on the right side.

"Really the solution is someplace in between there. And I am just highly encouraged with the creation of this organization because, because you are here to solve problems. And to figure out how this can be a benefit to your community. And if, and if the answer is 'we ain't going to back off, and we're filing protests and, by golly you're not going to hurt my feelings. I don't take that personal. Ah, I respect that.

"But if there's some coming off of the left side of the boundary, and movement on the right side of the boundary, then that's when we start looking at solutions that can happen for this big problem."

Blaine also reminded people, "You know we've been moving water around New Mexico for a long time. Ah, prior to New Mexico even being a state, there was some transcontinental movement of water up in the Taos area."

That certainly seemed a way of suggesting, with all the other hints, that APR's plan is alive and not implausible as far as the state is concerned.

The people who live in the San Augustin Plains Basin have been fighting the APR application for several years; and they had some success when Mr. Blaine's predecessor rejected the original application.

But several months after Tom Blaine's meeting with residents last spring, APR filed and advertised for a re-application to mine 54,000 acre-feet of ancient water.

There were approximately 150 protests filed the OSE. These were added to the more than 900 previously filed against APR's first application.

In the next installment on this issue The Candle will explore the objections raised by the people of Catron and Socorro Counties.

And a subsequent report will be posted soon, about what is being filed in the upcoming legislative session which would further the chances of public-private partnerships (P-3's) being created as proposed by APR, and described on their website (click here for link to APR webpage on its public-private partnership sales pitch).

You can click on the links below to see the video of Mr. Blaine's April 16, 2016, meeting with SAWC and his presentation and answers to questions asked by area ranchers and residents.

(Editor's note: The quotes used in this article have been transcribed from a video, and reflect the actual spoken words as the individual was stating them, versus a transcript with edits for repetitious words, or phrasings, etc.; not being critical of the person being quoted, as not that many people speak as flawlessly as when they set pen to paper, or digits to the keyboard.)

Video links:

Part 1: Basic history of water rights (6 min.)

<http://www.informedcynic.com/water-fire/water-videos/041616-SAWC-annual-blaine%20part%201%20of%203-history.mp4>Part 2: Augustin Plains water (12 min)

<http://www.informedcynic.com/water-fire/water-videos/041616-SAWC-annual-blaine%20part%202%20of%203-Plains.mp4>Part 3: Audience questions (18min)

<http://www.informedcynic.com/water-fire/water-videos/041616-SAWC-annual-blaine%20part%203%20of%203-questions.mp4>

2 FEB 2017, NEW FINDINGS

MagEBoard has sent out information that includes the so-called Project 29 description. The informed cynic has archived the information including the view of the Albuquerque Journal that the report did not come from Washington D.C. The write-up of Project 29 touts the water grabbing scheme as a panacea for New Mexico's water problems.

Regardless of the origin of Project 29's description, routinely The APR LLC makes a lot of claims that are wholly without substantiation. The water situation of the Plains basin is not well known, and must be evaluated carefully before any proposal about transporting massive amounts of water from this rural area to an urban area which does not now need such an infusion of water is even considered. Please see below for evidence in support of this position.

Carol Pittman

Datil NM

New findings about the Plains of San Augustin

Sept. 23, 2016

It has recently been discovered that the Plains is leaking groundwater to the east. There is a fault/fracture that somewhat parallels the VLA eastern arm that passes over the watershed divide to the southeast and delivers water into Milligan Gulch. This feature is approximately 250 feet wide and is fully saturated. Depending on how open the fractures are the amount of groundwater flowing along this feature could be quite significant. This feature is currently supplying water to the Rio Grande River.

Another finding is that there are 3 other fault/fractures that are paralleling Old Highway 60 that cross over Old Highway 52 and head toward the watershed eastern divide. The smallest feature is about 40 feet wide and is just south of Highway 60 by about 0.2th of a mile. The second feature crosses Old highway 52 at about 0.9th of a mile south of highway 60. This feature is about 80 feet wide and is fully saturated and also parallels Highway 60. The third feature is the largest of the three, it is about 150 feet wide where it crosses Old highway 52. This feature follows the power lines and is adjacent to Old highway 60. It is also closely following a gulch that drains from the watershed divide out onto the plains. I think all 3 of these features merge to cross Highway 60 at about mile post 103. It is my belief that these fault/fractures are supplying water to the La Jencia watershed. They may in fact be the source of water for the Village of Magdalena.

In a separate matter the Augustin Plains Ranch has a graphic labeled Figure 10; this graphic indicates that the Plains of San Augustin is losing groundwater to the Gila River basin in the amount of 55,275 acre feet per year (AFY) and to Alamosa Creek basin in the amount of 37,335 AFY. If added together this 92,610 AFY. I found in an old USGS publication that the Tularosa River starts flowing at a spring that is located at the terminus of mapped fault that starts in the plains and ends at the river. The spring was measured at 1,500 gallons per minute in 1952; this is equivalent to 2,418 AFY. So the total is now 95,028 AFY flowing from the Plains of San Augustin into adjacent watersheds. This does not take into account the 4 newly discovered features mentioned above. It was stated in the 1972 paper by Blodgett and Titus that the annually recharge to the Plains of San Augustin is around 100,000 AFY; if

this is true the plains are losing as much or more than the annual recharge. The Augustin Plains Ranch proposal to pump an additional 54,000 AFY from the plains will result in a rapid depletion of this basin, which is already in decline; this is nothing short of mining of the groundwater.

Dennis Inman

Geologist

February 1st - Updated news on the P3 (Private Public Partnership) and water-grab/APR on www.informedcynic.com

James Cherry

Magdalena

The following cut and pasted from informedcynic.com by Linda Smiley.

AUGUSTIN PLAINS RANCH WATER GRAB

[NEW] February 1, 2017 -

UPDATE ON THE P3 LEGISLATION...

Fiscal impact Report - NM Infrastructure

Investment Act.

In HB 275, Section 2- H(1)(n) under definitions of a public project (page 4 of the bill) seems to fit the APR plan. HB275 It will also be important to see if some of the language in HB 275 ends up in the broadband bill in a back-door type of move as this process progresses.

Food and Water Watch here in New Mexico is also an ally opposing the P3 legislation. Below is an analysis by Food and Water Watch of the President's proposal to privatize water and sewer systems. We need to continue watching the President's short list of infrastructure projects to be funded. (That may be a fake) To that end we have some help from a friend in DC, and I'll keep you posted.

SOME ADDITIONAL RESOURCES

Carol Pittman pittray@gilanet.com

From the Guide to Magdalena:

INFORMED CYNIC Thousands of files associated with local issues such as SW climate change, forestry, APR water grab, Wolves, etc. going back 10 years. Plus dozens of links to government and media websites. www.informecynic.com James Cherry webmaster

REPRESENTATIVES: State, District and Local are listed with contact information.

27 JAN 2017, AUGUSTIN PLAINS PROJECT ON TRUMP AGENDA

The following is from this link that discusses Trump's Emergency and National Security Projects:

<https://assets.documentcloud.org/documents/3409546/Emergency-NatSec50Projects-121416-1-Reduced.pdf>

Project 29: Augustin Plains Ranch

1. Description: The demand for water in our state already surpasses its availability, and the situation is becoming even more dire due to extreme drought. That is why the project's supporters and sponsors are committed to developing this much-needed resource on behalf of all New Mexicans. This state-of-the-art, eco-friendly project will be unique, producing its own power for operation through hydropower and solar energy. But more importantly, the project will create a new, sustainable and abundant source of water independent of compacts with other states.

2. Authority: Augustin Plains Ranch, LLC

3. Cost: \$600 million

4. Jobs: 600 Direct Jobs

5. Status

5.1. Engineering: In progress

5.2. Permitting: In progress

5.3. Funding: In progress

Here is Carol's response:

This APR project to mine water in the Augustin Plains basin was reported by McClatchy as being on the President's short list of infrastructure projects. That story was later questioned by the Albuquerque Journal which reported that the President denied having this project on his short list. So we don't know where the APR project stands at this time. I would suggest that we send letters to our Congressional delegation requesting that they object to the APR project and put forward other projects that will benefit New Mexico far more than the APR project would.

Here are the addresses:

Senator Tom Udall
110 Hart Senate Office Building
Washington DC 20510

Senator Martin Heinrich
330 Hart Senate Office Building
Washington DC 20510

Representative Ben Ray Lujan
2231 Rayburn House Office Building
Washington DC 20515

Representative Steve Pearce
2432 Rayburn House Office Building
Washington DC 20515

Representative Michelle Lujan Grisham
214 Cannon House Office Building
Washington DC 20515

If you have time for only one letter, I suggest you send it to our Representative Pearce.

10 FEB 2017, HOUSE BILL

A bill to allow privatization of everything is going through the New Mexico House of Representatives. Your help is needed to defeat this bill.

CALL TO ACTION:

HB 275 is now making its way through the New Mexico House of Representatives. This bill not only is far bigger than roads, it also turns over operations and maintenance of core public facilities like water utilities, reservoirs, and school buildings to private companies. Not only should any P3 bill be significantly narrowed in scope to exclude environmentally sensitive areas, but there should be no private sector operations and maintenance of any public services, including education.

If this bill passes, the Augustin Plains Ranch LLC will have a lot of help for its project to mine water in the Augustin Plains basin. Please contact one or all of the following legislators, contact information shown below. There are two main points to make: HB 275 is much too broad and it does not have adequate oversight. The bill should include a provision to appoint a commission to review all P3 bills and that commission should report to the Legislature. We need to emphasize that the lack of adequate oversight is enough by itself to defeat the bill. In addition, all reference to water projects should be removed.

Chair Bobby Gonzales (D-Taos) 505-986-4333

roberto.gonzales@nmlegis.gov

Vice Chair Antonio "Moe" Maestas (D-Albuquerque) 505-986-4438

antonio.maestas@nmlegis.gov

Patricia Lundstrom (D-Gallup) 505-986-4316

patricia.lundstrom@nmlegis.gov

Patricio Ruiloba (D-Albuquerque) 505-986-4433

patricio.ruiloba@nmlegis.gov

[NOTE: Rep. Ruiloba and Rep. Garcia have the same phone number--you can leave a message for each on the same call!]

Harry Garcia (D-Grants) 505-986-4433

hgarciad69@gmail.com

Our numbers matter and this is a chance for each of us to make a difference.

**19 FEB 2017, HOUSE TRANSPORTATION, PUBLIC WORKS AND CAPITAL IMPROVEMENTS
COMMITTEE RECOMMENDED A DO PASS**

HB 275, the Public/Private Partnership bill is a bill which allows the private sector a wide range of opportunities to build infrastructure projects, including water pipelines, in partnership with a governmental entity. The bill has

almost no oversight requirements and the rules will be written after the bill passes. The Augustin Plains Ranch LLC and its project will benefit enormously from this bill should it become law.

Sadly, the House Transportation, Public Works and Capital Improvements Committee recommended a Do Pass, a big setback for us.

Next in line is a hearing at the House Labor and Economic Development Committee. OUR REPRESENTATIVE, GAIL ARMSTRONG, IS ON THAT COMMITTEE. You can do one quick thing: phone Representative Armstrong's office and ask that she vote NO on HB 275. Her phone number is 505-269-2364. I usually call very early and leave a message when I do this. Please mention that you are a constituent. It is our numbers that matter, so the more people who call the better. It will take about 30 seconds!

Carol Pittman

9 MAR 2017, LEGISLATIVE UPDATE

The Legislative session is drawing to a close and we can all breathe a sigh of relief – soon. Right now we still have to be vigilant as you'll see (below). But there is some good news: 1) Yesterday the Senate Rules Committee passed SM 117, that says NO to the Augustin Plains, and 2) Gail Armstrong has sponsored a memorial in the House – HM 97 – saying NO to the Augustin Plains. More on that when I get more information.

Now for the bad news. The public/private partnership bill is back and it will take a LOT of opposition to defeat it again. This is a sneaky attempt to put a bill into the system after it has been defeated in committee. This bill number is HB 534 and it will be heard tomorrow afternoon in the House Labor and Economic Committee. If you can possibly find a minute to let the committee know that we are all still opposed to this bill it would make a big difference. Here are the names two members with their contact information, and remember, it only takes a minute. It is our numbers that count.

Contact:

Chairman Bill McCamley bill.mccamley@nmlegis.gov 505-986-4415 (Capitol phone number)

Gail Armstrong gail@gailfornewmexico.com 505-986-4467 (Capitol phone number)

Note: Gail now thinks that the P3 bill won't affect us with regard to the Augustin Plains water grab project. It will, and you might want to say that we oppose it on the grounds that it will give the Augustin Plains Ranch an avenue to get that project paid for at taxpayers expense. You might mention that the cost of water for customers along the way will be sky high.

22 MAR 2017, LEGISLATURE SUMMARY

The 2017 Legislative session is over, and you might like to know about what directly affected us. As you are all probably aware by now, Don Tripp was re-elected in November, 2016 but abruptly resigned in January of 2017. The Governor appointed Gail Armstrong in his place. Gail immediately went to bat for us, and here's how.

1) Sponsored HB 418, Inter-Basin Water Right Transfer Requirements. This bill, which passed several committees and made it to the floor of the House of Representatives, would have regulated massive water transfers had it

become law. Howard Hutchinson worked with Rep. Armstrong as did Douglas Meiklejohn, our attorney, and they will continue working on a bill to be brought before a new session of the Legislature.

2) Opposed HB 275 Public-Private Partnerships Act. Although a brand new legislator, Rep. Armstrong voted against this act because her constituents opposed it. If you remember, this P3 Act would have greatly benefited the Augustin Plains Ranch, LLC which has been pushing their public-private partnership idea from day one. (See their website <http://sanaugustinwater.com/partnership.html>) It took a great deal of courage for Rep. Armstrong to oppose this bill, and we owe her a debt of gratitude..

3) Another matter before the Legislature included a bill sponsored by our Senator Howie Morales. SB 340 would have, had it become law, provided oversight of the federal funds the Interstate Stream Commission (ISC) has been spending on a diversion of the Gila River. Below is an analysis of what the law would do.

“SB340 would require legislatively approved budgets for use of the NM Unit Fund and force the ISC to report the details of its actual and planned uses of the fund. To date, the ISC has spent \$11 million fruitlessly in the absence of real legislative budget oversight. The ISC needs to provide basic information on technical feasibility, water yield and associated water users, project cost and financing before spending more money on a NM Unit project.”

Sadly this measure failed, but we can hope that the ISC got the message: squandering millions of dollars is not acceptable.