

/s/ Stephanie Vega 2/8/2016

STATE OF NEW MEXICO
COUNTY OF CATRON
SEVENTH JUDICIAL DISTRICT

AUGUSTIN PLAINS RANCH, LLC,

Applicant/Appellant,

v.

No. D-728-CV-2012-0008

SCOTT A. VERHINES, P.E.,

New Mexico State Engineer,

and

KOKOPELLI RANCH, LLC, *et al.*,

Protestants/Appellees.

ORDER DENYING
AUGUSTIN PLAINS RANCH, LLC'S
MOTION TO DISMISS AND
REMAND TO STATE ENGINEER

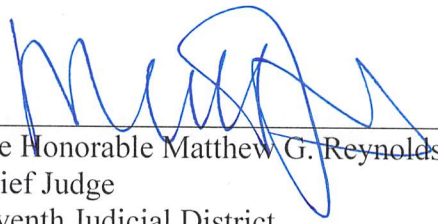
The Court has considered the Motion filed by the Augustin Plains Ranch, LLC (“Augustin”) to Dismiss and Remand to State Engineer (“the Motion to Dismiss and Remand”) and the pleadings filed in response to the Motion. The Court also has considered the arguments presented by counsel for the parties at the hearing on the Motion to Dismiss and Remand held on November 12, 2015 and the Court’s own research pertaining to the Motion. On those bases, the Court finds:

1. This case was initiated by an appeal to this Court by Augustin from an Order of the New Mexico State Engineer that denied the Augustin's Application No. RG-89943 for a permit to divert groundwater in the Rio Grande Underground Water Basin.
2. The New Mexico State Engineer determined that Augustin's Application No. RG-89943 should be denied without prejudice to the filing of subsequent applications.
3. On November 14, 2012 this Court entered a Memorandum Decision on the motion for summary judgment filed by the protestants Abbe Springs Ranches Homeowners Association, *et al.* On the basis of that Memorandum Decision, this Court entered an Order on January 3, 2013 affirming the State Engineer's denial of Application No. RG-89943 filed by Augustin.
4. This Court's Memorandum Decision and Order completely disposed of the merits of this litigation.
5. Following the entry of the Court's January 3, 2013 Order, Augustin filed an appeal to the New Mexico Court of Appeals. That appeal was subsequently dismissed by an Order of the Court of Appeals on August 19, 2014. The Court of Appeals' mandate remanding the matter to this Court was issued on January 8, 2015.
6. Because Augustin's appeal was dismissed by the Court of Appeals, this Court's January 3, 2014 Order remains valid and in effect as if the matter had never been removed to the Court of Appeals. NMSA 1978, §39-3-14.

7. There is nothing further for this Court to do in this matter, and the case is closed.

It therefore is ordered that Augustin's Motion to Dismiss and Remand is denied.

Dated: 2/8/2016, ~~2015~~.



The Honorable Matthew G. Reynolds
Chief Judge
Seventh Judicial District

Submitted by:

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