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December 6, 2007

HAND-DELIVERED

Mr. John D'Antonio, Jr. P.E.
New Mexico State Engineer
Office of the State Engineer
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Albuquerque, NM 87102

STATE ENGINEER OFFICE
ALBUQUERQUE, NEW MEXICO
2007 DEC - 6 PM 2: 20

Re: Application No. RG-89943 for Permit to Appropriate Underground Water in the Rio Grande Underground Water Basin


Dear Mr. D'Antonio:

Pursuant to §72-12-3(D) New Mexico Statutes Annotated 1978, the New Mexico Interstate Stream Commission protests the above-referenced application filed on October 12, 2007 by Augustin Plains Ranch, LLC. Notice of the application was published in the *Socorro El Defensor Chieftain* on November 21, November 28, and December 5, 2007.

The subject application proposes to appropriate 54,000 acre-feet per annum consumptive use of groundwater from the Rio Grande Underground Water Basin in Catron County. The proposed purposes of use include domestic, livestock, irrigation, municipal, industrial and commercial uses including "providing water to the State of New Mexico to augment its capacity to meet [Rio Grande Compact] deliveries to the State of Texas ... at Elephant Butte dam" and "[offsetting] effects of groundwater pumping on the Rio Grande in lieu of retirement of agriculture" via a pipeline to the Rio Grande. The proposed place of use includes all of Catron and Socorro Counties.

The New Mexico Interstate Stream Commission objects to the application due to its magnitude and potential implications for the State's delivery obligations under the Rio Grande Compact. The Interstate Stream Commission will remain willing to receive information from the applicant regarding the subject application and is available to answer questions from the applicant regarding this letter of protest.

Respectfully Submitted,


Estevan R. Lopez, P.E., Director
New Mexico Interstate Stream Commission