

For Immediate Release

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East Mountain Citizens Win 14 Year Battle with Water Speculator

East Mountain residents won a 14-year fight to protect their domestic water wells this week when New Mexico Court of Appeals Court affirmed a District Court decision denying an application for a new groundwater appropriation by a company that sells water to commercial developers. East Mountain homeowners banded together to hire lawyers and expert witnesses to defeat an application for a new groundwater appropriation to supply the massive proposed Campbell Ranch 4000 home and golf course development in the Sandia Park area. The Court of Appeals Decision (copy attached) affirmed a decision by the Second Judicial District Court that the new appropriation would impair existing domestic wells and was not consistent with the conservation of declining ground water in the area.

The water conflict began in 2009, when Aquifer Science applied to the Office of the State Engineer to appropriate 1500 acre-feet (500 million gallons per year) of groundwater in the Sandia Basin. Aquifer Science was formed by a Nevada based water speculation company (Vidler) to obtain water for the Campbell Ranch development. It was recently purchased by DR Horton, the largest homebuilder in the country.

The effort to protect over 400 hundred domestic wells was supported by the San Pedro Creek Estate Homeowners, the Deep Well Protest (a local community non-profit), Bernalillo County, and hundreds of local individuals and small businesses who together contributed countless hours of community organizing and over \$750,000 for legal and expert fees. Mark Moll of San Pedro Creek Estates commented: "The community is both thrilled and relieved that we have finally won this long battle to protect our wells." Paul Hultin, one of the attorneys who represented the homeowners, said: "This case was about protecting our clients' wells and New Mexico's precious and life sustaining water."

The community is grateful to Doug Meiklejohn, the founder of the New Mexico Environmental Law Center, for his leadership and legal expertise since the beginning of the case in 2009 and to all the attorneys, experts, volunteers, and donors that supported the fight to protect East Mountain groundwater.

As a result of the case, the Campbell Ranch area is also protected from new groundwater applications except for domestic wells. After the 2018 District Court trial, the Office of the State Engineer analyzed declining groundwater levels in the area and issued an order in 2021 closing the area to new commercial applications to protect the groundwater of the Sandia Underground Water Basin and a portion of the Rio Grande Underground Water Basin.

While technically limited to parts of Santa Fe, Bernalillo and Sandoval Counties, the Court of Appeals decision is a state-wide precedent that will protect groundwater throughout the state.