

MAY 2021 Latest News

As we last reported in March, the Office of the State Engineer (OSE) issued a Closure Order for the Sandia Basin and parts of the Rio Grande Basin effective March 12, 2021. That was great news for the East Mountain community as it will help to protect our wells from future speculation and large withdrawals for commercial projects.

Since that time there have been a few developments in the Aquifer Science/Campbell Ranch Appeals case.

You may recall that Aquifer Science filed an appeal of the judgement from the District Court to uphold the denial of the water application and also the Order granting the Protestants Bill of Costs. The OSE also filed appeals of both the judgement and the Bill of Costs.

On April 9, 2021 the OSE filed a motion to withdraw its 2 pending appeals:

- 1) their appeal of the Final Judgement from the District Court case and
- 2) their appeal of the Order on the Protestants Bill of Costs Award

As part of the settlement reached with the OSE, the Protestants released the OSE from any liability for Bill of Costs Award. Aquifer Science continues to be liable for the entire award of costs. The final award amount will be determined by either the Court of Appeals decision or reaching a settlement with Aquifer Science. In either case, it could be years before any award is received.

As you can imagine, **Aquifer Science was not happy with the OSE action and on April 27, 2021 they filed a response objecting to the OSE withdrawal.**

The OSE filed a reply to that objection on May 6, 2021 disputing the claims that Aquifer Science made in their objection filing.

The next step in the Appeal process is for **Aquifer Science to file their 'Brief in Chief', which they did on May 18, 2021** (after having been granted a number of extensions). This is the document in which Aquifer Science lays out all the reasons that they think the District Court decisions (both the judgement and the award of costs) should be overturned and their Appeals granted. They also requested to have an oral argument.

We will have an opportunity to respond to the claims laid out in the Brief in Chief when we file our Answer Brief. The attorneys are working on that now.

So the case is STILL not over! But this is where it stands now.

We appreciate your continued support in the looong process. It is gratifying that this hard work has at least resulted in the basin closure and protection of our wells. BUT we must persist in fighting the Aquifer Science appeals so they are prevented from moving forward with their water grab and to do that our attorneys must continue their work.

Donations can be made through the DeepWellProtest.ORG website or by checks made out to North 14 Forum – Deep Well Protest and mailed to Deep Well Protest PO Box 311, Sandia Park, NM 87047.

NOTE: All of the filings referenced above can be found on the DeepWellProtest.ORG website under LEGAL FILINGS.