

Latest News: SEPTEMBER 2019 (emailed 9/9/19)

Some important (and good!) things have happened in the last few weeks:

- 1) **Judge Clay Campbell received his official appointment as the Water Judge.** This allowed him to proceed to finalize the ruling made by Judge Shannon Bacon (who was the Trial Judge) before she was appointed to the NM Supreme Court.
- 2) **Judge Clay Campbell issued the Final Judgement on 9/3/19.** This starts the 30 day clock during which Aquifer Science must file an appeal if they plan to do so. 10/3/19 is the deadline. The meat of the judgement appears below...



FILED 2nd JUDICIAL DISTRICT COURT Bernalillo County 9/3/2019 3:03 PM

STATE OF NEW MEXICO COUNTY OF BERNALILLO SECOND JUDICIAL DISTRICT COURT

D-202-CV-2014-07209

AQUIFER SCIENCE, LLC, Applicant-Appellant, v. SCOTT A. VERHINES, NEW MEXICO STATE ENGINEER, Appellee,

And COUNTY OF BERNALILLO, et al., Protestants-Appellees.

FINAL JUDGMENT

This matter, having come before this Court for a bench trial on the merits from March 5th through March 19th, 2018, the Court having received evidence and argument on behalf of the parties; having reviewed the parties' post-trial Findings of Fact, Conclusions of Law, and Closing Arguments; and having entered its own Findings of Fact and Conclusions of Law on January 29, 2019; and having reviewed alternative forms of a proposed final judgment; the Court files this Final Judgment:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Applicant/Appellant

Aquifer Science, LLC's application (as amended) for a permit to appropriate groundwater in the

Sandia Underground Water Basin is DENIED as being inconsistent with applicable principles of

conservation and because the magnitude of the likely impairment to existing water rights is

significant. Judgment is therefore entered against Applicant/Appellant and in favor of Protestants-Appellees...

Of course, there are still legal maneuverings and filings needed to tie up the case. We (Deep Well Protest and San Pedro Creek Estates) will be filing motions to see if we can recover any of the costs of the trial. Aquifer Science and the Office of the State Engineer have until September 17th to file their objections to these motions. The Court will make the final decision.

And, if Aquifer Science files an appeal (by 10/3/19) we'll have to deal with that so keep your fingers

crossed and let's hope that what we see is a light at the end of the tunnel  and not an oncoming

train!! 

As always, the community deserves the accolades for entering into this battle and never giving up for all

these years!  Let's hope we are finally close to a successful ending....

Stay tuned for the next developments!