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MAYOR PETER NIETO

April 3, 2024

Office of the State Engineer
State Engineer, District 1 Office
5550 San Antonio Drive NE
Albuquerque, NM 87109

RE: Objection/Protest to the Approval of Application No. (E-166 & E-508)-T to Temporarily Change the Place and Purpose of Use of Ground Water within the Estancia Underground Basin, in the State of New Mexico.

NOTICE is hereby given that on January 23, 2024, amended on February 7 and February 8, 2024, Bill Bruce King, PO Box 2670, Moriarty, NM, 87035, and Blattner Energy, LLC, 392 County Rd. 50, Avon, MN, 56310 (both applicants c/o Torres Law Firm, 1453 Rio Rancho Blvd SE, Suite 1, Rio Rancho, New Mexico, 87124), filed with the STATE ENGINEER Application No. (E-166 & E-508)-T for Permit to Temporarily Change the Place and Purpose of Use of Ground Water within the Estancia Underground Basin, in the State of New Mexico. This application was filed under the Water-Use Leasing Act (NMSA 1978, Sections 72-6-1 thru -7). Preliminary approval was requested, but not granted.

To Whom It May Concern,

I, Peter Nieto, the Mayor of the Town of Mountainair, Torrance County, a town with three domestic wells in the Estancia Valley Underground Basin, am opposed and am protesting to the STATE ENGINEER APPLICATION No. (E-166 & E508)-T for Permit to Temporarily Change the Place and Purpose of Use of Ground Water within the Estancia Underground Basin, in the State of New Mexico.

This water exportation will in no way benefit the residents of the Estancia Valley Underground Basin or the Town of Mountainair. I feel that removal of this water from the Estancia Valley Underground Basin will be detrimental to the 884 residents of the Town of Mountainair, and stakeholders that are out of town limits but are dependent on the Mountainair Water System for domestic use. As the Town of Mountainair and Torrance County have been perpetually in a drought for decades, it is apparent that the scarce resource of water should be reserved for domestic and limited agricultural use. One study conducted by New Mexico Bureau of Geology and Mineral Resources report that groundwater levels in aquifers are declining at higher rates than is being recharged. It's further reported that it "projects further decline into 2060, with as many as 47% of wells impacted by declining water supply under a scenario of drought



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conditions and a growing population.” In another study specific to the Estancia Basin, conducted by John Shomaker & Associates, Inc in 2022 states, “water levels in the alluvium and the center of the basin are declining.” The applicant’s proposal of using 312.499 acre-feet per year (approximately 101,874,674 gallons per year) of our drinking water to be used for dust control is grossly irresponsible.

In addition to the risk of the diminishing domestic use of our water supply, the public safety and welfare of our residents are at risk, as our fire suppression systems are dependent on our water supply and any depletion of the water table puts our homes in danger.

As a representative of the Governing Body of the Town of Mountainair, I vehemently object and protest to this application to transfer or transport any water out of the Estancia Valley Underground Basin especially for the use that is stated: “to further propose to temporarily change the place and purpose of use of the above-described irrigation right to 312.499 acre-feet/year Consumptive Use (CU) for Commercial use specifically described as dust control/construction of the SunZia wind farm located on state and private land in Torrance and San Miguel Counties.”

Respectfully,

Peter Nieto, Mayor
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The water studies referenced above can be found at: bit.ly/mountainairwater

