

# Sandia Basin Community Water Protection Efforts

*Joanne Hilton, P.G.*  
April 2020



1

## *Sandia Basin Overview*

- ◆ Located north of I-40 on east side of the Sandia Mountains, west of the Estancia Basin.
- ◆ Hydrogeology is very complex and can be extremely variable over short distances.

2



3

## *Water Appropriation History*

- ◆ 1986 – Office of the State Engineer (OSE) denies water for Paako; decision is affirmed by District Court:
  - Paako proceeds with development by **importing water from the Estancia Basin** via Entranosa.
- ◆ 2001/2002 – Edgewood uses a shoestring along Frost Road to annex Campbell Ranch land and approves a master plan for 4000 homes and 2 golf courses.

4

## *Water Appropriation History*

- ◆ 2003 – OSE denies 30 acre-feet appropriation for Vista Grande Community Center.
- ◆ 2009 – Aquifer Science applies to appropriate 1500 acre-feet of water from same general area as previously denied applications:
  - Application for up to 4 wells, up to four thousand feet deep.
  - Application specified that the water would be used for the master plan and several other uses.

5

## *Aquifer Science*

- ◆ Partnership between Campbell Ranch (5%) and Vidler Water Company (95%).
- ◆ Shell company with no assets, employees, or even a bank account.
- ◆ Operations are funded by Pico Holdings and activities are directed by Vidler Water Company.

6

## *Vidler Water Company*

- ◆ Subsidiary of Pico Holdings (PICO on NASDAQ stock exchange).
- ◆ Vidler's business is acquiring and selling water rights:
  - Vidler's website indicates that they identify, acquire and develop water rights and **over time convert them to higher valued uses.**

7

## *Vidler Water Company*

- ◆ Vidler's Executive Vice President testified under oath that they did not have a developer lined up and **they would get one once they had the water.**
- ◆ The Campbell Ranch development could have proceeded with Entanosa water, like Paako did, but there was little effort to move development plans forward.

8

## *Community Water Protection Efforts*

- ◆ Bernalillo County
  - Monitors domestic wells – groundwater levels are declining in the basin.
  - Protested the Aquifer Science application and committed legal and technical resources to the OSE Hearing and District Court Appeal.

9

## *Community Water Protection Efforts*

- ◆ Many community members protested application:
  - San Pedro Creek Estates (SPCE) Homeowners Association.
  - Old Sandia Park Water Cooperative (OSPWC)– serving approximately 60 homes in the area.
  - Many individuals with nearby wells.

10

## *OSE Hearing Process 2009-2014*

- ◆ Deep Well Protest formed to organize community efforts:
  - Collected funds via non-profit N-14 Forum.
  - Tremendous community support.
  - Funded lawyer and expert.
- ◆ SPCE funded other experts.
- ◆ Many volunteered their talents (website, database, fundraising, etc.).

11

## *OSE Hearing Process*

- ◆ New Mexico Environmental Law Center (NMELC) was hired to represent many of the protestants including SPCE, OSPWC, and many individuals.
- ◆ Some community members represented themselves.
- ◆ Many people attended the 9 day hearing.
- ◆ **The appropriation was denied by OSE in 2014**

12

## *District Court Appeal 2015-2019*

- ◆ NM law allowed for a new trial where all evidence could be resubmitted – a very expensive undertaking.
- ◆ After 2018 Appeal Trial, the denial of the appropriation was upheld.
- ◆ In 2019 A judge determined that Aquifer Science and OSE were liable for some court costs, **but they don't have to pay until after more appeals.**

13

## *Going Forward*

- ◆ NM Court of Appeals will review all legal basis for the decision to deny the appropriation.
- ◆ A further appeal to the NM Supreme Court is a possibility.
- ◆ Anyone could start the process again with an application for a new appropriation; having spent over **\$800,000 and decades of effort, there is no conclusion.**

14

## *Going Forward*

- ◆ To stay involved, the east mountain community must fund legal representation for appeals:
  - for legal documents, updates, or to donate:  
[deepwellprotest.org](http://deepwellprotest.org)
  - email questions to [joannadele@gmail.com](mailto:joannadele@gmail.com)
- ◆ Legislation or policies to protect communities from water speculation?

15



16