

**STATE OF NEW MEXICO  
NEW MEXICO WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PROPOSED  
AMENDMENTS to 20.6.8 NMAC –  
*Ground and Surface Water Protection –  
Supplemental Requirements for  
Reuse of Treated Produced Water,***

**No. WQCC 25-34(R)**

**Water Access Treatment & Reuse Alliance,  
Petitioner.**

**JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSES TO  
WATR’S MOTION FOR RECONSIDERATION**

The Commissioner of Public Lands and New Mexico State Land Office, Amigos Bravos, Citizens Caring for the Future, Sierra Club, Center for Biological Diversity, New Energy Economy, and WildEarth Guardians (“Movants”) move to extend the time to file responses to Water Access Treatment and Reuse Alliance’s (“WATR”) Motion for Reconsideration of Commission Decision to Deny Petition 25-34 (“Motion for Reconsideration”) by five days, until January 19, 2026. As grounds for this motion, Movants state:

1. On November 13, 2025, the Commission voted to vacate its July 8, 2025 decision granting WATR’s request for hearing on its Petition for Rulemaking and Statement of Reasons.
2. On November 19, 2025, the Commission issued its Order Granting Motion to Vacate (“Order”).
3. On December 29, 2025, after 5:00 pm, WATR filed its Motion for Reconsideration.

The Commission Administrator marked the motion as “RECEIVED” on December 30, 2025.<sup>1</sup>

---

<sup>1</sup> WATR filed an initial, unsigned motion at approximately 5:21 pm on December 29, 2025 and then filed a signed motion at approximately at 6:17 pm that same day. Dec. 29, 2025 emails from M. Sayer, WATR counsel, to P. Jones, Comm’n Administrator. The Commission’s rules are silent as to the time pleadings must be filed. As noted, the Commission Administrator marked the motion as “RECEIVED” on December 30, 2025. See <https://www.env.nm.gov/opf/wp->

4. Commission rule 20.1.6.207.D NMAC allows parties 15 days to file a response to motions, which means parties' responses to WATR's Motion for Reconsideration are due January 14, 2026 (or January 13, 2026 if the motion is considered filed December 29, 2025).

5. All undersigned counsel were on planned leave Monday, December 29, 2025 through Friday, January 2, 2026 because of the holiday season. WATR counsel would have reasonably anticipated that Movants' counsel were on leave during the holiday period.

6. WATR took almost **6 weeks** after the Commission issued its Order (and seven weeks after the Commission voted to vacate its July 8, 2025 decision) to file its Motion for Reconsideration even though motions for reconsideration are typically filed promptly after a final decision.<sup>2</sup>

7. Undersigned counsel have extremely busy work schedules and all are catching up with work after taking leave for the holidays. Moreover, while Movants do not believe WATR's Motion for Reconsideration has any merit, it is a dispositive motion that could re-initiate the rulemaking in this matter and, therefore, it is a critical motion. By requesting a short extension, undersigned counsel seek a fair opportunity to adequately respond to WATR's motion.

8. No party will be prejudiced by the request for a limited extension of time. According to the WQCC website, the Commission's meeting originally scheduled for January 13,

---

<content/uploads/sites/13/2025/12/2025-12-30-WQCC-25-34-WATR-Motion-to-Reconsider-signed.pdf>.

<sup>2</sup> Motions for reconsideration are generally required to be filed within 15 to 30 days after entry of a final order. *See, e.g.*, 13.1.5.24.A NMAC (requiring motions for reconsideration in administrative hearings before the New Mexico Superintendent of Insurance to be filed within 15 days "after the date of the final order"); NMSA 1978, § 62-10-16 (requiring motions for rehearing in proceedings before the New Mexico Public Regulation Commission to be filed within 30 days of the "entry of the order or decision").

2026 has been canceled. See <https://www.env.nm.gov/opf/water-quality-control-commission/>

9. Pursuant to 20.1.6.207.C NMAC, Movants sought concurrence in the motion from all parties prior to filing. Bruce Wetherbee supports the motion. Nick Maxwell supports the request for an extension of time to file response briefs, but does not agree with all of the content of the motion. Oxy USA, Inc. and Select Water Solutions, Inc. take no position on the motion. No other party has responded as of the time of filing.

For the foregoing reasons, Movants request an additional five days, through January 19, 2026, to file responses to WATR's Motion for Reconsideration.<sup>3</sup>

Respectfully submitted,

*/s/ Ari Biernoff*

Ari Biernoff

General Counsel

New Mexico State Land Office

P.O. Box 1148

Santa Fe, NM 87504-1148

505.699.1519

[abiernoff@nmslo.gov](mailto:abiernoff@nmslo.gov)

*Attorney for Commissioner of Public  
Lands/New Mexico State Land Office*

*/s/ Tannis Fox*

Tannis Fox

Senior Attorney

Western Environmental Law Center

409 East Palace Avenue, Suite 2

Santa Fe, NM 87501

505.629.0732

[fox@westernlaw.org](mailto:fox@westernlaw.org)

*Attorney for Amigos Bravos, Citizens Caring  
for the Future, Sierra Club, and Western  
Environmental Law Center*

---

<sup>3</sup> Whether the Motion for Reconsideration is counted as filed December 29 or December 30, 2025, an additional five days results in filing responses on January 19, 2026 because January 18, 2026 falls on a Sunday, which is not counted under the time period according to the Commission's rules. 1.20.6.101.A NMAC.

/s/ Mariel Nanasi  
Mariel Nanasi  
New Energy Economy  
422 Old Santa Fe Trail  
Santa Fe, NM 87501  
505.469.4060  
MNanasi@NewEnergyEconomy.org  
*Attorney for New Energy Economy*

/s/ Colin Cox  
Colin Cox  
Gail Evans  
Center for Biological Diversity  
1025 ½ Lomas NW  
Albuquerque, NM 87102  
832.316.0580  
ccox@biologicaldiversity.org  
gevans@biologicaldiversity.org  
*Attorneys for Center for Biological Diversity*

/s/ Samantha Ruscavage-Barz  
Samantha Ruscavage-Barz  
127 E. Santa Fe Ave.  
Santa Fe, NM 87505  
505.401.4180  
sruscavagebarz@gmail.com  
*Attorney for WildEarth Guardians*

Certificate of Service

I certify I served a copy of the foregoing pleading via email to the following on January 7, 2026:

Pamela Jones  
Commission Administrator  
WQCC  
1190 Saint Francis Drive, Suite S2102  
Santa Fe, NM 87505  
Pamela.Jones@env.nm.gov

Jennifer Bradfute  
Matthias Sayer  
Bradfute Consulting & Legal Services d/b/a  
Bradfute Sayer P.C.  
P.O. Box 90233  
Albuquerque, NM 87199  
jennifer@bradfutelaw.com  
matthias@bradfutelaw.com

Colin Cox  
Gail Evans  
Center for Biological Diversity  
1025 ½ Lomas NW  
Albuquerque, NM 87102  
ccox@biologicaldiversity.org  
gevans@biologicaldiversity.org

Mariel Nanasi  
New Energy Economy  
422 Old Santa Fe Trail  
Santa Fe, NM 87501  
MNanasi@NewEnergyEconomy.org

Mario Atencio  
[mpatencio@gmail.com](mailto:mpatencio@gmail.com)

Daniel Tso  
[detso49@gmail.com](mailto:detso49@gmail.com)

Nick Maxwell  
P.O. Box 1064  
Hobbs, NM 88241  
[inspector@sunshineaudit.com](mailto:inspector@sunshineaudit.com)

Adam Rankin  
Cristina Mulcahy  
Lila C. Jones  
Holland and Hart, LLP  
110 North Guadalupe, Suite 1  
Santa Fe, NM 87501  
[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)  
[CAMulcahy@hollandhart.com](mailto:CAMulcahy@hollandhart.com)  
[LCJones@hollandhart.com](mailto:LCJones@hollandhart.com)

Bruce Wetherbee  
60 Thoreau Street #103  
Concord, MA 01742  
[editor@thecandlepublishing.com](mailto:editor@thecandlepublishing.com)

Tannis Fox  
Western Environmental Law Center  
409 East Palace Avenue, #2  
Santa Fe, NM 87501  
[fox@westernlaw.org](mailto:fox@westernlaw.org)

Jolene L. McCaleb  
Elizabeth Newlin Taylor  
Taylor & McCaleb, P.A.  
P.O. Box 2540  
Corrales, NM 87048-2540  
[jmccaleb@taylormccaleb.com](mailto:jmccaleb@taylormccaleb.com)  
[etaylor@taylormccaleb.com](mailto:etaylor@taylormccaleb.com)

Jeffrey J. Wechsler  
Kari E. Olson  
Sharon T. Shaheen  
Spencer Fane, LLP  
P.O. Box 2307  
Santa Fe, NM 87504  
[jwechsler@spencerfane.com](mailto:jwechsler@spencerfane.com)  
[kaolson@spencerfane.com](mailto:kaolson@spencerfane.com)  
[sshaheen@spencerfane.com](mailto:sshaheen@spencerfane.com)

Jose Anguamea Lorenzo Villegas, Sr.  
[caselda2010@hotmail.com](mailto:caselda2010@hotmail.com)

Felicia Orth  
Hearing Officer  
1190 Saint Francis Drive, Suite S2102  
Santa Fe, NM 87505  
[Felicia.l.orth@gmail.com](mailto:Felicia.l.orth@gmail.com)

Eduardo Ugarte, II  
Assistant Attorney General  
New Mexico Department of Justice  
P.O. Box 1508  
Santa Fe, NM 87504  
[eugarte@nmdoj.gov](mailto:eugarte@nmdoj.gov)

*/s/ Ari Biernoff*