Applicants: San Juan Basin Water Haulers Association
File number: SP-3453
County: San Juan and Rio Arriba

NOTICE is hereby given that on September 29, 2016, San Juan Basin Water Haulers Association (SJBWHA), filed Application SP-3453 with the OFFICE OF THE STATE ENGINEER for a Permit under the Water-Use Leasing Act (72-6-1 through 72-6-7 NMSA 1978) to temporarily change the place and purpose of use, change points of diversion (POD) and add alternate PODs for an Existing Surface Water Right for a lease period of up to ten years.

SJBWHA proposes to obtain a new water-use lease permit for the continued diversion of lease water from the Jicarilla Apache Nation at a diversion and consumptive use amount of 200 acre-feet per annum (afa). The term of the current lease with the Jicarilla Apache Nation (Jicarilla) is to expire on December 31, 2020, but may be extended or terminated early. Pursuant to 72-6-3 NMSA 1978, upon termination of the lease, the purpose and place of use and PODs shall revert back to the owner’s original purpose and place of use and PODs for the subject water rights.

The application proposes to continue the use of leased water in the same place of use (San Juan and Rio Arriba counties) for the same purpose (industrial) and only change PODs (updated/corrected and added) as previously approved under OSE File # SP-3453. However, as a new request to use the water rights under a renewed leased, the application represents a change in place and purpose of use, as well as a change and addition to the PODs, as they relate to those parameters of the original water right.

The Jicarilla will deliver the leased water from the Navajo Reservoir Supply through their contract use rights held by the United States (Bureau of Reclamation) under OSE File #s SP-2847, 2849, 2873, 2917 and 3215 with the respective priority dates of June 17, 1955, January 17, 1956, September 16, 1957, and August 28, 1967. Fulfillment of these contract rights for the Jicarilla are based on the December 8, 1992, contract between the United States and the Jicarilla as authorized by the Jicarilla Apache Tribe Water Rights Settlement Act of October 23, 1992 (as amended), and the Partial Final Judgment and Decree of the Water Rights of the Jicarilla Apache Tribe filed February 24, 1999. The Decree describes the contract rights as having a priority date of June 17, 1955. These documents indicate that the place of use is within the Jicarilla trust lands/reservation; however, the Jicarilla may subcontract with third parties to supply water for beneficial use outside the reservation, when not in use by the tribe.

The application proposes 18 PODs which include PODs originally permitted under SP-3453, several new replacement PODs, and several with updated/corrected locations. The diversions are located on the Animas (PODs indicated with an “A”) and San Juan Rivers and shoreline of Navajo Reservoir (PODs indicated with an “SJ”). All PODs are located in San Juan County, New Mexico, unless noted otherwise.
1) SJ-1 in the NW/4 NE/4 of Section 4, Township 29 North, Range 9 West, NMPM, Citizen’s Ditch near 476 Road 4599;
2) SJ-2 in the SE/4 NE/4 of Section 18, T29N, R9W, San Juan River just north of Blanco Bridge on US 64;
3) SJ-3 in the SW/4 NW/4 of Section 25, T31N, R7W, Navajo Reservoir between Negro Andy and Spruce Canyons;
4) SJ-4 in the SW/4 NW/4 of Section 27, T29N, R11W, San Juan River at Bloomfield Bridge on US 550;
5) SJ-5 in the SW/4 NW/4 of Section 22, T29N, R13W, Farmington Gravel Pit south of E. Sycamore St;
6) SJ-6 in the NW/4 SW/4 of Section 35, T31N, R7W, Navajo Reservoir at mouth of Negro Andy Canyon at end of Road 4017;
7) SJ-7 in the NE/4 SW/4 of Section 16, T30N, R8W, San Juan River off Road 4280 (Cottonwood Campground;
8) SJ-8 in the NW/4 NW/4 of Section 9, T32N, R6W, Navajo Reservoir, quarter-mile south of state line off Road (Colorado) 988;
9) SJ-9 in the SE/4 SE/4 of Section 17, T29N, R14W, San Juan River at end of Road 6255;  
10) SJ-10 in the SW/4 SE/4 of Section 27, T32N, R6W, Navajo Reservoir at mouth of Eul Canyon, south side, in Rio Arriba County, New Mexico;  
11) SJ-11 in the SW/4 NE/4 of Section 20, T30N, R8W, San Juan River at the end of Road 4265;  
12) SJ-12 at the borderline of the SE/4 and NE/4 of Section 5, T30N, R7W, Navajo Reservoir east of Road 4000 at Colorado Cove;  
13) SJ-13 in the SE/4 of Section 14, T30N, R7W, Navajo Reservoir, Frances Creek approximately half-mile north of Road 363, Rio Arriba County, New Mexico;  
14) A-1 in the NE/4 NE/4 of Section 27, T30N, R12W, Animas River at Flora Vista Bridge on Road 350;  
15) A-2 in the SW/4 SW/4 of Section 15, T29N, R13W, Animas River at Miller Ave. Bridge across from Boyd Park;  
16) A-3 in the NE/4 SW/4 of Section 6, T29N, R12W, Animas River just at the Farmington-Echo Ditch River Diversion, near 943 Road 3000;  
17) A-4 in the NE/4 NW/4 of Section 5, T31N, R10W, Animas River, on Road 2900 approximately 1.3 miles south of intersection with US Hwy 550 at Cedar Hill; and  
18) A-5 in the SW/4 NE/4 of Section 4, T31N, R10W, Animas River at east end of Road 2380 at the “Old Bridge”.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection/protest must be legible, signed, and include the writer’s complete name, phone number and mailing address). The objection or protest shall be specific as to how the granting of the application will adversely affect the objector/protestor’s water rights. The written objection/protest must be filed, in triplicate, with the State Engineer, 100 Gossett Drive, Suite A, Aztec, NM 87410, within 10 days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, 505-334-4575. A copy of the written protest filed with the State Engineer must also be sent to the applicant by certified mail within 10 days after the date of the last publication of this Notice. If no timely protest or objection is filed, the State Engineer will evaluate the application in accordance with the Water-Use Leasing Act.