

FYI

2472, 2807 & 2875

10/21/04

John:

Regarding KM file 2875
with 700 afa - the application
was changed a couple of times
after 1955 so the priority
did get moved up to 1957.

Bottom line is on p. 2
of the Lic 2807 & 2875 faxed
up from R. Duebel.

Clare

please return docs
for backup files

Thx

Clare Bernero

From: Richard Deubel
Sent: Thursday, October 21, 2004 10:43 AM
To: cbernero
Subject: File nos. SP-2472, SP-2807, SP-2875

Clare:

File no. SP-2472: Licensed for 2 cfs Oct. 5, 1945 w/ priority Jan. 14, 1944. No correspondence after Nov. 1, 1945 and no diversion records in the file.

File no. SP-2807: Licensed for 500 afa May 9, 1958 w/ priority Mar. 23, 1954. Last correspondence dated May 24, 2001. No diversion records in the file. Last Change of Ownership in the name of the Navajo Tribe (Dec. 13, 1976).

File no. SP-2875: Licensed for 700 afa May 9, 1958 w/ priority Feb. 18, 1957. Last correspondence dated May 24, 2001. No diversion records in the file. Last Change of Ownership in the name of the Navajo Tribe (Dec. 13, 1976).

Clare Bernero

From: Richard Deubel
Sent: Thursday, October 21, 2004 1:17 PM
To: Clare Bernero
Subject: RE: File nos. SP-2472, SP-2807, SP-2875

Clare:

Done.

-----Original Message-----

From: Clare Bernero
Sent: Thursday, October 21, 2004 1:06 PM
To: Richard Deubel
Subject: RE: File nos. SP-2472, SP-2807, SP-2875

Got the FAX, but seems that the priority of 2875 would then be 11/2/1955 rather than 10/1955 or 2/1957? Does License 2807 & 2875 state what the priorities are? If so, do me a favor and just fax copy of the License. Thanks again.
 Later, Clare

-----Original Message-----

From: Richard Deubel
Sent: Thursday, October 21, 2004 12:19 PM
To: Clare Bernero
Subject: RE: File nos. SP-2472, SP-2807, SP-2875

Clare:

I'm faxing you a document from file no. SP-2875 which hopefully answers your question.

-----Original Message-----

From: Clare Bernero
Sent: Thursday, October 21, 2004 11:43 AM
To: Richard Deubel
Subject: RE: File nos. SP-2472. SP-2807. SP-2875

STATE OF NEW MEXICO)
)
OFFICE OF STATE ENGINEER)

LICENSE TO APPROPRIATE WATER

License Nos. 2807 and 2875 Book M-2 Refers to Permit Nos. 2807
and 2875

WHEREAS, on the 23rd day of March, 1954, Kerr-McGee Oil Industries, Incorporated, of Oklahoma City, County of Oklahoma, State of Oklahoma, filed in the Office of the State Engineer of New Mexico, Formal Application Numbered 2807 for a permit to appropriate 500 acre feet of water per annum by direct diversion, from the San Juan River, for Industrial Uranium Ore Processing purposes, and

WHEREAS, on the 5th day of April, 1954, Notice of Publication was issued by the State Engineer of New Mexico, and proof of such publication was filed on the 3rd day of May, 1954, and

WHEREAS, on the 7th day of May, 1954, no protests having been filed, said Application Number 2807 was given due consideration and formally approved by the State Engineer of New Mexico, and

WHEREAS, on the 2nd day of February, 1956, Kerr-McGee Oil Industries, Incorporated, of Oklahoma City, County of Oklahoma, State of Oklahoma, filed in the Office of the State Engineer of New Mexico, Application Numbered 2807 for a Permit to Change Point of Diversion of the 500 acre feet of San Juan River water per annum claimed under Permit Number 2807, and Formal Application Numbered 2875 for a permit to appropriate 700 acre feet of water per annum by direct diversion, from the San Juan River, for Industrial Uranium Ore Processing purposes, said Application Number 2875 being an enlargement of Permit Number 2807, and

WHEREAS, on the 27th day of February, 1957, Notices of Publication were issued by the State Engineer of New Mexico, and proofs of such publications were filed on the 12th day of April, 1957, and

WHEREAS, on the 13th day of May, 1957, no protests having been filed, said Application Number 2807 for a Permit to Change Point of Diversion and said Application Number 2875 were given due consideration and formally approved by the State Engineer of New Mexico, and

WHEREAS, on the 1st day of November, 1957, the owner and holder of said Permits Numbered 2807 and 2875, filed in the Office of the State Engineer of New Mexico, Proof of Completion of Works and Proof of Application of Water to Beneficial Use, and


WHEREAS, on the 1st day of November, 1957, Report on Final Inspection was duly filed by Vernon L. Mattson, registered professional engineer in the State of New Mexico, who had been duly authorized by the State Engineer of New Mexico, to make such inspection and report, recommending the issuance of a Certificate of Construction and a License to appropriate in accordance with the Laws of the State of New Mexico.

NOW THEREFORE, I, S. E. Reynolds, State Engineer of the State of New Mexico, by virtue of the authority vested in me by the Laws of said State, do hereby grant to Kerr-McGee Oil Industries, Incorporated, of Oklahoma City, County of Oklahoma, State of Oklahoma, this License Number 2807 and 2875, with a priority dating from the filing of the Formal Application Number 2807, being the 23rd day of March, 1954, to appropriate by direct diversion 500 acre feet of water, and with a priority dating from the filing of the corrected Formal Application Number 2875 being the 18th day of February, 1957, to appropriate by direct diversion an additional 700 acre feet of water, total appropriation not to exceed 1200 acre feet of water per annum diverted from the San Juan River for Industrial Uranium Ore Processing purposes at Uranium Treatment plant located in Section 36, Township 30 North, Range 18 West, N.M.P.M., same to be used as above stated and can be changed only as provided by law, and further provided that this License be not exercised to the detriment of any other

persons having prior valid and existing rights to the use of
the waters of said stream system.

IN WITNESS WHEREOF, I have hereunto set my hand and official
seal this 9th day of May 1958.

S. E. Reynolds
State Engineer

By: 
Frank E. Irby
Chief
Water Rights Division

827-6199

January 20, 1956

Kerr-McGee Oil Industries, Incl.
Kerr-McGee Building
Oklahoma City 2, Oklahoma

Attn. D. R. Ketchum
Construction Engineer

Dear Mr. Ketchum:

We acknowledge receipt of your application to appropriate water under date of October 31, 1955, and your letter on the same subject under date of January 9, 1956. We have been making a study of the available supply to determine whether there is unappropriated water in the San Juan Basin.

We note in the application submitted in October that you are seeking a total of 1200 acre-feet, 500 acre-feet of which has been allowed under Permit 2807, which bears a priority date of March 23, 1954. Should we grant your new application after due process, the 500 acre-foot appropriation would assume the latter date rather than the priority date now in effect. Therefore, we suggest that your application be amended to appropriate 700 acre-feet of water as of November 2, 1955, which was the date on which the formal application was received in this office. The reason for this being that numerous applications and notices of intention have been received by this office since March 1954, which would hold prior rights to all of your water. By making this amendment, you would have 500 acre-feet appropriated which would be less likely to be affected by the drouth or prior appropriations. Since you desire to change your point of diversions the amendment of this application would necessitate the filing of a change of point of diversion under File 2807. Changes in point of diversion are seldom if ever protested when other prior appropriators' diversions are unaffected by the change.

Our study of the present appropriations and accepted notices of intention leads us to believe that, under normal conditions, after consumptive uses under these notices of intention have been developed to the extent that reasonably may be anticipated, there will be water available for the additional appropriation requested in your letter of

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October 31, 1955. Therefore, it is reasonable to suppose that the State Engineer would be able to act favorably on your amended application granting a priority date subject to the priority of any notice of intention on file as of November 2, 1955.

The files of this office, including all applications, permits and notices of intention are public records and if you desire to examine them and discuss with this office the possibility of continuous flow at your point of diversion, you are perfectly welcome to do so.

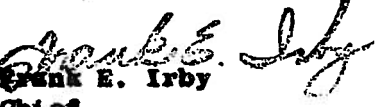
We are enclosing your application for permit which has not been assigned a number. If it is your desire that this application be processed in its present form, we will issue notice of publication immediately after you have returned it. If you consider it advisable to act on our suggestion of amending this application, we will proceed with processing immediately upon receipt of the amended application.

In the event you submit an amended application, please enclose this original application with it. We are enclosing forms for application for permit and for change of point of diversion in case you desire to proceed on our suggestion.

Yours very truly,

S. E. Reynolds
State Engineer

By:


Frank E. Irby

Chief

Water Rights Division

FEI/me

cc-Earl M. Smith

Dave Hale