

STATE OF NEW MEXICO

STATE ENGINEER OFFICE  
SANTA FE

S. E. REYNOLDS  
STATE ENGINEER

July 10, 1986

BATAAN MEMORIAL BUILDING  
STATE CAPITOL  
SANTA FE NEW MEXICO 87503

Mr. Harold A. Ranquist  
Payne & Ranquist, P. C.  
Attorneys at Law  
200 Lomas Blvd., N.W., Suite 1020  
Albuquerque, New Mexico 87125-5204

Dear Mr. Ranquist:

Receipt of your June 20, 1986, letter submitting three notices of intention to appropriate the waters of the Las Animas River for use by the City of Farmington, is hereby acknowledged.

Please be advised that the United States Department of the Interior, through its Bureau of Reclamation, is entitled to make beneficial consumptive use of all of the unappropriated waters of the San Juan River and its tributaries to which the State of New Mexico is entitled under the terms of the Upper Colorado River Basin Compact, pursuant to its filings listed in the table below.

<u>File</u>	<u>Quantity (acre-feet/annum)</u>	<u>Priority Date</u>
(San Juan - Chama) 2847	235,000	June 17, 1955
(Hammond) 2848	23,000	June 17, 1955
(N API) 2849	630,000	June 17, 1955
(Nav. Res. Evaporative) 2873	28,800	January 17, 1956
(Animas-La Plata) 2883	49,510	May 1, 1956
2917	225,000	September 16, 1957
2847, 2849, 2873 & 2917 Combined		March 6, 1958
3215	362,080	December 16, 1968
<i>Navajo Res. Seepage &amp; Return Floods</i>		
<b>Total</b>	<b>1,553,390</b>	

All of the files listed are accessible, of course, in the records of the State Engineer Office.

I am advised that the Department of the Interior would formally release back to the State of New Mexico the water rights for the Animas-La Plata Project under file No. 2883, if the Animas-La Plata Project were deauthorized by the Congress. As I am sure

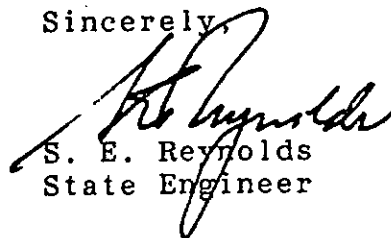
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you are aware, the Secretary of the Interior, on June 30, 1986, executed a formal binding cost-sharing and financing agreement pursuant to the terms of Public Law 99-88, which directs the Secretary to initiate construction on the Animas-La Plata Project upon his execution of such an agreement. Accordingly, it seems most unlikely that the Congress would deauthorize the Animas-La Plata Project.

Even though the Animas-La Plata Project were deauthorized, Bureau of Reclamation would still have the right under its remaining file numbers to all of the unappropriated waters of the San Juan River and its tributaries allocated to New Mexico with the priority dates shown in the table above. In view of the foregoing, I find it appropriate, pursuant to Section 72-5-7, NMSA 1978, to refuse to consider the notices of intention filed with your June 20, 1986 letter.

Please be advised that it would be possible for the City of Farmington to acquire the right to store water to which it is entitled under rights it holds, or may acquire, for municipal purposes by making application to change the point of diversion and method of use of its water rights without losing the priority of those rights. Filing of a notice of intention would not be necessary to preserve those priority dates; however, the permits would have to be conditioned to ensure that the change would not result in an increase in beneficial consumptive use to the detriment of other rights.

Sincerely,



S. E. Reynolds  
State Engineer

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