

Counties: Bernalillo, Rio Arriba, Sandoval and Valencia
File Nos.: (SP-2847-M into SP-5151)-T and (SP-2847-M and SP-2847-G into SP-5151)-T
Names: RPC and SAC Revocable Trust dated December 21, 2012, Successors and Assigns,
& City of Belen

Notice is given that on March 21 and July 23, 2019, RPC and SAC Revocable Trust dated December 21, 2012, Successors and Assigns, Contact: Kelley Cook or Katharine Fishman, PO Box 38, Espanola NM 87532 and City of Belen, Contact: Carole Cristiano, 100 S. Main St., Belen NM 87002, filed Application No. (SP-2847-M into SP-5151)-T with the STATE ENGINEER for Temporary Permit to Change Point of Diversion and Place and Purpose of Use of Surface Water to offset evaporative losses through the temporary lease of San Juan Chama Project Water in accordance with the Water-Use Leasing Act (NMSA 1978, Sections 72-6-1 thru -7) from the City of Belen in Valencia County for use in the Rio Ojo Caliente in Rio Arriba County, for the purpose of offsetting evaporative loss from the 5.34-acre surface area of an existing pond. Applicants propose ceasing the diversion of up to 30 acre-feet per annum of consumptive use from the City of Belen to offset annual evaporative loss from the surface of the existing pond located at or near the point where Latitude = 36° 13' 53.6" and Longitude = 106° 3' 4.5" in the Ojo Caliente Land Grant, also described as centrally located within the SE¼, NW¼, NW¼ of projected Section 13, Township 23 North, Range 08 East, NMPM. The purpose of use of this water will be livestock, irrigation, municipal, industrial, and to offset evaporative losses from the pond.

Application states that the "Purpose of the Application is to offset evaporation from a pond with a surface area of approximately 5.3 acres. This application continues the offset of evaporation through the use of leased San Juan Chama Project water, that was approved by the Office of the State Engineer on June 28, 2011 under Temporary Permit SP-04726[-G]."

Notice is also given that on June 27 and July 23, 2019, RPC and SAC Revocable Trust dated December 21, 2012, Successors and Assigns, Contact: Kelley Cook or Katharine Fishman, PO Box 38, Espanola NM 87532 and City of Belen, Contact: Leona Vigil, 100 S. Main St., Belen NM 87002, and Village of Los Lunas, Contact: Gregory D. Martin, PO Box 1209, Los Lunas NM 87031, filed Application No. (SP-2847-M and SP-2847-G into SP-5151)-T with the STATE ENGINEER for Temporary Permit to Change Point of Diversion and Place and Purpose of Use of Surface Water to offset a one-time fill of the existing pond through the temporary lease of San Juan Chama Project Water in accordance with the Water-Use Leasing Act (NMSA 1978, Sections 72-6-1 thru -7) from the City of Belen and the City of Los Lunas in Valencia County for use in the Rio Ojo Caliente in Rio Arriba County, for the purpose of filling a volume of 49.17 acre-feet for the existing pond described above. Applicants propose ceasing the diversion of up to 30 acre-feet per annum of consumptive use from City of Belen and up to 40 acre-feet per annum of consumptive use from Village of Los Lunas for the purpose of offsetting the initial filling of the existing pond located where noted above. The purpose of use of this water will be livestock, irrigation, municipal, industrial, and initial one-time filling of the pond.

The current Point of Diversion for the San Juan Chama Project water is SP-2847 and is located at X = 347,493 meters and Y = 4,059,153 meters, NAD83, UTM. Current Place of Use for this water is Navajo Dam located in Section 7, Township 30 North, Range 07 West, on land owned by the United States of America. The new point of diversion is at the pond located as shown above as the pond is currently being filled from sub-surface water from the Rio Grande Underground Water Basin. The move-to point of diversion and place of use is on land owned by RPC and SAC Revocable Trust dated December 21, 2012, and located approximately four miles south of the Village of Ojo Caliente in Rio Arriba County, New Mexico.

Application states that the “Purpose of the Application is for the first time fill for a pond with a surface area of approximately 5.34 acres with an average depth of 10 feet. We respectfully request that we be allowed to use 20 afy from our current lease with Los Lunas in 2019 for the first part of the fill. In 2020 we plan to use between 20 and 24 afy from the Los Lunas Lease for the fill depending on the water availability and will pay for the remaining amount of fill from the lease with Belen.”

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer’s complete name, phone number, email address and mailing address). The objection to the approval of the application must be based on: (1) Detriment; if detriment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the State of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the Office of the State Engineer – District VI, Bataan Memorial Building, Room 102, PO Box 25102, Santa Fe, NM 87504, within ten (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) 827-6682. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.