

SU -
Farmington
agreement

MEMORANDUM
January 10, 2004

To: John R. D'Antonio, Jr., State Engineer
DL Sanders, Chief, Litigation and Adjudication Program

From: John Whipple, Staff, Interstate Stream Commission

Subject: Explanation of the Agreement between the State of New Mexico, the City of Farmington and the Navajo Nation regarding Terms of Consent Order on Certain of the City's Municipal Use Rights and Trust Rights (Farmington Agreement)

BACKGROUND

The City of Farmington raised concerns regarding possible impacts on the City's water supply of the proposed San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement (Navajo Settlement Agreement) and the San Juan River Adjudication (Adjudication). The City requires assurance that certain of its decreed, licensed and permitted rights to the diversion and use of waters from the Animas River will be recognized in the Adjudication by the State of New Mexico and the Navajo Nation as a condition of the City of Farmington supporting the Navajo Settlement Agreement.

Representatives of the State of New Mexico and the City of Farmington negotiated the Terms of Consent Order to determine certain of the City's municipal use water rights and rights pursuant to the "trust" rights that the Echo Ditch Decree adjudicated to the Town of Farmington for irrigation uses within the Town. In accordance with the Farmington Agreement attached hereto, the State of New Mexico would submit to the Court for entry in the Adjudication a consent order of substantially the content of the Terms of Consent Order to describe the water right elements specified therein. The consent order would be submitted after the Court enters the Partial Final Decree described by paragraph 3.0 of the Navajo Settlement Agreement, and the Navajo Nation would agree to not challenge the consent order. Agreement of the Navajo Nation to not challenge Echo Ditch Decree rights, except on the basis of forfeiture or abandonment, pursuant to subparagraph 9.6 of the Navajo Settlement Agreement will be effective at that time. If it is determined that the Court will not enter the Partial Final Decree described by paragraph 3.0 of the Navajo Settlement Agreement, the State of New Mexico still would submit the consent order to the Court for entry in the Adjudication, but the Navajo Nation may challenge the consent order.

The Farmington Agreement would settle, as between the State of New Mexico and the City of Farmington, the City's water right claims that derive from the City's "trust" rights and the City's "10 cfs" municipal water supply right adjudicated by the Echo Ditch Decree, from rights pursuant to Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A, and from rights that derive from License No. 2995. Other rights claimed by the City that derive from either previously decreed irrigation rights that are not the subject of Permit Nos. 01417-1 through

01417-5 and 01417-1A through 01417-5A or that originate from permits or licenses issued after entry of the Echo Ditch Decree would be addressed through additional orders consistent with the hydrographic survey currently under preparation and the adjudication process.

DECREEED AND LICENSED MUNICIPAL USE RIGHTS

The rights described in paragraph 4 of the Terms of Consent Order reflect the municipal and domestic water supply rights generally described by the Echo Ditch Decree at Part 1, Section III, page 64, and specifically decreed to the Town of Farmington at Part 3, pages 213 and 226, of the Decree. The rights described in paragraph 5 of the Terms of Consent Order reflect License No. 2995. The alternate points of diversion described by paragraph 2 of the Terms of Consent Order are the current points of diversion for the City of Farmington's municipal water system.

The language of paragraphs 4 and 5 of the Terms of Consent Order that the City of Farmington is not required to return to the San Juan River stream system any portions of the amounts of water either delivered to or withdrawn from Farmington Lake reflects the fact that the Echo Ditch Decree and the appropriation under License No. 2995, respectively, did not require return flows; and consequently, the City of Farmington may fully consume said amounts. However, full consumption of said amounts will not occur so long as the City returns part of its diversions made pursuant to paragraphs 4 and 5 to the San Juan River stream system, including through discharge of wastewater treatment plant effluent. Under the Farmington Agreement, historic or reasonable return flow is not used to reduce the amount of decreed or licensed diversions that can be consumptively used, nor is it used to increase the amounts of diversions over and above those decreed or appropriated by license.

Although permits for the transfer of irrigation rights to municipal uses by the City of Farmington approved by the State Engineer subsequent to Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A specifically allow for diversions in excess of consumptive use contingent upon demonstration by measurement of return flow, and although Permit No. 4490 for the City of Farmington's diversion and use of water from the Animas River under the Animas-La Plata Project specifically provides for diversions of up to 10,000 af/yr to allow consumptive use of up to 5,000 af/yr contingent upon the State Engineer accepting a return flow plan for determining the amount and disposition of return flow resulting from the diversion and the City demonstrating by measurement that the return flow is being returned to the river, License No. 2995 contains no such provisions for increasing diversions above the amount of water appropriated by the City under the license on the basis of any subsequent submittal of a return flow plan or measurements of return flow, and neither does the Echo Ditch Decree contain such provisions for increasing diversions or deliveries to Farmington Lake above the amounts adjudicated for the Town of Farmington municipal water supply uses described at Part 1, Section III, page 64 and pages 213 and 226 of the Decree. Therefore, the rights described in paragraphs 4 and 5 of the Terms of Consent Order should not be recognized as consumptive use rights for which the City could make additional diversions over and above those described in the respective paragraphs based on measured return flows; rather, additional diversions would constitute new appropriations. Nothing in the Farmington Agreement would prevent the City, however, from implementing engineering or conservation measures to more fully consume the amounts of water provided by paragraphs 4 and 5 of the Terms of Consent Order.

TRUST RIGHTS AND PERMITS 01417

The rights described in paragraph 3 of the Terms of Consent Order would settle differences of opinion between the parties as to the amounts of consumptive use and diversion rights that should be recognized for the City of Farmington pursuant to the City's "trust" rights adjudicated by the Echo Ditch Decree for irrigation use by owners of lots and parcels of land situated within the corporate limits of the City as generally described by the 1948 Echo Ditch Decree at Part 1, Section III, page 64, and pursuant to Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A, which permits were approved in 1964 and 1970, respectively, and transferred irrigation rights from within and outside the corporate limits of the City to municipal and domestic water supply. Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A specified diversion amounts allowed under the permits, but did not specify the amounts of consumptive use transferred from irrigation to municipal uses. Other permits subsequently approved by the State Engineer to transfer irrigation rights to Farmington municipal uses include both consumptive use and diversion amounts in the permits, and are not addressed by the Farmington Agreement.

a. "Trust" Rights

My tabulation of the "trust" rights adjudicated to the Town of Farmington by the Echo Ditch Decree is as follows:

<u>Ditch</u>	<u>Priority</u>	<u>Acres</u>	<u>CIR (af/ac)</u>	<u>Consumptive Use (af)</u>	<u>Water Allotted (af)</u>
Star	1877	419.0	1.94	812.9	2,581.2
Wright-Leggett	1878	419.7	1.93	809.9	2,568.2
Independent	1891	349.9	1.93	675.3	2,141.9
North Farmington	1897	566.1	1.93	1,092.6	3,464.5
Total		1,754.7		3,390.7	10,755.8

The consumptive irrigation requirements (CIR) and consumptive use amounts described above are based on the report of hydrographic survey approved by the Echo Ditch Decree, and the water allotted is the acreage times the farm delivery requirement doubled for excessive losses in small laterals.

Lands for which the 1,754.7 acres of irrigation rights were adjudicated by the Echo Ditch Decree were not clearly identified, and the intent of the court in the Echo Ditch case in adjudicating the "trust" rights to the Town of Farmington is not clear. The Echo Ditch Decree states that the "trust" rights are subject to forfeiture for non-use or other lawful cause. Also, the State Engineer requires identification of the move-from lands to transfer irrigation rights to other uses. Based on mapping prepared by the City of Farmington, the corporate limits of the Town of Farmington encompassed a total of about 2120 acres as of 1947 and the date of entry of the Echo Ditch Decree. Subtraction of the acreage within the Town limits that could not have been irrigated by

gravity flow from the ditches (estimated by the City at about 676 acres including the airport mesa) and the acreage within the Town limits for which individuals were adjudicated rights by the Echo Ditch Decree (estimated by the City at about 532 acres) yields a residual acreage within the corporate limits of the Town of 912 acres, which includes irrigable lands and impervious surfaces such as roads, driveways and rooftops. Of the 912 residual acres, an estimated 619 acres lie within the original 1910 townsite. The Echo Ditch Decree did not adjudicate irrigation rights to individuals within the 1910 townsite. The Office of the State Engineer indicates that less than half of the original townsite area is irrigable.

b. Permits 01417

The City of Farmington in the 1960s was assigned or otherwise acquired from entities or individuals irrigation rights that were adjudicated by the Echo Ditch Decree. Some of the rights were assigned to the City to clear title for the “trust” rights, and others were acquired for increasing the City’s water supply. My review of Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A indicates that the State Engineer approved the following transfers by the City from irrigation uses to municipal water supply under said permits:

<u>Ditch</u>	<u>Priority</u>	<u>Acres</u>	<u>Single-Duty Acres</u>	<u>Double-Duty Acres</u>	<u>Diversion (af)</u>
Star	1877	327.9	306.3	21.6	1,074.4
Wright-Leggett	1878	24.1	9.2	14.9	118.7
Independent	1891	236.7	219.0	17.7	776.7
Echo	1896	8.0	8.0	0.0	24.6
North Farmington	1897	138.7	118.4	20.3	485.1
Total		735.4	660.9	74.5	2,479.8

The amounts described above for Echo Ditch exclude acreage and diversion that subsequently was transferred out to others under other permits. The permits were intended, at least in part, to provide some clarity to the “trust” rights issues, but did not limit the amount of consumptive use or require any return flow from the diversions. However, a party cannot transfer more consumptive use than the amount of the decreed, licensed or permitted consumptive use for the right that is the subject of a transfer.

The permits did limit the annual diversion amounts from the Animas River to the amounts of water allotted from the ditches for the original irrigation uses. The reasoning for the quantification of the diversion limit is not clear, but providing diversions in excess of the consumptive use allows for return flows from municipal uses. The amounts of diversion include about 2,028.4 af associated with 660.9 acres of irrigation rights from lands situated outside the original 1910 townsite (a weighted average of about 3.07 af/ac farm delivery requirement) and about 451.4 af associated with 74.5 acres of “trust” rights for lands apparently located within the original 1910 townsite (a weighted average of about 6.06 af/ac with double-duty).

Of the 660.9 acres of irrigation rights transferred from outside the original 1910 townsite, it is estimated from mapping prepared by the City of Farmington that approximately 160 acres were within the 1947 corporate limits of the Town, and that about 501 acres were outside the 1947 corporate limits of the Town. The 160 acres within the 1947 corporate limits of the Town is a part of the 532 acres within the Town limits for which the Echo Ditch Decree adjudicated irrigation rights to individuals. Other permits held by the City of Farmington and not addressed by the Farmington Agreement involve transfers to municipal uses of an additional 30 acres, plus or minus, of irrigation rights on the Animas River from within the 1947 corporate limits of the City as well as approximately 790 acres of irrigation rights on the Animas and San Juan rivers from outside the 1947 corporate limits. The City of Farmington's records indicate that only about 0.4 acre of move-from lands located within the 1910 corporate limits of the Town was included in transfers to municipal uses in other permits approved by the State Engineer subsequent to Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A.

c. Consumptive Use

The State Engineer on permits approved subsequent to Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A for additional transfers of irrigation rights to municipal uses for the City of Farmington allowed the transfer of the consumptive use associated with irrigation rights based on a long-term average annual consumptive irrigation requirement for the San Juan River Basin in New Mexico of 1.767 af/ac determined from New Mexico State University Agricultural Experiment Station Bulletin 531 using meteorological data at the Bloomfield weather station for the period 1931-1960 and the original Blaney-Criddle method, less 7 percent for acreage considered to be fallow (see M. B. Compton's April 30, 1980, memorandum to Richard Simms on the method used for the administration and processing of water rights adjudicated by the Echo Ditch Decree). The State Engineer thus used a "net" consumptive irrigation requirement of 1.64 af/ac for subsequent transfers of irrigation rights to municipal uses so as to reflect historic use prior to transfer and prevent possible increases in depletions from the San Juan River stream system, and did not consider for this purpose the consumptive irrigation requirements described in the report of hydrographic survey approved by the Echo Ditch Decree that were developed using meteorological data available in the Basin through 1938 and the Lowry-Johnson method.

Applying a "net" consumptive irrigation requirement of 1.64 af/ac to the 912 acres of residual "trust" acreage within the corporate limits of Farmington and the 660.9 acres of single-duty acreage transferred by Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A results in a consumptive use of 1,496 af/yr and 1,084 af/yr, respectively, for a total of 2,580 af/yr. The 74.5 acres of double-duty acreage transferred by said permits was clearly considered a part of the "trust" rights and should be subsumed within the 912 acres of residual "trust" acreage.

d. Diversion

The permits approved subsequent to Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A for additional transfers of irrigation rights to municipal uses for the City of Farmington allowed the diversion for municipal use in an amount equal to the farm delivery requirement at the move-from location as specified by the Echo Ditch Decree. The result was to

allow diversion of up to 3.06 af, plus or minus, and consumptive use of 1.64 af for each acre of irrigation water right transferred, subject to measurement of diversions and return flows in order to receive credit for return flows of up to about 46.4 percent of the diversions. Also, the City of Farmington under Permit No. 4490 for water supply from the Animas-La Plata Project may divert up to 10,000 af/yr from the Animas River as necessary to supply a consumptive use from the San Juan River stream system, after measured return flow, of up to 5,000 af/yr. The Interstate Stream Commission for planning purposes has used a general return flow assumption of 50 percent of diversions for municipal and domestic uses unless measured return flow data or better information are available. The City of Farmington's measured return flows currently amount to more than 40 percent of its diversions, and the City projects that its measured return flows will average approximately 30 percent of diversions when its Bluff View Power Plant is in full operation and consuming by re-use wastewater treatment plant effluent.

Applying a "net" consumptive irrigation requirement of 1.64 af/ac to the 735.4 acres of water rights transferred pursuant to Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A gives a total consumptive use under the permits of 1,206 af/yr, as compared to the total diversion amount under said permits of 2,480 af/yr. The suggested return flow of 1,274 af/yr, or 51 percent of diversions, exceeds the 46.4 percent return flow indicated in subsequent permits due to the double-duty acreage included in Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A. Applying a farm delivery requirement of 3.06 af/ac to both the 912 acres of residual "trust" acreage within the corporate limits of Farmington and the 660.9 acres of single-duty acreage transferred by Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A results in a total amount of 4,813 af/yr.

e. Settlement of Rights

The rights described in paragraph 3 of the Terms of Consent Order would provide for municipal water supply purposes a total diversion of 4,813 af/yr and a total consumptive use or depletion of 2,580 af/yr, which would constitute a full and final settlement between the State of New Mexico and the City of Farmington with respect to any and all rights deriving from the rights previously adjudicated to the Town of Farmington in trust for irrigation of land situated within the corporate limits of the Town generally described by the Echo Ditch Decree at Part 1, Section III, page 64, and from the permits approved by the State Engineer under New Mexico State Engineer File Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A, including from the irrigation rights transferred by said permits. Paragraph 3 would provide for diversions of up to 2,233 af/yr in excess of the full consumptive use amount specified, which would allow for a return flow credit at full use of about 46.4 percent contingent upon measured return flows to the San Juan River at the current location of the Farmington Wastewater Treatment Plant outfall located above the diversion headings of the Fruitland Irrigation Project and the Farmers Mutual Ditch. As part of the Farmington Agreement, there would be no requirement to identify irrigated lands associated with the "trust" rights and the "trust" rights would be designated for municipal use, not irrigation use. Parties to the San Juan River Adjudication other than the Navajo Nation would be allowed to object to the changes in the points of diversion and purpose and place of use for the "trust" rights and to the quantification of rights provided in paragraph 3 of the Terms of Consent Order through an *inter se* process approved by the Court. The maximum diversion rate of 10.0 cfs for the rights described in paragraph 3 of the Terms of Consent Order is based on the

total diversion amount of 4,813 af/yr and an irrigation season demand of three times the non-irrigation season demand.

The total amount of consumptive use under the rights described in paragraph 3 of the Terms of Consent Order is distributed by priority date using the following formula: (1) 1,496 af/yr of consumptive use for the 912 acres of residual "trust" acreage within the corporate limits of Farmington is distributed to ditch priorities in the proportions that each ditch was decreed acres of "trust" rights; and (2) 1,084 af/yr of consumptive use for the 660.9 acres of single-duty acreage transferred by Permit Nos. 01417-1 through 01417-5 and 01417-1A through 01417-5A is distributed to ditch priorities in the proportions that single-duty acreage was transferred from each ditch by the subject permits. The total amount and rate of diversion under the rights described in paragraph 3 is pro-rated by priority date based on the resulting pro-rata distribution of the consumptive use. The distribution by priority is as follows:

<u>Priority</u>	<u>Diversion</u>		<u>Consumptive Use</u>		<u>Origin of Rights from Combined Sources</u>	
	<u>(af/yr)</u>	<u>(cfs)</u>	<u>(af/yr)</u>	<u>Ditch</u>	<u>Part 3, Echo Ditch Decree</u>	<u>Permit Numbers</u>
1877	1,603.6	3.33	859.6	Star	pages 132 and 142	01417-1 and -1A
1878	695.7	1.45	372.9	Wright-Leggett	pages 165 and 171	01417-3 and -3A
1891	1,226.6	2.55	657.5	Independent	pages 213 and 226	01417-2 and -2A
1896	24.5	0.05	13.1	Echo		01417-5 and -5A
1897	1,262.6	2.62	676.9	N. Farmington	pages 258 and 267	01417-4 and -4A
Total	4,813.0	10.00	2,580.0			

MEMO

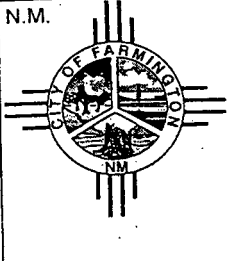
SJ-
Farmington rights
agreement

To: Bob Hudson, City Manager
From: Jay Burnham, City Attorney *JB for JB*
Date: August 16, 2004
Re: Meeting on Navajo Water Rights Settlement-Subjects for Discussion

Following is a preliminary list of items I feel we should discuss with the ISC staff and Navajo representatives at Tuesday's meeting:

1. Depletion Schedule: Our concerns that the depletion schedule that is being used to show that there is enough water to provide for the settlement and current non-Indian uses may be incomplete because it fails to properly account for: (a) an increase in the demand for water for municipal and industrial uses based on growth in population, and a review of the City of Farmington's water rights within the municipal and industrial calculations, (b) the claim for water filed by the Ute Mountain Ute Tribe, (c) the possibility that the NAPI may not leave 5% of the NIIP lands fallow and use their full allotment, (d) Navajo Nation tributary irrigation and tributary irrigation and livestock uses that may total as much as 10,000 acre feet according to the settlement documents, and (e) depletions from current federal non-Indian proprietary uses.
2. NIIP Allocations: (a) The allocation should not be the full 508,000 acre feet of diversion because only 330,000 to 372,000 is necessary to irrigate the full 110,630 acres. Why isn't it limited to no more than a diversion of 372,000 acre feet and a depletion of 270,000? (b) Why is the priority 1868 when it appears from the authorizing Act for NIIP that the Navajos agreed to waive its reserved rights claims in return for the Project? (c) Why are the Navajos not limited to 270,000 depletion each year instead of a ten year average.
3. Permit 2883: The authorizing legislation for the ALP Project clearly stated that the Permit 2883 water above and beyond the amount needed for the Project would be shared by the Project beneficiaries, the SJWC and its member entities. The proposed settlement, in giving 50% of this water to the Navajos takes a lot of water away from the SJWC and its member entities, including the City of Farmington.
4. Trust Rights: In the Echo Ditch Decree, the City was allocated water rights to be held in trust for the benefit of its residents. The City has filed an application with the OSE to change these rights from irrigation to municipal use. The proposed settlement contains language recognizing irrigation rights as determined by the Echo Ditch Decree. It is unclear whether this language is intended to include the "trust rights." The agreement should have language added clearly recognizing these rights and allowing the city to use them in its Municipal system.

xc: Mayor and Council
Gina Morris, City Clerk
Joe Schmitz, Community Development Director
Paul Martin, City Engineer
Paul Montoia, Water Resource Manager



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SJ-
*Farmington rights
agreement*

July 30, 2004

John Leeper
Navajo Nation Department of Water Resources
P.O. Drawer 678
Fort Defiance, AZ 86504

John Whipple
New Mexico Interstate Stream Commission
P.O. Box 25102
Santa Fe, NM 87504-5102

Re: Proposed Navajo Water Rights Settlement

Gentlemen:

In light of some of the comments made during recent discussions with the Farmington City Council, I wanted to forward two suggested modifications to the proposed settlement documents that would address concerns that were raised.

First, staff has suggested that the City of Farmington's ability to serve its needs in future years is dependent on the City's ability to preserve water rights that were adjudicated to the City in the *Echo Ditch Decree*. The City joined those that commented on the December 5, 2003 draft that it would be helpful to include a provision that those rights would be protected. We were pleased to see the additions to the settlement agreement addressing those concerns.

However, after reading these additions, I became concerned that the current language does not protect a key part of the City's rights, those rights we call the "Trust" rights. Since conveying this concern to the City Council, the Council has expressed their interest in addressing this issue before they make any decision on whether to support the settlement.

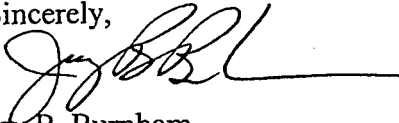
Therefore, I have taken the liberty to draft and enclose some suggested language that could be added to the settlement agreement that would provide us the protection we need. This language may not be in final form, but should provide a vehicle to begin discussion on the subject that hopefully will lead to a mutually agreeable solution. Please review it and let me know what you think.

John Leeper
John Whipple
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July 30, 2004

Another concern that keeps coming up during discussions on the proposed settlement deals with the legal effect the passage of the authorizing legislation will have on the District Court's jurisdiction in the San Juan River Adjudication. I am wondering if it might be possible to put these concerns to rest by adding or amending language in the proposed Bill which would clarify that the state court retains jurisdiction over the adjudication of rights belonging to the Navajo Nation after passage of the legislation. Of course, I understand that the settlement would terminate should the partial final decree change substantially. However, it should be clear that the court retains the power to approve, reject or modify the proposed partial final decree in any event.

I hope this information is helpful to you and I look forward to further discussions. Thank you for your time.

Sincerely,



Jay B. Burnham
City Attorney

xc: Stanley Pollack, Navajo Nation Dept. of Justice
John Utton, Sheehan, Sheehan and Stelzner, PA
D. L. Sanders, Office of the State Engineer
Bob Hudson, City Manager
Joe Schmitz, Community Development Director

SETTLEMENT AGREEMENT

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Add:

9.6.8 The Navajo Nation and the United States as trustee for the Navajo Nation agree that the 10755.8 acre feet of water adjudicated to the Town (now City) of Farmington in the Echo Ditch Decree to be owned in trust for the use and benefit of the owners of lots and parcels of land within the Town (City) are valid and existing water rights, have not been forfeited or abandoned, and the Navajo Nation agrees it will not object to the transfer of these rights from irrigation uses to municipal and industrial uses within the City of Farmington municipal water system.

SJ-
Farmington



STATE OF NEW MEXICO

STATE ENGINEER OFFICE

AZTEC

100 S. Oliver Drive
Aztec, NM 87410
505-334-9481
Fax 505-334-3168

FAX TRANSMISSION COVER SHEET

DATE:

9-2-2004

TO:

John Whipple

FAX NO.:

505-827-6188

SENDER:

Bill E.

PHONE NO.:

YOU SHOULD RECEIVE 12 PAGE(S), INCLUDING THIS COVER SHEET.

MESSAGE:

In this fax is information concerning the permits in File 01417 in which the City of Farmington moved trust rights. In my 2-21-1991 memo on page 3 I state that 451 a-f of trust rights were moved. The Farmington 10 cfs permit is also in this fax. I'm sending this same Fax to Perry and I'm mailing you and Perry Permits 01417-1 thru 4 (4 permits) and Permits 01417-1A thru 4A (4 permits).

September 4, 1964

87501

Files: 01417-1 thru
01417-5
Town of Farmington

Mr. W. Carlos Powell
Engineer
9 Radio Plaza
Santa Fe, New Mexico

Dear Mr. Powell:

Enclosed are copies of the Town of Farmington's Applications Numbered 01417-1 thru 01417-5 which have been approved for total annual quantities as follows:

01417-1 (Star)	511.10 acre feet
01417-2 (Independent)	282.42 acre feet
01417-3 (Wright-Leggett)	33.61 acre feet
01417-4 (North Farmington)	145.57 acre feet
01417-5 (Echo)	<u>1.29</u> acre feet
Total	973.99 acre feet

Proof of Completion of Works and Proof of Application of Water to Beneficial Use will be due in this office on or before September 4, 1968.

The difference between the 537.93 acre feet per annum requested in application 01417-1 and the 511.10 acre feet approved is:

- 0.12 acres in name of W. A. Guyman, representing 0.73 acre feet per year, is apparently under the Independent Ditch rather than Star. As this change was not properly advertised it must be excluded from the approval. This quantity could be included on a future application.
- The properties of Foutz and Bursum Construction Company, representing 8 acres and 24.64 acre feet

Mr. W. Carlos Powell

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September 4, 1964

per annum, and Henry A. Miller, representing .024 of an acre and 1.46 acre feet per annum, now contain commercial buildings, paved parking lots or equipment yards. From the evidence before this office these properties have not been irrigated from the Star Ditch for over four years prior to filing of the application, therefore they have been excluded from the approval.

The 0.84 acre foot per annum less in application 01417-2 is due to the fact the A. F. Aimes property of 0.14 acre is under the North Farmington Ditch rather than the Independent as listed in the application. This quantity could be included on a future application.

Should the Town of Farmington desire to present evidence which would conclusively show that the acreage excluded from the approval under the Star Ditch has been irrigated from that ditch within the four year period preceding the filing of the application, this office will set aside the decision and schedule a hearing if so requested. Such request must be received within thirty days of this date otherwise this action is final.

Apparently some changes in points of diversion have occurred in the Farmington area since the adjudication in 1948. The records of this office do not reflect that such changes have been initiated by application to the State Engineer as set forth in Section 75-5-23, New Mexico Statutes, Annotated 1953.

Any water right system which has been changed from one ditch to another could be in jeopardy unless the change is made as provided by law. Attention is also directed to 75-5-26, New Mexico Statutes, Annotated 1953 which states:

"Failure to use water - Forfeiture. - When the party entitled to the use of water fails to beneficially use all or any part of the water claimed by him, for which a right of use has vested, for the purpose for which it was appropriated or adjudicated, except the waters for storage reservoirs, for a period of four (4) years, such unused water shall revert to the

Mr. W. Carlos Powell

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September 4, 1964

public and shall be regarded as unappropriated public water; Provided, however, that forfeitures shall not necessarily occur if circumstances beyond the control of the owner have caused nonuse, such that the water could not be placed to beneficial use by diligent efforts of the owner."

Very truly yours,

S. E. Reynolds
State Engineer

By:

M. B. Compton
Surface Water Rights Supervisor

MBC:fr
Enc.

February 18, 1970

Files: 01417-1 A thru
01417-5 A

Mr. G. A. Jenkins
Irrigation Manager
City of Farmington
P. O. Box 900
Farmington, New Mexico - 87401

Dear Mr. Jenkins:

Enclosed are copies of the City of Farmington's Applications
Numbered 01417-1 A thru 01417-5 A which have been approved
for total annual quantities as follows:

01417-1 A (Star)	563.34 acre feet
01417-2 A (Independent)	494.2 8 acre feet
01417-3 A (Wright-Leggett)	85.08 acre feet
01417-4 A (North Farmington)	339.54 acre feet
01417-5 A (Echo)	50.89 acre feet
Total	1533.13 acre feet

Proof of Completion of Works and Proof of Application of
Water to Beneficial Use will be due in this office on or
before September 4, 1972.

Very truly yours,

S. E. Reynolds
State Engineer

By:

M. B. Compton
Engineer
Water Rights Division

MBC:fr

MEMORANDUM OF RECOMMENDATION

February 21, 1991

TO: Paul Saavedra, Santa Fe
 FROM: Bill Enebach, Aztec *BE*
 FILE: 01417
 SUBJECT: Applications for Extension of Time, City of Farmington

There are ten city of Farmington permits for which Proofs of Application of Water to Beneficial Use are overdue. The city has filed applications for Extension of Time for all ten.

Permits 01417-1 thru 01417-5, 19 applications, 1972-1991

5 Permits to Change Point of Diversion and Permits to Change Place and Method of Use, were approved September 4, 1964 and extensions for Beneficial Use and Proof of Works were approved to September 4, 1972. January 14, 1991 the city filed 19 Extensions of Time to extend the due date to September 4, 1991. The city filed one Extension of Time for all 5 permits per year as had been done in the past rather than 5 Extensions of Time per year. The permits:

01417-1	(from Star Ditch)	511.10 a-f
01417-2	(from Independent Ditch)	282.42 a-f
01417-3	(from Wright-Leggett Ditch)	33.61 a-f
01417-4	(from North Farmington Ditch)	145.57 a-f
01417-5	(from Echo Ditch)	<u>1.29 a-f</u>
	TOTAL	973.99 acre-feet

Permits 01417-1A thru 01417-5A, 19 applications, 1972-1991

5 Permits to Change Point of Diversion and Permits to Change Place and Method of Use, were approved February 18, 1970 with the Beneficial Use and Proof of Works due September 4, 1972. January 18, 1991 the city filed 19 Extensions of Time to extend the due date to September 4, 1991. The city filed one Extension of Time for all five permits per year as had been done in the past rather than 5 Extensions of Time per year. The permits:

01417-1A	(from Star Ditch)	563.34 a-f
01417-2A	(from Independent Ditch)	494.28 a-f
01417-3A	(from Wright-Leggett Ditch)	85.08 a-f
01417-4A	(from North Farmington Ditch)	339.54 a-f
01417-5A	(from Echo Ditch)	<u>50.89 a-f</u>
	TOTAL	1533.13 acre-feet

Paul Saavedra
February 21, 1991
Page - 2 -

DISCUSSION:

A one page attachment summarizes the city's water rights. The amount that the city can divert is 19,009 acre-feet per year. This figure includes the 10 subject permits. (34.197 acre-feet moved into the city's system under the subject permits were moved back out by 3 other permits). The reported diversion in 1990 was 11,042 acre-feet. As there is less water being diverted than the city is allowed, the author cannot determine which of the city's rights are being used and which are not, and thus it cannot be determined if the subject rights are being beneficially used or not.

The reason on the applications is "Because of an oversight by the City of Farmington due to change of personnel and major re-organization of departments, applications for extension of time were not filed."

The city filed a 40 year water development plan with SEO January 16, 1991. The city claims a water right of 29,976 acre-feet and projects a need of 38,216 acre-feet in the year 2030. This report is viewed by the author as a prima facie document.

RECOMMENDATION:

The city cannot demonstrate beneficial use of the water but the forty year plan indicates that the water will be needed. Citing 72-1-9 (40 year plan) and 72-5-28 (C) (Forfeiture) it is recommended that all applications for extension be approved.

Paul Saavedra
 February 21, 1991
 Attachment to Memo

Attachment

The city of Farmington has attained water rights in various ways: adjudication; license to appropriate; permits changing diversion, place and purpose of irrigation rights; change of ownerships; street dedications and rights from land acquisitions for which change of ownerships may not be filed.

The city has not applied for permits allowing them to divert all of these rights into the municipal system and this applies to some of the rights claimed under change of ownerships. The biggest difference, however, between the amount the city can divert and the rights claimed is 10,078 acre-feet of "Trust Right." This is a right adjudicated to the city in trust for landowners in the city in San Juan County District Court Cause No. 01690 (Echo Decree). (The amount of trust right shown in the decree is 10,529 acre-feet per year but 451 acre-feet have been transferred under File 01417 to the municipal system.) The water that can be diverted per year by decree, license and permit is:

License 2995	7200	a-f
Adjudicated Flow (10cfs)	7239	a-f
Permits under File 01417	2473	a-f
Permits under File 01951	848	a-f
Permits under File 2593	1249	a-f
<u>Total</u>	<u>19009</u>	<u>acre-feet</u>

Revised March 1979

STATE ENGINEER OFFICE
ALBUQUERQUE, NEW MEXICO

APPLICATION FOR PERMIT TO CHANGE POINT OF DIVERSION AND
PLACE AND/OR PURPOSE OF USE OF SURFACE WATERS

90 FEB 27 P2:04

- Name of Applicant City of Farmington
Mailing Address 800 Municipal Dr.
City and State Farmington, New Mexico Zip Code 87401
- Water right is recorded with the State Engineer under File No. 0387
and has a priority of 1877 for domestic & industrial purposes.
- Annual quantity of water claimed under right: 7239 acre-feet. Quantity of water stored: 10 cfs ~~XXXXXXXXXX~~ Name of ditch: Independent
Source of water supply: Animas, a tributary of San Juan River
(river, arroyo, spring, etc.)
Annual quantity of water to be transferred by this application: 7239 acre-feet.
- Point of diversion from which water right is to be changed: (a) SW 1/4 NE 1/4 NE 1/4 of Section 18, Township 30N, Range 11W, N.M.P.M. at a point whence the NE corner of Section 18, Township 30N, Range 11W, bears N 36 degrees E, 1630 feet distant.
(b) X= _____ feet, Y= _____ feet, N.M. Coordinate System
Zone within the _____ Grant.
- Area from which water right is to be severed: (a) N/A acres, described as follows:

Subdivision	Section	Township	Range	Acres	Owner
<u>W 1/2 SW 1/4</u>	<u>3</u>	<u>29N</u>	<u>13W</u>	<u>-</u>	<u>City of Farmington</u>

This is the location of the former Town of Farmington Municipal Reservoir, from which the water right is being moved (see No. 9). This water right is described on page 64 of San Juan County District Court Cause No. 01690 (Echo Decree). It is also shown on pages 15, 213, and 226 of the decree. 10 cfs continuous flow for a year is 7239 acre-feet.
(b) If there are other sources of water for these lands, describe by source and file No. _____
- This water right is to be changed from domestic and industrial purposes to municipal, domestic, & industrial purposes.
- Location of proposed point of diversion: (a) 1/4 1/4 of Section _____, Township _____, Range _____, N.M.P.M. at a point whence the See Attachment "A" of Section _____, Township _____, Range _____, bears _____ feet distant.
(b) X= _____ feet, Y= _____ feet, N.M. Coordinate System
Zone within the _____ Grant.
(c) Name of stream, spring, tributary, etc., from which diversion is proposed to be made Animas River
- (d) Description of new diversion system (give construction material, type, dimensions, hydraulic properties, pump information, etc.) _____
- (e) Additional data (give dimensions, capacity, etc., of new canal section; also data on any other proposed works) There are 3 proposed, existing, points of diversion for this water. A map showing these diversions was filed with the State Engineer Office June 5, 1989. Two of these diversions provide water to the City's reservoir. The third, Willett Ditch, does not but goes into the municipal system.
- Area to which water right is to be moved: (a) N/A acres, described as follows:

Subdivision	Section	Township	Range	Acres	Owner
<u>Area served by the City of Farmington Municipal Water System which includes deliveries to the Lower Valley Water Users Association, the Upper La Plata Water Users Association, and the Shiprock Navajo Tribal Utility Authority.</u>					

(b) Water to be used thereon for municipal, domestic, and industrial purposes.
(c) If there are other sources of water for these lands, describe by source and file No. _____

FOR STATE ENGINEER USE ONLY

Date Received February 27, 1990

File No. 0387 into 01951, 2995, & 2827

- 9. Application is made to change point of diversion and place and/or purpose of use for the following reasons: At the time of cause #01690 (1948) the municipal reservoir was on Butler Street and filled by the Independent Ditch. This is no longer true, and the City cannot get water into the municipal system from the old Butler Street Reservoir. See item 10 below.
- 10. Additional statements or explanations The city wants to change the point of diversion to those points of diversion as shown on the map already filed with the State Engineer's office so that this amount of water can be obtained from any of the three existing points of diversion and into the municipal system. No water can or will be placed into the Butler Street Reservoir.

I, Roedell Schmitt, affirm that the foregoing statements are true to the best of my knowledge and belief and that I am the Agent for the owner. (sole, partial, agent for, etc.)

Roedell Schmitt
Roedell Schmitt, Applicant
 Agent for
City of Farmington

Subscribed and sworn to before me this 23rd day of February, A.D.,
 19 97. My commission expires Nov. 6, 1990
Robert E. Bennett
 Notary Public

ACTION OF STATE ENGINEER

~~This application is approved provided it is not exercised to the detriment of any other having prior and existing rights to the use of waters of this state or to the detriment of any rights acquired prior to the date of this application for point of diversion and place and purpose of use~~

After notice pursuant to statute and by authority vested in me, this application is approved provided it is not exercised to the detriment of any others having existing rights; is not contrary to conservation of water within the state and is not detrimental to the public welfare of the state; further provided that all Rules and Regulations of the State Engineer pertaining to surface waters be complied with; and further subject to the following conditions:

SEE ATTACHED CONDITIONS OF APPROVAL

Proof of completion of works shall be filed on or before _____, 19____
 Proof of application of water to beneficial use shall be filed on or before _____
 August 31, _____, 19 97.

Witness my hand and seal this 4th day of October, A.D., 19 93

Eluid L. Martinez, State Engineer
 By: Paul Saavedra
 Paul Saavedra, Deputy Chief, Water Rights

90 FEB 27 P2:04
 STATE ENGINEER

INSTRUCTIONS

This form shall be executed, preferably typewritten, in triplicate and must be accompanied by a \$10.00 filing fee. Each copy must be properly signed and attested. If applicant is not recorded owner of water right, Change of Ownership affidavit should accompany this application. DO NOT FILL IN the date received and file number listed at the bottom of first page of this form as this information will be entered by the State Engineer.

Permit 0387 into 01951, 2995, & 2827
Approved 10-4-1993

ATTACHMENT A

ANIMAS PUMP STATION

NW 1/4 NW 1/4 SE 1/4, Section 28, T 30 N, R 12 W, NMPM, Whence the NW Corner Section 28 Bears N 43 degrees 41' 35" West 3995.04 Feet Distant or Whence the Center of Section 28 Bears N 22 degrees 33' 27" W a Distance of 280.0 Feet.

FARMERS DITCH HEADING

SE 1/4, SW 1/4, NW 1/4, Section 26, T 31 N, R 11 W, Whence The West 1/4 Corner of Section 26 Bears South 82 degrees 02' West 998.5 Feet.

WILLETT DITCH HEADING

NW 1/4 NW 1/4 NE 1/4 Section 14, T 29 N, R 13 W, Whence The NE Corner of Section 14, T 29 N, R 13 W Bears North 89 degrees 00' East 2380 Feet.

CONDITIONS of APPROVAL
for
Application No. 0387 into 01951, 2995, and 2827

- 1) Under this permit all diversions of water by the permittee from the Independent Ditch shall cease.
- 2) The diversion of water under this permit shall not exceed 10 cubic feet per second and shall not exceed 7,239 acre-feet per annum.
- 3) The diversion from the San Juan Stream System under this permit shall not adversely affect the timing of flows to downstream users.
- 4) Water shall be diverted under this permit in accordance with the priorities set forth by the San Juan County Court Decree Cause No. 01690.
- 5) Totalizing meters of a type approved by and installed in a manner and at locations acceptable to the State Engineer Office shall be installed for the measurement and recording of water diverted from each diversion point.
- 6) Records of the amount of water diverted from the San Juan Stream System shall be submitted, in writing, to the State Engineer on or before the 10th day of each month for the preceding calendar month.
- 7) Proof of Application of Water to Beneficial Use shall be filed on or before August 31, 1997.

MEMORANDUM OF RECOMMENDATION

February 21, 1991

TO: Paul Saavedra, Santa Fe
 FROM: Bill Enenbach, Aztec *BE*
 FILE: 01417
 SUBJECT: Applications for Extension of Time, City of Farmington

There are ten city of Farmington permits for which Proofs of Application of Water to Beneficial Use are overdue. The city has filed applications for Extension of Time for all ten.

Permits 01417-1 thru 01417-5, 19 applications, 1972-1991

5 Permits to Change Point of Diversion and Permits to Change Place and Method of Use, were approved September 4, 1964 and extensions for Beneficial Use and Proof of Works were approved to September 4, 1972. January 14, 1991 the city filed 19 Extensions of Time to extend the due date to September 4, 1991. The city filed one Extension of Time for all 5 permits per year as had been done in the past rather than 5 Extensions of Time per year. The permits:

01417-1	(from Star Ditch)	511.10 a-f
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01417-4	(from North Farmington Ditch)	145.57 a-f
01417-5	(from Echo Ditch)	<u>1.29 a-f</u>
	TOTAL	973.99 acre-feet

Permits 01417-1A thru 01417-5A, 19 applications, 1972-1991

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01417-5A	(from Echo Ditch)	<u>50.89 a-f</u>
	TOTAL	1533.13 acre-feet

Paul Saavedra
February 21, 1991
Page - 2 -

DISCUSSION:

A one page attachment summarizes the city's water rights. The amount that the city can divert is 19,009 acre-feet per year. This figure includes the 10 subject permits. (34.197 acre-feet moved into the city's system under the subject permits were moved back out by 3 other permits). The reported diversion in 1990 was 11,042 acre-feet. As there is less water being diverted than the city is allowed, the author cannot determine which of the city's rights are being used and which are not, and thus it cannot be determined if the subject rights are being beneficially used or not.

The reason on the applications is "Because of an oversight by the City of Farmington due to change of personnel and major re-organization of departments, applications for extension of time were not filed."

The city filed a 40 year water development plan with SEO January 16, 1991. The city claims a water right of 29,976 acre-feet and projects a need of 38,216 acre-feet in the year 2030. This report is viewed by the author as a prima facie document.

RECOMMENDATION:

The city cannot demonstrate beneficial use of the water but the forty year plan indicates that the water will be needed. Citing 72-1-9 (40 year plan) and 72-5-28 (C) (Forfeiture) it is recommended that all applications for extension be approved.

Paul Saavedra
February 21, 1991
Attachment to Memo

Attachment

The city of Farmington has attained water rights in various ways: adjudication; license to appropriate; permits changing diversion, place and purpose of irrigation rights; change of ownerships; street dedications and rights from land acquisitions for which change of ownerships may not be filed.

The city has not applied for permits allowing them to divert all of these rights into the municipal system and this applies to some of the rights claimed under change of ownerships. The biggest difference, however, between the amount the city can divert and the rights claimed is 10,078 acre-feet of "Trust Right." This is a right adjudicated to the city in trust for landowners in the city in San Juan County District Court Cause No. 01690 (Echo Decree). (The amount of trust right shown in the decree is 10,529 acre-feet per year but 451 acre-feet have been transferred under File 01417 to the municipal system.) The water that can be diverted per year by decree, license and permit is:

License 2995	7200	a-f
Adjudicated Flow (10cfs)	7239	a-f
Permits under File 01417	2473	a-f
Permits under File 01951	848	a-f
<u>Permits under File 2593</u>	<u>1249</u>	<u>a-f</u>
Total	19009	acre-feet

September 4, 1964

87501

Files: 01417-1 thru
01417-5
Town of Farmington

Mr. W. Carlos Powell
Engineer
9 Radio Plaza
Santa Fe, New Mexico

Dear Mr. Powell:

Enclosed are copies of the Town of Farmington's Applications Numbered 01417-1 thru 01417-5 which have been approved for total annual quantities as follows:

01417-1 (Star)	511.10 acre feet
✓ 01417-2 (Independent)	282.42 acre feet
01417-3 (Wright-Leggett)	33.61 acre feet
01417-4 (North Farmington)	145.57 acre feet
01417-5 (Echo)	<u>1.29</u> acre feet
Total	973.99 acre feet

Proof of Completion of Works and Proof of Application of Water to Beneficial Use will be due in this office on or before September 4, 1968.

The difference between the 537.93 acre feet per annum requested in application 01417-1 and the 511.10 acre feet approved is:

1. 0.12 acres in name of W. A. Guyman, representing 0.73 acre feet per year, is apparently under the Independent Ditch rather than Star. As this change was not properly advertised it must be excluded from the approval. This quantity could be included on a future application.
2. The properties of Foutz and Bursum Construction Company, representing 8 acres and 24.64 acre feet

per annum, and Henry A. Miller, representing .024 of an acre and 1.46 acre feet per annum, now contain commercial buildings, paved parking lots or equipment yards. From the evidence before this office these properties have not been irrigated from the Star Ditch for over four years prior to filing of the application, therefore they have been excluded from the approval.

The 0.84 acre foot per annum less in application 01417-2 is due to the fact the A. F. Aimes property of 0.14 acre is under the North Farmington Ditch rather than the Independent as listed in the application. This quantity could be included on a future application.

Should the Town of Farmington desire to present evidence which would conclusively show that the acreage excluded from the approval under the Star Ditch has been irrigated from that ditch within the four year period preceding the filing of the application, this office will set aside the decision and schedule a hearing if so requested. Such request must be received within thirty days of this date otherwise this action is final.

Apparently some changes in points of diversion have occurred in the Farmington area since the adjudication in 1948. The records of this office do not reflect that such changes have been initiated by application to the State Engineer as set forth in Section 75-5-23, New Mexico Statutes, Annotated 1953.

Any water right system which has been changed from one ditch to another could be in jeopardy unless the change is made as provided by law. Attention is also directed to 75-5-26, New Mexico Statutes, Annotated 1953 which states:

"Failure to use water - Forfeiture. - When the party entitled to the use of water fails to beneficially use all or any part of the water claimed by him, for which a right of use has vested, for the purpose for which it was appropriated or adjudicated, except the waters for storage reservoirs, for a period of four (4) years, such unused water shall revert to the

Mr. W. Carlos Powell

3

September 4, 1964

public and shall be regarded as unappropriated public water; Provided, however, that forfeiture shall not necessarily occur if circumstances beyond the control of the owner have caused nonuse, such that the water could not be placed to beneficial use by diligent efforts of the owner."

Very truly yours,

S. E. Reynolds
State Engineer

By:

M. B. Compton
Surface Water Rights Supervisor

MBC:fr
Enc.

IMPORTANT—READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM

Application for Permit to Change

PLACE OR METHOD OF USE OF SURFACE WATERS

Date of Receipt of Application May 3, 1963 File No. 01417-1
STAR Ditch

A. Name of Applicant Town of Farmington
 Post Office Box 900 County of San Juan State of New Mexico
 Water right was acquired by beneficial use and is recorded in the State Engineer's office under No. 01417
 Water is at present used for irrigation purposes.
 (Irrigation, power, municipal, etc.)
 Priority date of water right 1877 - No. 1-B Quantity of water claimed under
 right See Attached Quantity of water stored 0 acre feet.
 Source of water supply Animas River
 (river, arroyo, spring, etc.)
 a tributary of the San Juan River
 Point of diversion or outlet from storage lies in the NW quarter of the SW
 quarter of section 32 Township 30N Range 12W
 N. M. P. M., at a point whence the SW Corner of Section 31
 Township 30N Range 12W bears S71°17'W
6597.0 feet distant. STAR
 (If used for manufacturing, power, mining, etc., purposes, give also horsepower generated and describe point of
 return to the stream.)

Description of area from which transfer is to be made:

SUBDIVISION	SEC.	TWP.	RANGE	ACRES	OWNER
<u>See Attached</u>					

B. Application is hereby made for permit to change place or method of use of water under above described right for
 the following reasons: The Town of Farmington supplies water to this property through
its municipal water distribution system and the irrigation by the Owner has been
discontinued in lieu of the use of the municipal water.

Use to which water is to be transferred municipal purposes.
 Quantity of water to be transferred See Attached acre feet.

Description of area to which transfer is to be made:

SUBDIVISION	SEC.	TWP.	RANGE	ACRES	OWNER
<u>Town of Farmington municipal water system.</u>					

STATE ENGINEER'S OFFICE
 SANTA FE, N. M.
 1963 MAY 13 AM 11:45

NOTE: If any of the lands to be changed from or to have water rights from any other source explain fully and furnish file numbers: File No. 01417, Town of Farmington has water rights as assigned from the San Juan Hydrographic Adjudication.

Remarks The ownership of this water right has been assigned to the Town of Farmington by its previous owner and this transfer is on file in the State Engineer's Office

The undersigned, being duly sworn, upon my oath, state that I have read the foregoing statements and that the same are true to the best of my knowledge and belief.

TOWN OF FARMINGTON Applicant
[Signature] (Mayor)
Subscribed and sworn to before me this 1st day of May A. D. 1963
My commission expires: Jan. 13, 1965 [Signature]
Notary Public

C. APPROVAL OF THE STATE ENGINEER:

The number of this permit is 01417-1 Name of Paper Farmington Daily Times
Date of Receipt of Application May 8, 1963 Publisher's Affidavit filed November 20, 1963
Notice of Publication issued Oct. 4, 1963 Approved September 4, 1964

This application is approved provided it is not exercised to the detriment of any others having prior, valid and existing rights to the use of waters of this stream system or to the detriment of any rights acquired prior to this application for permit to change place or method of use.

This application is approved for the change in point of diversion, place and purpose of use for a total annual diversion of 511.1 acre feet.

Proof of Application of Water to Beneficial Use shall be filed on or before September 4, 1968

This is to certify that I have examined the above application to change use of water and hereby approve the same subject to the foregoing provisions and conditions.

Witness my hand and seal this 4th day of September, A. D. 1964

S. E. Reynolds
State Engineer

By: [Signature]
Frank E. Irby
Chief
Water Rights Division

INSTRUCTIONS

(See Manual of Rules and Regulations)

This form shall be made out in duplicate and shall be accompanied by a filing map or maps showing the present and proposed uses of other pertinent data. A filing fee of \$5.00 shall accompany this application.

If application is made to change place or method of use of water claimed under a water right established prior to March 19, 1907, a declaration of such old right substantiated by sworn affidavits together with a filing map must accompany this application or have been already filed in this office, fully setting forth the right claimed (see Declaration of Old Right in Manual). A right established by license or permit from the State Engineer shall be referred to fully in making application to change.

A filing map prepared by a qualified registered professional engineer or land surveyor and showing the existing works, lands, etc., and the new developments requested in this application, together with necessary plans, statements, etc., must accompany this filing. If applicant is not original owner of said water right, a Change of Ownership affidavit together with a \$1.00 filing fee must also accompany the application.

The first line of this form is for the State Engineer. Do not fill in this line or any part (C) following. The first part of the form, (A), is to set forth the essential features of the existing water right; the second part, (B), describes the changes requested; and the third, (C), gives the approval or disapproval of the State Engineer, the conditions under which such approval is granted, and establishes the limiting dates for completing such changes.

It is a misdemeanor to use more water after the change than the owner had a valid right to use before the change was made.

IMPORTANT—READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM

APPLICATION FOR PERMIT TO CHANGE POINT OF DIVERSION

Surface Waters

Date of Receipt of Application May 3, 1963 File No. 01417-1
A. Name of Applicant Town of Farmington Star Ditch
Post Office Box 900 County of San Juan
State of New Mexico
Water right was acquired by beneficial use and is recorded in the State Engineer's Office under No. 01417 Priority date of water right 1877 No. 1-B
Source of water supply Animas River Via Star Ditch

a tributary of San Juan River
Present point of diversion lies in the NW 1/4 of the SW 1/4 of Section 32
Township 30N Range 12W N.M.P.M., at a point whence the SW Corner of section 31 Township 30N Range 12W bears S71°17'W 6597.0 feet distant.
Quantity of water to be changed 637.93 acre-feet applied on 160.093 acres of land located in For Municipal Water Supply

B. Application is hereby made to change point of diversion under above claimed right for the following reasons: To centralize all present points of diversion enabling the use of one pumping facility.

New point of diversion proposed under this application lies in the NW 1/4 of the SE 1/4 of section 15 Township 29N Range 13W at a point whence the NW Corner of the SE 1/4 of section 15 Township 29N Range 13W bears River N82°22'E 634.35 Ditch N69°21'E 615.33 feet distant.

Name of stream, spring, tributary, etc., from which diversion is to be made (if different from original): Animas River and/or existing Willett Ditch

Description of new diversion dam (give construction material, type, dimensions, hydraulic properties, etc.): None

Additional data (give dimensions, capacity, etc., of new canal section; also data on any other proposed works) will pump directly from the Animas River and/or the existing Willett Ditch.

The undersigned, being duly sworn, upon my oath, state that I have read the foregoing statements and that the same are true to the best of my knowledge and belief.

TOWN OF FARMINGTON Applicant.

Subscribed and sworn to before me this 3rd day of April, A. D. 1963

My commission expires My commission expires Jan. 15, 1965.

Notary Public signature

C. Approval of the State Engineer:

Number of this Permit 01417-1 Name of Paper Farmington Daily Times
Date of Receipt of Application May 3, 1963 Publisher's Affidavit Filed November 20, 1963
Notice of Publication Issued Oct. 4, 1963 Approved September 4, 1964

This application is approved provided it is not exercised to the detriment of any others having prior, valid and existing rights to the use of the waters of this stream or to the detriment of any rights acquired prior to this application for permit to change point of diversion _____

This application is approved for the change in point of diversion, place and purpose of use for a total annual diversion of 511.1 acre feet.

Proof of completion of works shall be filed on or before September 4, 1968

This is to certify that I have examined the above application to change point of diversion and hereby approve the same subject to the foregoing provisions and conditions.

Witness my hand and seal this 4th day of September, A. D., 1964

S. E. Reynolds
State Engineer

By Frank E. Irby
Chief
Water Rights Division

INSTRUCTIONS

(See Manual of Rules and Regulations)

This form shall be made out in duplicate and shall be accompanied by a filing map showing the present and proposed points of diversion and other pertinent data. A filing fee of \$5.00 shall accompany this application.

If application is made to change point of diversion of water claimed under a water right established prior to March 19, 1907, a declaration of such old right substantiated by sworn affidavits together with a filing map must accompany this application or have been already filed in this office, fully setting forth the right claimed (see Declaration of Old Right in Manual). A right established by license or permit from the State Engineer shall be referred to fully in making application to change.

The filing map accompanying this application shall be prepared by a qualified registered professional engineer or land surveyor and shall show existing point of diversion and other works and lands irrigated as well as the new point of diversion. All pertinent dimensions and details of the proposed diversion structure, together with size and alignment of the canal and field notes thereon from the new point of diversion to the point where the new work meets the existing canal, shall also be given. Ownership of the lands upon which the point of diversion and any other proposed new works lie shall be shown. If applicant is not original owner of water right, a Change of Ownership affidavit together with a filing fee of \$1.00 must accompany this application.

The first line of this form is for the State Engineer. Do not fill in this line or any of part (C) following. The first part of the form, (A), is to set forth the essential features of the existing water right; the second part, (B), describes the changes requested; and the third, (C), gives the approval or disapproval of the State Engineer, the conditions under which such approval is granted, and establishes the limiting dates for completing such changes.

It is a misdemeanor to use more water after the change than the owner has a valid right to use before the change was made.

ATTACHMENT
STAR DITCH
LAND OUTSIDE ORIGINAL TOWNSITE
(Acres x 3.08 = AF of Water)

01417-1

Land Description	Owner	Acres	Acre Feet
That pt. of SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, T. 29 N., R. 13 W., N.M.P.M. described as Beg. N 69° 36' E 453.8' & N 1468.3' from intersection W line SE $\frac{1}{4}$ Sec. 11 with N line of Highway 550; thence N 65'; thence E 252'; thence S 65'; thence 252' to beg.	Commodore A. & Nina Joyce Perry (Claude & O.M. Carroll) Sheet No. 51	0.38	1.17
That pt. of SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T. 29 N., R. 13 W., N.M.P.M. described as Beg. 755' N of SE corner of N 18 acres of S 30 acres of W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 11; thence W 305'; thence N 430' more or less to N line of said 18 acres; thence E 305' to NE corner of said 18 acres; thence S 430', more or less to beg.	Dours Webb (S.G. Maus) Valley Concrete, Inc. (Conflict) Sheet No. 55	2.60	8.01
S 330' of E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T. 29 N., R. 13 W., N.M.P.M. Containing 5 acres, more or less	Albert Christensen (Ina Rathburn) Sheet No. 51	5.00	15.40
The following tracts of land in W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 11, T. 29 N., R. 13 W., N.M.P.M., described as follows:			
(1) Beg. at pt. about 1000' S of Center of Sec. 11, T. 29 N., R. 13 W., N.M.P.M. where E line of NW $\frac{1}{4}$ SW $\frac{1}{4}$ said Sec. intersects S side of U.S. Highway 550; thence Westerly along the Highway about 314' to pt. exactly 300' directly W from subdivision line; thence S parallel it quarter Sec. line 942', more or less, to N edge of railroad right-of-way; thence Northeasterly along railroad to the subdivision line 339', more or less; thence N 875' to pt. of beg., Containing 6 $\frac{1}{4}$ acres, more or less; (2) Beg. at SE corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11, T. 29 N., R. 13 W., N.M.P.M.; thence N along the subdivision line about 650' to S side of the railroad right-of-way; thence Southwesterly about 1380' to intersection of S side of said Sec.; thence E 1218' to pt. of beg., Containing 9 acres, more or less.			
	Walter Berg Sheet No. 51	15.25	46.97
That pt. of SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, T. 29 N., R. 13 W., N.M.P.M., described as beg. N 69° 36' E 453.8' & N 0° 59' E 1533.3' from intersection W line SE $\frac{1}{4}$ Sec. 11, with N line of Highway 550; thence N 0° 59' E 82.75'; thence S 89° 15' E 250'; thence S 0° 49' W 81.6'; thence N 89° 01' W 250' to beg.	Harry C. & Clara V. Hackney (Claude & Ollie Mae Carroll) Sheet No. 51	0.47	1.45

OSE-2343

ATTACHMENT
STAR DITCH
LAND OUTSIDE ORIGINAL TOWNSITE
(Acres x 3.08 = AF of Water)

01417-1

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11, T.29 N. R. 13 W.	James F. & Fern Reidhead (W. B. Keener) Sheet No. 51	2.50	7.70
A tract in NE $\frac{1}{4}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T. 29 N., R. 13 W., N.M.P.M. Beg. at pt. 1095.4' S & 45.1' W of NE corner of SW $\frac{1}{4}$ Sec. 1, T. 29 N., R. 13 W., N.M.P.M. thence: Southwesterly along arc of a curve to the right 580.9' the radius of this said curve being 2824.8'; thence N 53° 38' W 600'; thence N 30° 36' E 580'; thence S 53° 38' E 600' to pt. of beg.	Foutz & Bursum Construction Co., Inc. (J. A. Pierce) Sheet No. 50	8.00	24.64
The N 396' of S 792' of W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T. 29 N., R. 13 W., N.M. P.M., Except a tract 165' x 210' in NE corner thereof	Helen M. Miller (E. D. Burns) Sheet No. 51 ✓	3.70	11.40
N 114.15' of Lot 6, Elmo Smith Subdivision, Replat of Sec. 11, T. 29 N., R. 13 W., 1/8 share in Star Ditch	R.A. & Frances S. Hazen (Claude & O.M. Carroll) Sheet No. 51	0.42	1.29
That pt. of SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T. 29 N., R. 13 W., N.M.P.M. described as Beg. 8 rods N of SE corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence N 8 rods; thence W 40 rods; thence S 8 rods; thence E 40 rods to beg.	Lennard O. Henson (E. D. Burns) Sheet No. 51 ✓	1.90	5.85
Described as beg. 742' S & 667' W of NE corner of Sec. 11 thence S 666'; thence W 653', more or less, to W line of E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 11, thence N along said subdivision line 666'; thence E 653' to beg.	Municipal School District No. 5 (Ed McCarty) Sheets No. 50, 51 & 55	12.40	38.19
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T. 29 N., R. 13 W., N.M.P.M. That pt. of NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12, T. 29 N., R. 13 W., N.M.P.M., lying N of Highway 550	Fred A. & Mary K. Mossman (Levina Irwin) Sheet No. 50	43.00	132.44
W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, T. 29 N., R. 13 W., N.M.P.M.	Ervin Goodman & C.W. Besbee (L. J. Gower) Sheet No. 55	10.0	30.80
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ & NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, T. 29 N., R. 13 W., N.M.P.M. Described as beg. at pt. which is S 2° 27' E 302.1' from pt. of intersection of W line of N. Auburn Ave. with N line of NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence S. 89° 23' W 487.3'; thence N 2° 27' W 82'; thence			

16.3
73.2
16.3
62.0

Helen Miller
Sub

← repeat of other tract
on page 6

ATTACHMENT
STAR DITCH
LAND OUTSIDE ORIGINAL TOWNSITE
(Acres x 3.08 = AF of Water)

01417-1

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
S 89° 23' W 107'; thence S 0° 46' W 195'; more or less, to N line of Arroyo Drive; thence E along N line of Arroyo Drive 595', more or less, to E line of N Auburn Ave.; thence N 2° 27' W 113', more or less, to beg.	D.A. & Zelma M. McClellan (Paul Leeper) Sheet No. 56	1.00 (x 3.06)	3.06
Lee Subdivision NE corner Sec. 11, T. 29 N., R. 13 W., S 742 thence 69° 49' W 1274' thence N 742' thence 89° 49' E 1274' to beg. All in NE 1/4 Sec. 11	F.L. & Eva Lee (Ed McCarty) Sheet Nos. 50 & 55	18.80	57.90
N 1/2, NE 1/4 NW 1/4 SW 1/4 Sec. 11, T. 29 N., R. 13 W., N.M.P.M. Except S 2 acres thereof. Beg. 1408' S & 945', W of NE corner Sec. 11, T. 29 N., R. 13 W., S 83.33' W 336' N 83.33' E 336' to beg. B 362, P. 326	W.W. & Mabel N. Knudsen (Ed McCarty) Sheet No. 51	2.36	7.27
The E 1/2 of W 30 acres of SE 1/4 NW 1/4 Sec. 9, T. 29 N., R. 13 W., N.M.P.M. The E 1/2 SE 1/4 NW 1/4 Sec. 9, T. 29 N., R. 13 W., N.M.P.M.	Elmer James Sheet No. 56	10.20	31.42
N 1/2 S 1/2 SE 1/4 NE 1/4 Sec. 10, T. 29 N., R. 13 W., N.M.P.M. Except about 30' off W side dedicated as a Public Road.	C. O. Alexander (N. Phillip) Sheet No. 51	1.90	5.85
Beg. at pt. on Highway 550 which is 667' W & 2072' S of NE corner Sec. 11, T. 29 N., R. 13 W, N 664' W 278' S 908'. B.357 P. 297	Arthur L. Reed (Ed McCarty) Sheet No. 51	5.02	15.46

ATTACHMENT
STAR DITCH
LANDS INSIDE ORIGINAL TOWNSITE
(Acres x 6.10 = AF of Water)

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
Tucker S 40' Lot 11, Blk. 2, Beg. at pt. 201' E & 115' S of NW corner Sec. 15, T. 29 N., R. 13 W. N 55' E & 125' S, 55' W 125' to beg.	Wesley A. Guyman (Agnes Furman & Mary Rosebrough) Sheet No. 57-D	0.12	0.73
Ross Lots 15 & 16, Blk. 4	Henry A. Miller (J. Marshall) Sheet No. 57-E	0.24	1.46
Beg. 25' S & 179' W of NE corner NW 1/4 Sec. 15, T. 29 N., R. 13 W., S 182' S 78° 30' E to La Plata St., N along St. to pt. due E of beg. W to Beg.	Orval Ricketts Sheet No. 57-B	1.36 1.72	8.30 10.49

39.28
144.90
130.96
116.27

ATTACHMENT
STAR DITCH
LANDS INSIDE ORIGINAL TOWNSITE
(Acres x 6.10 = AF of Water)

01417-1

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
McHenry 2nd Lots 25 & 29, Blk. 4 and W 120' of Lot 10, Blk. 3	L. A. Hubbard (Art Thompson, Floyd Hubbard & Frank Mahan) Sheet No. 57-B	0.12	0.73
Brown Subdivision Lot 2, Blk. 2	E. C. McNamee (A. J. Neff) Sheet No. 57-E	0.32	1.95
Beg. at pt. 25' S & 299.75' from NE corner NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T. 29 N., R. 13 W., S 60' E 141' 4 $\frac{1}{2}$ " N 60' W 141' 4 $\frac{1}{2}$ " to Beg.	Dr. Wm. A. Hall (C. L. Green) Sheet No. 57-E	0.12	0.73
Ross 2nd Lots 7 & 8, N 15' Lot 6, Blk. 2	Mildred E. Nelson c/o J.H. Wheelock & David & Harold Cooper (F.P. Elmore) Sheet No. 57-E	0.27	1.65

SUPPLEMENT
ALL LANDS UNDER THE STAR DITCH
(Acres x 6.02 = AF of Water)

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
Miller Tract Tract 9	H. Merrill Taylor (Ed Olsen) Sheet No. 57-B	1.03	6.20
Hunter Addition Lot 8, Blk. 2	Rev. Edward Smith (Alice Lord) Sheet No. 57-B	0.17	1.02
MrHenry No. 2 Lot 13 & N $\frac{1}{2}$ of Lot 12, Blk. 4 Hunter Lot 13 & N $\frac{1}{2}$ of Lot 12, Blk. 1	Catherine Ramsey (Ray Wynn) Sheet No. 57-B	0.39	2.35
McHenry's Second Addition Lots 10 & 11, Blk. 2 & NW pt. Lots 10 & 11, Blk. 5	W. L. Lee (Ezera Barker & pt. of Ruth E. Hepler) Sheet No. 57-B	0.41	2.47
Hillcrest Addition Lots 4, 5, 6 & 7, Blk. 3	E. C. Herron Sheet No. 57-B	0.27	1.63
Beg. at pt. 201' E & 1155' S of NW corner Sec. 15, T. 29 N., R. 13 W., thence N 55', E 125', S 55' W 125' to pt. of beg.	Wesley Guymon (Agnes Furman) Sheet No. 57-B	0.16	0.96
McHenry's Second Addition Blk. 5, N 13' of Lot 13 & all of Lots 14 & 15	Flora E. Stiles (T. B. Miller) Sheet No. 57-B	0.176	1.06
Beg. 1185' S & 141' E of NW corner S 125', W 141', N 125', E 141', Sec. 15, T. 29 N., R. 13 W.	W. R. Thornton (Pickens Estate) Sheet No. 57-B	0.40	2.41

-3.006
18.10

SUPPLEMENT contd.
ALL LANDS UNDER THE STAR DITCH
(Acres x 6.02 = AF of Water)

01417-1

Land Description	Owner	Acres	Acre Feet
Beg. 210' E & 1155' S of NW corner, Sec. 15, T. 29 N., R. 13 W., S 55', E 125', N 55', W 125'	Van Reynolds (Agnes Furman) Sheet No. 57-B	0.16	0.96
Beg. at pt. 497' E & 600' S of NW corner Sec. 15, T. 29 N., R. 13 W., thence running S 100' thence E 105', thence N 100' thence 105' to beg.	Charles E. Handley (Rollo Schnorr) Sheet No. 57-B	0.23	1.38
Hillcrest Addition Lots 2, 3, 4, Blk. 2	May Leighton (J. Wynn) Sheet No. 57-B	0.345	2.08
Beg. 1050' S & 141' E of NW corner thence S along W side of Court St. 65' W 141' N 65' E, 141	E. B. Holmes (Pickens Estate) Sheet No. 57-B	0.21	1.26
Beg. 210' E & 450' S of NW corner, Sec. 15, T. 29 N., R. 13 W., thence S 100', E 125', N 100', E 125', N 100', E 125' in NW, NW	Alda Wynn (E. K. Wynn) Sheet No. 57-B	0.28	1.69
Hillcrest Addition Lot 3 & 10' of Lot 4, Blk. 6	Josephine O. King (Sarah Moore & Charles Wilson) Sheet No. 57-B	0.138	0.83
Roberts Addition N $\frac{1}{2}$ of Lot 4, all of Lot 5, Bk. 1	Flora E. Stiles (Ed Olsen) Sheet Nos. 57-B, 57-C	0.12	0.72
Hays Addition Lot 5, Blk. 1	Edward C. McNamee (Mrs. J.A. Knight) Sheet No. 57-D	0.04	0.24
Circle Gardens Subdivision described as follows: Being the N 557.0' of Harold Luye property in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, T. 29 N., R. 13 W., N.M.P.M. described as follows: Beg. at NE corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence S 0° 21' W, 557.0', thence S 89° 56' W, 191.0' thence N 0° 21' E, 557.0', thence N 89° 56' E, 191.0' to pt. of beg.	Harold & Evelyn Luye (E.O. Booram) Sheet No. 57-D	2.3	13.85
Barnes Addition Lot 6, Blk. 1 Hunter Addition Lot 9, Blk. 3	G. L. Butler (pt. Mrs. J. Moore) Sheet No. 57-E	0.16	0.96
Ross # 2 Lots 7, 8 and Lot 6 North of Ditch, Blk. 3	Louisa Thomas (M. Uwing) Sheet No. 57-E	0.28	1.69
Beg. 182' E & 300.5' S of NW corner NE $\frac{1}{4}$, N 110' N 213' S 110' E to beg.	James R. Smith (Anna Frei) Sheet No. 57-E	0.54	3.25

SUPPLEMENT contd.
ALL LANDS UNDER THE STAR DITCH
 (Acres x 6.02 = AF of Water)

01417-1

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
Ross Subdivision Lot 6 S 15' Lot 7, Blk. 3	Claude W. Lester (W.S. McCaw) Sheet No. 57-E	0.21	1.26
Ross Subdivision Lot 13 & S 40' Lot 14, Blk. 3	Mrs. Zang Wood (Howard Gibson) Sheet No. 57-E	0.29	1.75
Browns Addition Lot 6, Blk. 2	Mrs. Ruth G. Baldwin (H. Baldwin) Sheet No. 57-E	0.32	1.93
Brown Addition Center 60' of Lot 7, Bk. 2 & W 80' of S 60' of Lot 7, Bk. 2 Beg. 210' E & 350' S of NW corner of NWNW S. 100' E 125' N 100' W 125' to beg. Beg. 201' E & 220' S of NW corner of NWNW S 130' E 125' N 80' NW 140' more or less to beg.	R.F. Taft (Oscar Thomas, Otto Amsden & R. Taft) Sheet No. 57-E	0.92	5.54
All that pt. of NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Beg. E 49' S 30' from NW $\frac{1}{4}$ of Sec. 16, T. 29 N., R. 13 W., thence E 133, S 50 W 133 N 50.5 to beg.	W.C. Christensen (Anna Frei) Sheet No. 57-E	0.154	0.93
Hunter Lot 4, Blk. 3	Lula Harris (H.O.L.C.) Sheet No. 57-E	0.23	1.38
McHenry's 2nd Addition Lot 9 less N 29' Blk. 3	Raymond Butler (T.J. Kelly) Sheet No. 57-B	0.63	3.79
Described as beg. at pt. which is S 2° 27' E 302.1' from pt. of intersection of W line of N Auburn Ave. with N line of NW $\frac{1}{4}$ SE $\frac{1}{4}$ Thence S 89° 23' W 487.3'; thence N 2° 27' W 82'; thence S 89° 23' W 107'; thence S 0° 46' W 195'; more or less, to N line of Arroyo Drive; thence E along N line of Arroyo Drive 595'; more or less, to E line of N Auburn Ave.; thence N 2° 27' W 113' more or less to beg.	D.A. & Zelma M. McClellan (Pt. of State of N.M. & J.T. Hutton) Sheet No. 57-D	0.58	3.49
Brown Lot 3	H.A. Rickelton (Mrs. P. Brown) Sheet No. 57-E	0.26	1.57
W 85' of following: Beg. at pt. 50' N & 329' W of NE corner of Blk. 2, Ross 2nd Add. W 135' S 25' W 77' N 111' E 212' S 86' to beg.	Res J. Schamp (Anna Frei) Sheet No. 57-E	0.46	2.77
Ross 2nd Subdivision Lot 4 N of Ditch Blk. 2 Lot 5 & S 35' Lot 6, Blk. 2	V.D. Harrington c/o Bob Huntley (F.P. Elmore) Sheet No. 57-E	0.36	2.17

*← repeat of other tract
on Page 2*

01417-1

(7)

01417-1

SUPPLEMENT contd.
ALL LANDS UNDER THE STAR DITCH
(Acres x 6.02 = AF of Water)

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
Ross Lot 1 & S $\frac{1}{2}$ Lot 2, Blk. 3	Katie Hoy (W. Martin) Sheet No. 57-E	0.24	1.44
Brown N 61' Lot 7, Blk. 2	R. L. Morton Sheet No. 57-E	0.18	1.08
	Total	<u>160.093</u>	<u>537.93</u>

IMPORTANT—READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM

Application for Permit to Change

PLACE OR METHOD OF USE OF SURFACE WATERS

Date of Receipt of Application May 3, 1963 File No. 01417-2

A. Name of Applicant Town of Farmington

Post Office Box 900 County of San Juan State of New Mexico

Water right was acquired by beneficial use and is recorded in the State Engineer's office under No. 01417

Water is at present used for irrigation purposes.
(Irrigation, power, municipal, etc.)

Priority date of water right 1891 - No. 8-A Quantity of water claimed under

right See Attached Quantity of water stored 0 acre feet.

Source of water supply Animas River
(river, arroyo, spring, etc.)

a tributary of the San Juan River

Point of diversion or outlet from storage lies in the NE quarter of the NE

quarter of section 18 Township 30N Range 11W

N. M. P. M., at a point whence the NW Corner of Section 18

Township 30N Range 11W bears N76°10'W

4290.0 feet distant. HALFORD-INDEPENDENT

(If used for manufacturing, power, mining, etc., purposes, give also horsepower generated and describe point of return to the stream.)

Description of area from which transfer is to be made:

SUBDIVISION	SEC.	TWP.	RANGE	ACRES	OWNER
<u>See Attached</u>					

B. Application is hereby made for permit to change place or method of use of water under above described right for the following reasons: The Town of Farmington supplies water to this property through its municipal water distribution system and the irrigation by the Owner has been discontinued in lieu of the use of the municipal water.

Use to which water is to be transferred municipal purposes.

Quantity of water to be transferred See Attached acre feet.

Description of area to which transfer is to be made:

SUBDIVISION	SEC.	TWP.	RANGE	ACRES	OWNER
<u>Town of Farmington municipal water system.</u>					

STATE ENGINEER OFFICE
SANTA FE, N. M.
1963 MAY -3 AM 11:45

NOTE: If any of the lands to be changed from or to have water rights from any other source explain fully and furnish file numbers: File No. 01417, Town of Farmington has water rights as assigned from the San Juan Hydrographic Adjudication.

Remarks: The ownership of this water right has been assigned to the Town of Farmington by its previous owner and this transfer is on file in the State Engineer's Office.

The undersigned, being duly sworn, upon my oath, state that I have read the foregoing statements and that the same are true to the best of my knowledge and belief.

TOWN OF FARMINGTON Applicant
Chris Brown (Mayor)

Subscribed and sworn to before me this 1st day of May, A. D., 1963

My commission expires: Jan. 15, 1963
Richard H. Pelletier
Notary Public.

C. APPROVAL OF THE STATE ENGINEER:

The number of this permit is 01417-2 Name of Paper Farmington Daily Times

Date of Receipt of Application May 3, 1963 Publisher's Affidavit filed November 20, 1963

Notice of Publication issued Oct. 4, 1963 Approved September 4, 1964

This application is approved provided it is not exercised to the detriment of any others having prior, valid and existing rights to the use of waters of this stream system or to the detriment of any rights acquired prior to this application for permit to change place or method of use.

This application is approved for the change in point of diversion, place and purpose of use for a total annual diversion of 282.42 acre feet.

Proof of Application of Water to Beneficial Use shall be filed on or before September 4, 1968

This is to certify that I have examined the above application to change use of water and hereby approve the same subject to the foregoing provisions and conditions.

Witness my hand and seal this 4th day of September, A. D., 1964.

S. E. Reynolds
State Engineer
By: Frank E. Irby
Chief
Water Rights Division

- INSTRUCTIONS
(See Manual of Rules and Regulations)

This form shall be made out in duplicate and shall be accompanied by a filing map or maps showing the present and proposed uses of other pertinent data. A filing fee of \$5.00 shall accompany this application.

If application is made to change place or method of use of water claimed under a water right established prior to March 19, 1907, a declaration of such old right substantiated by sworn affidavits together with a filing map must accompany this application or have been already filed in this office, fully setting forth the right claimed (see Declaration of Old Right, in Manual). A right established by license or permit from the State Engineer shall be referred to fully in making application to change.

A filing map prepared by a qualified registered professional engineer or land surveyor and showing the existing works, lands, etc., and the new developments requested in this application, together with necessary plans, statements, etc., must accompany this filing. If applicant is not original owner of said water right, a Change of Ownership affidavit together with a \$1.00 filing fee must also accompany the application.

The first line of this form is for the State Engineer. Do not fill in this line or any part (C) following. The first part of the form, (A), is to set forth the essential features of the existing water right; the second part, (B), describes the changes requested; and the third, (C), gives the approval or disapproval of the State Engineer, the conditions under which such approval is granted, and establishes the limiting dates for completing the changes.

It is a misdemeanor to use more water after the change than the owner had a valid right to use before the change was made.

IMPORTANT—READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM

APPLICATION FOR PERMIT TO CHANGE POINT OF DIVERSION

Surface Waters

Date of Receipt of Application May 3, 1963 File No. 01417-2
A. Name of Applicant Town of Farmington
Post Office Box 900 County of San Juan
State of New Mexico

Water right was acquired by beneficial use and is recorded in the State Engineer's Office under No. 01417 Priority date of water right 1891 - No. 8-A (see "Instructions"—second paragraph)

Source of water supply Animas River via Halford-Independent Ditch (river, arroyo, spring, etc.)

a tributary of San Juan

Present point of diversion lies in the NE 1/4 of the NE 1/4 of Section 18 Township 30N Range 11W N.M.P.M., at a point whence the NW Corner of section 18 Township 30N Range 11W bears N76°10'W 4290.0 feet distant.

Quantity of water to be changed 283.26 acre-feet applied on 78,799 acres of land located in For Municipal Water Supply

B. Application is hereby made to change point of diversion under above claimed right for the following reasons: To centralize all present points of diversion enabling the use of one pumping facility.

New point of diversion proposed under this application lies in the NW 1/4 of the SE 1/4 of section 15 Township 29N Range 13W at a point whence the NW Corner of the SE 1/4 of section 15 Township 29N Range 13W bears River N82°22'E 634.35 Ditch N69°21'E 615.33 feet distant.

Name of stream, spring, tributary, etc., from which diversion is to be made (if different from original) Animas River and/or existing Willett Ditch

Description of new diversion dam (give construction material, type, dimensions, hydraulic properties, etc.) None

Additional data (give dimensions, capacity, etc., of new canal section; also data on any other proposed works) Will pump directly from the Animas River and/or the existing Willett Ditch.

The undersigned, being duly sworn, upon my oath, state that I have read the foregoing statements and that the same are true to the best of my knowledge and belief.

TOWN OF FARMINGTON Applicant. [Signature]

Subscribed and sworn to before me this 3rd day of April, A. D., 1963

My commission expires [Signature] Notary Public

My commission expires Jan. 15, 1965.

C. Approval of the State Engineer:

Number of this Permit 01417-2 Name of Paper Farmington Daily Times
Date of Receipt of Application May 3, 1963 Publisher's Affidavit Filed November 20, 1963
Notice of Publication Issued Oct. 4, 1963 Approved September 4, 1964

This application is approved provided it is not exercised to the detriment of any others having prior, valid and existing rights to the use of the waters of this stream or to the detriment of any rights acquired prior to this application for permit to change point of diversion

This application is approved for the change in point of diversion, place and purpose of use for a total annual diversion of 282.42 acre feet.

Proof of completion of works shall be filed on or before September 4, 1968

This is to certify that I have examined the above application to change point of diversion and hereby approve the same subject to the foregoing provisions and conditions.

Witness my hand and seal this 4th day of September, A. D., 1964

S. E. Reynolds
State Engineer

By: Frank E. Irby
Chief

INSTRUCTIONS

(See Manual of Rules and Regulations)

Water Rights Division

This form shall be made out in duplicate and shall be accompanied by a filing map showing the present and proposed points of diversion and other pertinent data. A filing fee of \$5.00 shall accompany this application.

If application is made to change point of diversion of water claimed under a water right established prior to March 19, 1907, a declaration of such old right substantiated by sworn affidavits together with a filing map must accompany this application or have been already filed in this office, fully setting forth the right claimed (see Declaration of Old Right in Manual). A right established by license or permit from the State Engineer shall be referred to fully in making application to change.

The filing map accompanying this application shall be prepared by a qualified registered professional engineer or land surveyor and shall show existing point of diversion and other works and lands irrigated as well as the new point of diversion. All pertinent dimensions and details of the proposed diversion structure, together with size and alignment of the canal and field notes thereon from the new point of diversion to the point where the new work meets the existing canal, shall also be given. Ownership of the lands upon which the point of diversion and any other proposed new works lie shall be shown. If applicant is not original owner of water right, a Change of Ownership affidavit together with a filing fee of \$1.00 must accompany this application.

The first line of this form is for the State Engineer. Do not fill in this line or any of part (C) following. The first part of the form, (A), is to set forth the essential features of the existing water right; the second part, (B), describes the changes requested; and the third, (C), gives the approval or disapproval of the State Engineer, the conditions under which such approval is granted, and establishes the limiting dates for completing such changes.

It is a misdemeanor to use more water after the change than the owner has a valid right to use before the change was made.

QUALITY PRESS-SANTA FE

ATTACHMENT
 HALFORD-INDEPENDENT DITCH
 LAND INSIDE ORIGINAL TOWNSITE
 (Acres x 6.10 = AF of Water)

01417-2

Land Description	Owner	Acres	Acre Feet
Hays N $\frac{1}{2}$ Lot 4 Lot 5, Blk. 2	Sunny Lively Stevens (J.M. Easley) Sheet No. 57-D	0.22	1.34
Hays W $\frac{1}{2}$ Lot 1 & Lot 2, Blk. 2	Dr. G. D. Walters (J.M. Easley) Sheet No. 57-D	0.15	0.92

ATTACHMENT
 HALFORD-INDEPENDENT DITCH
 LANDS OUTSIDE ORIGINAL TOWNSITE
 (Acres x 3.06 = AF of Water)

Land Description	Owner	Acres	Acre Feet
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T.29N., R.13W., N.M.P.M. The S. 520' more or less of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ & being all that pt. of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying S. of Cooper St. as dedicated on plat of Knudsen Subdivision. All that pt. of NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N.M.P.M. situated N. of Cooper St.	M.A. & Lottie S. Knudsen (J.M. Cordova) Sheet No. 55	16.10	49.27
Beg. 120' W of SE corner of Lot 1 Crestview Park W 30' N 150' E 30' S 150' to Beg.	Willard C. Kottke (T.B. Miller) Sheet No. 55	0.10	0.31
Mossman Lot 6, 7, 8 & 9 Book 298 Page 303	Lee Brothers (G.R. Sammons) Sheet No. 55 & 56	1.22	3.73
Orchard Heights Lot 6, Blk. 3	Howard Rickelton (Mary Rosebrough) Sheet No. 56	0.20	0.61
Tucker Addition Lot 7, Blk. 3	William Tanner (Mary Rosebrough) Sheet No. 57	0.29	0.89
Beg. W 30' N 1181.3' from SE corner of SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-29-13 W 259.56' N 173' 4" E 259.56' S 173' 4"	Robert Brothers (F. O. Brothers) Sheet No. 55	0.80	2.45
Monterey Lot 6, Blk. 2	Carlotta P. Rodriguez (Sophus Jensen) Sheet No. 55	0.19	0.58
Beg. S 17° 18' E 2734.95' S 377'; S 75° 09' E 52.61' S 230.02' from N $\frac{1}{4}$ corner 1-29-13 E 232.02'; S 242.19' S 71° 30' W 244.71'; N 319.82'	Ralph Miller (Lorenzo Hubbell) Sheet No. 50	1.50	4.59
Beg. NE corner W $\frac{1}{2}$ Lot 3 Crestview Park W 125' S 100' Easterly & Southerly along a curve to the right 65.34' E 100' N 150' to beg.	Rodney McGee (Sophus Jensen) Sheet No. 55	0.45	1.38

ATTACHMENT
HALFORD INDEPENDENT DITCH
LAND OUTSIDE ORIGINAL TOWNSITE
(Acres x 3.06 = AF of Water)

01417-2

Land Description	Owner	Acres	Acre Feet
Beg. 175' N of NE corner Lot 9 in Webb Subdivision # 1 N 120' W 50' to Star Ditch Southwesterly along ditch to E line of Alley. S. along alley 50', E 120' to pt. of beg.	Dorus Webb (S. G. Maus) Sheet No. 55	0.27	0.83
W. 300' of SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, Twp. 29 N., R. 13 W., N.M.P.M. except S 32 (designated as 15th St. on Plat of Webb Sub. No. 1) & except the following described tract, to wit: Beg. 35' E & 560' N of SW cor. of N 18 acres of the S 30 acres of W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Sec. 11; thence E 130' thence N 160'; thence W 65', thence S 80', thence W 65'; thence S 80' to beg.	Dorus Webb Sheet No. 55	5.43	16.62
NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, T. 29 N., R. 13W.	Paul Umbach, Partner Scott, Umbach & Lilly (Frances Levine) Sheet No. 55	10.10	30.91
Beg. at pt. which is the NE corner of Sec. 10, T. 29 N., R. 13 W., N.M.P.M., thence S 10° 19' W, 186.5' thence S 36° 31' W, 592.3' thence S 88° 54' W 612.0' thence N 1° 10' W 132.0' thence S 89° 01' W 330.0' thence N 0° 08' E 530.4' thence N 89° 27' E 1332.0' to pt. of beg.	Juretta English Olsen (E. T. Walling) Sheet No. 55	9.60	29.38
Beg. SW cor. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, T. 29 N., R. 13 W., thence N 19.63 chains thence 10 chains thence S along center line of SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, 10.63 chains to S line of Subdiv. W to pt. of beg. subject to right of way for public roads.	Donald W. & Ula Vermell Lee Sheets 50 & 55	10.63	32.53
Beg. at SW corner of Sec. 3, T. 29 N., R. 13 W., N.M.P.M., thence N 522', thence E 1,320', thence S 522', thence W 1,320' to pt. of beg., said tract being S 255' of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3. Excepting therefrom: Beg. at pt. which is 522' N of the SE corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 29 N., R. 13 W., thence S 125', thence in a northwesterly direction along the north-easterly bank of the Independent Irrigation Ditch, 152' more or less, to pt. which is 88' W of pt. of beg., thence E 88' to pt. of beg.	Fred Mossman Development Co. (Dora A. Claton) Sheet No. 55	5.30	16.22

(111)

ATTACHMENT
HALFORD INDEPENDENT DITCH
LAND OUTSIDE ORIGINAL TOWNSITE
(Acres x 3.06 = AF of Water)

01417-2

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
That pt. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, T. 29 N., R. 13 W., Beg. 468.5' N & 125' W of NE corner Hays, N 103.5' W 97.5' S 103.5' E 97.5' to Beg.	Wm. Banning Doak (Mary Rosebrough) Sheet No. 57	0.23	0.70
Tucker N 75' Lot 6 Blk. 4	Earl C Spafford and or Amy B. Spafford Sheet No. 57	0.20	0.61
Beg. 443' E & 19' S from NW corner NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T.29 N., R. 13 W., E 217' S 397' W 216' N 397'	Mrs. J.M. Hastings Robinson (Manuel J. Hastings, W.H. Chamberlain) Sheet No. 55	1.96	5.98

2.39 7.99

SUPPLEMENT
ALL LANDS UNDER THE HALFORD-INDEPENDENT DITCH
(Acres x 6.02 = AF of Water)

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
Beg. 118.5' S & 141' E of NW corner, Sec. 15, T. 29 N., R. 13 W., S 125', W 141', N 125', E 141' to beg.	W. R. Thornton (A.B. Grigereit) Sheet No. 57-B	0.40	2.41
Hillcrest S $\frac{1}{2}$ Lot 13, Blk. 3 & Lot 14, Blk. 3, Lot 12, Blk. 3 & N $\frac{1}{2}$ Lot 13, Blk. 3	L. P. Woods Sheet No. 57-B	0.45	2.71
Roberts Addition N $\frac{1}{2}$ Lot 4, Blk. 1 & Lot 5, Blk. 1	Flora E. Stiles (Louise Dustin) Sheet No. 57-C	0.232	1.40
Beg. 355' N 350' E of SW corner Sec. 10, T. 29 N., R. 13 W., N.M.P.M., thence N 150' Thence E 100', thence N 150', thence E 92 $\frac{1}{2}$ ', thence S 300' thence W 192 $\frac{1}{2}$ ' to place of beg. Also beg. at pt. 505' N & 350' E of SW corner of Sec. 10, T. 29 N., R. 13 W., N.M.P.M., thence running N 150', thence E 100' thence S 150' thence W 100' to place of beg. Also beg. at pt. 355' N & 250' E of SW corner of Sec. 10, T. 29 N., R.13 W., N.M.P.M. thence N 323' thence E 292 $\frac{1}{2}$ ', thence S 23', thence W 192 $\frac{1}{2}$ ', thence S 300' thence W 100', to pt. of beg., being in pt. of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, T. 29 N., R. 13 W., N.M.P.M.	Don Tanner (Lottie Rugh & Tom Dustin) Sheet No. 57-C	2.24	13.48
Elm Park Lot 6, Blk. 2	Mrs. Wallace Chestham (J.D. Taylor) Sheet No. 57-C	0.20	1.20

3.522 21.20

page 3 of 6

SUPPLEMENT contd.
ALL LANDS UNDER THE HALFORD-INDEPENDENT DITCH
 (Acres x 6.02 = AF of Water)

01417-2

Land Description	Owner	Acres	Acres Feet
Hays Addition Lots 11 & 12, Blk. 12	First Church of Christ Scientist (J. W. Henry) Sheet No. 57-C	0.46	2.77 ✓
Elm Park Lot 1, Blk. 1	Lula Harris (I.D. Taylor) Sheet No. 57-C	0.194	1.17
Hays Addition Lots 1, 2, 3, 4, Blk. 6	Roswell Nelson (S.J. Moore) Sheet No. 57-C	0.47	2.83 ✓
Tucker Lot 4, Blk. 2	Charles Everett (Mrs. Mary Rosebrough) Sheet No. 57-C	0.062	0.37
Fairview Addition Lots 9 & 10, Blk. 1	Estella G. Brett (Lee Hammock) Sheet No. 57-C	0.30	1.81 ✓
Hays Addition Lots 5 & 6, Blk. 4	Banning Doak (Al Dustin & Edna Paulson) Sheet No. 57-C	0.287	1.73 ✓
Tucker Lot 2, Blk. 1	J.D. & Mabel Holderness (Mary Rosebrough & Logan Payne) Sheet No. 57-C	0.445	2.68
Eaton Addition Lot 5, Blk. 1	Louise Covington (Louis Ramelot) Sheet No. 57-C	0.158	0.95 ✓
Elm Park Addition Lot 8, Blk. 1	David Giles (J.D. Taylor) Sheet No. 57-C	0.15	0.90
Gladeview Heights Lot 29, Blk. 2	Wayne O. Fleming (G.W. Sammons) Sheet No. 57-C	0.215	1.29 ✓
Hays Addition Lots 7 & 8, Blk. 2	C. A. Ransom (L. M. Moore) Sheet No. 57-C	0.30	1.81 ✓
Northwest Addition Tract 1	Raymon Roberts (P. F. Elmore) Sheet No. 57-D	0.434	2.61 ✓
Gladeview Heights Lot 28, Blk. 2	Cummins Sales & Service, Inc. (G.W. Sammons) Sheet Nos. 55 & 56	0.215	1.29 ✓
Northwest Addition W $\frac{1}{2}$ Lot 12	Mrs. Gred Grice (P. F. Elmore) Sheet No. 57-D	0.217	1.31 ✓
Beg. 355' N & 542 $\frac{1}{2}$ ' E of SW Corner E 63 $\frac{1}{4}$ ', N 300', W 63 $\frac{1}{4}$ ' S 300'	Samuel D. Campbell (William J. Hill) Sheet No. 57-C	0.44	2.65

43 47

26.17

SUPPLEMENT contd.
ALL LANDS UNDER THE HALFORD-INDEPENDENT DITCH
 (Acres x 6.02 = AF of Water)

01417-2

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
Hays Addition N½ Lot 13, Blk. 12, 5200 sq. ft.	First Church of Christ Scientist (J. T. McDonald) Sheet No. 57-C	0.12	0.72
Beg. 355' N & 160' E of SW corner, N 323'; E 90'; S 323'; W 90' being in Griffin Tract	T. A. Haywood (Lottie Rugh) Sheet No. 57-C	0.67	4.03
Hays S 25' Lot 13, Blk. 12	Veldon Hoopes (J. T. McDonald) Sheet No. 57-C	1.45	8.73
Hays Lots 14, 15, 16, Blk. 12	Dora Knudsen (J. T. McDonald) Sheet No. 57-C		(Included in 1.45 above)
Hays Lots 14, 15, 16, Blk. 12	Dorine Lee Bréyman (J. T. McDonald) Sheet No. 57-C		(Included in 1.45 above)
Mesa Subdivision Lot 5, Blk. 3	Jean L. Fischer (L.H. Ashley) Sheet No. 57-C	0.15	0.90
Beg. 355' N of SW corner 10-29- 13, N 150' E 160', S 150' W 160' Also: Butler, Lots 8 & 9 & 79'x 153.4' N of Lot 8 & 9, Blk. 9	E. B. Holmes (E. P. Woods & W. M. Butler) Sheet No. 57-C	1.12	6.74
Butler Addition Lots 5 & 6	Pratt Nelson (W.M. Butler) Sheet No. 57-C	0.39	2.35
Beg. 567' N of SW corner of 10-29-13 N 91'; E 160' S 91' W 160' to beg.	Mrs. E. P. Woods (E. P. Woods) Sheet No. 57-C	0.33	1.99
Roberts Lot 14, Blk. 2, Also E½ of Lot 13	E. A. Roberts Sheet No. 57-C	0.46	2.77
Roberts Lots 1 & 2, Blk. 2	Joseph Van Nespen (Louise Dustin) Sheet No. 57-C	0.31	1.87
Gladeview Heights Lot 8, Blk. 3	J. T. Smith (G. W. Sammons) Sheet No. 57-C	0.22	1.32
Gladeview Subdivision Lot 1, Blk. 1	Russell J. Foutz (H. B. Sammons) Sheet No. 57-D	0.13	0.78
Gladeview Heights Lot 25, Blk. 2	B. H. Brookman (G.W. Sammons) Sheet No. 57-D	0.21	1.26
Gladeview Heights Lot 32, Blk. 2	Ronald D. Boice (G. W. Sammons) Sheet No. 57-D	0.23	1.38

01417-2

SUPPLEMENT contd.
ALL LANDS UNDER THE HALFORD-INDEPENDENT DITCH
(Acres x 6.02 = AF of Water)

01417-2

<u>Land Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Acre Feet</u>
Tucker N 20' Lot 3 & S 86' Lot 4, Blk. 3	John T. Cunningham (Mrs. Mary Rosebrough) Sheet No. 57-D	0.06	.36
Blacks Subdivision Lot 8, Blk. 3	A. F. Aimes (Guy Bell) Sheet No. 57-D	0.04	.24
	Total	78.799	283.26

page 6 of 6

IMPORTANT—READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM

Application for Permit to Change

PLACE OR METHOD OF USE OF SURFACE WATERS

Date of Receipt of Application May 3, 1963 File No. 01417-3

A. Name of Applicant Town of Farmington

Post Office Box 900, County of San Juan, State of New Mexico

Water right was acquired by beneficial use and is recorded in the State Engineer's office under No. 01417

Water is at present used for irrigation purposes.
(Irrigation, power, municipal, etc.)

Priority date of water right 1878 - No. 2-E Quantity of water claimed under right See Attached Quantity of water stored 0 acre feet.

Source of water supply Animas River
(river, arroyo, spring, etc.)

a tributary of the San Juan River

Point of diversion or outlet from storage lies in the NE quarter of the SE

quarter of section 11, Township 29N, Range 13W

N. M. P. M., at a point whence the SE Corner of Section 11

Township 29N, Range 13W, bears S18°18'E

2583.0 feet distant. WRIGHT-LEGGETT

(If used for manufacturing, power, mining, etc., purposes, give also horsepower generated and describe point of return to the stream.)

Description of area from which transfer is to be made:

SUBDIVISION	SEC.	TWP.	RANGE	ACRES	OWNER
<u>See Attached</u>					

B. Application is hereby made for permit to change place or method of use of water under above described right for the following reasons: The Town of Farmington supplies water to this property through its municipal water distribution system and the irrigation by the Owner has been discontinued in lieu of the use of the municipal water.

Use to which water is to be transferred municipal purposes.

Quantity of water to be transferred See Attached acre feet.

Description of area to which transfer is to be made:

SUBDIVISION	SEC.	TWP.	RANGE	ACRES	OWNER
<u>Town of Farmington municipal water system.</u>					

NOTE: If any of the lands to be changed from or to have water rights from any other source explain fully and furnish file numbers: File No. 01417, Town of Farmington has water rights as assigned from the San Juan Hydrographic Adjudication.

Remarks The ownership of this water right has been assigned to the Town of Farmington by its previous owner and this transfer is on file in the State Engineer's Office.

The undersigned, being duly sworn, upon my oath, state that I have read the foregoing statements and that the same are true to the best of my knowledge and belief.

TOWN OF FARMINGTON Applicant
Charles J. [Signature] (Mayor)
Subscribed and sworn to before me this 11th day of April, 1963
My commission expires: Jan. 15, 1965.
Barbara L. [Signature] Notary Public

C. APPROVAL OF THE STATE ENGINEER:

The number of this permit is 01417-3 Name of Paper Farmington Daily Times
Date of Receipt of Application May 3, 1963 Publisher's Affidavit filed November 20, 1963
Notice of Publication Issued Oct. 4, 1963 Approved September 4, 1964

This application is approved provided it is not exercised to the detriment of any others having prior, valid and existing rights to the use of waters of this stream system or to the detriment of any rights acquired prior to this application for permit to change place or method of use.

This application is approved for the change in point of diversion, place and purpose of use for a total annual diversion of 33.61 acre feet.

Proof of Application of Water to Beneficial Use shall be filed on or before September 4, 1964

This is to certify that I have examined the above application to change _____ of use of water and hereby approve the same subject to the foregoing provisions and conditions.

Witness my hand and seal this 4th day of September, A. D., 1964

S. E. Reynolds

State Engineer

By: Frank E. Irby
Chief

INSTRUCTIONS

(See Manual of Rules and Regulations)

Water Rights Division

This form shall be made out in duplicate and shall be accompanied by a filing map or maps showing the present and proposed uses of other pertinent data. A filing fee of \$5.00 shall accompany this application.

If application is made to change place or method of use of water claimed under a water right established prior to March 19, 1907, a declaration of such old right substantiated by sworn affidavits together with a filing map must accompany this application or have been already filed in this office, fully setting forth the right claimed (see Declaration of Old Right in Manual). A right established by license or permit from the State Engineer shall be referred to fully in making application to change.

A filing map prepared by a qualified registered professional engineer or land surveyor and showing the existing works, lands, etc., and the new developments requested in this application, together with necessary plans, statements, etc., must accompany this filing. If applicant is not original owner of said water right, a Change of Ownership affidavit together with a \$1.00 filing fee must also accompany the application.

The first line of this form is for the State Engineer. Do not fill in this line or any part (C) following. The first part of the form, (A), is to set forth the essential features of the existing water right; the second part, (B), describes the changes requested; and the third, (C), gives the approval or disapproval of the State Engineer, the conditions under which such approval is granted, and establishes the limiting dates for completing such changes.

It is a misdemeanor to use more water after the change than the owner had a valid right to use before the change was made.

OSE-2361

IMPORTANT—READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM

APPLICATION FOR PERMIT TO CHANGE POINT OF DIVERSION

Surface Waters

Date of Receipt of Application May 3, 1963 File No. 01417-3

A. Name of Applicant Town of Farmington
Post Office Box 900, County of San Juan
State of New Mexico

Water right was acquired by beneficial use and is recorded in the State Engineer's Office under No. 01417 Priority date of water right 1878 - No. 2-E

Source of water supply Animas River Via Wright-Leggett Ditch

a tributary of San Juan

Present point of diversion lies in the NE 1/4 of the SE 1/4 of Section 11
Township 29N Range 13W N.M.P.M., at a point whence the
SE Corner of section 11 Township 29N
Range 13W bears S18°18'E 2583.0 feet distant.
Quantity of water to be changed 33.61 acre-feet applied on 5.58 acres of
land located in For Municipal Water Supply

B. Application is hereby made to change point of diversion under above claimed right for the following reasons: To centralize all present points of diversion enabling the use of one pumping facility.

New point of diversion proposed under this application lies in the NW 1/4 of the
SE 1/4 of section 15 Township 29N
Range 13W at a point whence the NW Corner of the SE 1/4
of section 15 Township 29N Range 13W
bears River N87°22'E 637.35
Ditch N69°21'E 615.33 feet distant.

Name of stream, spring, tributary, etc., from which diversion is to be made (if different from original)
Animas River and/or existing Willett Ditch.

Description of new diversion dam (give construction material, type, dimensions, hydraulic properties, etc.) None

Additional data (give dimensions, capacity, etc., of new canal section; also data on any other proposed works) will pump directly from the Animas River and/or the existing Willett Ditch

The undersigned, being duly sworn, upon my oath, state that I have read the foregoing statements and that the same are true to the best of my knowledge and belief.

TOWN OF FARMINGTON Applicant.

Subscribed and sworn to before me this 3rd day of April A. D., 1963

My commission expires

My commission expires Jan. 15, 1965.

Handwritten signature of Notary Public

C. Approval of the State Engineer:

Number of this Permit 01417-3 Name of Paper Farmington Daily Times
Date of Receipt of Application May 3, 1963 Publisher's Affidavit Filed November 20, 1963
Notice of Publication Issued Oct. 4, 1963 Approved September 4, 1964

This application is approved provided it is not exercised to the detriment of any others having prior, valid and existing rights to the use of the waters of this stream or to the detriment of any rights acquired prior to this application for permit to change point of diversion _____

This application is approved for the change in point of diversion,
place and purpose of use for a total annual diversion of 33.61
acre feet.

Proof of completion of works shall be filed on or before September 4, 19 68

This is to certify that I have examined the above application to change point of diversion and hereby approve the same subject to the foregoing provisions and conditions:

Witness my hand and seal this 4th day of September, A. D., 19 64

S. E. Reynolds
State Engineer

By: Frank E. Irby
Chief

INSTRUCTIONS

(See Manual of Rules and Regulations)

Water Rights Division

This form shall be made out in duplicate and shall be accompanied by a filing map showing the present and proposed points of diversion and other pertinent data. A filing fee of \$5.00 shall accompany this application.

If application is made to change point of diversion of water claimed under a water right established prior to March 19, 1907, a declaration of such old right substantiated by sworn affidavits together with a filing map must accompany this application or have been already filed in this office, fully setting forth the right claimed (see Declaration of Old Right in Manual). A right established by license or permit from the State Engineer shall be referred to fully in making application to change.

The filing map accompanying this application shall be prepared by a qualified registered professional engineer or land surveyor and shall show existing point of diversion and other works and lands irrigated as well as the new point of diversion. All pertinent dimensions and details of the proposed diversion structure, together with size and alignment of the canal and field notes thereon from the new point of diversion to the point where the new work meets the existing canal, shall also be given. Ownership of the lands upon which the point of diversion and any other proposed new works lie shall be shown. If applicant is not original owner of water right, a Change of Ownership affidavit together with a filing fee of \$1.00 must accompany this application.

The first line of this form is for the State Engineer. Do not fill in this line or any of part (C) following. The first part of the form, (A), is to set forth the essential features of the existing water right; the second part, (B), describes the changes requested; and the third, (C), gives the approval or disapproval of the State Engineer, the conditions under which such approval is granted, and establishes the limiting dates for completing such changes.

It is a misdemeanor to use more water after the change than the owner has a valid right to use before the change was made.

QUALITY PRESS—SANTA FE



01417-3

ATTACHMENT
 WRIGHT-LEGGETT DITCH
 LAND INSIDE ORIGINAL TOWNSITE
 (Acres x 6.10 = AF of Water)

Land Description	Owner	Acres	Acres Feet
Miller Subdivision Lot 1 & W $\frac{1}{2}$ Lot 2, Blk. 1	J. Rose Woolman (Tom Ivie) Sheet No. 57-A	0.14	0.85

SUPPLEMENT
 ALL LANDS UNDER THE WRIGHT-LEGGETT DITCH
 (Acres x 6.02 = AF of Water)

Land Description	Owner	Acres	Acres Feet
Miller Addition Lots 7-8, Blk. 3	Mrs. Dwight Klohn (Pt. of Floyd Coon- Wright-Leggett) Sheet No. 57-A	0.30	1.81
Miller Tract Beg. 541' E of NE Corner Lot 4; E 85 $\frac{1}{2}$ ' ; S 128 $\frac{1}{2}$ ' to RR; S Westerly along RR 98'; to 50' W of Beg.; N to 100' S of Rd.; E 40'; N 100'; W 40' to Beg.	Virginia Madrid (Claude Auerette- Wright-Leggett) Sheet No. 57-A	0.39	2.35
A.F. Miller Addition Lots 5-6, Blk. 2	Sarah Crandall Goodding (B.E. Endsley-Wright- Leggett) Sheet No. 57-A	0.29	1.75
Hubbard Acre Tract Lots 5 & 6	Amelia Kirk (Mrs. L.A. Kirk) Sheet No. 57-F	1.95	11.74
S. Farmington, W 50' of E 62 $\frac{1}{2}$ ' SW $\frac{1}{4}$ Blk. 7. S. Farmington, W 100' SE $\frac{1}{4}$ Blk. 7.	Mrs. Louis Valencia (D.C. Hamblin & I.S. Polos) Sheet No. 57-F	0.638	3.84
S. Farmington 550' NE $\frac{1}{4}$ Blk. 18	Demetrio Barela (Pt. of State of New Mexico) Sheet No. 57-F	0.06	0.36
S. Farmington E 65' of W 150' of SW $\frac{1}{4}$ Blk. 18	Raymond Dobbs (E.M. Baca) Sheet No. 57-F	0.20	1.20
Hubbard Acre Tract, N 158' of Tract 7	M. B. Gonzales (Frank Glover) Sheet No. 57-F	0.27	1.63
S. Farmington S 110' of NW $\frac{1}{4}$ Blk. 8	Merijeldo Candelaria (B.T. Welch) Sheet No. 57-F	0.492	2.96
S. Farmington Addition E 37 $\frac{1}{2}$ ' of W 100' of NE $\frac{1}{4}$ of Blk. 17 E 87 $\frac{1}{2}$ ' of NW $\frac{1}{4}$ Blk. 7	J. Victor Sandoval (E.H. Clark) Sheet No. 57-F	0.530	3.19
S Farmington Beg. SE Corner NE $\frac{1}{4}$ Blk. 3 N 112' to S line ditch, SWerly along ditch to point 29' N of SW Corner NE $\frac{1}{4}$ S to SW Corner E 187.5' to Beg.	Mrs. L. E. Hester (A.P. Blake) Sheet No. 57-F	0.32	1.93
Total		5.58	33.61

IMPORTANT—READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM

Application for Permit to Change

PLACE OR METHOD OF USE OF SURFACE WATERS

Date of Receipt of Application May 3, 1963 File No. 01417-4

A. Name of Applicant Town of Farmington

Post Office Box 900 County of San Juan State of New Mexico

Water right was acquired by beneficial use and is recorded in the State Engineer's office under No. 01417

Water is at present used for irrigation purposes.
(Irrigation, power, municipal, etc.)

Priority date of water right 1897 - No. 11 Quantity of water claimed under right See Attached Quantity of water stored 0 acre feet.

Source of water supply Animas River
(river, arroyo, spring, etc.)

a tributary of the San Juan River

Point of diversion or outlet from storage lies in the NE quarter of the SE quarter of section 11 Township 29N Range 13W

N. M. P. M., at a point whence the SE Corner of Section 11

Township 29N Range 13W bears S18°18'E

2583.0 feet distant NORTH FARMINGTON

(If used for manufacturing, power, mining, etc., purposes, give also horsepower generated and describe point of return to the stream.)

Description of area from which transfer is to be made:

SUBDIVISION	SEC.	TWP.	RANGE	ACRES	OWNER
<u>See Attached</u>					

B. Application is hereby made for permit to change place or method of use of water under above described right for the following reasons: The Town of Farmington supplies water to this property through its municipal water distribution system and the irrigation by the Owner has been discontinued in lieu of the use of the municipal water.

Use to which water is to be transferred municipal purposes.

Quantity of water to be transferred See Attached acre feet.

Description of area to which transfer is to be made:

SUBDIVISION	SEC.	TWP.	RANGE	ACRES	OWNER
<u>Town of Farmington municipal water system.</u>					

STATE ENGINEER OFFICE
SANTA FE, N. M.
1963 MAY -3 AM 11:45