

DISTRICT COURT
SAN JUAN COUNTY NM
FILED
2013 MAY 14 AM 10:42

**STATE OF NEW MEXICO
SAN JUAN COUNTY
THE ELEVENTH JUDICIAL DISTRICT COURT**

**STATE OF NEW MEXICO, *ex rel.* STATE ENGINEER,
Plaintiff,**

**D-1116-CV-75-184
HON. JAMES J. WECHSLER
Presiding Judge**

vs.

**SAN JUAN RIVER
GENERAL STREAM
ADJUDICATION**

**THE UNITED STATES OF AMERICA, *et al.*,
Defendants,**

**AB-07-1
Claims of the Navajo Nation**

**THE JICARILLA APACHE TRIBE AND THE
NAVAJO NATION,
Defendant-Intervenors.**

NAME OF PARTY: The United States of America

DESCRIPTIVE SUMMARY: The United States submits Attachment A for the United States' Response to Motions Seeking to Invalidate Bureau of Reclamation Water Rights..

NUMBER OF PAGES: 5

DATE OF SERVICE: May 14, 2013

THE UNITED STATES' NOTICE CONCERNING ATTACHMENT A

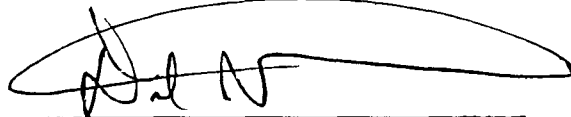
Counsel for the United States has been informed that the letter dated May 2, 1956 and provided as Attachment A to THE UNITED STATES' RESPONSE TO MOTIONS SEEKING TO INVALIDATE BUREAU OF RECLAMATION WATER RIGHTS (May 10, 2013) ("Response") originally included a table. Although the table was not necessary for the purposes of the Response, the United States has obtained a complete copy of the letter and table from the New Mexico

WATERS database; the letter and table has long been publically available to all parties. The United States has been asked to provide the letter and table, and as a courtesy the United States now provides this information to all parties. Attached to this Notice, is a copy of the May 2, 1956 letter including the table.

DATED this 14th day of May, 2013.

Respectfully Submitted,

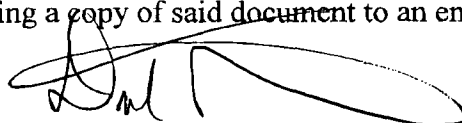
UNITED STATES OF AMERICA



DAVID W. GEHLERT
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E-Mail: david.gehlert@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of May, 2013, a true and correct copy of the forgoing was served on all parties by attaching a copy of said document to an email sent to wnavajointerse@nmcourts.gov.



DAVID W. GEHLERT

May 2, 1956

File 2848

C
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P
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Mr. Wm. F. Crabtree
Area Engineer
Bureau of Reclamation
Durango, Colorado

Dear Mr. Crabtree:

Reference is made to your letter of April 11. The water right of the Hammond Project, per se, was established by a Notice of Intention filed by the State Engineer on June 17, 1935. The file number of this Notice of Intention is 2848 and its expiration date is June 17, 1958.

Notice of Intention No. 2373 filed by Hammond, Inc., on February 12, 1940 and referred to in the second paragraph of your letter was cancelled on October 20, 1942.

The Kutz Canyon Water Users Association filed on 6855 acre-feet per annum measured on the land (3 acre-feet per acre for 2285 acres) under Notice of Intention No. 2593 dated February 25, 1945. A permit has been granted under this Notice of Intention and I have been unofficially advised that thus far water has been beneficially applied on 1612 acres. It is my understanding that the land designated in Notice of Intention No. 2593 will be incorporated in the Hammond project and therefore this water right would be transferred to the project.

According to our records, stream depletion based on rights prior to the Kutz Canyon Water Users Association's Notice of Intention No. 2593 amount to approximately 110,000 acre-feet per annum. This amount refers to estimated depletion and not to diversion requirements.

Mr. Wm. F. Crabtree
-2-
May 1, 1956

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In addition to the depletion of 110,000 acre-feet mentioned above, but not including Notice of Intention No. 2593, there are permits on file in this office which allow depletions of approximately 5000 acre-feet and which have a priority date earlier than the State Engineer's Notice of Intention No. 2848. Notices of Intention on file in this office with a priority date earlier than Notice of Intention No. 2848 are shown in the attached table.

The total of 196,332.01 acre-feet shown in the attached table reflects reservations for diversion requirements and no attempt has been made to estimate either the extent of the developments that will actually occur under these reservations or the depletions that might result from the diversions. It is suggested that you may wish to come to this office to discuss further the present and contemplated water uses set forth above and their effect on the water rights of the Hammond Project.

Yours truly,

SER:c
encl.

S. E. Reynolds
State Engineer

cc: Reid Jerman
Regional Development Engr.
Region 4-USBR SLC, Utah

File No.	Type	Applicant	Source	Quantity Acre-feet	Purpose	Priority or Filing Date	Status
2801	Notice of Intention	Town of Asbec	Animas River	7239.67	Municipal	12/18/53	Formal application due 12/18/56
2805	Notice of Intention	El Paso Nat'l Gas	San Juan River	1613.00	Industrial	2/23/54	Formal application due 2/23/57
2811	Notice of Intention	Utah Const. Co.	San Juan River	17,500.00	Industrial	5/20/54	Formal application due 5/20/57
2826	Notice of Intention	Town of Farmington	San Juan River	7239.67	Municipal	12/3/54	Formal application due 12/3/56
2827	Notice of Intention	Town of Farmington	Animas River	7239.67	Municipal	12/3/54	Formal application due 12/3/56
2829	Notice of Intention	Jackson Ditch & Canal Co.	Barker Arroyo (LaPlata)	1500.00	Sup. Irrigation	1/6/55	Formal Application due 1/6/57
2835	Notice of Intention	Town of Gallup	San Juan	15,000.00	Municipal	2/11/55	Formal application due 2/11/58
2836	Notice of Intention	Utah Const. Co.	San Juan	139,000.00	Industrial	2/28/55	Formal Application due 2/28/58
				<u>196,332.01</u>			