



IN REPLY
REFER TO: 5-420

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

REGIONAL OFFICE, REGION 5

P. O. BOX 1609
AMARILLO, TEXAS

7.1.1690
1963 AUG 15 AM 8:09
STATE ENGINEER OFFICE
SANTA FE, N.M.

AUG 15 1963

Mr. S. E. Reynolds, State Engineer
State of New Mexico
State Capitol
Santa Fe, New Mexico

Attention: Mr. M. B. Compton
Surface Water Rights Supervisor

Dear Mr. Reynolds:

In accordance with your request of June 12 to the Middle Rio Grande Conservancy District, enclosed is a completed copy of the form, Application for Extension of Time in Which to Perfect an Appropriation of Surface Waters.

The water rights, File No. 1690, formerly held by the Middle Rio Grande Conservancy District, were transferred and assigned to the United States by instrument dated May 28, 1963. Enclosed for your records is a copy of this instrument.

Sincerely yours,

John W. Hies
Regional Director

Enclosures 2

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
P.O. Box 1609
AMARILLO, TEXAS 79105
OFFICIAL BUSINESS

(F31042463)

(Amended 4-29-63)

COPY

TRANSFER AND ASSIGNMENT OF WATER RIGHTS

THIS CONTRACT, made this 27th day of May 1963, between the MIDDLE RIO GRANDE CONSERVANCY DISTRICT, a body corporate and political subdivision of the State of New Mexico having its principal office in the City of Albuquerque, New Mexico, acting hereto pursuant to the Conservancy District Reclamation Contract Act as amended (75-32-1, et seq. New Mexico Statutes, Annot), herein referred to as the "District," and the UNITED STATES OF AMERICA, herein referred to as the "United States."

WITNESSETH:

WHEREAS, the District and the United States executed Contract No. I78r-423 dated September 24, 1951, herein styled the repayment contract, Article 28 of which reads in part as follows:

"The District has made certain water filings including filings for storage and use of water in the El Vado Reservoir and it shall cause any and all such filings made in the name of the District to be assigned to the United States for beneficial use in the project and for Indian lands in the project area, and which shall be held primarily for domestic, irrigation and municipal use in the project and for Indian land in the project area, and for such use and development of hydroelectric energy by the United States as may be made of the waters thus appropriated, incident to the storage, carriage and distribution to and for such domestic irrigation and municipal use."

and

WHEREAS, Section 75-32-2, New Mexico Statutes, Annot., authorizes a contracting district to grant and convey to the United States water rights or any interests therein, either without monetary consideration therefor or in partial consideration of the privileges derived from a reclamation contract or for other consideration; and

WHEREAS, it is the intent of the District under authority of New Mexico Law to comply with its Reclamation contract commitment;

NOW, THEREFORE, in accordance with Article 28 of Contract No. I78r-423 dated September 24, 1951, between the Middle Rio Grande Conservancy District and the United States, and in consideration of the privileges derived from the repayment contract, the District does grant and convey to the United States and its assigns the following rights, titles, and interests in and to water rights serving the district area:

Water rights as described in Application for Permit No. 1690, a copy of which is attached hereto and made a part hereof.

(FST042463)
(Amended 4-29-63)

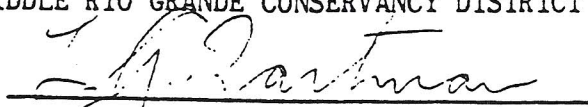
COPY

TO HAVE AND TO HOLD, all of the rights, titles, and interests in and to the water rights hereinabove specifically described, unto the United States, and its assigns, forever.

IN WITNESS WHEREOF, the parties hereto do execute this Deed as of this, the day and year first above written.


MIDDLE RIO GRANDE CONSERVANCY DISTRICT

By


Vice-President

(SEAL)

ATTEST:


Secretary

File 0620
File

MEMORANDUM

TO: EARL M. SMITH
FROM: A. F. BROWN
FILES: 0620, 1690, 2492, 2426 and 2611

w/p


Application No. 1690 having come for for extension of time, you have raised the question as to necessity for the Middle Rio Grande Conservancy District filing another proof of completion of works and referred to me the above numbered files which are of record in the name of the District. I have examined these and found Nos. 2492 and 2426 have been cancelled. No. 2611 is an application for power production only and is not associated directly with the other applications.

No. 0620 is application for change in point of diversion and 1690 is for El Vado Reservoir. The application No. 0620 is really the basic application. It was given a declaration number because of the related papers that were filed with it. In those related papers the District claims to be the successors in title of old rights in the amount of 80,785 acres, about half of which were irrigated in 1930 and about half of which had been (according to their claim) irrigated at some time in the past and the irrigation had been discontinued on account of conditions beyond the control of their predecessors in title.

The District also recited in application No. 0620 that they expected to develop 43,482 acres of land by the use of water to be recovered from drainage works which they expected to build. This makes a total of 123,267 acres which the District expected to irrigate. Their position being that there was no new appropriation involved. Their plan was to construct four new diversion dams and six new main canals leading therefrom and to abandon 71 present ditch headings and take water from the six new canals for the lands served by the 71 ditches and for the land to be reclaimed and for the land to be irrigated with water from the proposed drainage works. Their application as advertised was only for change in point of diversion and did not include any application for change in place of use of water.

Application No. 1690 is for permit to construct El Vado Dam and related works for the storage and release of water of the Rio Chama as a supplemental supply to the direct diversion for the 123,267 acres. These two files, 0620 and 1690, are so related that I believe we could do the following:

- (a) Upon receipt of satisfactory evidence, we could issue certificate of construction for El Vado Reservoir.
- (b) Proof of completion of works under 0620, proof of beneficial use and engineer's report should be filed for both permits at the same time.
- (c) Extensions of time in which to file said proof and report could be carried for 0620 and include 1690 by reference.


A. F. Brown
Asst. State Engineer