STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

UPPER MIMBRES WATER MASTER ORDER No. 2006-02 REQUIRING NON-DIVERSION OF STORAGE WATER FROM BEAR CANYON RESERVOIR

WHEREAS, the New Mexico State Engineer, by Order # 171 dated December 16th, 2005, created the UPPER MIMBRES WATER MASTER DISTRICT (District) and appointed a Water Master for the District, on a permanent basis, for the administration and apportionment of the waters of the District in accordance with New Mexico law; and

WHEREAS, the orders of the Sixth Judicial District Court in Cause No. 6326, and subsequent permits issued by the State Engineer, define and limit the amount of water available to water right owners in the District; and

WHEREAS, the State Engineer authorized the Water Master to have immediate charge of the apportionment of waters in the District under the general supervision of the State Engineer, to appropriate, regulate and control the waters of the District so as to prevent impairment of senior water right owners; and

WHEREAS, the Water Master has broad powers to administer the waters of the District as necessary to protect the public safety and the interests of water right owners in the District, or for the economic and satisfactory apportionment of water to all water rights from the available supply; and

WHEREAS, the Water Master has the authority to restrict diversions or pumping as required to administer water in accordance with principles of prior appropriation and beneficial use, to prevent illegal use of water, and to prevent waste; and

WHEREAS, the mayordomo of the San Lorenzo Community Ditch has requested that the water in storage at Bear Canyon Reservoir be released beginning June 9th, 2006 at 9:00 AM; and

WHEREAS, the requested release shall continue until 270 acre-feet has been released as measured below the outlet works of Bear Canyon Reservoir or until July 1st, 2006 at 9:00 AM, whichever may come first; and

WHEREAS, the Water Master has determined that the delivery of the water from Bear Canyon Reservoir to the San Lorenzo Community Ditch headgate will not be impaired by existing current uses of water from the natural flows of the Mimbres River upstream of the San Lorenzo Community Ditch diversion.

NOW THEREFORE, IT IS ORDERED that beginning June 9th, 2006 the Mayordomos of each public ditch upstream of the San Lorenzo Community Ditch shall not allow the diversion of water from the Mimbres River in excess of the following amounts:

Grijalva Ditch	0.8 cfs	Continuous flow
Montoya Ditch	1.6 cfs	10 days on, 5 days off beginning June 11, 2006
Kenly 1 Ditch	0.0 cfs	No diversion
Kenly 2 Ditch	1.2 cfs	Continuous flow
Heuchling 1 Ditch	0.5 cfs	Each Saturday for 24 hours
Heuchling 2 Ditch	1.5 cfs	Each Thursday beginning at 8:00 PM for 12 hours
Heuchling 3 Ditch	0.0 cfs	No diversion
Heuchling 4 Ditch	1.0 cfs	Beginning Monday's at 6:00 AM thru Wednesday's at 4:00 PM

The Water Master may adjust these diversion rates at any time to take into account natural increases or decreases in the Mimbres River flow during the release period. Any diversions above the limits established in this Order during the release will result in curtailment of all diversions by that ditch for the duration of the release. This Order shall be effective beginning June 9th, 2006 at 9:00 AM an shall continue until the Water Master provides notice to the mayordomos of the upstream ditches that it is no longer in effect.

Dated this _____ day of _____ , 2006

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Bryan K. Stevenson
Upper Mimbres Water Master