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DISTRICT COURT  
STATE OF COLORADO

Case No. 80CW237  
Water Division No. 7

FINDINGS OF FACT AND DECREE  
APPROVING APPLICATION FOR  
CHANGE OF WATER RIGHT

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IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF  
SOUTHWESTERN WATER CONSERVATION DISTRICT  
IN THE ANIMAS AND LA PLATA RIVERS OR THEIR TRIBUTARIES  
IN THE COUNTIES OF LA PLATA AND SAN JUAN, COLORADO

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THIS MATTER comes before the Court on an Application filed by the Southwestern Water Conservation District of Colorado, the Applicant herein, for a change of water right, which Application was filed on December 31, 1980, a corrected Application being filed with the Court on March 18, 1982. This matter was originally set for trial to the Court on August 20, 1981, at which time the presiding Water Judge for Water Division No. 7, having previously represented the Applicant concerning matters now before the Court in this case, disqualified himself as it would be inappropriate for him to handle the case. Subsequently the undersigned Water Judge was assigned to hear this matter and a hearing was held on March 18, 1982. After said hearing the Court entered an Order on April 26, 1982, requiring additional notice to water users of the proposed findings of fact and decree approving the Application for Change of Water Right. The Court ordered that a copy of the proposed decree be filed with the Water Clerk for Water Division No. 7 advising any water users that they would have thirty days from the publication of the notice to file written objections to the proposed decree. The Court further ordered that the Applicant supply the Water Clerk with the names and addresses of the owners of water rights on the Animas and La Plata Rivers so that the Water Clerk could mail a copy of the notice to all water users in addition to the publication of said Notice in the local newspaper. Two objections were filed on the basis of this subsequent notice. First, an objection was filed by Christopher F. George and settled as per Exhibit "A" incorporated herein and made a part hereof. Second, an objection was filed by Jack Scott. A hearing was held on November 19, 1982, at which time it was agreed that the proposed changes in points of diversion would not prejudice vested rights so long as the conditions proposed by the Division Engineer were included in the Decree.

A further hearing was held on March 10, 1983, upon the statement of opposition filed herein by Jack W. Scott, whose allegations included but were not limited to the issue of abandonment of the original Animas-La Plata Project Plan and the advancement of a new and different Plan. By agreement, the hearing was limited to the issue of abandonment and all other allegations were discussed. This Application is one for adjudication of several alternate points of diversion and storage to bring the 1938 project into conformity with the revised or reconstituted Plan.

The evidence establishes that under the original Plan there was a salinity problem that had to be corrected to conform to federal regulations. The original Plan was a gravity plan, while the revised Plan proposes to effect diversion in some instances by pumping. The amount of the conditional diversions and the preferred consumptive use are practically the same, although less land will be irrigated under the revised Plan than under the former. The revised Plan eliminates the McDermott Canal and the Meadows Diversion Canal, both in New Mexico, and substitutes Ridges Basin Reservoir for Howardsville Reservoir.

The cost of the revised Plan will be less than originally projected. The principal differences between the original and revised Plans are that diversions will be accomplished from the Animas River by pumping instead of gravity diversion, and the diversions will be made at different places downstream from the original points of diversion. In general, there is no change in the place of use other than some reduction in total irrigated acres. The points of diversion are changed from fixed points of diversion to alternate points of diversion.

The revised Plan commenced to evolve in 1970 and continued in revision until 1975. This is not a new or recent idea. The final Plan was considered by this Court in the 1981 diligence hearing, at which time no one appears to have asserted the abandonment issue now before the Court and which acquired possible validity only because the Applicant filed its application for the changes of points of diversion to bring its conditional decree into conformity with the revised Plan.

The Court now being advised that there has been complete compliance with the Court's Order regarding notice and having considered the pleadings and files herein and the evidence presented at hearings on March 18, 1982, November 19, 1982, and March 10, 1983,

FINDS:

1. Timely and adequate notice of this proceeding has been given in the manner required by law and the Water Judge sitting in this Court has jurisdiction over the subject matter of these proceedings and over all parties affected hereby whether they have appeared or not. The time for filing of statements of opposition has expired.

2. The default of Objectors Mabel L. Bennett, Paul A. and Louise P. Palmer is noted by the Court as well as the appearance of John A. Bachman on behalf of Pittsburg and Midway Coal Company, and Mr. Davies C. Lile, Division Engineer for Water Division No. 7, State of Colorado. The record reflects that the statements of opposition previously filed by the United States of America have been withdrawn and that the remaining objector, Christopher Frank George, has stipulated with the Applicant to remove his statement of opposition, which Stipulation shall be attached hereto and become a part of this decree. The objection of Jack Scott was withdrawn so long as the Division Engineer's recommendations were followed on all issues except that of abandonment.

3. No adverse effect on other appropriators, including this objector, has been shown. The Project Plan, as revised, is the same Project it has always been with some refinements. Large irrigation projects, as Rome, are not built in a day. The Animas-La Plata Project has been in active planning for almost fifty years. Its construction depends upon Congressional appropriations hampered somewhat by administrations during the past several years which have not demonstrated much enthusiasm for Western irrigation projects. Appropriations have been hard to come by. What is lack of due diligence in the case of an ordinary irrigation ditch costing a few hundred dollars may be due diligence in the case of a vast project involving thousands of acre feet of water and the expenditure of millions of dollars, usually federal money.

A finding of due diligence was entered effective June 1, 1980, a finding of due diligence is res judicata as to everything prior to that date. Town of DeBeque v. Enewold, 199 Colo. 110, 606 P.2d 48 (1980)

Further, there is no evidence that senior appropriators will be damage by the construction and operation of the proposed Animas-La Plata Project. Objector Scott has failed to show that he would be damaged. He has failed to establish the allegations of his statement of opposition. Changing the point of diversion of a conditional water right not yet constructed is not an abandonment.

4. The Applicant is the owner of the following described water rights:

HOWARDSVILLE RESERVOIR

Priority No. 3A (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966

93,700 acre-feet of water

TEFT DIVERSION DAM

Priority No. 3A (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966

600.0 c.f.s. of water - Capacity

ANIMAS DIVERSION CANAL

Priority number: 37A & 7 (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966

# 807-C, March 21, 1966

600.0 c.f.s. of water

ANIMAS MOUNTAIN RESERVOIR

Priority number: 3A (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966

17,640 acre-feet of water

FALLS CREEK DIVERSION DAM & CANAL

Priority number: 37A (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966

60.0 c.f.s. of water

JUNCTION CREEK DIVERSION DAM & PIPELINE

Priority number: 37A (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966

100.0 c.f.s. of water

McDERMOTT CANAL

Priority number: 37A & 7 (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966

807-C, March 21, 1966

100.0 c.f.s. of water - Capacity

RED MESA CANAL

Priority number: 37A (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966

235.0 c.f.s. of water - Capacity

HAY GULCH RESERVOIR

Priority number: 3A & 2 (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966

807-C, March 21, 1966

56,330 acre-feet of water

DRY SIDE CANAL

Priority number: 37A & 7 (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966

807-C, March 21, 1966

625.0 c.f.s. of water

PONDS CANAL

Priority number: 37A & 7 (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966  
807-C, March 21, 1966

175.0 c.f.s. of water

UTE CANAL

Priority number: 37A & 7 (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966  
807-C, March 21, 1966

195.0 c.f.s. of water

LONGHOLLOW DIVERSION DAM & CANAL AND MEADOWS DIVERSION CANAL

Priority number: 37A & 7 (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966  
807-C, March 21, 1966

Amount of Water: Longhollow Canal, 175.0 c.f.s.  
Meadows Diversion, 165.0 c.f.s.

THREE BUTTES RESERVOIR

Priority number: 3A & 2 (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966  
807-C, March 21, 1966

Amount of water: 38,400 acre-feet

MEADOWS RESERVOIR

Priority number: 3A & 2 (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966  
807-C, March 21, 1966

17,450 acre-feet of water

MEADOWS CANAL

Priority number: 37-A & 7 (combined)

Priority date: September 2, 1938

Decree (number and date): #1751-B, March 21, 1966  
807-C, March 21, 1966

90.0 c.f.s. of water - Capacity

LA PLATA DIVERSION DAM & CANAL

Priority number: #7 (combined)

Priority date: September 2, 1938

Decree (number and date): # 807-C, March 21, 1966

400.0 c.f.s. of water

5. Applicant has applied for alternate points of diversion and location for direct flow and storage water rights, all of which are project features of the Animas-La Plata Project.

6. Applicant proposes to maintain the priority numbers and dates already awarded and decreed by the Court in this action for the following-described alternate points of diversion and storage water rights:

DIRECT FLOW RIGHTS - ANIMAS RIVER DRAINAGE

- A. Present point of diversion, Animas Diversion Canal -  
Teft Diversion Dam  
Amount of water to be diverted, 600.0 c.f.s.  
Source: Animas River  
Use: Irrigation, domestic, municipal, industrial, recreation,  
fish and wildlife, flood control and other beneficial uses.  
Point of diversion: At a point from whence the Northwest corner  
of Section 1, Township 38 North, Range 9 West, N.M.P.M.,  
bear North 79°45' West a distance of 11,150 feet.

Alternate point of diversion: Durango Pumping Plant and  
Ridges Basin Inlet Conduit. Point of Diversion on the  
Animas River is described as follows: From the Southeast  
corner of Section 32, Township 35 North, Range 9 West,  
N.M.P.M. bear North 49°00' west, 4,200.0 feet.

- B. Falls Creek Diversion Dam and Canal  
Amount of water to be diverted: 60.0 c.f.s.  
Source: Falls Creek, a tributary of the Animas River  
Use: Irrigation, domestic, municipal, industrial, recreation,  
fish and wildlife, flood control and other beneficial uses.

Point of Diversion: At a point from whence the Southwest corner of Section 21, T36N, R9W, N.M.P.M. bears South 45°50' West, a distance of 1,050.0 feet.

Alternate point of diversion: Durango Pumping Plant and Ridges Basin Inlet Conduit (same as previously described).

- C. Junction Creek Diversion Dam and Pipeline.  
Amount of water to be diverted: 100.0 c.f.s.  
Source: Junction Creek, a tributary of the Animas River  
Use: Irrigation, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial uses  
Point of diversion: At a point from whence the Southwest corner of Section 31, T36N, R9W, N.M.P.M. bears North 51°15' East, a distance of 2,200.0 feet.

Alternate point of diversion: Durango Pumping Plant and Ridges Basin Inlet Conduit (same as previously described)

#### ANIMAS DRAINAGE - STORAGE RIGHTS

- A. Howardsville Reservoir  
Amount of water to be stored: 93,700 acre feet  
Source: Animas River  
Use: Irrigation, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial uses  
Location: Unsurveyed area, probable projections would place the reservoir in Sections 29, 30 and 31, T42N, R6W, N.M.P.M.; Section 36, T42N, R7W; Section 6, T41N, R6W; Sections 1, 11, 12, T41N, R7W, N.M.P.M.. The axis of the dam extends South 15°08' East from a point on the right abutment at Station 0+00 from whence the U.S. Mineral Monument Uncle Sam bears North 56°01' West, a distance of 16,400.0 feet.  
Conditions: Initial storage 93,700 acre feet, annual storage, 90,700 acre feet and 90,700 acre feet to refill if capacity and water are available

Alternate point of storage: Ridges Basin Reservoir - the south abutment of the dam is located 2,100 feet from the Southwest corner of Section 7, T34N, R9W, N.M.P.M., on an angle of 64° East of North. The dam extends 1,600 feet across the stream bed bearing 7°10' East of North along the dam axis. The reservoir is located in portions of Sections 6 and 7, T34N, R9W, N.M.P.M. and Sections 1, 2, 3, 4, 9, 10, 11, 12, 2U and 3U, T34N, R10W, N.M.P.M., and Section 36, T35N, R10W, N.M.P.M.  
To be filled through Durango Pumping Plant.

- B. Animas Mountain Reservoir  
Amount of water to be stored: 17,640 acre feet  
Source: Animas River, Falls Creek and Junction Creek  
Use: Irrigation, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial uses.  
Location: Portions of Sections 28, 29, 32 and 33, T36N, R9W, all N.M.P.M. Initial point of survey of the high water line of the reservoir is located at a point from whence the Northwest corner of Section 4, T35N, R9W, N.M.P.M. bears North 29°28' W., a distance of 2,230.0 feet. The axis of Dam No. 1 extends North 9°17' East, from a point on the right abutment at Station 0+00 from whence the Northwest corner of Section 4, T35N, R9W, N.M.P.M. bears North 30°58' West, a distance of 2,430.0 feet. The axis of Dam No. 2 extends South 6°00' E., from a point on the right abutment at Station 0+00 from whence the Northeast corner of Section 5, T35N, R9W, N.M.P.M. bears North 72°57' East, a distance of 3,690.0 feet.  
Conditions: Initial storage 17,640 acre feet, annual storage 14,640 acre feet, and 14,640 acre feet refill from all three sources if capacity and water are available.

Alternate point of diversion: Ridges Basin Reservoir (location previously described) Filled from Durango Pumping Plant.

#### COMBINATION OF SOURCES - STORAGE RIGHTS

- A. Hay Gulch Reservoir  
Amount of water: 56,330 acre feet  
Source: Animas River, La Plata River and Hay Gulch, a tributary of the La Plata River  
Use: Irrigation, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial uses.  
Location: In portions of Sections 6 and 7, T34N, R11W; Sections 1, 2, 3, 11 and 12, T34N, R12W; Section 31, T35N, R11W; Sections 35 and 36, T35N, R12W, all N.M.P.M. Initial point of survey of the high water line of the reservoir is located at a point from whence the South Quarter corner of Section 12, T34N, R12W, N.M.P.M. bears South 80°31' East, a distance of 1,200.0 feet. From Station 10+00, a point on the axis of the dam, the South quarter corner of Section 12, T34N, R12W, N.M.P.M. bears South 86°58' East, a distance of 3,970.0 feet and from said Station 10+00, the axis of the dam bears South 89°15' East.  
Conditions: Initial storage 56,330 acre feet from the Animas River; annual storage of 53,730 acre feet from the Animas River and 46,740 acre feet of water from the Animas River for refill if said reservoir capacity and water are available. Further, 56,330 acre feet initial storage from Hay Gulch and the La Plata River with annual storage of 53,730 acre feet, and 46,730 acre feet to refill said reservoir from Hay Gulch

and the La Plata River if capacity and water are available. With the provision that Hay Gulch Reservoir is a re-regulation reservoir and that such re-regulation shall not be charged against the storage rights appropriated herein.

Alternate points of storage: Ridges Basin Reservoir (location previously described), Southern Ute Reservoir and Dam. The location of the dam is as follows: The West abutment is located 550.0 feet from the Southeast corner of Section 12, T32N, R13W, N.M.P.M. on an angle of 71° West of North. The dam axis extends 700.0 feet bearing 65° East of South to a point, then 2,300.0 feet bearing 72° East of North to the East abutment. The reservoir is located partially in the following sections: Sections 1, 2, 11 and 12 of T32N, R13W; and Sections 10, 15 and 22 in T32N, R12W, N.M.P.M., all in Colorado; and in Sections 12 and 13, T32N, R12W, N.M.P.M., all in New Mexico. Through Southern Ute Inlet Canal or Durango Pumping Plant..

B. Meadows Reservoir

Amount of water: 17,450 acre feet

Source: Animas River, La Plata River, Project return flows

Use: Irrigation, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial uses

Location: In portions of Sections 25, 26, 27, 34 and 36, T31N, R14W, N.M.P.M., all in the State of New Mexico.

The initial point of survey of the high water line of the reservoir is located at a point from whence the Southwest corner of Section 26, T31N, R14W, N.M.P.M. bears South 25°18' West, a distance of 1,300.0 feet. The axis extends South 45°50' West from a point on the right abutment at Station 0+00 from whence the Southwest corner of Section 26, T31N, R14W, N.M.P.M. bears South 34°42' West, a distance of 2,130.0 feet.

Conditions: Initial storage 17,450 acre feet from the Animas River, annual storage 13,750 acre feet from the Animas River, and 13,750 acre feet from the Animas River to refill if capacity and water are available. Additionally, 13,750 acre feet from the La Plata River for annual use whenever capacity is available for refilling and water is available in the La Plata River for such refilling.

Alternate point of storage: Southern Ute Reservoir and Dam  
(Location as previously described)

C. Three Buttes Reservoir

Amount of water: 38,400 acre feet

Source: Animas River, La Plata River, Project return flows

Use: Irrigation, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial uses

Location: Portions of Sections 1, 2, 11 and 12, T32N, R12W, N.M.P.M. and Sections 10, 15 and 22, T32N, R12W, N.M.P.M., all in the State of Colorado; and Section 7, T32N, R12W, N.M.P.M. and Sections 12 and 13, T32N, R13W, N.M.P.M., all in the State of New Mexico. The initial point of survey of the high water line of the reservoir is located at a point from which the Southwest corner of Section 7, T32N, R12W, N.M.P.M., in the State of New Mexico bears South 59°00' West, 2,405.0 feet; the axis of the dam beginning at Station 0+00 whence the Southwest corner of Section 7, T32N, R12W, N.M.P.M. in the State of New Mexico bears South 56°00' West, 2,445.0 feet.

Conditions: Initial storage 38,400 acre feet from the Animas River, annual storage 38,400 acre feet from the Animas River, and 38,400 acre feet from the La Plata River.

Alternate point of storage: Southern Ute Reservoir and Dam (location as previously described)

#### LA PLATA RIVER - DIRECT FLOW RIGHTS

- A. La Plata Diversion Dam and Canal  
Amount of water: 400.0 c.f.s.  
Source: La Plata River  
Use: Irrigation, domestic, municipal, industrial, recreation, fish and wildlife, flood control, and other beneficial uses  
Point of diversion: At a point whence the Southeast corner or Section 7U, T34N, R11W, N.M.P.M. bears South 16°04' East, a distance of 2,150.0 feet.

Alternate point of diversion: Alter the location of the La Plata Diversion Dam to a point described as follows: from the Southwest corner of Section 13, T34N, R12W, bear North 88°00' East, 6,100.0 feet.

- B. Hay Gulch via Project Works (aka Dry Side Canal)  
Amount of water diverted: 625.0 c.f.s.  
Source: Hay Gulch, a tributary of the La Plata River  
Use: Irrigation, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial uses  
Point of diversion: At a point whence the Northeast corner of Section 3U, T34N, R12W, N.M.P.M. bears North 79°12' East, a distance of 3,150.0 feet.

Alternate point of diversion: None requested

C. Meadows Diversion Canal  
Amount of water diverted: 165.0 c.f.s.  
Source: La Plata River and Project return flows  
Use: Irrigation, domestic, municipal, industrial, recreation,  
fish and wildlife, flood control and other beneficial  
use  
Point of diversion: On the La Plata River at a point from  
whence the Northeast corner of Section 3, T32N, R13W,  
N.M.P.M. in Colorado bears North 2°00' East, 1,580.00  
feet.

Alternate point of diversion: Southern Ute Diversion Dam  
and Inlet Canal: from the Southwest corner of Section 3,  
T32N, R13W, bear North 21°00' East, a distance of  
12,400.00 feet.

D. Longhollow Diversion Dam and Canal  
Amount of water diverted: 175.0 c.f.s.  
Source: La Plata River and Project return flows  
Use: Irrigation, domestic, municipal, industrial, recreation,  
fish and wildlife, flood control and other beneficial  
use  
Point of diversion: A point from whence the Northeast corner  
of Section 3, T32N, R13W, N.M.P.M. in Colorado bears  
North 2°00' East, 1,580.0 feet.

Alternate point of diversion: Southern Ute Diversion Dam  
and Inlet Canal (as previously described)

7. Applicant has requested that a decree allowing for alternate points of diversion for Applicant's direct flow and storage rights for the Animas-La Plata Project contain a condition which will limit diversions at the alternate points of diversion on the Animas River to the amount of water in priority that could have been diverted at the original point of diversion at the Teft Diversion Dam in order to ensure that injury will not occur to existing decreed water rights.

8. This Court originally decreed water rights for the Animas-La Plata Project which included water rights and points of diversion of water for use by the State of New Mexico for water allocated to the State of New Mexico by the Animas-La Plata Project. The decreed water rights comply with the Upper Colorado River Basin Compact and the Animas-La Plata Compact, both of which Compacts allow for water rights awarded in Colorado to be utilized in the State of New Mexico with the same priorities.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED with regard to the Application for Change of Water Right:

1. That the Applicant is entitled to a decree allowing for alternate points of diversion for the Animas-La Plata Project.

2. That the evidence is undisputed that the Applicant is entitled to maintain the priority numbers and dates previously awarded and decreed by

this Court for the alternate points of diversion and alternate points of storage under the doctrine of relation back, and that there has been no abandonment by applicant.

3. The alternate points of diversion and alternate points of storage shall be decreed as follows:

#### DURANGO PUMPING PLANT, RIDGES BASIN INLET

- a. Point of diversion: Animas River, from the SE corner of Section 32, Township 35 North, Range 9 West bear North  $49^{\circ}00'$  West 4,200 feet.
- b. Means of diversion: Pump
- c. Capacity: 600 c.f.s.
- d. Type of structure: Pipeline
- e. Location of pipeline from Durango Pumping Plant: bear South Southwest 2,000 feet, West 1,600 feet, West Southwest 1,100 feet, South Southwest 1,300 feet, thence West Southwest 4,600 feet to the point of inlet into Ridges Basin Reservoir.
- f. Capacity of pipeline: 600 c.f.s.
- g. Type of use: Irrigation, municipal, domestic, industrial, stock, fish and wildlife, recreation and other uses.

#### RIDGES BASIN RESERVOIR

- a. Source of water: Animas River
- b. Point of diversion and location of reservoir: Inlet from the Northeast corner of Section 1, Township 34 North, Range 10 West, bear North  $80^{\circ}00'$  West 1,600 feet. The South abutment of the dam is located 2,100 feet from the Southwest corner of Section 7, Township 34 North, Range 9 West, on an angle of  $64^{\circ}$  east of north. The dam extends 1,600 feet across the stream bed bearing  $7^{\circ}10'$  east of north along the dam access. The reservoir is located in portions of Sections 6 and 7, T34N, R9W, N.M.P.M. and Sections 1, 2, 3, 4, 9, 10, 11, 12, 2U and 3U, T34N, R10W, N.M.P.M. and Section 36, T35N, R10W, N.M.P.M.
- c. Capacity: 280,040 acre feet total
- d. Means of diversion: By pump from the Durango Pumping Plant
- e. Type of use: Irrigation, municipal, domestic, industrial, stock, fish and wildlife, recreation and other uses.

#### SOUTHERN UTE RESERVOIR AND DAM

- a. Point of diversion and location: Inlet, from the Southwest corner of Section 2, T32N, R13W, bear North  $88^{\circ}00'$  East 3,700 feet. The location of the dam is as follows: The West abutment is located 550 feet from the Southeast corner of Section 12, T32N, R13W, on an angle of  $71^{\circ}$  West of North. The dam axis extends 700 feet bearing  $65^{\circ}$  East of South to a point, then 2,300 feet bearing  $72^{\circ}$  East of North to the East abutment. The reservoir is located partially in the following sections: Sections 1, 2, 11

and 12 of T32N, R13W, N.M.P.M., and Sections 10, 15 and 22, in T32N, R12W, N.M.P.M., all in Colorado; and in Sections 12 and 13, T32N, R13W, N.M.P.M. and in Section 7, T32N, R12W, N.M.P.M., all in New Mexico

- b. Capacity: 70,000 acre feet total
- c. Type of use: Irrigation, municipal, domestic, industrial, stock, fish and wildlife, recreation and other uses.

#### LA PLATA DIVERSION DAM AND CANAL

- a. The point of beginning of Dry Side Canal is at the Ridges Basin Pumping Plant Outlet from the Northeast Corner of Section 4, T34N, R10W, bear South 27° West 2,200 feet.
- b. Point of diversion of La Plata Diversion Dam: From the Southwest Corner of Section 13, T34N, R12W, bear North 88°00' East 6,100 feet.
- c. Type of structure: Pipeline, canals and tunnel.
- d. Total length of Dry Side and structures: From the end of Ridges Basin Pumping Plant Outlet bear West 5,500 feet; Southwest 37,500 feet; Northwest 35,215 feet; West 1,985 feet; North 1,000 feet; Northeast 2,915 feet; and West 61,630 feet.
- e. Means of diversion: Ridges Basin Pumping Plant located at the Western edge to the Ridges Basin Reservoir.
- f. Capacity of Pumping Plant: 700 c.f.s.  
Capacity of La Plata Diversion Dam: 400 c.f.s.
- g. Type of use: Irrigation, municipal, domestic, industrial, stock, fish and wildlife, recreation and other uses.

#### SOUTHERN UTE DIVERSION DAM AND INLET CANAL

- a. Point of diversion: La Plata River, from the Southwest corner of Section 3, T32N, R13W, bear North 21°00' East for a distance of 12,400 feet.
- b. Means of diversion: Gravity flow
- c. Capacity: 375 c.f.s.
- d. Name of ditch or other structure: Southern Ute Inlet Canal
- e. Location from Southern Ute Diversion Dam: . . . from the Southern Ute Diversion Dam on the La Plata River bear South Southeast 17,400 feet.
- f. Type of structure: Canal
- g. Capacity of canal: 375 cfs.
- h. Type of use: Irrigation, municipal, domestic, industrial, stock, fish and wildlife, recreation and other uses.

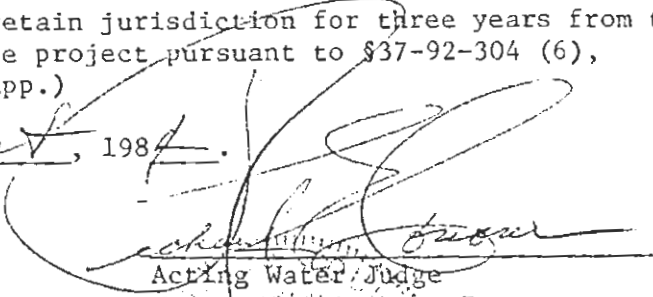
The alternate points of diversion and alternate points of storage are all decreed to the Applicant on the Animas River and on the La Plata River with a priority date of September 2, 1938, and a decreed date of March 21, 1966, for the amounts of water as hereinbefore set forth subject to the following conditions which will ensure that the change of water right will not injuriously affect the owners of or persons entitled to use water under a vested water right or a decreed water right:

1. In the event of a call on the Animas River or its tributaries, it is stipulated that Objector, Christopher F. George, as junior appropriator, may continue to use up to 15 gallons per minute of Objector's water right. Said

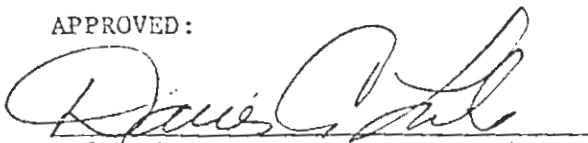
domestic use will not be subject to any call which applicant may hereinafter place on the Animas River as a result of the change of Applicant's water right.

- 1.(a) That measuring devices be placed at the original points of diversion in accordance with specifications as required by the Colorado Division of Water Resources.
2. That the amount of water to be diverted at the alternate points be limited to the amount of water available at the original heading in accordance with their priority, and allowances made for transportation losses, if any.
3. That the amount of water to be stored at the alternate reservoir sites be limited to that amount which would have been available at the original reservoir in accordance with their priority, and allowances made for transportation losses, if any.
4. That the uses at alternate points be limited to those uses as originally decreed, and not be enlarged beyond the scope and provisions of the original decree.
5. That the water rights decreed in New Mexico for use of New Mexico be limited not to exceed the amount of water available to New Mexico as set forth in the Upper Colorado River Basin Compact, Articles III and XIV, and in accordance with the Animas-La Plata Compact.
6. Numerous structures were listed in the Application which are merely laterals of ditches that were originally decreed and it is not necessary that they be granted alternate points, however, the Court chooses to identify all points of use for administrative purposes.
7. That the Court retain jurisdiction for three years from the completion of the project pursuant to §37-92-304 (6), C.R.S. (1983 Supp.)

DONE this 7<sup>th</sup> day of August, 1984.

  
Acting Water Judge  
Water Division No. 7  
State of Colorado

APPROVED:

  
Colorado Water Resources Engineer  
Water Division No. 7

District Court, Durango, Colorado  
State of Colorado  
Water Division No. 7

Certified to be a full, true and correct copy of original in my custody.

Dated AUG 24 1984

Clerk Debbie Bannister

Deputy .....