

ANIMAS-LA PLATA PROJECT
(Water District No. 30)

(Conditional)

DITCH PRIORITY NO. 37A (combined)

RESERVOIR PRIORITY NO. 3A (combined)

THE COURT FINDS THAT:

1. The Animas-LaPlata Project includes Howardsville Reservoir, Teft Diversion Dam, Animas Diversion Canal, Animas Mountain Reservoir, Falls Creek Diversion Dam and Canal, Junction Creek Diversion Dam and Pipeline, McDermott Canal, Red Mesa Canal, Hay Gulch Reservoir, Dry Side Canal, Ponds Canal, Ute Canal, Long-hollow Diversion Dam and Canal and Meadows Diversion Canal, Three Buttes Reservoir, Meadows Reservoir, Meadows Canal, McDermott Canal and miscellaneous minor canals and laterals, and that these ditches, canals and reservoirs combine to form a system for irrigation, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial purposes.

2. That the claimant is the Southwestern Water Conservation District, P. O. Box 475, Durango, Colorado.

3. That the sources from which the appropriations are made are the Animas River, Falls Creek and Junction Creek.

4. That the points of diversion of ditches and other structures for diverting water and the locations of reservoirs for storing water are as follows:

a. HOWARDSVILLE RESERVOIR is formed by Howardsville Dam located on the Animas River about 2 miles upstream from the town of Silverton. The dam is a rolled-earth and rock-fill structure, about 1300 feet long with a crest width of 30 feet. The reservoir will have a total capacity of 93,700 acre feet, of which 90,700 acre feet will be active capacity. The reservoir is located in an unsurveyed portion of the Public Domain which, if surveyed section lines were extended into the area, would probably be in Sections 29, 30 and 31, Township 42 North, Range 6 West; Section 36, Township 42 North, Range 7 West; Section 6, Township 41 North, Range 6 West;

Sections 1, 11 and 12, Township 41 North, Range 7 West, all N.M.P.M. The initial point of survey of the high water line of the reservoir is located at a point from whence the U. S. Mineral Monument Uncle Sam bears South $84^{\circ}15'$ West, a distance of 26,300 feet. The axis of the dam is described as follows: The axis of the dam extends South $15^{\circ}08'$ East from a point on the right abutment at Station 0+00 from whence the U. S. Mineral Monument Uncle Sam bears North $56^{\circ}01'$ West, a distance of 16,400 feet. The source of supply for the reservoir is the Animas River.

b. TEFT DIVERSION DAM, which is located on the Animas River about 22 miles north of Durango, Colorado, will divert flows of the Animas River, together with water released from Howardsville Reservoir into the Animas Diversion Canal. The headworks of the dam will have a diversion capacity of 600 cubic feet of water per second of time. The diversion is located at a point from whence the Northwest corner of Section 1, Township 38 North, Range 9 West, bears North $79^{\circ}45'$ West, a distance of 11,150 feet. The dam will consist of a floating concrete gravity overflow spillway section 235 feet long, with a gated sluiceway and intake structure located adjacent to the right abutment. A protective earth dike 700 feet long will extend from the spillway section upstream to the left abutment.

c. ANIMAS DIVERSION CANAL traverses the rugged terrain from Teft Diversion Dam on the Animas River to Hay Gulch Reservoir, a distance of about 47.6 miles and has a capacity of 600 c.f.s. About 17 lateral turnouts with built-in measuring devices will be constructed. A turnout will be constructed at the crossing of Junction Creek to deliver water to Animas Mountain Reservoir. Turnouts will be constructed at the headworks of the McDermott Canal and the Red Mesa Canal and an intake structure constructed at the terminus of the La Plata Diversion Canal where water from

the La Plata River, claimed in Water District No. 33, will be carried to Hay Gulch Reservoir. The headworks of the canal are located at a point from whence the Northwest corner of Section 1, Township 38 North, Range 9 West, bears North $79^{\circ}45'$ West, a distance of 11,150 feet. The source of water for this canal is the Animas River and it will also serve to carry water released from the Animas River from Howardsville Reservoir and diverted at Teft Diversion Dam into the canal. It will also carry La Plata River water as mentioned above.

d. ANIMAS MOUNTAIN RESERVOIR is located at an offstream site about 2 miles north of Durango. The reservoir will be formed by two dams, Nos. 1 and 2. The dams will be earth-fill structures, Dam No. 1 being 580 feet long with a crest width of 30 feet and Dam No. 2 being 1130 feet long with a crest width of 30 feet. The reservoir will have a total capacity of 17,640 acre feet of which 15,640 acre feet will be active capacity. The reservoir is located in portions of Sections 28, 29, 32 and 33, of Township 36 North, Range 9 West, and Sections 4 and 5 of Township 35 North, Range 9 West, N.M.P.M. The 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, Township 35 North, Range 9 West, N.M.P.M., bears North $29^{\circ}28'$ West, a distance of 2,230 feet. The axis of Dam No. 1 is described as follows: The axis of Dam No. 1 extends North $9^{\circ}17'$ East, from a point on the right abutment at station 0+00 from whence the Northwest corner of Section 4, Township 35 North, Range 9 West, N.M.P.M., bears North $30^{\circ}58'$ West, a distance of 2,430 feet. The axis of Dam No. 2 extends South $6^{\circ}00'$ East from a point on the right abutment at Station 0+00 from whence the Northeast corner of Section 5, Township 35 North, Range 9 West, N.M.P.M., bears North $72^{\circ}57'$ East, a distance of 3,690 feet. The sources of supply for the reservoir are Falls Creek, Junction Creek, and the Animas River through the Animas Diversion Canal. The reservoir also

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serves as a re-regulating reservoir for Animas River water stored in Howardsville Reservoir, released to Animas River, subsequently diverted at Teft Diversion Dam and carried to Junction Creek through the Animas Diversion Canal. Two outlet works will be provided to release stored water, one on each dam. The outlet works on Dam No. 1 will release 40 c.f.s. of water and are located at a point from whence the Northwest corner of Section 4, Township 35 North, Range 9 West, N.M.P.M., bears North 35°21' West, a distance of 2,210 feet. The outlet works on Dam No. 2 will release 40 c.f.s. of water and are located at a point from whence the Northeast corner of Section 5, Township 35 North, Range 9 West, N.M.P.M., bears North 59°56' East, a distance of 4,250 feet. Water stored in the reservoir will be used for municipal, industrial and miscellaneous purposes in the City of Durango. Facilities to convey the stored water to place of use will be constructed.

e. FALLS CREEK DIVERSION DAM AND CANAL. The diversion dam is located on Falls Creek, about 1.7 miles north of the Animas Mountain Reservoir. It is a 25 feet long concrete structure with a short earth dike and will divert water from Falls Creek to the Falls Creek Canal. The diversion is located at a point from whence the Southwest corner of Section 21, Township 36 North, Range 9 West N.M.P.M., bears South 45°50' West, a distance of 1,050 feet. The Falls Creek Canal will be 1.7 miles in length and will have a capacity of 60 c.f.s. The source of water is Falls Creek which will be transported to Animas Mountain Reservoir for municipal, industrial and miscellaneous purposes in the City of Durango.

f. JUNCTION CREEK DIVERSION DAM AND PIPELINE. The diversion dam will be a 40 foot long concrete gravity overflow spillway section with a gated sluiceway, intake structure and concrete walls to the edge of the canyon. The diversion is located at a point from whence the Southwest corner of Section 31, Township 36 North, Range 9 West, N.M.P.M., bears North 51°15' East, a

distance of 2,200 feet. The Junction Creek Pipeline will be constructed of concrete pressure pipe with a capacity of 100 c.f.s. and will extend 2.3 miles from the diversion dam to the Animas Mountain Reservoir. The source of water will be Junction Creek and Animas River water transported to Junction Creek through the Animas Diversion Canal. The water will be used for municipal, industrial and miscellaneous purposes in the City of Durango.

g. RED MESA CANAL diverts from the Animas Diversion Canal to serve lands in the La Plata, Colorado area. It is approximately 10 miles long, having an initial capacity of approximately 235 c.f.s. and a terminal capacity of 20 c.f.s. About 29 laterals and turnouts will be constructed with built-in measuring devices. The diversion from the Animas Diversion Canal is located at a point from whence the southwest corner of Section 17, Township 34 North, Range 11 West, N.M.P.M., bears South 85°56' West, a distance of 575 feet. The source of water in this canal is the Animas River diverted by the Animas Diversion Canal.

h. HAY GULCH RESERVOIR is formed by Hay Gulch Dam at the terminus of the Animas Diversion Canal at Hay Gulch about 23.5 miles west of Durango, Colorado. The dam is a rolled earth structure and the reservoir will have a total capacity of 56,330 acre feet of which 53,730 acre feet will be active capacity. The reservoir is located in portions of Sections 6 and 7, Township 34 North, Range 11 West; Sections 1, 2, 3 and 12, Township 34 North, Range 12 West; Section 31, Township 35 North, Range 11 West; Sections 35 and 36, Township 35 North, Range 12 West, all N.M.P.M. The initial point of survey of the high water line of the reservoir is located at a point from whence the South 1/4 corner Section 12, Township 34 North, (North of the Ute Line), Range 12 West, N.M.P.M., bears South 80°31' West, a distance of 1,200 feet. The axis of Hay Gulch Dam is described as follows: From Station 10+00, a point on the axis of the dam, the

South 1/4 corner of Section 12, Township 34 North, (North of the Ute Line), Range 12, West, N.M.P.M., bears South 86°58' East, a distance of 3,970 feet and from said Station 10+00 the axis of the dam bears South 89°15' East. The dam will have a length of about 3,800 feet and a width of 35 feet at the crest. The source of supply for the reservoir is the Animas River. Animas River water will be diverted at Teft Diversion Dam and transported to the reservoir by the Animas Diversion Canal. A further source of water supply for the reservoir is La Plata River and Hay Gulch, claimed in Water District No. 33.. The reservoir will also serve as a re-regulating reservoir for water stored in Howardsville Reservoir which can be released to Animas River and brought to Hay Gulch Reservoir via Teft Diversion Dam and Animas Diversion Canal in the same manner as the direct flows of the Animas River.

i. DRY SIDE CANAL extends 14.1 miles in length from Hay Gulch Reservoir to the bifurcation works for the Ponds and Ute Canals. The canal has an initial capacity of 625 c.f.s. and a terminal capacity of 385 c.f.s. About 22 lateral and turnout structures will be constructed with built-in measuring devices. The diversion from Hay Gulch Dam and Reservoir is located at a point from whence the northeast corner of Section 3U, Township 34 North, Range 12 West, N.M.P.M., bears North 79°12' East a distance of 3,150 feet. The source of water in this canal is the Animas River. Animas River water will be diverted at Teft Diversion Dam, and using the Animas Diversion Canal and other project works as a conduit, will be delivered to the Dry Side Canal. Stored water in Howardsville Reservoir and Hay Gulch Reservoir will also be carried in the canal.

j. PONDS CANAL extends 11.5 miles southeast from Dry Side Canal. It has an initial capacity of 175 c.f.s. and a terminal capacity of 20 c.f.s. About 17 lateral and turnout structures, with built-in measuring devices will be constructed. The diversion from

Dry Side Canal is located at a point from whence the northwest corner of Section 32, Township 34 North, Range 13 West, N.M.P.M., bears North 23°48' West, a distance of 1,090 feet. The source of water in this canal is the Dry Side Canal and the water transported therein is as described in this Statement of Claim.

k. UTE CANAL extends 22.2 miles southwest from Dry Side Canal and has an initial capacity of 195 c.f.s. and a terminal capacity of 5 c.f.s. About 36 laterals and turnouts, with built-in measuring devices will be constructed. The diversion from Dry Side Canal is located at a point from whence the northwest corner of Section 32, Township 34 North, Range 13 West, N.M.P.M., bears North 23°48' West, a distance of 1,090 feet. The source of water in this canal is the Dry Side Canal and the water transported therein is as described in this Statement of Claim.

1. LONGHOLLOW DIVERSION DAM AND CANAL AND MEADOWS DIVERSION CANAL. That Longhollow Diversion Dam is located on the La Plata River from whence the Northeast Corner of Section 3, Township 32 North, Range 13 West, N.M.P.M., in Colorado bears North 2°00' East 1580 feet. From this diversion dam, water will be diverted into Longhollow Canal which will extend 3.5 miles southeasterly from its headworks on the Longhollow Diversion Dam, will have a capacity of 175 cubic feet per second of time and will operate as a service canal as well as an inlet canal for the Three Buttes Reservoir. Also from this diversion dam, water will be diverted into Meadows Diversion Canal which will extend a distance of about 16.2 miles from the diversion dam to the Meadows Reservoir and said canal has a carrying capacity of 165 cubic feet of water per second of time with a terminal capacity of 150 cubic feet of water per second of time, along the line of which canal 15 laterals and turnouts with built-in measuring devices are to be constructed for the diversion of water therefrom.

m. THREE BUTTES RESERVOIR. That this reservoir, when constructed, will be located at an offstream site about 3.5 miles southeasterly from the Longhollow Dam on the La Plata River. The dam will be a rolled earth and rock fill structure, about 3,100 feet long with a crest width of 30 feet. The reservoir will have a total capacity of 38,400 acre feet. The reservoir will be located in portions of Section 1, 2, 11 and 12, Township 32 North, Range 12 West, N.M.P.M. and Sections 15 and 22 Township 32 North, Range 12 West, N.M.P.M. all in the State of Colorado and Section 7, Township 32 North, Range 12 West, N.M.P.M. and Sections 12 and 13, Township 32 North, Range 13 West, 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, Township 32 North, Range 12 West, N.M.P.M. in the State of New Mexico bears South 59°00' West 2405 feet. The axis of the dam is described as follows: Beginning at Station 0+00 whence the Southwest Corner of Section 7, Township 32 North, Range 12 West N.M.P.M. in the State of New Mexico bears South 56°00' West 2445 feet; thence South 10°00' East 400 feet along the axis; thence South 71°00' West 1980 feet along the axis; then North 53°00' West 720 feet to axis Station 31+00. The source of supply for the reservoir is the Animas River, the waters of which will be diverted to the La Plata River by the Animas Diversion Dam and then diverted by the Longhollow Diversion Dam, together with waters from the La Plata River. The amount of storage rights claimed at the Three Buttes Reservoir is 38,400 acre feet annually, exclusive of water stored therein for re-regulation.

n. MC DERMOTT CANAL. This canal diverts water from

Three Buttes Reservoir, the headworks thereof being located in the Three Buttes Dam. This canal will carry water released from Three Buttes Reservoir and direct flow water by-passed through said reservoir from the Animas River carried to the La Plata River by the Animas Diversion Canal, and then diverted by the Longhollow Diversion Dam and the Longhollow Canal. The length of the canal will be 12.7 with an initial capacity of 100 cubic feet of water per second of time.

o. MEADOWS RESERVOIR is located at an offstream site about 15 miles northwest of Farmington, New Mexico. The dam is a rolled-earth structure and the reservoir will have a total capacity of 17,450 acre feet of which 13,750 acre feet will be active capacity. The reservoir is located in portions of Sections 25, 26, 27, 34 and 36 of Township 31 North, Range 14 West, N.M.P.M. 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, Township 31 North, Range 14 West, N.M.P.M., bears South 25°18' West, a distance of 1,300 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, Township 31 North, Range 14 West, N.M.P.M., bears South 34°32' West, a distance of 2,130 feet. The dam is 2,200 feet long and 30 feet wide at the crest. The source of supply for the reservoir is the Animas River through the Animas Diversion Canal as a conduit to the La Plata River and subsequent diversion at Meadows Diversion Dam in New Mexico.

p. MEADOWS CANAL distributes releases from Meadows Reservoir and extends 11.1 miles southwest from the reservoir, having an initial capacity of 90 c.f.s. and a terminal capacity of 20 c.f.s. About 29 laterals and turnouts with built-in measuring devices will be constructed. The diversion from Meadows Dam and

Reservoir is located at a point from whence the southwest corner of Section 26, Township 31 North, Range 14 West, N.M.P.M., bears South 30°22' West, a distance of 530 feet. The source of water in this canal is Meadows Reservoir, which includes water from Animas River which has been carried to the La Plata River by the Animas Diversion Canal.

5. The purpose of the Animas-La Plata Project, and the appropriation of water made therefor, is to provide a full supply of water to irrigate 58,900 acres of land to be brought under cultivation, of which 44,200 acres of land are in La Plata and Montezuma Counties in Colorado, and 14,700 acres are in San Juan County, New Mexico, and to provide a supplemental supply of water to 25,600 acres of land now under cultivation, of which 20,100 acres are in Colorado, and 5,500 acres are in New Mexico. In addition, the Project will supply water for domestic, municipal, industrial, recreation, fish and wild-life, flood control and other beneficial purposes.

6. Work was commenced on said Animas-La Plata Project on or before September 2, 1938, and has been and is being prosecuted with diligence; and that the ditches, reservoirs and works of the said Project should be awarded priority dates of September 2, 1938, and decreed date of September 2, 1938, conditioned only upon the completion of the work and the application of the water to beneficial use with reasonable diligence.

7. The amounts of the appropriations are as follows:

a. Direct Water Rights.

(1) The amount of water appropriated as Direct Water Rights Diversion from the Animas River, using Howardsville Reservoir, the Animas River, Teft Diversion Dam, Animas Diversion Canal and other project works as a conduit for direct use is 600 c.f.s.

(2) The amount of water appropriated for Direct Water Rights Diversion from Falls Creek, using project works as a conduit for direct use, is 60 c.f.s.

(3) The amount of water appropriated for Direct Water Rights Diversion from Junction Creek, using project works as a conduit for direct use is 100 c.f.s.

b. Storage Rights:

(1) The amount of water appropriated for initial storage in Howardsville Reservoir is 93,700 acre feet and the amount of water appropriated for annual use from storage in Howardsville Reservoir is 90,700 acre feet. An additional 90,700 acre feet of water is appropriated for annual use from storage in Howardsville Reservoir whenever capacity in said reservoir is available for refilling. The source of all such water appropriated is the Animas River and all tributaries to the Animas River which flow into the Animas River at points which will be inundated by Howardsville Reservoir.

(2) The amount of water appropriated for initial storage in Hay Gulch Reservoir is 56,330 acre feet and the amount appropriated for annual use from Hay Gulch Reservoir is 53,730 acre feet of water. An additional 46,730 acre feet of water is appropriated for annual use from storage in Hay Gulch Reservoir whenever capacity in said reservoir is available for refilling. The source of all such water appropriated is the Animas River.

(3) The amount of water appropriated for initial storage in Animas Mountain Reservoir is 17,640 acre feet and the amount appropriated for annual use from Animas Mountain Reservoir is 14,640 acre feet of water. An additional 14,640 acre feet of water is appropriated for annual use from storage in Animas Mountain Reservoir whenever capacity in said reservoir is available for refilling. The source of all such water appropriated is the Animas River, Junction Creek and Falls Creek. Water will be taken from all three sources.

(4) The amount of water appropriated for initial storage in Meadows Reservoir is 17,450 acre feet and the amount of water

appropriated for annual use from storage in Meadows Reservoir is 13,750 acre feet. An additional 13,750 acre feet of water is appropriated for annual use for storage in Meadows Reservoir whenever capacity in said reservoir is available for refilling. The source of all such water appropriated is the Animas River.

(5) The amount of water appropriated for initial storage and for annual storage and use is 38,400 acre feet. The source of all such water appropriated is the Animas River.

8. In the project operation and to achieve a better utilization of the waters appropriated hereunder, Animas Mountain Reservoir, Hay Gulch Reservoir, Three Buttes Reservoir and Meadows Reservoir will also function as a system of re-regulating reservoirs in that water stored in Howardsville Reservoir and in Hay Gulch Reservoir will be transferred to storage in such reservoirs when capacity is available. No water is claimed to accomplish this re-regulation other than that claimed for storage in Howardsville Reservoir and Hay Gulch Reservoir.

9. In the project operation, to achieve a better utilization of the waters claimed hereunder, lands needing supplemental water which are situated above project distribution facilities in the drainage area of the La Plata River, Hay Gulch and Cherry Creek will be served by exchange, where replacement of existing rights in those sources can be made from project facilities.

10. The Animas-La Plata Project includes lands in the State of New Mexico and in three separate Water Districts in the State of Colorado. Article IX, subsection (a) of the Upper Colorado River Compact, dated October 11, 1948, and approved by the legislature of the State of Colorado (C.R.S., 1953, 148-8-1), authorizes the acquisition of water rights in an upper signatory state for use in a lower signatory state. In this instance the State of Colorado is an upper signatory state and the State of New Mexico is a lower signatory state. The Southwestern Water Conservation District is authorized to acquire water rights in the State of Colorado for use

In New Mexico.

IT IS, THEREFORE, ADJUDGED AND DECREED that the ditches, reservoirs and works of the Animas-La Plata Project are hereby awarded and decreed the following water rights, with priority date of September 2, 1938, and decreed date of September 2, 1938, for irrigation, domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial purposes, conditioned only upon the application of the water to beneficial use within a reasonable time and with reasonable diligence, to-wit:

a. Direct Water rights as follows:

- (1) 600 cubic feet of water per second of time from the Animas River.
- (2) 60 cubic feet of water per second of time from Falls Creek.
- (3) 100 cubic feet of water per second of time from Junction Creek.

b. Storage water rights as follows:

- (1) Initial storage rights:
 - i. Howardsville Reservoir - 93,700 acre feet from the Animas River;
 - ii. Hay Gulch Reservoir - 56,330 acre feet from the Animas River;
 - iii. Animas Mountain Reservoir - 17,640 acre feet from the Animas River, Falls Creek and Junction Creek. Water will be taken from all three sources when available;
 - iv. Meadows Reservoir - 17,450 acre feet from the Animas River;
 - v. Three Buttes Reservoir - 38,400 acre feet from the Animas River.
- (2) Annual storage rights:
 - i. Howardsville Reservoir - 90,700 acre feet from the Animas River and 90,700 acre feet from the Animas River to refill

said reservoir if capacity and water are available.

ii. Hay Gulch Reservoir - 53,730 acre feet of water from the Animas River, and 46,740 acre feet of water from the Animas River to refill said reservoir if capacity and water are available.

iii. Animas Mountain Reservoir - 14,640 acre feet of water from the Animas River, Junction Creek and Falls Creek, and 14,640 acre feet of water from these sources to refill said reservoir if capacity and water are available. Water will be taken from all three sources.

iv. Meadows Reservoir - 13,750 acre feet of water from the Animas River, and 13,750 acre feet from the Animas River to refill the reservoir if capacity and water are available; with the points of diversion of ditches and other structures for diverting water and with the location of the reservoirs for storing water as hereinbefore described in the findings of this decree.

v. Three Buttes Reservoir - 38,400 acre feet of water from the Animas River.

IT IS FURTHER ADJUDGED AND DECREED that final decree shall be hereafter entered for such amount of water as shall be shown in a subsequent proceeding to have been applied to beneficial use with reasonable diligence.

IT IS FURTHER ADJUDGED AND DECREED that the priorities herein awarded and decreed are hereby numbered as combined Reservoir Priority No. 3A and said several ditches, canals and laterals as DITCH PRIORITY NO. 37A, subject to all the general limitations and provisions of this decree expressed.