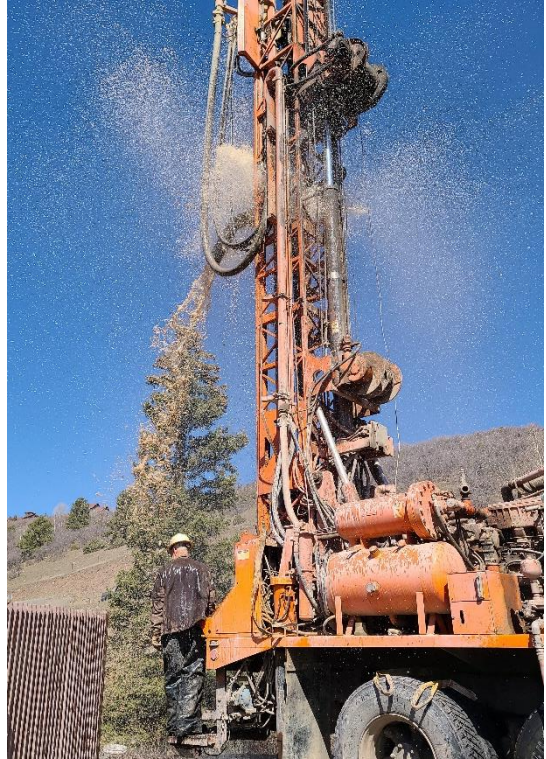


# Water Supply and Wastewater Plan Society Turn Parcel San Miguel County, Colorado



September 2022

Prepared by



555 RiverGate Lane  
Suite B4-82  
Durango, CO 81301  
970.385.2340

# Water Supply and Wastewater Plan Society Turn Parcel San Miguel County, Colorado

GENESEE PROPERTIES INC.

Prepared By

DAVID SCHIOWITZ, PG

Reviewed By

ERIC BIKIS, PG

SGM Project 115-08.07

## Table of Contents

1.0	Summary of Findings .....	1-1
2.0	Introduction .....	2-1
2.1	Project Location and Description .....	2-1
2.2	Proposed Development.....	2-2
3.0	Water and Sewer Demands.....	3-2
3.1	Potable Water System.....	3-3
3.2	Non-Potable Water System Demands .....	3-5
4.0	Water Rights (Legal Supply) .....	4-6
4.1	Case No. 09CW190.....	4-7
4.1.1	SMVC Deep Creek Diversion .....	4-7
4.1.2	SMVC Well Nos. 1 to 5 and Well Fields .....	4-7
4.1.3	Carr & Waddle Ditch.....	4-7
4.1.4	Conditional Rights of Exchange .....	4-7
4.2	Town of Telluride Agreement.....	4-8
4.3	New Water Court Application (Case No. 2022CW3050).....	4-8
4.4	Water Rights Summary .....	4-8
5.0	Physical (Wet) Water Supply .....	5-1
5.1	Potable System .....	5-1
5.2	Non-Potable System.....	5-2
6.0	Sewer Services.....	6-3
7.0	Conclusions.....	7-3

## TABLES

Table 1	Development Mix .....	2-2
Table 2	Monthly Water Demand Summary.....	3-3
Table 3	Potable Water Demands .....	3-5
Table 4	Monthly Non-Potable Irrigation Water Demands.....	3-6
Table 5	Description of Water Rights Owned by Genesee/SMVC .....	4-7

## FIGURES

Figure 1 - Vicinity Map

Figure 2 - Water Rights Map

Figure 3 – ST Well No. 1 and Proposed Pond

## APPENDICES

Appendix A – Water Court Decree (Case No. 09CW190)

## 1.0 Summary of Findings

SGM completed this Water Supply and Wastewater Plan (Plan) to outline the water supply and wastewater plan for the proposed mixed-use project (Society Turn Development) on a parcel near Telluride, Colorado known locally as the Society Turn Parcel, in San Miguel County, Colorado, owned by Genesee Properties, Inc. (Genesee). This Plan was prepared consistent with the requirements of Sections 4-406 and 5-605 of the San Miguel County (SMC) Land Use Code (Water Supply Plan) and provides analysis of the feasibility to develop and supply potable and non-potable water (legal and physical) and wastewater facilities to serve the development proposed on the property.

The proposed total potable demands were calculated to be 72.49 acre-feet per year (AF/yr) and average 66,515 gallons per day (gpd). Potable demands will be met with treated water supplied from the Telluride Regional Water System operated by the Town of Telluride (Town), which has agreed to supply the project with potable water and wastewater services as reflected in a Water and Sewer Service Agreement being drafted by the parties. Based on the agreement of the Town to provide potable water and sewer service to the development and the water rights portfolio currently held by Genesee that would support the use of an irrigation well, a legal and physical water supply and wastewater services is judged to be available in adequate amount to serve the development contemplated on the parcel.

Non-potable demands for irrigation water for landscaping occurring on Phases 2-5 will be met with groundwater from a well drilled near Remine Creek, which will come from groundwater tributary to the San Miguel River (“Irrigation Well”) that has been drilled and completed near the confluence of Remine Creek and the San Miguel River. The Irrigation Well will serve as the supply for the non-potable system. Non-potable demands were calculated to be 6.87 AF/yr.

Irrigation water for development on Parcel 1 (Medical Center Parcel) would be served by the Telluride Regional Water System.

## 2.0 Introduction

At the request of Genesee, SGM has prepared this report, which analyzes the water and wastewater demands and supply adequacy to serve the proposed Society Turn Development. SGM completed the work in conformance with Sections 4-406, 4-407, 5-605, and 5-607 of the SMC Land Use Code.

The water supply for potable water services and wastewater services for the Society Turn Development will be provided by the Town. The Town has communicated its agreement to provide potable water and wastewater service to Genesee for the Society Turn Development project, subject to certain timing and phasing requirements, which are acceptable to Genesee. Genesee and the Town will finalize and execute a Water and Sewer Service Agreement as part of the Final PUD/Subdivision Approvals.

Non-Potable irrigation water for landscaping on Lots 2-5 will come from the Irrigation Well.

### 2.1 Project Location and Description

The Society Turn Parcel (Society Turn or Development) is located about 3 miles west of Telluride, Colorado, along State Highway 145 (see Figure 1). The parcel is currently undeveloped and is

leased for cattle grazing. Society Turn is within the Upper San Miguel River watershed, tributary of the Dolores River. Specifically, the Development is on a 19.93-acre parcel located in Sections 32 and 33 of Township 43 North, Range 9 West of the New Mexico Principal Meridian.

## 2.2 Proposed Development

Based upon the Society Turn Development prepared by CCY Architects, which is included in the Preliminary PUD/Subdivision Plan, Society Turn would be used and developed as a proposed mixed-use development consisting of a medical center, employee housing, and non-residential mixed-use including a hotel, medical offices, flex/industrial space, offices, retail buildings, and a restaurant. The plan includes necessary infrastructure facilities and services as well as landscape areas, which consists of trees, shrubs, and native grasses. Table 1 identifies the current development mix proposed and used for this Water Supply and Wastewater Plan.

**Table 1. Development Mix**

<b>Proposed Development<sup>(A)</sup></b>		
<b>Use</b>	<b>Amount</b>	<b>Units</b>
Retail	8,025	sf
Food and Beverage	11,570	sf
Office	43,385	sf
Flex/Industrial	55,355	sf
Office (Medical)	23,360	sf
Hotel	125	Rooms
Medical Center	40,000	sf
Employee Housing	121	Units
Medical Center Landscape Irrigation	33,765	sf
Medical Center Temporary Revegetation Irrigation	17,077	sf
Landscaped Beds (trees and shrubs)	58,850	sf
Native Grass Seed (permanent irrigation)	18,133	sf
Native Grass Seed (temporary irrigation)	86,066	sf

Notes:

sf = square foot

A) Development mix from CCY Architects, Sept 2022 and Norris Design, May 18, 2022, Society Turn Parcel.

## 3.0 Water and Sewer Demands

The water supply to meet the demands at Society Turn will be supplied by two separate systems: 1) a private non-potable water system for the irrigation demands (except those associated with the medical center), and 2) a potable water system with supply provided by the Telluride Municipal Water System.

Water demands for Society Turn are based upon the proposed development as shown in Table 1 and total 79.36 AF/yr. Potable water demands total 72.49 AF/yr and non-potable demands total 6.87 AF/yr, which include 3.83 AF/yr of temporary irrigation. The monthly demands for each system are shown in Table 2 and described in detail in the following two sections.

**Table 2. Monthly Water Demand Summary**

Month	Potable Demands				Non-Potable Demands			Total Demands
	In-house	Medical Center Landscape Irrigation	Medical Center Temporary Revegetation Irrigation	Total	Permanent Irrigation - Landscaping <sup>(3)</sup>	Temporay Irrigation - Landscaping <sup>(3)</sup>	Total	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	
January	5.99	0.00	0.00	5.99	0.00	0.00	0.00	5.99
February	5.41	0.00	0.00	5.41	0.00	0.00	0.00	5.41
March	5.99	0.00	0.00	5.99	0.00	0.00	0.00	5.99
April	5.79	0.10	0.06	5.95	0.24	0.30	0.53	6.48
May	5.99	0.17	0.10	6.26	0.41	0.52	0.93	7.19
June	5.79	0.30	0.18	6.28	0.72	0.91	1.64	7.91
July	5.99	0.27	0.16	6.42	0.65	0.82	1.46	7.88
August	5.99	0.20	0.12	6.30	0.47	0.59	1.06	7.36
September	5.79	0.14	0.08	6.01	0.33	0.42	0.75	6.77
October	5.99	0.09	0.05	6.13	0.22	0.27	0.49	6.62
November	5.79	0.00	0.00	5.79	0.00	0.00	0.00	5.79
December	5.99	0.00	0.00	5.99	0.00	0.00	0.00	5.99
<b>TOTAL</b>	<b>70.47</b>	<b>1.26</b>	<b>0.76</b>	<b>72.49</b>	<b>3.04</b>	<b>3.83</b>	<b>6.87</b>	<b>79.36</b>

Notes:

AF = acre feet, sq ft = square feet, yr = year.

Footnotes:

1) Development mix from CCY Architects, Sept 2022 and Norris Design, May 18, 2022, Society Turn Parcel (see Table 1). Detailed breakout of demands is provided Table 3.

2) Used a CU of 1.55 AF/ac/yr. Assumed an 95% irrigation efficiency for 0.78 acres of drip irrigated landscaped beds. CU was established in Case No. 09CW190 for parks on the Society Turn Parcel.

3) Assumes turf grass CU of 1.55 AF/ac/yr (Case No. 09CW190) and 80 percent irrigation efficiency (sprinkler) for 0.39 acres of temporary revegetation irrigation.

4) Equals Column 1 + Column 2 + Column 3.

5) Used a CU of 1.55 AF/ac/yr. Assumed an 80 percent irrigation efficiency for 0.42 acres of sprinkler irrigated grasses and an 95% irrigation efficiency for 1.37 acres of drip irrigated landscaped beds. CU was established in Case No. 09CW190 for parks on the Society Turn Parcel.

6) Used a CU of 1.55 AF/ac/yr. Assumed an 80 percent irrigation efficiency for 1.98 acres of temporary (2 to 3 seasons) sprinkler irrigated grasses. CU was established in Case No. 09CW190 for parks on the Society Turn Parcel.

7) Equals Column 5 + Column 6.

8) Equals Column 4 + Column 7.

### 3.1 Potable Water System

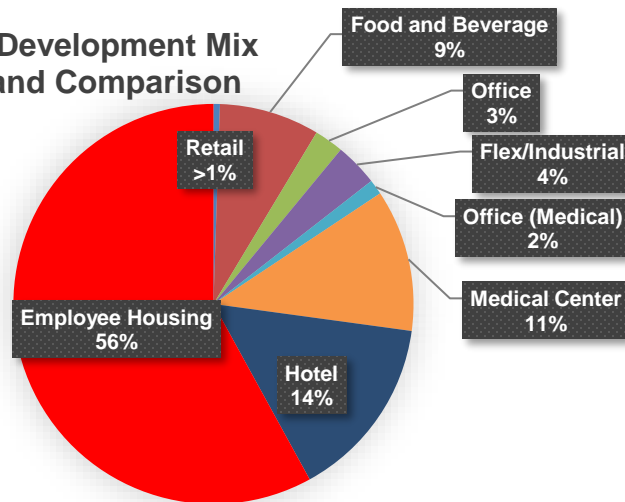
Potable water demands for full buildout of Society Turn were calculated to be 72.49 AF/yr for an average daily demand of approximately 66,515 gallons or 46.2 gpm. Wastewater demands were assumed to equal indoor demands which total 70.47 AF/yr and average 62,911 gpd. A breakdown showing the allocation of the water demands between the “non-residential” uses, medical center and employee housing mitigation is illustrated below in Graph 1. SGM used local, state, and federal references to estimate average daily water demands for each use as described below and shown in Table 3:

- In-house demands for non-residential mixed-use development total 23.71 AF/yr and average 21,171 gpd or 14.7 gpm. Using peaking factors of 3 and 6 (SMC Land Use Code, Section 5-606 A), respectively, maximum daily demands equal 44.1 gpm and maximum hourly demands equal 88.2 gpm. The demands were estimated for retail, office, flex/industrial, and medical office uses using the U.S. Energy Information Administration, 2012 CBECS Large Buildings Water Usage Data, Table WD1, Daily Water Consumption in Large Commercial Buildings. Daily demands were estimated based on the square feet of each use as shown in Table 3. Food and beverage services were estimated using

Colorado WaterWise Council, 2007, Benchmarking Task Force Collaboration for Industrial, Commercial & Institutional Water Conservation. Hotel services were estimated using the Colorado Department of Public Health and Environment Regulation 43, Table 6-2.

- The medical center demands were estimated to total 6.09 AF/yr or 5,440 gpd (3.8 gpm) for a 40,000 net square feet (SF) (44,995 gross SF) campus. Demands were estimated to be 0.136 gpd per SF for hospitals. Using peaking factors of 3 and 6 (SMC Land Use Code, Section 5-606 A), respectively, maximum daily demands equal 11.4 gpm and maximum hourly demands equal 22.8 gpm.
- Medical center landscaping demands were based on consumptive use (CU) analysis for turf grass from Case No. 09CW190), which calculated CU to be 1.55 AF per acre (AF/ac). Based on 33,765 SF or 0.76 acres, an irrigation efficiency of 95 percent (drip irrigation), and an irrigation season from mid-April through mid-October, the average irrigation demand is approximately 1.26 AF/yr and the average daily demand equals approximately 1.6 gpm. Maximum irrigation demands occur in June and, on average, are approximately 2.26 gpm.
- Temporary revegetation landscaping demands for the medical center were based on CU analysis for turf grass as decreed in Case No. 09CW190, which calculated CU to be 1.55 AF/ac. An irrigation efficiency of 80 percent (sprinklers) was used for native reseeding areas and an irrigation season from mid-April through mid-October, the average irrigation demand is approximately 0.76 AF/yr and the average daily demand equals approximately 0.9 gpm. Maximum irrigation demands occur in June and, on average, are approximately 1.36 gpm.
- Employee housing water and sewer demands (including the three employee housing units allocated to the Medical Center parcel) were based on SMC Code, Section 5-605 A.I, which states that “Sufficient supply shall be provided to meet an average daily demand of the entire service area of 300 gpd per residential unit or 75 gpd per capita, whichever is greater”. For 121 units of employee housing, annual demands were estimated at 40.66 AF or 36,300 gpd (25.2 gpm). Using peaking factors of 3 and 6, respectively, maximum daily demands equal 75.6 gpm and maximum hourly demands equal 151.2 gpm.

**Graph 1. Proposed Development Mix Water/Sewer Demand Comparison**





**Table 3. Potable Water Demands**

Non-Residential Mixed Use Development								
Proposed Development			Average Daily Water Demand				Annual Demand	
Use	Amount	Units	Rate	Units	GPD	GPM	gallons	acre-feet
Retail <sup>(1)</sup>	8,025	sf	0.034	gpd/sf	273	0.2	99,590	0.31
Food and Beverage <sup>(2)</sup>	11,570	sf	0.526	gpd/sf	6,086	4.2	2,221,324	6.82
Office <sup>(1)</sup>	43,385	sf	0.040	gpd/sf	1,735	1.2	633,421	1.94
Flex/Industrial <sup>(1)</sup>	55,355	sf	0.049	gpd/sf	2,707	1.9	988,004	3.03
Office (Medical) <sup>(1)</sup>	23,360	sf	0.043	gpd/sf	995	0.7	363,225	1.11
Hotel <sup>(3)</sup>	125	Rooms	75.0	GPD/room	9,375	6.5	3,421,875	10.50
<b>Subtotal:</b>					<b>21,171</b>	<b>14.7</b>	<b>7,727,439</b>	<b>23.71</b>
Medical Center								
Medical Center <sup>(1)</sup>	40,000	sf	0.136	gpd/sf	5,440	3.8	1,985,600	6.09
Landscape Irrigation <sup>(4)</sup>	33,765	sf	0.067	gpd/sf	2,252	1.6	412,103	1.26
Temporary Revegetation Irrigation <sup>(5)</sup>	17,077	sf	0.079	gpd/sf	1,352	0.9	247,505	0.76
<b>Subtotal:</b>					<b>9,044</b>	<b>6.3</b>	<b>2,645,209</b>	<b>8.12</b>
Employee Housing Mitigation								
Employee Housing <sup>(6)</sup>	121	Units	300.0	GPD/unit	36,300	25.2	13,249,500	40.66
<b>Grand Total</b>					<b>66,515</b>	<b>46.2</b>	<b>23,622,147</b>	<b>72.49</b>

## Notes:

GPD = gallons per day, gpm = gallons per minute, sf = square foot

A) Development mix from CCY Architects, Sept 2022 and Norris Design, May 18, 2022, Society Turn Parcel (see Table 1).

1) U.S. Energy Information Administration, 2012 CBECs Large Buildings Water Usage Data, Table WD1. Daily Water consumption in Large Commercial Buildings.

2) Colorado WaterWise Council. 2007. Benchmarking Task Force Collaboration for Industrial, Commercial &amp; Institutional Water Conservation.

3) CDPHE Regulation 43, Table 6-2.

4) Assumes turf grass CU of 1.55 AF/ac/yr (Case No. 09CW190) and 95 percent irrigation efficiency (drip irrigation) for 0.78 acres of landscaped beds.

5) Assumes turf grass CU of 1.55 AF/ac/yr (Case No. 09CW190) and 80 percent irrigation efficiency (sprinkler) for 0.39 acres of temporary revegetation irrigation.

6) San Miguel County Code, Section 5-605 A.I.

**3.2 Non-Potable Water System Demands**

Non-potable water demands for Society Turn were calculated to be 6.87 AF/yr. These demands include 3.83 AF/yr of temporary irrigation water demands for reseeding areas disturbed during construction. It is anticipated that only two to three years of temporary irrigation water is needed. Table 4 shows the monthly demands and following is a summary narrative of these demands:

- Landscaping demands for development occurring on Lots 2-5 were based on CU analysis for turf grass as decreed in Case No. 09CW190, which calculated CU to be 1.55 AF per acre. Based on landscaping plans from Norris Design, the irrigated area for native grass seed totals 18,133 SF or 0.42 acres. SGM used an irrigation efficiency of 80 percent (sprinkler irrigation) and an irrigation season from mid-April through mid-October to estimate demands. The development plan calls for 58,850 square feet (1.35 acres) of landscaped beds which are comprised of trees, shrubs, and flowers. Demands for the landscaped beds assumed an irrigation efficiency of 95 percent (drip irrigation) and an irrigation season from mid-April through Mid-October. The average irrigation demand was calculated to be approximately 3.04 AF/yr, and the average daily demand equals

approximately 3.2 gpm. Maximum irrigation demands occur in June and, on average, are approximately 5.5 gpm.

- The landscaping plan includes 86,066 square feet (1.98 acres) of temporary irrigation to re-seed native grasses in areas disturbed during construction. Based on the CU analysis for turf grass as decreed in Case No. 09CW190, which calculated CU to be 1.55 AF/ac, and an irrigation efficiency of 80 percent (sprinkler irrigation) the annual demand is estimated to be 3.83 AF/yr and the average daily demands equals 4.0 gpm. Maximum irrigation demands occur in June and are approximately 6.9 gpm. These demands will only occur until the grasses are established, about two to three seasons.
- Total non-potable irrigation demands equal 6.87 AF/yr with an average daily demand of 7.3 gpm and maximum month daily demand in June of 12.4 gpm.

**Table 4. Monthly Non-Potable Irrigation Water Demands**

Month	Permanent Irrigation				Temporary Irrigation				Total			
	Acre-feet	Gallons Per month	Average GPD	Average GPM	Acre-feet	Gallons Per month	Average GPD	Average GPM	Acre-feet	Gallons Per month	Average GPD	Average GPM
	(1)				(1)				(1)			
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
April	0.24	76,790	2,560	1.8	0.30	96,798	3,227	2.2	0.53	173,587	5,786	4.0
May	0.41	133,935	4,320	3.0	0.52	168,833	5,446	3.8	0.93	302,769	9,767	6.8
June	0.72	236,084	7,869	5.5	0.91	297,597	9,920	6.9	1.64	533,680	17,789	12.4
July	0.65	210,725	6,798	4.7	0.82	265,631	8,569	6.0	1.46	476,356	15,366	10.7
August	0.47	153,222	4,943	3.4	0.59	193,145	6,230	4.3	1.06	346,367	11,173	7.8
September	0.33	108,577	3,619	2.5	0.42	136,868	4,562	3.2	0.75	245,444	8,181	5.7
October	0.22	70,361	2,270	1.6	0.27	88,694	2,861	2.0	0.49	159,054	5,131	3.6
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
<b>Annual Total</b>	<b>3.04</b>	<b>989,694</b>			<b>3.83</b>	<b>1,247,565</b>			<b>6.87</b>	<b>2,237,259</b>		

Notes:

ac = acre; AF = acre-feet; AF/yr = acre-feet per year; CU = consumptive use; GPD = gallons per day; GPM = gallons per minute.

Column Notes:

- 1) Used a CU of 1.55 AF/ac/yr. Assumed an 80 percent irrigation efficiency for 0.42 acres of sprinkler irrigated grasses and an 95% irrigation efficiency for 1.37 acres of drip irrigated landscaped beds. CU was established in Case No. 09CW190 for parks on the Society Turn Parcel.
- 2) Used a CU of 1.55 AF/ac/yr. Assumed an 80 percent irrigation efficiency for 1.98 acres of temporary (2 to 3 seasons) sprinkler irrigated grasses. CU was established in Case No. 09CW190 for parks on the Society Turn Parcel.
- 3) Equals Permanent Irrigation plus Temporary Irrigation.

## 4.0 Water Rights (Legal Supply)

The non-potable system will be supplied by water rights owned by Genesee and the San Miguel Valley Corporation (SMVC) that include surface, storage, underground, and exchange water rights. These rights were decreed in Case Nos. 91CW127 and 98CW239 and changes to decreed water rights and additional water rights were decreed in Case Nos. 09CW190 (see Appendix A). The water rights owned by Genesee/SMVC appurtenant to the Society Turn Parcel are shown on Figure 2 and summarized below in Table 5. The Society Turn Parcel would be served by the rights decreed in Case No. 09CW190, specifically SMVC Well No. 3 and its associated well field, SMVC Deep Creek Diversion, and the historical CU credits associated with dry-up of the Carr and Waddle Ditch.

Additionally, Genesee has filed a water court application to secure a junior groundwater right with an associated augmentation pond on the Society Turn Parcel. These water rights, when decreed, will provide an alternate non-potable legal water supply.

The potable water system will be served by water rights owned by the Town, as discussed in Section 4.2.

**Table 5. Description of Water Rights Owned by Genesee/SMVC**

ID	Water Right Name	Adj Date	Appr Date	Admin No.	Case No.	Use Type	Structure Type	Adj Type	Rate Absolute (cfs)	Volume Absolute (AF)	Rate Conditional (cfs)	Volume Conditional (AF)	SMVC Ownership
549	Carr & Waddle Ditch	1911-06-03	1896-07-01	16984.00000	CA1627 98CW0239	0,1,A,EX,R	1	O	7.5	0	0	0	33.3%
549	SMVC Deep Creek Diversion	1998-12-31	1991-09-20	54056.51762	98CW0239	A,E	1	S, C	0	0	10	0	100%
5277	SMVC Well No. 3	1998-12-31	1998-08-28	54296.00000	98CW0239	1,3,7,8,9	2	S, C	0	0	2.2	0	100%
	SMVC Well No. 3 (changed location)		1998-08-28		09CW190	1,3,7,8,9	2	S, C	0	0	2.2	0	100%

Sources: Colorado's Decision Support Systems, May 2011, and Case Nos. 98CW239, 09CW190.

Explanation of Codes:

Structure Type: 1 - ditch; 2 - well; 3 - reservoir; R - exchange.

Use Codes: 0 - storage; 1 - irrigation; 2 - municipal; 3 - commercial; 5 - recreation; 6 - fishery; 7 - fire; 8 - domestic; 9 - stock; A - augmentation; E - evaporation; EX - exchange; R - recharge.

Adj Type: C - conditional; O - original; S - supplemental.

## 4.1 Case No. 09CW190

### 4.1.1 SMVC Deep Creek Diversion

The SMVC Deep Creek Diversion is decreed in Case Nos. 91CW127 and 98CW239 to divert from the East Fork of Deep Creek at a maximum rate of 10 cfs. Deep Creek Diversion will be an enlargement of the Carr & Waddle Ditch and would follow its current course. This conditional water right is decreed for augmentation, substitution, and exchange purposes. No change of this decreed conditional water was sought in Case No. 09CW190.

### 4.1.2 SMVC Well Nos. 1 through 5 and Well Fields

In Case Nos. 91CW127 and 98CW239, SMVC Well Nos. 1 through 5 were decreed for domestic, commercial, irrigation, firefighting, and livestock uses. SMVC Well Nos. 1 to 5 were decreed with a conditional maximum rate of 1,000 gpm each. All the wells were to be constructed in the alluvium of the San Miguel River at depths of approximately 100 feet.

In Case No. 09CW190, the locations for Well Nos. 3 and 5 were changed and well fields were created as shown on Figure 2. The new location for SMVC Well No. 3 would divert from the alluvium of the San Miguel River. Case No. 09CW190 allows multiple wells to be drilled as alternates to Well No. 3 in the well field shown on Figure 2.

### 4.1.3 Carr & Waddle Ditch

SMVC owns a 2.5 cfs interest of the senior priority in the Carr & Waddle Ditch. This senior water right was changed and quantified in Case Nos. 91CW127, and 98CW239 to include aquifer recharge, augmentation, exchange, and storage uses. The land irrigated by this ditch will be dried up and SMVC's pro-rata portion of Historical Consumptive Use (HCU) credits was calculated to be 12.0 AF/yr.

### 4.1.4 Conditional Rights of Exchange

SMVC was decreed the following conditional appropriative rights of exchange in Case Nos. 91CW127, and 98CW239: SMVC Deep Creek Exchange, Mill Creek System Exchange, and the San Miguel River Exchange. These rights enable the HCU credits described above to be exchanged to the junior water right points of diversion and allow the junior conditional water rights to be integrated into and augmented by the changed

senior water rights. These exchange rights provide flexibility in the operation of the decreed plan for augmentation, as described in Case Nos. 91CW127, 98CW239, 09CW190, and 2010CW192. These exchange rights will not divert more water at the new points of diversion than is physically and legally available at the original points of diversion and are limited volumetrically to the monthly HCU credits available.

The most downstream point for these exchanges is the confluence of Remine Creek with the San Miguel River (see Figure 2). The decreed exchanges can occur when there is exchange capacity in the exchange reach.

#### **4.2 Town of Telluride Agreement**

The Town owns an extensive water rights portfolio that supports various direct flow and storage diversion sites located throughout the upper San Miguel Valley. A summary of these rights is provided in Table 6. Based on discussions with the Town, they have sufficient legal capacity to serve the potable water demands associated with Society Turn Parcel.

#### **4.3 New Water Court Application (Case No. 2022CW3050)**

Genesee has filed a new water rights application with the Division 4 Water Court to appropriate a groundwater right for the non-potable demands associated with the Society Turn Parcel. This plan includes a junior groundwater right (ST Well No. 1 or Irrigation Well) tributary to the San Miguel River, and a small augmentation pond on the west side of Remine Creek, which would fill through in-priority diversion from Remine Creek. During a valid call, releases from this pond would replace out-of-priority depletions associated with the non-potable system. Figure 3 shows the general location of the ST Well No. 1 and the proposed augmentation pond. To clarify, a new water court application is not a required component of this Plan but may be used in lieu of the decreed plan in Case No. 09CW190.

#### **4.4 Water Rights Summary**

In summary, Genesee owns seven senior surface water (ditch) rights, some of which have HCU credits that have been quantified and changed in water court that will serve and support the use of the Irrigation Well. These HCU credits have been incorporated into plans for augmentation and exchange. Use of these HCU credits, coupled with decreed storage, will allow the junior well associated with the Society Turn Parcel to operate during calls on the San Miguel River, thus providing a dependable legal supply for the non-potable system on the proposed development.

Additionally, the Town has indicated its agreement to provide potable water to the Society Turn Parcel. The Town has an extensive and senior water rights portfolio that can provide a dependable legal supply for the proposed development.

**Table 6. Telluride Municipal Water Rights**

Structure	Amount	Adjudication Date	Case
Blue Lake Pipeline and Water Right	20 CFS	October 31, 1911	CA-1621
Blue Lake Reservoir No. 1 and Enlargement	5601.47 AF	October 31, 1911	CA-1621
Blue Lake Reservoir No. 1 and Enlargement	412.89 AF	October 31, 1911	CA-1621
Blue Lake Reservoir No. 2	3.6 AF	October 31, 1911	CA-1621
Bridal Veil Pipeline and Water Right	25 CFS	October 31, 1911	CA-1621
Cornet Creek Diversion Original Decree	4.28 CFS	October 31, 1911	CA-1621, 96CW313
Cornet Creek Diversion Stillwell Tunnel Alt Point	4.28 CFS	October 31, 1911	W-2022
Marshall Creek Water Right	2 CFS	October 31, 1911	CA-1621
Mill Creek Diversion	1.1 CFS	October 31, 1911	CA-1621, 96CW313
Mud Lake Reservoir and Pipeline	87.478 AF	October 31, 1911	CA-1621
Mud Lake Reservoir and Pipeline	10.2 CFS	October 31, 1911	CA-1621
Taylor Ditch and Water Right	6 CFS	October 31, 1911	CA-1621
Atlanta Flume and Pipeline	25 CFS	February 26, 1929	CA3785
Blue Lake Supply Pipeline	4 CFS	February 26, 1929	CA-3785
Blue Lake Supply Pipeline aka Double Eagle	4 CFS	February 26, 1929	CA-3785
Blue Lake Supply Pipeline, Bridal Veil Branch	12 CFS	February 26, 1929	CA-3785
Head of Bridal Veil Reservoir	175.44 AF	February 26, 1929	CA-3785
Silver Lake Reservoir	232.6 AF	February 26, 1929	CA-3785
Cornet Creek Diversion Original Decree	1 CFS	November 1, 1939	CA-1621, 96CW313
Cornet Creek Diversion Stillwell Tunnel Alt Point	1 CFS	November 1, 1939	W-2022
Pennsylvania Tunnel Water Supply Pipeline	1 CFS	July 10, 1952	CA-5882
Pennsylvania Tunnel Water Supply Pipeline	10 CFS	July 10, 1952	CA-5882, W2619
Bear Creek Diversion (Abandoned)	6 CFS	December 31, 1977	W-3280, 19CW3003
Cornet Creek Diversion Stillwell Tunnel Alt Point	6 CFS	December 31, 1977	W-3281
Mill Creek Diversion	6 CFS	December 31, 1977	W-3280
Telluride Well TH-1	6 CFS	December 31, 1977	W-3281
Telluride Well TH-2	6 CFS	December 31, 1977	W-3281
Oak Street Lift Pump	6 CFS	December 31, 1988	89CW92

## 5.0 Physical (Wet) Water Supply

Potable water supply for the Society Turn Parcel, and the Medical Center's irrigation supply will be provided by the Town. The water supply for irrigation of all other landscaping will be from groundwater from the San Miguel River. During times of prolonged dry periods, a Drought Management Plan may implemented.

### 5.1 Potable System

The potable water system will be supplied by the Town, as will be formalized in the Water and Sewer Service Agreement. Based on the 2020 Water Efficiency Plan, Telluride's major existing treated water system components are:

- Three water treatment facilities/plants capable of approximately 4 million gpd (Pandora, Mill Creek and Stillwell);
- Collection and distribution system piping, valves, fire hydrants and appurtenances; and
- Three treated water storage reservoirs/tanks which total 1,250,000 gallons (Pandora and two Stillwell tanks).

It is SGM's understanding, the Town has sufficient physical capacity to provide potable water to the Society Turn Parcel. Since the Town provides water through a public water system the quality is regulated by the CDPHE and is deemed to be a safe public drinking water supply.

## 5.2 Non-Potable System

The non-potable system will be supplied by groundwater derived from alluvium that is tributary to the San Miguel River. The water rights associated with this well will either be the SMVC Well No. 3, a Well Field on Society Turn, or a new junior water right. The water will be pumped to a buried 5,000-gallon water supply storage tank.

In order to help assess the groundwater supply underlying the Society Turn Parcel, an exploratory test well was drilled. The well (Permit No. 318806) was completed on May 20, 2022, to a total depth of 253 feet. Gravelly sand, silt, and boulder alluvial deposits were encountered from 3 feet to 240 feet. The well was completed with 8-5/8-inch steel and 6-5/8-inch schedule 40 PVC casing and screen.

On May 17, 2022, an aquifer test was initiated. The testing included a 4-hour step discharge test immediately followed by a 48-hour constant discharge test and 24-hour recovery. Remine Creek Well No. 1 produced approximately 35 gpm for 48 hours with about 65 feet of drawdown. Based on this testing, the groundwater supply underlying the Society Turn Parcel is more than adequate to meet the non-potable irrigation water demand for the project because, during the peak month of June, non-potable demands average 12.4 gpm on a continuous basis and 18.53 gpm assuming a two-thirds well utilization factor (see Table 4). This demand includes the temporary irrigated area. After the two- to three-year grow-in period, the permanent irrigated area average demand in June drops to 5.5 gpm or 8.2 gpm, assuming a two-thirds well utilization factor.

Temporary irrigation of the proposed 1.98 acres of revegetation areas will be provided by the well. Genesee will submit to the State Engineer's Office a request for approval of a Substitute Water Supply Plan (SWSP) at least 90 days prior (likely 180 days) to the anticipated need for temporary irrigation of the 1.98 acres. This plan may be renewed annually up to five years.

If the well is not in-priority, and if replacement water is needed above the amount stored in the augmentation pond, then replacement water will be provided under an approved SWSP from one or more of the following sources:

- Trout Lake Reservoir Lease. SMVC will obtain a lease from Xcel Energy for augmentation water in Trout Lake, which is located on the South Fork of the San Miguel River. SMVC will lease the required amount of water to replace the temporary depletions associated with irrigation of the revegetation areas plus any transit losses from Trout Lake to the confluence of the San Miguel River and/or Deep Creek.
- Carr & Waddle Ditch HCU credits. SMVC owns a 2.5 cfs interest of the senior priority in the Carr & Waddle Ditch. This senior water right was changed and quantified in Case Nos. 91CW127 and 98CW239 to include aquifer recharge, augmentation, exchange, and storage uses. SMVC's pro-rata portion of HCU credits was calculated to be 12.0 AF/yr. These HCU credits were used as an augmentation source in Case Nos. 09CW190 and 10CW192. If the revegetation areas are irrigated prior to the Mill Creek and Deep Creek Mesa developments then these HCU credits would be available to be used to directly irrigate the revegetation areas, stored in SMVC Lower Pond, or left in Deep Creek to augment out-of-priority diversions.
- Other Senior HCU Credits. SMVC owns a portion of senior water rights on Mill Creek (Ohio and Kokomo Flood and Waste Ditch, House Flood and Waste Ditch, Mill Creek Ditch No. 1, Mill Creek Ditch No. 1 Enlargement, and Mill Creek Ditch No. 1 Boyer Enlargement).

These senior water rights were changed and quantified in Case Nos. 91CW127 and 98CW238 to include aquifer recharge, augmentation, exchange, and storage uses. SMVC's pro-rata portion of HCU credits was calculated to be 18.76 AF/yr. These HCU credits were decreed as an augmentation source in Case No. 09CW190. If the revegetation areas are irrigated prior to the full buildout of the Mill Creek and Deep Creek Mesa development, then these HCU credits would be available to provide augmentation water to the San Miguel River for out-of-priority diversions for the revegetation areas.

The above proposed plan will ensure a firm, temporary irrigation water supply for the 1.98 acres of revegetation on the Deep Creek Mesa Parcel.

## 6.0 Sewer Services

The Town maintains the Regional Wastewater Treatment Plant, collecting and treating wastewater from the Town and nearby developments. Wastewater demands for the proposed development will be provided by the Town. As part of the Development, a portion of the Genesee property is being dedicated to the Regional Wastewater Treatment Plant for future treatment and capacity upgrades that will serve and benefit the Telluride region.

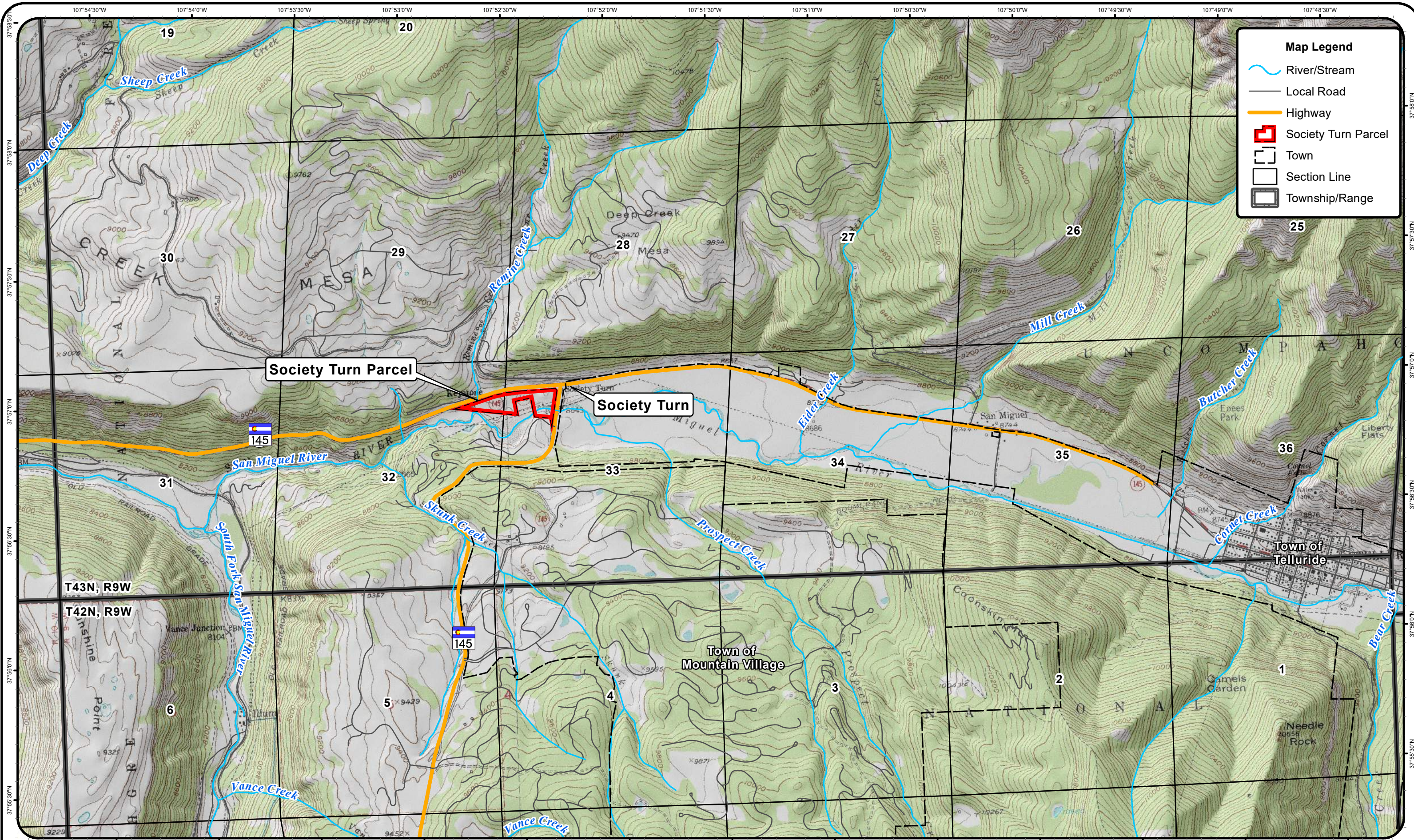
SGM conservatively considered water and sewer demands to be equal because consumption is minor for common indoor uses. Wastewater demands were assumed to equal indoor demands which total 70.47 AF/yr and average 62,911 gpd. The Town has agreed to provide municipal water and wastewater service to the Society Turn in phases. Water and sewer service for the first phase, which would consist of the Medical Center parcel and a small adjacent parcel, would be available upon the completion of the County Subdivision/PUD review process. Water and sewer service for the second phase, which would consist of approximately half of the remaining County approved development, would be available the earlier of seven years from the Final County Subdivision/PUD review process or the achievement of certain upgrades to the Regional Sewer Treatment Plant. Water and sewer service for the third phase, which would consist of the balance of the approved development, would be available the earlier of ten years from the Final County Subdivision/PUD review process or the achievement of certain upgrades to the Regional Sewer Treatment Plant.

## 7.0 Conclusions

Senior water rights owned by Genesee and the Town are adequate to provide a legal supply for the proposed development of the Society Turn Parcel. Genesee has obtained the necessary decree to allow for use of its water rights for the parcel and is in the process of obtaining additional water rights to serve the development.

Potable water supply, including in-house and landscape irrigation associated with the medical center, will be provided by the Town. The remaining irrigation demands will be provided from the Irrigation Well on the Society Turn Parcel. The exploratory test well drilled on the Society Turn Parcel is sufficient to meet the non-potable demands. Water for filling the proposed augmentation pond will come from water rights owned by Genesee. These water rights will also be used to provide water for irrigation of parks and landscaping.

Based on the water rights portfolio currently held by Genesee and the Town, existing or developable physical water supplies, and connection available to the Regional Wastewater Treatment Plant, it is SGM's opinion that a legal and physical water supply and wastewater service is available for the Society Turn Parcel.



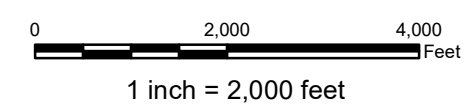
**Map Legend**

- River/Stream
- Local Road
- Highway
- Society Turn Parcel
- Town
- Section Line
- Township/Range

**Figure 1. Vicinity Map**  
Society Turn Parcel

**SGM**  
555 RiverGate Ln, Suite B4-82  
Durango, CO 81301  
970.385.2340  
www.sgm-inc.com

Date: 5/26/2022	Job No. 115-08.08	Map by: RZM	Checked by: DBM	Scale: 1:24,000
Data Sources: Topographic Basemap - USGS, PLSS data - BLM, Streams/Rivers - Division of Wildlife, Parcel Boundaries - San Miguel County GIS.				
File: P:\Project Files\115-08 SanMiguelValleyCorp\Mapping\ArcMap\Task072022\Fig1.VicinityMap.mxd				
The information displayed above is intended for general planning purposes. Refer to legal documentation/data sources for descriptions/locations.				







**Map Legend**

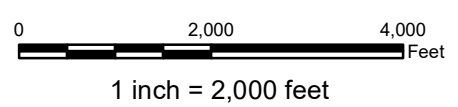
- Diversion
- Well
- Carr & Waddle Ditch
- Rivers and Streams
- Proposed Well Field
- Society Turn Parcel
- Local Roads
- Highway

**DRAFT**

**Figure 2**  
**Water Rights**  
 Society Turn Parcel

**SGM**  
 555 RiverGate Ln, Suite B4-82  
 Durango, CO 81301  
 970.385.2340  
 www.sgm-inc.com

Date: 7/12/2022	Job No. XXXX-XXX.xxx Ph. XX	Map by: XXX	Checked by: XXX	Scale: 1:24,000
Data Sources: xxxx, xxxx, xxxxx xxxxx, xxx				
File: P:\Project Files\115-08 SanMiguelValleyCorp\Mapping\ArcMap\Task07\2022\Fig2.Water Rights Map.mxd				
The information displayed above is intended for general planning purposes. Refer to legal documentation/data sources for descriptions/locations.				

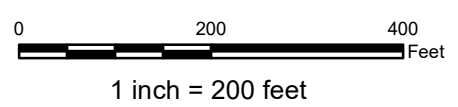




**Figure 3. Non-Potable Irrigation System**

Society Turn Parcel

Date: 7/14/2022	Job No. 115.06.07	Map by: RZM	Checked by: DBM	Scale: 1:2,400
Data Sources: Google Earth 9/19/2017 Imagery, San Miguel County GIS				
File: P:\Project Files\115-08 SanMiguelValleyCorp\Mapping\ArcMap\Task07\2022\Fig3-NonPotableIrrSystem.mxd				
The information displayed above is intended for general planning purposes. Refer to legal documentation/data sources for descriptions/locations.				



## Appendix A: Water Court Decree (Case No. 09CW190)

<p>DISTRICT COURT, WATER DIVISION 4, COLORADO Court Address: 1200 N. Grand Ave., Bin A Montrose, CO 81401 Phone Number: (970) 252-4304</p>	<p>DATE FILED: August 15, 2016 2:48 PM CASE NUMBER: 2009CW190</p>
<p><b>CONCERNING THE APPLICATION FOR CHANGE OF CONDITIONAL WATER STORAGE RIGHT:</b></p> <p><b>SAN MIGUEL VALLEY CORPORATION</b></p> <p><b>IN SAN MIGUEL COUNTY, COLORADO</b></p>	<p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p> <p><b>Case Nos. 09CW190 and 10CW195 (91CW127 and 98CW239)</b></p>
<p><b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE</b></p>	

THIS MATTER comes before the court on the Application for Correction of Point of Diversion, Change of Conditional Surface Water Rights, Change of Conditional Groundwater Rights and for Amendment of Plan for Augmentation, as amended, and as consolidated with the Application for Finding of Reasonable Diligence concerning the same conditional water rights, both as filed by San Miguel Valley Corporation and, having reviewed said consolidated Applications and other pleadings on file, and being fully advised on this matter, the following findings and orders are made:

## FINDINGS OF FACT

### General Findings

1. The Applicant in this case is the San Miguel Valley Corporation, whose address is 7800 E. Dorado Place, Suite 250, Englewood, Colorado 80111 (hereinafter "Applicant" or "SMVC"). Applicant seeks adjudication of changes to conditional water rights decreed to Applicant's use in consolidated Case Nos. 91CW127 and 98CW239, adjudication of new conditional water rights, and adjudication of an amendment to the Plan for Augmentation also decreed to Applicant's use in consolidated Case Nos. 91CW127 and 98CW239. Applicant further seeks a finding of reasonable diligence on the conditional rights remaining following the changes described above, as previously decreed in consolidated Case Nos. 91CW127 and 98CW239. All such water rights are tributary to the San Miguel River in San Miguel County, Colorado.

2. The Case No. 09CW190 Application was filed with the Water Court on December 31, 2009, and the First Amendment to the Application was filed with the Water Court on December 30, 2010. The Second Amended 09CW190 Application was filed

with the Water Court on June 20, 2013. The Third Amended Application was filed with the Water Court on July 17, 2014. The Application in 10CW195 was filed on December 29, 2010. The Clerk of this Court has caused publication of all said filings as provided by statute, and the publication costs have been paid. All notices of the Application, as amended, have been given in the manner required by law.

3. By order of referral from Water Division 4 dated March 2, 2010, the 09CW190 case was referred to the Water Referee. By order of referral dated March 8, 2011, the 10CW195 matter was referred to the Water Referee. By Orders of the Water Referee dated January 12, 2016 both cases were re-referred to the Water Judge, and by Order of the Water Judge dated January 12, 2016 Case Nos. 09CW190 and 10CW195 were consolidated.

4. Statements of Opposition in Case No. 09CW190 were timely filed by the Town of Telluride, the Town of Mountain Village, TSG Ski and Golf, LLC, Eric Jacobson, Deep Creek #1, LLC, and the Colorado Water Conservation Board. Eric Jacobson subsequently withdrew his statement of opposition. A statement of opposition to the Second Amended Application was timely filed by the Telluride Regional Airport Authority. A statement of opposition to the Third Amended Application was timely filed by the Sunnyside Ranch at Telluride East and West Homeowners Associations. The Town of Telluride and Sunnyside Ranch at Telluride East and West Homeowners Associations likewise filed timely Statements of Opposition in the 10CW195 matter. The time for filing of Statements of Opposition has now expired.

5. Applicant has reached pre-consolidation stipulations in the 09CW190 matter with TSG Ski & Golf, LLC and the Town of Mountain Village, dated December 2, 2013; and with Deep Creek #1, LLC, dated March 19, 2014. Applicant has reached stipulations post-consolidation with the Colorado Water Conservation Board, dated May 11, 2016; with the Telluride Regional Airport Authority, dated March 18, 2016; with the Sunnyside Ranch at Telluride East and West Homeowners Associations, dated March 10, 2016; and, with the Town of Telluride, dated August 10, all of which have been accepted and entered by orders of this Court.

6. The Court has jurisdiction over the subject matter of this proceeding and over all parties affected hereby, whether or not they have appeared in this action. The land and water rights involved herein are not included within the boundaries of any designated ground water basin.

7. A Consultation Report and recommendation of the Division Engineer was issued in Case No. 09CW190 on July 22, 2010 responding to the original Application, on March 9, 2011 in response to the First Amendment to the Application, and on September 26, 2013 in response to the Second Amendment to the Application. A Consultation Report and recommendation of the Division Engineer was issued in Case No. 10CW195 on April 7, 2011, and all such consultations have been considered by the Court in the

entry of this ruling.

8. Subsequent to the entry of the Decree in Consolidated Case Nos. 91CW127 and 98CW239, Applicant was divested of a portion of its senior irrigation water rights for which changes were decreed therein, as well as land upon which such water rights were utilized, through the completion of an action in condemnation by the Town of Telluride in civil Case No. 04CV22. The portion of the water rights as originally adjudicated in Consolidated Case Nos. 91CW127 and 98CW239 remaining in Applicant's ownership following the condemnation decree is summarized as follows and those water rights which Applicant has since abandoned and does not seek to change herein, nor seek findings of diligence upon, are summarized on the "abandoned water rights table", attached hereto as **Exhibit D**. This Paragraph 8 summary is not intended to and does not modify or amend the terms and conditions of the decree in Consolidated Case Nos. 91CW127 and 98CW239, or the final order in Case No. 04CV22:

A. Conditional Surface Water and Storage Rights.

i. SMVC Blue Lake No. 2. Located in the NE1/4 NE1/4 of Section 33, T43N, R9W, N.M.P.M., being 1,150 feet west of the east section line and 650 feet south of the north section line. SMVC Blue Lake No. 2 is as originally decreed as an off-channel reservoir with an approximate surface area of 24.5 acres, and a maximum storage capacity of 150 acre feet conditional, appropriation date of September 20, 1991. SMVC Blue Lake No. 2 is adjudicated for conditional uses of storage for domestic, commercial, recreation, piscatorial, irrigation, lawn and garden, aquifer recharge, augmentation and exchange. SMVC Blue Lake No. 2 is decreed to fill from two sources: the SMVC Blue Lake Diversion and the SMVC Blue Lake Diversion No. 2, both decreed for diversion from the San Miguel River and its tributary Coal Creek.

ii. SMVC Blue Lake Diversion. Decreed location in the SW1/4 SW1/4 of Section 36, T43N, R9W of the N.M.P.M., and decreed for diversion from the San Miguel River at a maximum rate of 10 cfs conditional, appropriation date of September 20, 1991. This conditional surface water right is decreed for direct diversion to domestic, commercial, firefighting, livestock, irrigation of 141 acres, lawn and garden, aquifer recharge, augmentation and exchange, and diversion to storage to SMVC Blue Lake No. 2 for these purposes together with recreation and piscatorial purposes.

iii. SMVC Blue Lake Diversion No. 2. Decreed location in the SW1/4 NE1/4 of Section 34, T43N, R9W of the N.M.P.M. approximately 2,000 feet west of the east section line and 2,400 feet south of the north section line, and decreed for diversion from the San Miguel River at a maximum rate of 10 cfs conditional, appropriation date of June 15, 1998. This conditional surface water right is decreed for direct diversion to domestic, commercial, firefighting, livestock, irrigation of 141 acres, lawn and garden, aquifer recharge, augmentation and exchange, and diversion to storage to SMVC Blue Lake No. 2 for these purposes together with recreation and

piscatorial purposes. This water right is abandoned herein.

iv. SMVC Mill Creek Municipal Diversion. Decreed location on the East bank of Mill Creek in the NW1/4 NW1/4 of Section 35, T43N, R9W, N.M.P.M., being approximately 1,150 feet south of the north line and 790 feet east of the west line of said Section 35, and decreed for diversion from Mill Creek, tributary to the San Miguel River at a maximum rate of 5 cfs conditional, appropriation date of August 28, 1998. This conditional surface water right is decreed for direct diversion to domestic, commercial, irrigation, firefighting, livestock, aquifer recharge, augmentation, and exchange, and diversion to storage in SMVC Blue Lake No. 2 for these purposes together with recreation and piscatorial purposes.

v. SMVC Eider Creek Municipal Diversion. Decreed location in the NE1/4 NW1/4 of Section 34, T43N, R9W, N.M.P.M., approximately 1,180 feet south of the north line and 2,360 feet east of the west line of said Section 34, and decreed for diversion from Eider Creek, tributary to the San Miguel River at a maximum rate of 3 cfs conditional, appropriation date of August 28, 1998. This conditional surface water right is decreed for direct diversion to domestic, commercial, irrigation, firefighting, livestock, aquifer recharge, augmentation, and exchange, and diversion to storage in SMVC Blue Lake No. 2 for those purposes together with recreation and piscatorial purposes. This water right is abandoned herein.

vi. SMVC Deep Creek Diversion. Decreed location in the SE1/4 SE1/4 of Section 18, T43N, R9W, N.M.P.M., approximately 465 feet west of the east line, and 167 feet north of the south line of said section 18, and decreed for diversion from the East Fork of Deep Creek, tributary to the San Miguel River at a maximum rate of 10 cfs conditional, appropriation date of September 20, 1991. The Deep Creek Diversion is intended as an enlargement of the Carr & Waddle Ditch, and follows its right of way. The Deep Creek Diversion conditional water right is decreed for augmentation, substitution and exchange purposes.

B. Conditional Underground Water Rights. Applicant was awarded five (5) conditional underground water rights in consolidated Case Nos. 91CW127 and 98CW239, being SMVC Wells Nos. 1-5, with decreed locations as described therein. SMVC Well Nos. 1-5 were decreed for up to 1,000 gallons per minute, per well conditional, appropriation date of August 28, 1998. All wells are decreed for construction into the alluvium of the San Miguel River, and all wells were decreed for domestic, commercial, irrigation, firefighting, and livestock purposes. Water rights for SMVC Well Nos. 3 and 5 are changed herein. Water rights for SMVC Well Nos. 1, 2, and 4 are abandoned herein.

C. Changed Irrigation Water Rights The decree in consolidated Case Nos. 91CW127 and 98CW239 approved changes of existing senior water rights adding multiple new uses to such senior water rights to include aquifer recharge, augmentation,

exchange and storage for such uses. The historical consumptive use for all of the following water rights was determined, and historical consumptive use credits approved for use in Applicant's plan for augmentation decreed in the consolidated case. The senior irrigation water rights subject to such changes and quantification remaining in Applicant's ownership post-condemnation are described as follows:

i. A 15.1% interest in the Mill Creek Ditch No. 1, Mill Creek Ditch No. 1 Enlargement, and Mill Creek Ditch No. 1 Boyer Enlargement, collectively representing 2.69 annual acre feet of historical consumptive use credits;

ii. A 15.1% interest in the House Flood and Waste Ditch, representing 5.93 annual acre feet of historical consumptive use credits;

iii. A 54.5% interest in the Ohio and Kokomo Flood and Waste Ditch, representing 10.14 annual acre feet of historical consumptive use credits;

iv. 100% of Applicant's pre-condemnation interest in the Carr & Waddle Ditch, representing 12.0 annual acre feet of the historical consumptive use credits.

Applicant therefore retained 30.76 annual acre feet of historical consumptive use credits for use in its decreed plan augmentation, for which further amendment is sought in this proceeding, and is decreed herein. However, by Applicant's First Amendment to the Application in this matter, and by Applicant's application in Case No. 10CW192, Applicant has dedicated 6.06 annual acre feet of historical consumptive use credits attributable to Applicant's ownership in the Carr & Waddle Ditch to a plan for augmentation decreed in Case No. 10CW192. As such, Applicant has a total of 24.7 annual acre feet of historical consumptive use credits available for use in the amended augmentation plan decreed herein.

D. Conditional Appropriative Rights of Exchange. Applicant was awarded by decree in consolidated Case Nos. 91CW127 and 98CW239 conditional appropriative rights of exchange as follows. Such exchanges were decreed in order to enable the historical consumptive use adjudicated to Applicant's senior water rights, as discussed above, to be exchanged to junior water right points of diversion, and to allow for the junior conditional water rights awarded therein to be integrated into and augmented by the changed senior water rights, providing flexibility in the operation of Applicant's decreed plan for augmentation:

i. SMVC Deep Creek Exchange. Allows diversions through the points of diversion to be utilized to fill SMVC Blue Lake No. 2 by delivering historical consumptive use of the Carr & Waddle Ditch, or in-priority diversions from the SMVC Deep Creek Diversion decreed in 91CW127 and 98CW239, to the San Miguel River from Deep Creek at the confluence of Remine Creek and the San Miguel River. The



downstream originating point is the confluence of Remine Creek and the San Miguel River, with four upstream exchange points, including the SMVC Blue Lake Diversion and the SMVC Blue Lake Diversion No. 2 with an appropriation date of September 20, 1991, and the confluence of Eider Creek and the San Miguel River, and the confluence of Mill Creek and the San Miguel River with an appropriation date of December 31, 1998. The maximum rate of exchange is decreed to be 5 cfs and equal to the amount of water instantaneously delivered to the San Miguel River. Upstream termini of SMVC Blue Lake Diversion No. 2 and the confluence of Eider Creek are abandoned herein, while the SMVC Blue Lake Diversion is changed herein to be co-incident with the SMVC Mill Creek Municipal diversion. As such, only one upstream terminus remains for this conditional appropriative right of exchange, the confluence of Mill Creek with the San Miguel River.

ii. Mill Creek System Exchange. Allows further exchange of waters from Deep Creek, delivered to the San Miguel River via the above described Deep Creek Exchange and/or the San Miguel River Exchange, from the confluence of Mill Creek and the San Miguel River up Mill Creek to the point of diversion of the Mill Creek Ditch System and the SMVC Mill Creek Municipal Diversion on Mill Creek. By use of such exchange, in conjunction with the Deep Creek Exchange, consumptive use credits from Applicant's senior water rights on Deep Creek, and Applicant's junior SMVC Deep Creek Diversion, may be diverted at the point of diversion of the Mill Creek System. The decreed maximum rate of exchange is 5 cfs conditional, with an appropriation date of December 31, 1998. The exchange may be instantaneous and utilized for all uses decreed to the SMVC Deep Creek Diversion and utilization of Applicant's HCU credits changed in 91CW127 and 98CW239.

iii. Eider Creek Exchange. Allows further exchange of waters from Deep Creek, delivered to the San Miguel River via the above described Deep Creek Exchange, from the confluence of Eider Creek and the San Miguel River up Eider Creek to the point of diversion of the Eider Creek Ditch and/or the SMVC Eider Creek Municipal Diversion. By use of such exchange, in conjunction with the Deep Creek Exchange, consumptive use credits from Applicant's senior water rights on Deep Creek may be diverted at the point of diversion of the Eider Creek Ditch and/or the SMVC Eider Creek Municipal Diversion. The decreed maximum rate of exchange is 5 cfs conditional, with an appropriation date of December 31, 1998. The exchange may be instantaneous and utilized for all uses decreed to the SMVC Deep Creek Diversion and utilization of Applicant's HCU credits changed in 91CW127 and 98CW239. The appropriative rights of exchange for the Eider Creek Exchange are abandoned herein.

iv. San Miguel River Exchange. Allows Applicant to claim credit for any unused consumptive use water or augmentation credits that may be in the San Miguel River, and allows such credits to be exchanged upstream. The lower terminus of this exchange is the confluence of Remine Creek and the San Miguel River, and the four upper terminuses include the SMVC Blue Lake Diversion, the SMVC Blue Lake

Diversion No. 2, the confluence of Eider Creek and the San Miguel River, and the confluence of Mill Creek and the San Miguel River. The rate of exchange is the maximum rate at which the HCU credits are available on an instantaneous basis with an appropriation date of December 31, 1998. Upstream termini of SMVC Blue Lake Diversion, SMVC Blue Lake Diversion No. 2, and the confluence of Eider Creek and the San Miguel River, are abandoned herein, leaving only one upstream terminus, the confluence of Mill Creek and the San Miguel River.

E. Plan for Augmentation. The decree in consolidated Case Nos. 91CW127 and 98CW239 approved a plan for augmentation, concerning the above described water rights, for use on Applicant's then-owned property. Following condemnation, Applicant retains only a 233 acre portion of property, a 91 acre portion of which is subject to a separate plan for augmentation in pending Case No. 10CW192. As such, the amended plan for augmentation decreed herein concerns Applicant's uses of water only on a 141 acre portion of Applicant's property, known as the "Society Turn Parcel" and the "Mill Creek Parcel," more particularly described and depicted on the attached **Exhibit A** legal description and vicinity map, and as shown on the attached **Exhibits B** (Mill Creek Map) and **E** (Society Turn Map).

### **Correction of Point of Diversion**

9. Applicant has withdrawn its request for a correction of the Point of Diversion for the SMVC Mill Creek Municipal Diversion, in that by the Third Amended Application in Case No. 09CW190 Applicant instead requested, and is herein decreed, a change in point of diversion, coincident with the changed location of the SMVC Blue Lake Diversion, and as more particularly set for the in Paragraph 10.B.i, below.

### **Changes to Surface Water Rights and Water Storage Rights**

10. The surface water rights and water storage rights changed by this decree are as follows:

A. SMVC Blue Lake No. 2. This water storage right and structure was previously decreed in Consolidated Case Nos. 91CW127 and 98CW239 as an off-channel reservoir located on the "Valley Floor", a portion of Applicant's property acquired by the Town of Telluride in the above referenced condemnation proceedings, with said off-channel reservoir to have been located in the NE1/4 NE1/4 of Section 33, T43N, R9W, N.M.P.M., being 1,150 feet west of the east section line and 650 feet south of the north section line. This structure was decreed to impound diversions from the San Miguel River and its tributary Coal Creek from (1) the SMVC Blue Lake Diversion and (2) SMVC Blue Lake Diversion No. 2, both as described above. SMVC Blue Lake No. 2 was decreed to have a capacity of 150 acre feet of active storage with a surface area of

approximately 24.5 acres, conditional, with rights to fill and refill, such storage to be used for domestic, commercial, recreational, piscatorial, livestock, firefighting, irrigation, lawn and garden irrigation, aquifer recharge, augmentation and exchange purposes, with a priority date of September 20, 1991. Four surface water rights were also decreed in 91CW127 and 98CW239 for “diversion to storage to SMVC Blue Lake No. 2,” including SMVC Blue Lake Diversion, SMVC Blue Lake Diversion No 2, SMVC Mill Creek Municipal Diversion, and SMVC Eider Creek Diversion with three different appropriation dates as provided above in paragraph 8.

In its original Application, Applicant requested an alternate point of diversion for SMVC Blue Lake No. 2, but with the intention that the original decreed location and specifications of SMVC Blue Lake No. 2 be maintained as an alternate location. SMVC has since agreed to abandon, and herein does abandon, the original location of SMVC Blue Lake No. 2, and the increased volumes associated therewith, and as such the changed location of SMVC Blue Lake No. 2, decreed herein, is no longer “alternative”. The new location and specifications of the changed SMVC Blue Lake No. 2, as requested in Applicant’s Third Amended Application, are as follows, and said change is awarded based upon the originally contemplated draft of this conditional water right on the San Miguel River, and will result in no expansion of use:

i. Location of SMVC Blue Lake No. 2: The legal description of the changed location of SMVC Blue Lake No. 2 is off-channel near Mill Creek with the center of the dam approximately located at a point within the SW1/4 NW1/4 of Section 35, Township 43 North, Range 9 West of the N.M.P.M., being 1,802 feet south of the north section line and 343 feet east of the west section line of said Section 35. UTM coordinates: X-250532; Y – 4,203,803.

ii. Type of Reservoir: The SMVC Blue Lake No. 2 will be a lined off-channel reservoir.

iii. Structures used to fill Reservoir: The ditches that are to be used to fill the reservoir, and the legal description of each point of diversion for these ditches are as follows:

a. SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion, both as changed herein (to a common point of diversion) and as described in Paragraph 10.B.i., below. SMVC Blue Lake Diversion No. 2 and SMVC Eider Creek Municipal Diversion, being abandoned herein, will not be used to fill this storage structure.

iv. Source: Mill Creek, tributary to San Miguel River.

v. Remarks: Water will be stored in SMVC Blue Lake No. 2 under its fill priorities and from senior HCU water rights exchanged thereto pursuant to

Applicant's various exchanges as decreed in consolidated Case Nos. 91CW127 and 98CW239 and described above in Paragraph 8.

vi. Appropriation: September 20, 1991 for the storage right, however the surface water rights to store water in the structure include the SMVC Blue Lake Diversion with a September 20, 1991 appropriation date and the SMVC Mill Creek Municipal Diversion with an August 28, 1998 appropriation date.

vii. Amount Claimed: 5.2 acre feet, conditional, with right to fill and refill, reduced from 150 acre feet. Fill rates from the two water rights are reduced accordingly for the SMVC Blue Lake Diversion from 10 cfs to 3 cfs, and for the SMVC Mill Creek Municipal Diversion from 5 cfs to 3 cfs, for a total fill rate of 6 cfs.

viii. Use: Domestic, commercial, recreational, piscatorial, livestock, firefighting, irrigation, lawn and garden irrigation, augmentation and exchange purposes.

ix. Surface area of high water line: 1 acre.

x. Total Capacity of Reservoir: 5.2 acre feet, conditional.

xi. Ownership: Applicant is the owner of the land upon which this reservoir is located.

xii. Terms and Conditions: Consistent with Applicant's prior decree in Consolidated Case Nos. 91CW127 and 98CW239, suitable measurement devices shall be installed on SMVC Blue Lake No. 2, which may include a rated flume at the reservoir outlet, rated and calibrated staff gage, area/stage capacity table, an adjustable outlet weir for regulation of reservoir levels to account for evaporation and/or augmentation releases, or such other suitable measurement devices as may be required by the Division Engineer. The surface level of SMVC Blue Lake No. 2, when used for augmentation purposes, shall be adjusted to account for evaporation or augmentation releases, unless Applicant is claiming direct augmentation credit under its changed irrigation water rights.

B. SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion. These water rights and structures were previously decreed in Consolidated Case Nos. 91CW127 and 98CW239. The SMVC Blue Lake Diversion was decreed as being located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 36, T43N, R9W of the N.M.P.M., for diversion of up to 10 cfs, conditional, from the San Miguel River with a priority date of September 20, 1991 for direct diversion for domestic, commercial, firefighting, livestock, irrigation, lawn and garden irrigation, aquifer recharge, augmentation and exchange purposes, and for diversion into storage in SMVC Blue Lake No. 2 for these purposes together with recreational and piscatorial purposes. The SMVC Mill Creek Municipal Diversion was

decreed as being located on the East bank of Mill Creek in the NW1/4 NW1/4 of Section 35, T43N, R9W, N.M.P.M., for diversion of up to 5 cfs, conditional, from Mill Creek, tributary to the San Miguel River with a priority date of August 28, 1998 for direct diversion for domestic, commercial, irrigation, firefighting, livestock, aquifer recharge, augmentation and exchange, and diversion to storage in SMVC Blue Lake No. 2 for such purposes together with recreational and piscatorial use. Applicant has requested and is hereby awarded a common changed point of diversion on either side of Mill Creek for the SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion, and related changes as follows, to allow for the use of the SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion in concert with the above decreed changed location for SMVC Blue Lake No. 2.

i. Changed Points of Diversion for SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion: The legal description for the Changed Point of Diversion for SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion is on either bank of Mill Creek at a point located within the SW1/4 NW1/4 of Section 35, T43N, R9W, N.M.P.M., being approximately 1,409 feet south of the north line, and approximately 896 feet east from the west line of said Section 35. UTM coordinates: X-250,715; Y-4,203,918. The changed points of diversion shall be located on either side of Mill Creek.

ii. Source: Mill Creek tributary to the San Miguel River.

iii. Appropriation: September 20, 1991 for the SMVC Blue Lake Diversion, and August 28, 1998 for the SMVC Mill Creek Municipal Diversion.

iv. Amount claimed: For direct flow use, a combined 15 cfs, being 10 cfs attributable to the SMVC Blue Lake Diversion and 5 cfs attributable to the SMVC Mill Creek Municipal Diversion. For diversion into storage in SMVC Blue Lake No. 2, a combined 6 cfs, at 3 cfs per diversion.

v. Use: Direct diversion to domestic, commercial, firefighting, livestock, irrigation, lawn and garden irrigation, irrigation of landscaping of trees and other plantings upon Applicant's property, augmentation and exchange and diversion to storage, , for these purposes together with recreation and piscatorial purposes.

vi. Ownership: Applicant is the owner of the land on which the changed point of diversion and place of use are proposed.

### **Changes to Underground Water Rights**

11. Applicant has since the filing of the Amended Application in this matter, elected to abandon, and herein does abandon, previously decreed SMVC Well No. 1,

SMVC Well No. 2, and SMVC Well No. 4. The remaining underground water rights changed by this decree are as follows:

A. SMVC Well No. 3. This conditional water right and structure was previously decreed in Consolidated Case Nos. 91CW127 and 98CW239 to withdraw alluvial ground water at a rate of up to 1,000 gallons per minute from the alluvium of the San Miguel River at a depth of approximately 100 feet, at a location in the SE1/3 NE1/4 of Section 34, Township 43 North, Range 9 West, N.M.P.M. approximately 2,300 feet south of the north section line and approximately 1,440 feet east of the west section line of said Section 34. SMVC Well No. 3 is decreed for domestic, commercial, irrigation, firefighting and livestock purposes with a priority date of August 28, 1998. Applicant has requested and is hereby awarded a change in point of diversion for SMVC Well No. 3 to the following location, along with such replacement and additional wells as may be necessary to withdraw the full appropriation of groundwater as decreed herein, and specifically granted the right to utilize multiple wells similarly located to be known as the SMVC Well No. 3 Well Field (aka "Society Turn Well Field"), on Applicant's Property, described as the "Society Turn Property" as more specifically described and depicted on the **Exhibit A** legal description and vicinity map, and as shown on **Exhibit E** hereto, with all other aspects of this decreed conditional water right remaining unchanged:

i. Legal Description of Changed Location and Society Turn Well Field: SMVC Well No. 3 is to be located in the NE1/4 NE1/4 of Section 32, Township 43 North, Range 9 West of the N.M.P.M. approximately 1,000 feet from the north Section Line and approximately 400 feet from the east Section Line of said Section 32. Any replacement or additional wells for the withdrawal of the amounts decreed from this structure as described above constituting the SMVC Well No. 3 Well Field (aka "Society Turn Well Field"), shall be located on the Society Turn Parcel, as described in **Exhibit A** hereto, a 21 acre parcel located on the north side of the San Miguel River at the intersection of Colorado Avenue and Colorado Highway 145, provided that such SMVC Well No. 3 Well Field (aka Society Turn Well Field) shall not in combination exceed the rates and quantities decreed herein for SMVC Well No. 3.

ii. Well Data:

a. Source: Alluvium of the San Miguel River.

b. Proposed Depth: 100 feet.

iii. Appropriation: August 28, 1998.

iv. Amount Claimed: Up to 1,000 gallons per minute, conditional.

v. Use: Domestic, commercial, irrigation, firefighting and livestock purposes.

vi. Ownership: Applicant is the owner of the land upon which this structure is to be located.

vii. Society Turn Well Field: Diversions from all wells at the Society Turn Well Field are limited to a combined total rate of 1,000 gallons per minute and uses are limited to those within the development contemplated by the water served by this decree within the Society Turn Parcel.

B. SMVC Well No. 5. This conditional water right and structure was previously decreed in Consolidated Case Nos. 91CW127 and 98CW239 to withdraw alluvial ground water at a rate of up to 1,000 gallons per minute from the alluvium of the San Miguel River at a depth of approximately 100 feet, at a location in the NE1/4 SW1/4, Section 35, T43N, R9W, N.M.P.M. being a distance of 2,400 feet north from the south section line and 1,950 feet east from the west section line of said Section 35. SMVC Well No. 5 is decreed for domestic, commercial, irrigation, firefighting and livestock purposes, with a priority date of August 28, 1998. Applicant has requested and is hereby awarded a change in point of diversion for SMVC Well No. 5 to the following location, along with such replacement and additional wells as may be necessary to withdraw the full appropriation of groundwater as decreed herein and specifically granted the right to utilize multiple wells similarly located to be known as the SMVC Well No. 5 Well Field (aka "Mill Creek Well Field"), on Applicant's Property described as the "Mill Creek Property", as more specifically described and depicted on the **Exhibit A** legal description and vicinity map, and as further depicted on **Exhibit B**, an approximately 121 acre parcel located to the north of Highway 145 Spur right-of-way and to the west of Mill Creek Road right-of-way to the West of the Town of Telluride in San Miguel County, Colorado, and other changes described below:

i. Legal Description of Changed Location and Mill Creek Well Field: In the SW1/4 NW1/4 of Section 35, Township 43 North, Range 9 West of the N.M.P.M. approximately 1,802 feet from the north Section Line and approximately 675 feet from the west Section Line of said Section 35, UTM coordinates: X—250,633.33; Y – 4,203,800.34, along with any replacement or additional wells for the withdrawal of the amounts decreed from this structure as described above, provided that said SMVC Well No. 5 Well Field (aka Mill Creek Well Field) shall not in combination exceed the rates and quantities decreed herein for SMVC Well No. 5. The SMVC Well No. 5 Well Field (aka Mill Creek Well Field) shall be located on the "Mill Creek Parcel", being located to the north of Highway 145 Spur right-of-way, to the west of Mill Creek Road right-of-way west of the Town of Telluride in San Miguel County, Colorado, southeast of the channel of Mill Creek. Said property is located in the SW1/4 NE1/4 of Section 35, Township 43 North, Range 9 West, of the NMPM.

ii. Well Data:

- a. Source: Change from the Alluvium of the San Miguel River to the Alluvium of Mill Creek, tributary to the San Miguel River.
- b. Proposed Depth: 100 feet.
- iii. Appropriation: August 28, 1998.
- iv. Amount Claimed: Up to 1,000 gallons per minute, conditional.
- v. Use: Domestic, commercial, irrigation, firefighting and livestock purposes.
- vi. Ownership: Applicant is the owner of the land upon which this structure is to be located.
- vii. Mill Creek Well Field: Diversions from all wells at the Mill Creek Well Field are limited to a total of 1,000 gallons per minute and uses are limited to those within the development contemplated by the water served by this decree within the Mill Creek Parcel.

### **New Water Storage Rights**

12. Applicant's Second Amended Application requested that two previously requested adjudicated aesthetic ponds be instead adjudicated as augmentation and storage structures, as well as adjudication of a recharge pit for replication of historical return flows of water right utilized in the Plan for Augmentation decreed herein. Based on stipulation with the CWCB, it has been determined that the proposed recharge pit is unnecessary and Applicant has therefore withdrawn its claim for the same. Applicant's Third Amended Application sought to change the location of such structures as well as their various capacities, and Applicant is decreed the following water storage rights:

A. SMVC Blue Lake No. 3. SMVC Blue Lake No. 3 is a Water Storage Right, storing water flows diverted from Mill Creek under its own priority as well as water diverted through the structures associated with SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion of HCU credits exchanged thereto pursuant to the SMVC Deep Creek Exchange, SMVC San Miguel River Exchange, and SMVC Mill Creek Exchange.

i. Legal Description: SMVC Blue Lake No. 3 is to be located off-channel from Mill Creek, with the center of the dam approximately located at a point within the SE1/4 NE1/4 of Section 34, Township 43 North, Range 9 West, N.M.P.M., approximately 1,597 feet from the north section line, and approximately 648 feet from the east section line of said Section 34; UTM coordinates X—250,236; Y – 4,203,873.



- ii. Type of Reservoir: SMVC Blue Lake No. 3 is to be a lined off-channel reservoir, located near Mill Creek, as described above.
- iii. Source: Mill Creek, tributary to the San Miguel River
- iv. Structures used to fill Reservoir: SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion, both as changed herein (to a common point of diversion) and as described in Paragraph 10.B.i., above.
- v. Appropriation Date: June 20, 2013, coincident with the filing of the Second Amended Application in this matter.
- vi. Amount Claimed: 0.8 acre feet, conditional, with right to fill and refill when in priority. Fill rate claimed is 1 cfs for this junior water storage right.
- vii. Uses: Recreation, piscatorial, irrigation, augmentation, and the storage and exchange of water rights for such purposes. Irrigation uses shall be limited to up to 4.5 acres of land anywhere upon the Mill Creek Parcel, as more particularly described in **Exhibit A**, and as depicted on **Exhibit B**. Augmentation uses shall be limited to the plan for augmentation decreed herein, unless a subsequent plan for augmentation is otherwise decreed by this Court that allows such use.
- viii. Surface area of high water line: 0.2 acres.
- ix. Total Capacity of Reservoir: 0.8 acre feet, conditional.
- x. Ownership: Applicant is the owner of the land upon which this reservoir is to be located.

B. SMVC Blue Lake No. 4. SMVC Blue Lake No. 4 is a Water Storage Right, storing water flows diverted from Mill Creek under its own priority as well as water diverted through the structures associated with SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion of HCU credits exchanged thereto pursuant to the SMVC Deep Creek Exchange, SMVC San Miguel River Exchange, and SMVC Mill Creek Exchange.

- i. Legal Description: SMVC Blue Lake No. 4 is to be located off-channel from Mill Creek, with the center of the dam approximately located at a point within the SE1/4 NE1/4 of Section 34, Township 43 North, Range 9 West, N.M.P.M., approximately 1,530 feet from the north section line, and approximately 884 feet from the east section line of said Section 34; UTM coordinates X—250,166; Y – 4,203,895.
- ii. Type of Reservoir: SMVC Blue Lake No. 4 is to be a lined

off-channel reservoir, located near Mill Creek, as described above.

- iii. Source: Mill Creek, tributary to the San Miguel River
- iv. Structures used to fill Reservoir: SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion, both as changed herein (to a common point of diversion) and as described in Paragraph 10.B.i., above.
- v. Appropriation Date: June 20, 2013, coincident with the filing of the Second Amended Application in this matter.
- vi. Amount Claimed: 1.6 acre feet, conditional, with right to fill and refill when in priority. Fill rate claimed is 1 cfs for this junior water storage right.
- vii. Uses: Recreation, piscatorial, irrigation, augmentation, and the storage and exchange of water rights for such purposes. Irrigation uses shall be limited to up to 4.5 acres of land anywhere upon the Mill Creek Parcel, as more particularly described in **Exhibit A**, and as depicted on **Exhibit B**. Augmentation uses shall be limited to the plan for augmentation decreed herein, unless a subsequent plan for augmentation is otherwise decreed by this Court that allows such use.
- viii. Surface area of high water line: 0.6 acres.
- ix. Total Capacity of Reservoir: 1.6 acre feet, conditional.
- x. Ownership: Applicant is the owner of the land upon which this reservoir is to be located.

### **Amendment/Change of Plan for Augmentation**

13. The decree in Consolidated Case Nos. 91CW127 and 98CW239 approved a plan for augmentation for the uses of water anticipated upon Applicant's then-owned property. Following the condemnation of a significant portion of Applicant's property by the Town of Telluride as discussed above, Applicant requested amendment of its plan for augmentation in Case No. 09CW190 to reflect its retained property interests and the anticipated development and resulting use of water thereon. Applicant subsequently further amended its request to reflect the service of development upon a portion of Applicant's retained property by the Aldasoro Ranch Owner's Association, as subsequently decreed in Case No. 10CW192. Applicant's Plan for Augmentation as originally decreed in Consolidated Case Nos. 91CW127 and 98CW239 is therefore hereby amended as follows:

- A. Summary of Amendments. Except as expressly provided herein,

and in the Decree in Case No. 10CW192, all provisions of Applicant's Plan for Augmentation as originally decreed in Consolidated Case Nos. 91CW127 and 98CW239 remain in full force and effect, and Applicant may make all uses of water decreed therein, augmented as provided therein. The amendments approved herein to Applicant's decreed Plan for Augmentation as described in more detail below are (1) removal of consumptive use credits attributable to water rights no longer owned by Applicant from the plan for augmentation as a result of the Town's condemnation; (2) removal of land originally to be served under the plan for augmentation no longer owned by Applicant as a result of the Town's condemnation; (3) removal of a portion of the historical consumptive use credits associated with the Carr & Waddle Ditch and previously dedicated to this plan for augmentation for use in the plan for augmentation decreed in Case No. 10CW192 through the Aldasoro Ranch Homeowners Company; (4) removal of land originally to be served under this plan for augmentation but now anticipated to be served by the Aldasoro Ranch Homeowners Company through the plan for augmentation in Case No. 10CW192; and (5) inclusion of additional augmentation and augmented structures as pertains to evaporative depletions.

14. Land Upon which Water Rights and Plan for Augmentation are to be Used. Of Applicant's original property for which the Plan for Augmentation was to operate, approximately 572 acres was condemned by the Town of Telluride as discussed herein (the "Valley Floor" property), and approximately 91 acres is to be serviced by the Aldasoro Ranch Homeowners Company pursuant to an agreement between Aldasoro and Applicant as decreed in Case No. 10CW192 (the "Deep Creek Mesa Property"). Applicant retains an approximately 121 acre parcel located to the north of Colorado Avenue and the San Miguel River just west of the Town of Telluride (the "Mill Creek Property"), and a 20 acre parcel located on the north side of the San Miguel River at the intersection of Colorado Avenue and Colorado Highway 145 (the "Society Turn Property"). Applicant's decreed plan for augmentation is hereby amended to address out-of-priority depletions resulting from the use of water only on the combined approximately 141 acre Mill Creek Property and the Society Turn Property, as more specifically described and depicted on the attached **Exhibit A** legal description and vicinity map, and as depicted on the attached **Exhibit B** and **Exhibit E** maps.

15. Structures to be Augmented:

- A. SMVC Well No. 3, described in paragraph 11.A above, including the Society Turn Well Field;
- B. SMVC Well No. 5, described in paragraph 11.B above, including the Mill Creek Well Field;
- C. Amended common point of diversion for the SMVC Mill Creek Municipal Diversion and the SMVC Blue Lake Diversion, described in paragraph 10.B above.

Augmentation at the common point of diversion for the SMVC Mill Creek Municipal Diversion and the SMVC Blue Lake Diversion includes that augmentation necessary for the replacement of any out-of-priority diversions necessary to replace evaporative losses from SMVC Blue Lake Nos. 2, 3 and 4, with a combined surface of no more than 1.8 acres, including approximately 0.67 acres of wetlands surrounding SMVC Blue Lake Nos. 2, 3 and 4, which Applicant's consultants have conservatively calculated depletions associated therewith to be akin to gross evaporative losses. Based upon the decreed evaporation rates in consolidated Case Nos. 91CW127 and 98CW239, as discussed below in Paragraph 15.C., this maximum 1.8 acres of surface area evaporation will result in maximum evaporative depletions of approximately 4.5 acre feet annually.

16. Water Rights to be Used for Augmentation:

- A. SMVC Blue Lake No. 2, described in paragraph 10.A above;
- B. SMVC Blue Lake No. 3, described in paragraph 12.A above;
- C. SMVC Blue Lake No. 4, described in paragraph 12.B above;
- D. SMVC Blue Lake Diversion, described in paragraph 10.B above;
- E. SMVC Mill Creek Municipal Diversion, described in paragraph 10.B above;
- F. Ohio and Kokomo Flood and Waste Ditch, decreed for augmentation use in consolidated Case Nos. 91CW127 and 98CW239;
- G. House Flood and Waste Ditch, decreed for augmentation use in consolidated Case Nos. 91CW127 and 98CW239.
- H. Mill Creek Ditch No. 1, Mill Creek Ditch No. 1 Enlargement and Mill Creek Ditch No. 1 Boyer Enlargement, decreed for augmentation use in consolidated Case Nos. 91CW127 and 98CW239.
- I. Carr & Waddle (including the SMVC Deep Creek Diversion, as described above in Paragraph 8.A.vi.), decreed for augmentation use in consolidated Case Nos. 91CW127 and 98CW239.
- J. Appropriative rights of exchange associated with the SMVC Deep Creek Exchange, SMVC San Miguel River Exchange, and SMVC Mill Creek Exchange.

As discussed in detail herein, Applicant was decreed changed uses to multiple senior irrigation water rights in Consolidated Case Nos. 91CW127 and 98CW239, including

quantification of historical consumptive use components associated therewith, and approval of a plan for augmentation utilizing such historical consumptive use credits. Of such HCU credits, Applicant is no longer the owner of that portion of the water rights discussed in Paragraph 8, and has dedicated 6.06 annual acre feet of HCU credits derived from the Carr & Waddle Ditch to the plan for augmentation decreed in Case No. 10CW192. As such, from those sources listed in Paragraph 16.F, 16.G, 16.H and 16.I, Applicant has available 24.7 annual acre feet of water for use as a replacement supply in the augmentation plan as amended and decreed herein. Such 24.7 annual acre feet of HCU Credits are more particularly described on attached Table 5.

17. Augmentation Requirements for Consumptive Use Components: Applicant requested no changes to the decreed consumptive use components for domestic/commercial uses, stock watering uses, or irrigation uses, aside from cessation of uses which would have occurred on the Valley Floor property as condemned by the Town of Telluride. Such components/factors as originally decreed in Consolidated Case Nos. 91CW127 and 98CW239 and as maintained herein, are described below. However, Applicant has determined that the type of Individual Septic Disposal System to be utilized in the development of the Mill Creek Parcel may result in greater consumption of water supply than is typical, and Applicant has therefore made adjustments to the previously decreed consumption factor accordingly, such adjustment being more restrictive on Applicant than provided in the prior decree. Out-of-priority depletions to the San Miguel River, and its tributary Mill Creek, will be augmented by this plan for augmentation. There may be such depletions occasioned by Applicant's development including domestic, commercial, livestock, lake evaporation from SMVC Blue Lake Nos. 2, 3, 4, and the irrigation consumptive use from 6.1 acres of land including lawns and gardens, landscaping, trees and shrubs on the Applicant's property. Lake evaporation replacement will be required when the diversions from structures filling the lakes are not in priority. The augmentation requirements for each of those consumptive use components are as follows:

A. Domestic/commercial uses: All uses of water for the Applicant's development on the Mill Creek Parcel are anticipated to be treated through the use of Individual Septic Disposal Systems ("ISDS"). Any well pumping for such uses will be metered and Applicant conservatively estimates such uses to be 100% consumptive due to the nature of such ISDS systems anticipated to be utilized, and therefore said 100% depletion factor will be assessed against all such measured diversions on the Mill Creek Parcel. All uses of water for the Applicant's development on the Society Turn Parcel, potentially including uses for single family residences, multi-family residences, commercial, hotel/conference centers, shopping and convention centers, governmental offices or manufacturing plants are anticipated to be treated by the regional waste water sewage treatment plant, or a similar central treatment facility. All well pumping for such uses on the Society Turn Parcel will be metered, and provided that such water is treated by the regional waste water sewage treatment plant, a 5% depletion factor will be assessed against all such measured diversions for those uses. Should waste water

treatment of the well pumping for in-house uses on the Society Turn Parcel be by a means other than the regional waste water sewage treatment plant, Applicant shall, at least 112 days before pumping water for such uses under this amended augmentation plan, file a petition invoking the Court's retained jurisdiction and seeking a determination of the consumptive use factor to be applied to such pumping, and verification that the location at which waste water return flows will accrue to the San Miguel River utilizing such alternate means of treatment will not cause injury to other water users, under this Decree. With any such petition, Applicant shall file an engineering report in support of Applicant's proposed method of waste water treatment to include a proposed consumptive use factor and analysis as to the location at which waste water return flows will accrue, including evidence that the augmentation plan as amended herein will be capable of operating without injury based on the proposed method of waste water treatment, proposed consumptive use factor, and location of wastewater return flows. Objectors will have 56 days to review the petition and supporting engineering, and to file any comments with the Court. If no such comments are filed, the alternate means of wastewater treatment that the Applicant proposes in its petition will apply to Applicant's well-pumping for in-house uses on the Society Turn Parcel. If comments are filed, Applicant's well-pumping for in-house uses on the Society Turn Parcel may not begin until the Court has held such proceedings as are necessary to determine (i) the consumptive use factor to be applied to Applicant's pumping for in-house uses on the Society Turn Parcel; (ii) the location at which waste water return flows will accrue to the San Miguel River, and (iii) based on that consumptive use factor and return flow location, any terms and conditions necessary to prevent injury from operation of the augmentation plan as amended herein.

B. Horse watering: Water may be placed to such use under this plan for augmentation only to the extent that other uses described herein for in-house use, replacement of evaporative depletions, and irrigation purposes are fully augmented utilizing the sources decreed herein. Should sufficient water supply exist for horse watering, for purposes of this Plan for Augmentation, such use shall be based on a unit water use of 10 gallons per horse per day and a 100% consumptive use component. The demand/consumptive use for this water use component will be 0.011 acre feet per year per horse.

C. Surface Water Evaporation: Surface water evaporation rates were decreed in Consolidated Case Nos. 91CW127 and 98CW239, and are maintained herein, as having an average annual gross evaporation of 37 inches, adjusted monthly, and an assumed 70% effective precipitation rate. On this basis, Annual Net Evaporation from the anticipated 26.5 acres of combined surface area for ponds originally decreed in consolidated Case Nos. 91CW127 and 98CW239 was determined to be approximately 43.6 acre feet. With the reduction in size of SMVC Blue Lake No. 2, and the reduced uses associated with Applicant's development on its retained properties, the total maximum evaporative depletions are calculated to be 4.5 annual acre feet from approximately 1.8 acres of surface area, including surrounding wetlands. Should SMVC

Blue Lake Nos. 2, 3, and 4 be storing water out of priority, or should SMVC Blue Lake Nos. 2, 3 and 4 be maintained at less than full capacity, Applicant shall reflect such adjustments in Applicant's accounting in a manner acceptable to the Division Engineer. Based on an average annual gross evaporation of 37 inches adjusted monthly for an assumed 70% effective precipitation rate, the resulting net evaporation pattern for each one (1) acre of open water surface occurs as shown in the following table:

**Evaporation for 1.0 Acres**

	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Total(in.)</u>	<u>Total(ft)</u>
Gross Evap(in):	3.33	4.44	5.37	5.55	5.00	3.70	2.59	30.0	2.50
Effective Precip (in):	1.25	1.34	0.97	1.76	1.78	1.60	1.53	10.2	0.85
Net Unit Evap (in):	2.08	3.10	4.40	3.79	3.22	2.10	1.06	19.8	1.65

Therefore, the expected Annual Net Evaporation from 1.8 acres of open water surface area on Applicant's SMVC Blue Lake Nos. 2, 3 and 4, and 0.7 acres of associated wetlands, is approximately 4.5 acre feet.

D. Irrigation:

i. Mill Creek Property: If the water from any of the direct flow structures, as may be stored in SMVC Blue Lake Nos. 2, 3 or 4 as described and decreed herein, is used for irrigation purposes during periods of senior downstream calls, the consumptive use from said irrigation must be augmented. Such irrigation uses will be separately metered. Irrigation water may be supplied from storage without metering, so long as the reservoir accounting accurately reflects the amount of stored water delivered for irrigation use. To the extent there is insufficient augmentation water available, then horse watering, if any will be the first use to be curtailed, with irrigation being the next curtailed use, consistent with applicable drought mitigation schedules as may be associated with development of the Mill Creek Property. Landscaping around residential and commercial development consumptive use will be based on lawn grass, though some may be gardens or other less-consumptive vegetation, including the planting of trees throughout the properties.

At an irrigation efficiency of 80%, total irrigation demand is expected to be 15.96 acre feet per year on the average. This is based on a potential unit consumptive use of 1.55 acre feet per acre from a Blaney Criddle analysis of turf grass at Telluride (potential PCU for historically-irrigated pasture grass was 0.85 AF/acre) and 4.18 acre feet per acre for tree canopy (aspens, cottonwoods, willows, and spruce), from a Blaney Criddle analysis of Cottonwoods. Total consumptive use for these irrigation uses at the Mill Creek Property is estimated to be about 12.77 acre feet per year, as shown in the following tables.

**Irrigation Consumptive Use (2.3 acres irrigated turf grass)**

	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Total</u>
Irrigation Demand:	0.35	0.60	1.06	0.95	0.69	0.49	0.32	4.46
CU in A/F:	0.28	0.48	0.85	0.76	0.55	0.39	0.25	3.57

**Irrigation Consumptive Use (2.2 acres irrigated tree canopy)**

	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Total</u>
Irrigation Demand:	0.00	1.51	2.67	3.02	2.51	1.79	0.00	11.50
CU in A/F:	0.00	1.20	2.14	2.42	2.02	1.42	0.00	9.20

ii. Society Turn Property: It is anticipated that maximum irrigation of 1.6 acres of turf grass and landscaping on the Society Turn Property would result in total irrigation demand of 3.10 acre feet, with corresponding consumptive use of 2.48 acre feet, consistent with the calculations above as concerns the Mill Creek Property.

E. Summary: Applicant will replace all out-of-priority diversions resulting from its uses of water at the Mill Creek Property and the Society Turn Property diverted through the structures to be augmented listed in Paragraph 15 through a combination of direct augmentation utilizing Applicant’s changed senior water rights, and releases from storage at times when direct augmentation cannot occur. However, as discussed below, not all depletions incidental to Applicant’s uses of water are anticipated to be out-of-priority, and only out-of-priority depletions need be augmented by this plan. Specifically, Applicant’s anticipated uses are estimated to result in total depletions of approximately 31.48 annual acre feet, while out-of-priority depletions are estimated to be only a maximum of 12.33 acre feet, based upon Applicant’s consultants’ analysis of severe drought water availability and resulting calls.

i. Maximum monthly diversions of water from the structures to be augmented and used at both the Mill Creek Property and the Society Turn Property are depicted on the attached Table 1. Maximum commercial and domestic diversions will be 27.89 annual acre feet with a resulting maximum annual depletion of 8.63<sup>1</sup> acre feet. Maximum depletions attributable to irrigation on the Mill Creek Parcel will be 12.77 acre feet resulting from maximum diversions of 15.96 acre feet for the irrigation of up to 4.5 acres, and 2.48 acre feet resulting from maximum diversions of 3.10 acre feet for the irrigation of up to 1.6 acres on the Society Turn Parcel, for total maximum irrigation depletions of 15.25 acre feet resulting from maximum diversions of 19.06 acre feet for the irrigation of up to 6.1 acres. Maximum diversions and depletions attributable to horse

---

<sup>1</sup> Assuming 100% consumption on the Mill Creek Parcel, total in house demand/depletions is calculated to be a maximum of 7.62 acre feet. Provided that well pumping for “In house” uses associated with the commercial development on the Society Turn Parcel is treated at the regional waste water sewage treatment plant, such uses will be only 5% depletive, with a resulting depletion calculated at 1.01 acre feet annually.



watering are 0.011 acre feet per year per horse, and such uses shall be permitted and therefore augmented only to the extent that commercial and domestic uses, irrigation uses and replacement of evaporative depletions are first fully replaced and augmented under this plan for augmentation. Maximum depletions attributable to pond evaporation for 1.8 acres of maximum surface area on SMVC Blue Lake Nos. 2, 3 and 4, including associated wetlands, as discussed in more detail in Paragraph 17.C. above, are 4.5 annual acre feet.

ii. Maximum out-of-priority depletions for all anticipated uses will be 12.33 acre feet (assuming no horse watering). Applicant shall replace and augment such depletions utilizing its 24.7 annual acre feet of consumptive use credits, and as necessary by releases of water stored in priority from SMVC Blue Lake Nos. 2, 3, and/or 4. A table depicting the Monthly Water Summaries for water uses decreed herein and augmented by this plan is attached hereto as Table 8, and is incorporated herein by reference, as are: Table 1 (Monthly Diversions), Table 2a. (Mill Creek Property Monthly Analysis), Table 2b. (Society Turn Property Monthly Analysis), Table 3 (Description of Water Rights Owned by SMVC), Table 4. (Water Rights Division by Town of Telluride Condemnation Order), Table 5. (Table of Available Monthly HCU Credits, depicting the water balance resulting from the operation of this plan for augmentation, including the various credits and debits associated with depletions resulting from Applicant's uses of water, and replacements made pursuant to this plan for augmentation); Table 6. (Table of 2002 San Miguel River Calls); and Table 7. (Table of Mill Creek Water Availability in 2002).

F. SMVC shall limit its diversions for augmentation from its changed senior irrigation rights to monthly HCU components consistent with augmentation requirements previously decreed in consolidated Case Nos. 91CW127 and 98CW239. Such monthly HCU allocations are depicted in Table 5. SMVC's diversions of the monthly HCU credits available to its senior water rights changed in consolidated Case Nos. 91CW127 and 98CW239 also are subject to the following terms and conditions, which reflect the Town of Telluride's acquisition of certain historical irrigation water rights on Mill Creek included in such consolidated cases, and which the Town of Telluride continues to utilize for agricultural/irrigation purposes:

i. SMVC's remaining interest in the HCU credits decreed in consolidated Case Nos. 91CW127 and 98CW239 shall only be available for use in this plan for augmentation after SMVC has complied with the following terms and conditions imposed by the 91CW127/98CW239 Decree: (a) Applicant's dry up of the historically irrigated lands associated with the subject water rights, (b) creation and recording of "dry-up" covenants to run with such historically irrigated lands, and (c) obtaining a "dry-up certificate" from the Water Commissioner to be filed with the Water Court in this 09CW190 matter and in consolidated Case Nos. 91CW127/98CW239.

ii. At such times as the San Miguel River is under administration

(i.e. a senior call is resulting in curtailment of more junior water rights) and streamflow conditions are Mill Creek are insufficient to meet the Town of Telluride's requirements for agricultural/irrigation diversions of its proportional interests in the Mill Creek Ditch System, House Flood and Waste Ditch, and Ohio and Kokomo Flood and Waste Ditch as acquired from SMVC in the 04CV22 condemnation matter (up to a total of 5.75 cfs), SMVC shall curtail all diversions of the junior SMVC Mill Creek Municipal Diversion and SMVC Blue Lake Diversion No. 2, and will cease operation of the Mill Creek exchange as necessary to make physical and legal flows available for the Town of Telluride's senior irrigation diversions.

iii. At such times as the San Miguel River is under administration (i.e. a senior call is resulting in curtailment of more junior water rights) and streamflow conditions are Mill Creek are insufficient to meet the Town of Telluride's requirements for agricultural/irrigation diversions of its proportional interests in the Mill Creek Ditch System, House Flood and Waste Ditch, and Ohio and Kokomo Flood and Waste Ditch as acquired from SMVC in the 04CV22 condemnation matter (up to a total of 5.75 cfs), SMVC shall, consistent with the provisions of the 91CW127/98CW239 Decree, reduce its direct flow diversions of HCU credits associated with SMVC's proportional interests in the Mill Creek Ditch System, House Flood and Waste Ditch, and Ohio and Kokomo Flood and Waste Ditch, as retained following the 04CV22 condemnation, as follows:

a. SMVC shall limit its direct flow diversions of its HCU credits attributable to the Mill Creek Ditch System, House Flood and Waste Ditch, and Ohio and Kokomo Flood and Waste Ditch to the following monthly flow rates, up to the identified monthly volumetric limits:

<u>Month</u>	<u>CFS</u>	<u>GPM</u>	<u>Volumetric Limit (AF)</u>
April	0.002	0.8	0.10
May	0.032	14.5	1.91
June	0.087	38.8	4.94
July	0.091	40.8	5.36
August	0.072	32.2	4.24
September	0.037	16.6	2.11
October	0.002	0.8	0.10

b. In the alternative, and to the extent that SMVC has not diverted the monthly volumetric limits identified in the table above, SMVC may divert the HCU credits associated with its above referenced retained senior Mill Creek irrigation water rights in excess of the average monthly flow rates identified in the table above, at a rate up to 55% of the decreed diversion rate of such retained senior Mill Creek irrigation water rights up to such monthly volumetric limits, provided that there is sufficient flow in Mill Creek to simultaneously satisfy the Town of Telluride's requirements for agricultural/irrigation diversions under its proportional interests in the same water rights. The amount of water available for diversion by SMVC and the Town of Telluride during

periods that SMVC elects to divert its HCU credits at flow rates greater than the monthly HCU average as displayed above will vary depending upon Mill Creek streamflows. Table 9, attached to this Decree and incorporated herein by this reference, provides an example, under varying stream conditions, of the divertible supply of water available to both SMVC and the Town of Telluride when SMVC elects to divert its HCU credits at a rate equal to 55% of the decreed diversion rate. If SMVC elects to divert its HCU credits from all or a portion of its retained Mill Creek irrigation water rights at rates greater than the monthly HCU flow rates shown in the table within Paragraph 17.F.iii.a. above, but less than 55% of the decreed diversion rate, SMVC shall follow the same operating protocol described in this paragraph and shown in Table 9 by way of example, and shall, within 48 hours of beginning such diversion, prepare and deliver to the Town of Telluride a table showing that operating protocol for the chosen rate of diversion (e.g., 35% of the decreed diversion rate).

iv. Provided Mill Creek flow conditions are adequate to allow SMVC to divert its retained senior Mill Creek irrigation water rights in either of the manners described in Paragraph 17.F.iii., above, SMVC cannot and shall not place a call upon the Town of Telluride's Mill Creek Water Treatment Plant and the water rights associated therewith. SMVC may place such a call only for purposes of diverting such HCU in the manners described in Paragraph 17.F.iii., above, and then only upon the 0.44 cfs junior water right associated with the Town of Telluride's Mill Creek Treatment Plant, not the senior 1.1 cfs associated therewith. For purposes of determining whether a water right call can be placed on the Town of Telluride's Mill Creek Treatment Plant and whether Mill Creek flow conditions are adequate to allow SMVC to divert its retained senior Mill Creek irrigation water rights in either of the manners described in Paragraph 17.F.iii., above, SMVC shall measure the flow in Mill Creek at a point approximately 300 feet upstream of the location of the SMVC Mill Creek Municipal Diversion as changed herein, as shown on Exhibit B ("Mill Creek Water Availability Measurement Station"). Should topography or geography render the depicted Mill Creek Water Availability Station infeasible, the Town of Telluride and SMVC may, by separate written agreement, change the location of the Mill Creek Water Availability Station to a mutually acceptable and accessible point, without the need to amend or otherwise involve the Court in modification of this Decree. If there are losses in stream flow between the Mill Creek Water Availability Measurement Station and the SMVC Mill Creek Municipal Diversion as changed herein, SMVC and the Town of Telluride shall bear such losses proportionately based on ownership interest in the water right being diverted.

v. The diversion structures and measuring devices associated with SMVC's junior Mill Creek surface water rights, as decreed herein, and for diversion of the HCU credits associated with SMVC's retained senior Mill Creek irrigation water rights as described above, shall be designed and constructed in such a manner as to allow for accurate diversion, delivery, measurement and accounting of all such water rights with a large variance in diversion rates, ranging from 0.5 gpm to 15 cfs, and shall at a minimum consist of a dedicated pipeline with a continuous flow meter. Before

designing, constructing, and installing any such structures and devices, SMVC shall give the Town of Telluride notice of the proposed design, construction, and installation, and at least 42 days to provide SMVC written comments on such notice. SMVC agrees to work in good faith to address any concerns expressed by the Town of Telluride in response to such notice.

vi. SMVC's HCU credits associated with the Carr & Waddle Ditch shall only be exchanged to and diverted at SMVC's Mill Creek point of diversion pursuant to the exchanges previously decreed in consolidated Case Nos. 91CW127 and 98CW239 at such times as continuous live stream conditions exist from the exchange-to point to the confluence of Mill Creek and the San Miguel River, and the streamflow conditions on Mill Creek are sufficient to satisfy diversions made by the Town of Telluride under its proportional interests in the Mill Creek Ditch System, House Flood and Waste Ditch, and Ohio and Kokomo Flood and Waste Ditch as acquired from SMVC in the 04CV22 condemnation matter (up to a total of 5.75 cfs), as necessary to make such water physically and legally available up to the Town's actual diversion rate.

18. Lagged Well Depletions. Any out-of-priority depletions caused to the San Miguel River from pumping of the SMVC wells may have a delayed impact on the San Miguel River. Hence, the Court finds that it is appropriate to consider groundwater time lags for replacement of such depletions. Applicant's engineer in consolidated Case Nos. 91CW127 and 98CW239 developed initial alluvial well time lag factors, as decreed therein. While the Court finds these initial well pumping time lag factors to be reasonable as concerns pumping from the well sites previously decreed, such well sites were all located upon the now Town of Telluride-owned Valley Floor, and Applicant has relocated or abandoned the locations of all such structures. Applicant's water resource consultants have calculated the potential time lag effects associated with the pumping of the SMVC Well No. 3 and Well No. 5, and associated well fields, as described on the attached **Exhibit C** table, and the Court finds these revised well pumping time lag factors to be reasonable. Applicants have asserted, and this Court accepts, that recharge pits will not be required for the requested relocations of SMVC Well No. 3 and SMVC Well No. 5, and associated well fields. To wit: (a) SMVC Well No. 3 will be located near the confluence of Remine Creek and the San Miguel River, also in close proximity to the outflows from the Regional Wastewater Plant, and the point of contribution of Applicant's remaining consumptive use credits from the cessation of irrigation under the Carr and Waddle Ditch; Because the point of depletion is virtually identical to the point of replacement (through sewer return flows and/or consumptive use credits), and because lagged depletions are calculated to occur only in the month immediately following pumping for the relocated SMVC Well No. 3 (and associated well field), and further because any lagged depletions can be adequately replaced through timed releases of augmentation water from SMVC Blue Lake Nos. 2, 3, and 4, upstream, no recharge pit is required to account for lagged depletions as concerns pumping from SMVC Well No. 3. Applicant asserts and the Court finds such assertion reasonable, that an equilibrium will be reached ensuring that no continuing lagged depletion will occur as

a result of pumping from SMVC Well No. 3 (and associated well field); and (b) SMVC Well No. 5 will be relocated on Mill Creek, and as SMVC Blue Lake Nos. 2, 3, and 4 will be constructed in the same vicinity on Mill Creek, no recharge pit will be required, as fully consumable augmentation supply, may be released therefrom to replace lagged depletions. The Court re-authorizes, as discussed in the original decree, the Applicant and the Division Engineer to modify the alluvial well time lag factors described in **Exhibit C** hereto, and the accompanying revisions to the accounting forms for the Applicant without the necessity of applying to the Water Court for an amendment to this water augmentation plan. Any such revision to alluvial well time lag factors shall be addressed through the following procedure:

A. SMVC shall, if necessary, conduct a Glover analysis for each well proposed for either of the well fields decreed herein to determine the lagged effect of pumping the well. Such analysis shall be submitted to the State and Division Engineers for review and approval. For each new well added, and should SMVC, the objectors or the State or Division Engineers believe that the lagging factors for SMVC Well No. 3 and/or SMVC Well No. 5 need to be adjusted from the lagging factors approved in herein and described on **Exhibit C** hereto, SMVC, the objectors or the State or Division Engineers shall file with the Court and serve upon all parties herein a notice that includes the following: (i) a legal description of the particular well(s) for which a change of the lagging factors approved herein is sought; (ii) a proposed revised **Exhibit C** to this decree, incorporating the proposed new lagging factors; and (iii) an engineering report demonstrating the accuracy and need for the proposed new lagging factors. Any party shall then have the opportunity to file and serve comments on or objections to such proposed new lagging factors within sixty-three (63) days after the notice is filed. If no comments or objections are filed, then SMVC shall incorporate the revised lagging factors into its accounting for applicable wells within the need for any further action by the Court. If any comment or objection is filed, any disputed issues will be resolved by the Court under its retained jurisdiction pursuant to this Paragraph 17.

19. Augmentation Sources. Augmentation water available for the replacement of depletions derived from historical consumptive use credits from Applicant's senior water rights, as decreed in consolidated Case Nos. 91CW127 and 98CW239, has been reduced by approximately 86.84 acre feet as a result of the Town's condemnation as discussed in Paragraph 8, above. Further, Applicant has dedicated 6.06 annual acre feet of historical consumptive use credits from Applicant's ownership of the Carr & Waddle Ditch to the plan for augmentation decreed in Case No. 10CW92. As such, approximately 24.7 annual acre feet of historical consumptive use derived from Applicant's senior water rights remains available for use under this plan. Said HCU Credits may be diverted to storage in SMVC Blue Lake Nos. 2, 3 and 4, as decreed herein, for subsequent release for augmentation purposes.

A. Carr & Waddle Ditch: The Carr & Waddle Ditch diverts from Deep Creek and was originally decreed in CA-1627, San Miguel County District Court on June

3, 1911 for 7.5 cubic feet per second (CFS) for irrigation purposes with an appropriation date of July 1, 1896. Applicant SMVC owns a 2.5 cfs portion of the July 1, 1896 priority of the Carr & Waddle Ditch. SMVC's ownership in the Carr & Waddle Ditch was subject of the change of water rights in Consolidated Case Nos. 91CW127 and 98CW239 in which said water rights were changed to multiple uses, to include augmentation, and the historical consumptive use component of said water rights was decreed. Of said changed Carr & Waddle Ditch water rights, 6.06 annual acre feet of historical consumptive use credits are subject of the augmentation plan decreed in Case No. 10CW192, with the remaining 5.94 annual acre feet being the subject of this Case No. 09CW190. ARHOC owns 2.04 cfs of the Carr & Waddle Ditch, all of which is associated with 75 acres of historically irrigated land permanently removed from irrigation, and decreed for augmentation purposes in Case No. 90CW69, District Court for Colorado Water Division No. 4, by decree dated March 8, 1991. No further change of the ARHOC-owned portions of the Carr & Waddle Ditch are contemplated herein, and no other portion of the Carr & Waddle Ditch is subject to this decree, expressly including the 0.46 cfs utilized to irrigate 17 acres and currently owned by Deep Creek #1, LLC, which was not changed to allow augmentation use in Case No. 90CW69.

B. Mill Creek Ditch System. The ditches which together constitute the "Mill Creek Ditch System" are described in detail in Paragraph 12.C.iii., above. The Town of Telluride acquired a substantial portion of these water rights in the 04CV22 condemnation proceeding, as described above, and SMVC's remaining interests in the Mill Creek Ditch System Ditches, available for use in this plan for augmentation, is more particularly described and depicted on Table 4.a. Applicant retained a total of 18.76 acre feet of HCU associated with the Mill Creek Ditch System, and available for use in this plan.

20. Land Ownership: All land upon which water under this decree is to be used, diverted, stored or released is owned by Applicant. Applicant's exercise of the water rights described in this decree does not require and in the future will not require the construction or placement of water infrastructure or measuring devices on the Town of Telluride-owned Valley Floor.

## TERMS AND CONDITIONS

21. In order to assure that the vested water rights of others are protected from injury and to assure proper administration of this augmentation plan, the following additional terms and conditions are deemed necessary and appropriate:

A. Out of priority depletions, and diversions when diversions are out-of-priority and 100% depletive, resulting from the diversions at SMVC Well Nos. 3 and 5 (and associated well fields), the SMVC Mill Creek Municipal Diversion, and SMVC Blue Lake Diversion described in this plan for augmentation shall be replaced by SMVC's

historical consumptive use credits, as decreed in Consolidated Case Nos. 91CW127 and 98CW239, in portions retained by SMVC following the Town of Telluride's condemnation proceedings, with releases from Blue Lake Nos. 2, 3 and 4 to the San Miguel River, as described in greater detail herein, in time, place and amount, and storage from Blue Lake Nos. 2, 3 and 4 under the priorities decreed for those storage rights.

B. Applicant will divert water for use in its developments on the Mill Creek Property and Society Turn Property from some combination of groundwater from the SMVC Well Nos. 3 and 5 (and associated well fields), the SMVC Mill Creek Municipal Diversion, and SMVC Blue Lake Diversion. Such water will be utilized for the various uses decreed herein, and when in priority stored in SMVC Blue Lake Nos. 2, 3, and 4 for later augmentation release. As necessary to replace out-of-priority depletions which may result from the uses decreed and described herein of such water, SMVC will utilize up to 24.7 annual acre feet of HCU Credits associated with the Carr & Waddle Ditch and the Mill Creek Ditch System, as previously adjudicated in Consolidated Case Nos. 91CW127 and 98CW239, as may be utilized for direct augmentation, or stored for later release in SMVC Blue Lake Nos. 2, 3, and 4.

C. Applicant shall provide notification to the Water court and the Division of Water Resources of the constructed locations of the wells in the Society Turn Well Field and the Mill Creek Well Field, along with the Glover analysis for those wells, within 60 days of the completion of construction of the same. Applicant shall further identify said specific well locations and terms and conditions necessary to prevent injury for pumping from such locations in any application to make absolute the conditional groundwater rights decreed herein, consistent with Division of Water Resources Policy No. 99-1.

D. If, for administration of SMVC's Mill Creek Exchange, State water officials require the placement of a measuring device at the confluence of the San Miguel River and Mill Creek, SMVC shall do one of the following: (i) a minimum of 168 days before installation of any such device, SMVC shall submit the proposed design of the device to the Town of Telluride for approval. The Town of Telluride, by stipulation to this Decree, commits to work in good faith with SMVC in the design and installation of any such measuring device, and the Town of Telluride's approval of such proposed design shall not be unreasonably denied. SMVC shall not install any measuring device at the confluence of the San Miguel River and Mill Creek in the absence of such approval. SMVC agrees that Town of Telluride officials may oversee the installation of any such measuring device; or (ii) SMVC shall locate the measuring device on Mill Creek at a location just upstream of where the creek passes beneath Highway 145, on SMVC property.

### CWCB TERMS AND CONDITIONS

22. The Court finds that the Colorado Water Conservation Board has senior minimum in-stream flow decrees entered by the Water Court, Water Division 4, in order to preserve the natural environment to a reasonable degree as follows:

A. Instream flow rights decreed prior to the filing of the Applications in Case Nos. 91CW127 and 98CW239 are as follows:

<u>Case No.</u>	<u>Stream</u>	<u>Amount(cfs)</u>	<u>Approp. Date</u>
84CW434	Deep Creek	4 <sup>2</sup>	7/13/84
84CW429	San Miguel River	20 <sup>3</sup>	7/13/84
84CW427	San Miguel River	6.5 <sup>4</sup>	7/13/84

B. Instream flow rights decreed prior to the filing of the application in Case No. 09CW190 are as follows:

<u>Case No.</u>	<u>Stream</u>	<u>Amount(cfs)</u>	<u>Approp. Date</u>
02CW277	San Miguel River	93.0/61.0	1/23/2002
05CW154	San Miguel River	4.0	1/25/2005
05CW148	Cornet Creek	0.85/9.0	1/25/2005

23. In order to protect the Colorado Water Conservation Board's senior minimum in-stream flow water rights as described in the above referenced decrees the following terms and conditions are necessary to prevent such injury.

A. In connection with the diversion of water under the junior priority water storage rights for the SMVC Blue Lake Nos. 2, 3 and 4, SMVC Blue Lake Diversion, or the SMVC Mill Creek Municipal Diversion, at any time when the stream flow of the San Miguel River (downstream from the diversion points for these water rights and within the decreed MISF reaches) is less than the amounts decreed to the CWCB in Case Nos. 84CW427 and 84CW429, Applicant agrees to either:

- i. Curtail its diversions, or

---

<sup>2</sup> The Deep Creek MISF is from the headwaters of Deep Creek to its confluence with the San Miguel River;

<sup>3</sup> The 84CW429 San Miguel River MISF is from the confluence of the South Fork of the San Miguel River to the confluence with Fall Creek;

<sup>4</sup> The 84CW434 San Miguel River MISF is from the confluence of Bridal Veil and Ingram Creeks to the confluence of the South Fork of the San Miguel River with the mainstem San Miguel River;



ii. Replace the depletions, or diversions in such instances as all diversions are depletive, by such means as available to Applicant including reservoir releases, in time and amount, upstream from the place where the depletions impact the river system and result in stream flows less than senior CWCB MISF appropriations.

B. In connection with the diversion of water under the junior priority water rights for the SMVC Well Nos. 3 and 5 (including their associated well fields), and the accompanying augmentation plan, at any time when the stream flow of the San Miguel River (downstream from the points at which these wells depletions accrue to the San Miguel River and within the decreed MISF reaches) is less than the amounts decreed to the CWCB in Case Nos. 84CW427 and 84CW429, Applicant agrees to replace the depletions, or diversions in such instances as all diversions are depletive, in time and amount, upstream from the place where the depletions impact the river system.

C. In connection with the diversion of water under the changed water rights (SMVC Blue Lake Diversion and the SMVC Mill Creek Municipal Diversion), the Applicant shall not divert more water at the new points of diversion than is physically and legally available at the original points of diversion. In addition, for the original water rights that are located downstream from the new points of diversion, the Applicant agrees not to divert at the new upstream points of diversion, unless all of the decreed MISF reaches between the original point of diversion and the new point of diversion are satisfied. In addition, during the irrigation season, the Applicant agrees not to exceed Applicant's ownership portion of the monthly historical consumptive use of these water rights set forth in Paragraph 22 of the original decree in consolidated Case Nos. 91CW127 and 98CW239, as allocated in Case No. 04CV22.

D. With regard to the Applicant's appropriative rights of exchange (SMVC Deep Creek Exchange, Mill Creek System Exchange, and San Miguel River Exchange), the Applicant agrees not to operate these exchanges at times and in those reaches of the San Miguel River in which the CWCB holds MISF water rights when the CWCB's minimum in-stream flow water rights in such reaches are not satisfied, to the extent that said MISF water rights are senior to said exchanges.

### FINDINGS OF REASONABLE DILIGENCE

24. The conditional water rights for which diligence are awarded herein are those conditional water rights described in Paragraphs 10.A., 10.B., 11.A., and 11.B., above, and as further described in Paragraph 25, below, as originally decreed in consolidated Case Nos. 91CW127 and 98CW239, and as subsequently changed herein. Applicant has since the time of the application in Case No. 10CW195 seeking this finding of reasonable diligence, and as part of the prosecution of these consolidated cases, agreed to the abandonment and cancellation of certain conditional water rights for which findings of diligence were originally sought, as included on **Exhibit D**. Specifically,

Applicant no longer seeks a finding of reasonable diligence and has agreed to the abandonment/cancellation of: (i) SMVC Blue Lake Diversion No. 2, including as an upstream terminus of the SMVC San Miguel River Exchange; (ii) SMVC Eider Creek Municipal Diversion; (iii) SMVC Well Nos. 1, 2 and 4; (v) the confluence of Eider Creek and the San Miguel River as an upstream terminus of the SMVC Deep Creek Exchange and as an upstream terminus of the SMVC San Miguel River exchange; and, (vi) the SMVC Eider Creek Exchange. It is Applicant's intent to utilize the remaining conditional water rights as a part of the system providing water supply to development on Applicant's property, and therefore Applicant wishes to continue the conditional water rights subject to these diligence findings.

25. In addition to those conditional water rights described in Paragraphs 10.A., 10B., 11.A., and 11.B, above, Applicant is decreed herein a finding of reasonable diligence on the following conditional water rights, which Applicant has not abandoned nor cancelled:

A. SMVC Deep Creek Diversion: Located in the SE/14 SE1/4 of Section 18, Township 43 North, Range 9 West of the N.M.P.M., approximately 465 feet west of the east line and 167 feet north of the south line of said Section 18, and diverting from the East Fork of Deep Creek, Tributary to the San Miguel River at a maximum rate of 10 cfs. The SMVC Deep Creek Diversion is an enlargement of the Carr & Waddle Ditch, and follows the course of that water right. The SMVC Deep Creek Diversion is decreed for augmentation, substitution and exchange purposes, and has an appropriation date of September 20, 1991.

B. SMVC Deep Creek Exchange: An appropriative right of exchange allowing diversions from sources for filling of SMVC Blue Lake No. 2, as changed herein, by allowing the delivery of historic consumptive use from the Carr & Waddle Ditch, or the SMVC Deep Creek Diversion (being an enlargement thereof), to the San Miguel River at the confluence of Remine Creek and the San Miguel River, with a remaining upstream exchange-to/terminus of the confluence of Mill Creek with the San Miguel River. The SMVC Deep Creek Exchange is for a maximum of 5 cfs, with an appropriation date of December 31, 1998.

C. SMVC Mill Creek System Exchange: A further exchange of the water rights from Deep Creek delivered to the San Miguel River via the above described SMVC Deep Creek Exchange, with a downstream terminus of the confluence of Mill Creek and the San Miguel River and an upstream terminus of the point of diversion of the Mill Creek Ditch No. 1 system on Mill Creek, which is coincident with the changed points of diversion of the SMVC Blue Lake Diversion and SMVC Mill Creek Municipal Diversion, as changed herein and described in Paragraph 10.B., above. The SMVC Mill Creek System Exchange is for a maximum of 5 cfs, with an appropriation date of December 31, 1998.

26. The Court finds that during the diligence period for which the Case No. 10CW195 Application, consolidated herein, was filed, the Applicant demonstrated reasonable diligence towards the completion of the appropriation of the subject conditional water rights. For the purposes of showing diligence, where the subject conditional water rights, as here, are a part of a larger integrated system of water rights usage, diligence as to any part of the Applicant's water rights shall be diligence as to all aspects of Applicant's water rights consistent with C.R.S. 37-92-301(4)(b). The Court finds that during the subject diligence period, Applicant has done the following work and made the following expenditures towards the completion of the appropriation and application of the conditional water rights to beneficial use, and toward the protection and preservation of its water rights, or demonstrated justifications for delay in further diligence efforts:

A. Applicant has diligently prosecuted the change case decreed herein, along with the plan for augmentation and additional junior water rights, clearly evidencing Applicant's intent to complete its appropriation and place the conditional water rights to beneficial use;

B. Applicant has completed further water rights appropriations on associated property, and using a portion of the same water rights utilized herein, in companion Case No. 10CW192, for use of water on the Deep Creek Mesa property;

C. Applicant defended its water rights, and associated real property, in the condemnation proceedings initiated and completed by the Town of Telluride in Case No. 04CV22;

D. Applicant expended significant efforts and funds on land-use planning, with the resulting changes to water rights decreed herein, necessary to complete its appropriations and place the subject conditional water rights to beneficial use.

E. Applicant expended in excess of \$4,000,000 in such efforts, including amounts spent on legal, planning, engineering and other professional consultants necessary for revision to Applicant's water rights portfolio and planned usage as a result of the condemnation proceeding and land use planning.

27. Applicant claims, and the Court finds such claims reasonable, that the above described efforts, expenditures, and extenuating circumstances relating to the diligence on the subject conditional water rights originally adjudicated in consolidated Case Nos. 91CW127 and 98CW239, and as changed in Case No. 09CW190, decreed herein, including expenditures by Applicant described above in defending the condemnation matter, as well as on other legal engineering, planning and other professional consultations necessary for the beneficial use of water by Applicant, constitute substantial evidence of reasonable diligence.

28. Based on the discussion in Paragraphs 24-27, above, the Court finds that the Applicant has established that it can and will complete the development of the conditional water rights, as changed and decreed herein, and place them to beneficial use within a reasonable period of time.

29. Applicant has presented acceptable evidence for the granting of the requested diligence as to the conditional water rights originally decreed in consolidated Case Nos. 91CW127 and 98CW239, and as changed herein.

30. The Court finds that based on this diligence, the Applicant's conditional water rights, as more particularly described in Paragraph 25, above, are continued as conditional water rights for another sexennial diligence period.

### **CONCLUSIONS OF LAW**

31. The Application in each of these consolidated cases, as amended, were filed with the Water Clerk, Water Division 4, pursuant to C.R.S. §37-92-302(1)(a).

32. Full and adequate notice of the Applications, as amended, have been given in the manner required by law, and the Court has jurisdiction over the subject matter and over all persons who could have appeared and participated in this proceeding, whether they appeared or not. See C.R.S. §§37-92-203, 37-92-301(1), (2), and (3). The published notice of the Applications put all interested parties to the extent reasonably possible on inquiry notice of the nature, scope and impact of the relief requested by Applicant.

33. The Applicant's request for adjudication of changes of conditional surface water rights, changes of conditional ground water rights, and amendment of plan for augmentation, as well as Applicant's request for findings of reasonable diligence, are contemplated and authorized by law, and Applicant has met all standards and burdens of proof for adjudication of its water rights herein, including, but not limited to, C.R.S. §§ 37-92-103(5) and (9), 37-92-302, 37-92-304(6), 37-92-305(1) through (6) (excepting subsections 3.5 and 3.6), (8) and (9), and is entitled to a decree confirming and approving the same. This Court and the Water Referee have exclusive jurisdiction over these proceedings. C.R.S. §§37-92-302(1)(a), 37-92-203, and 37-92-305. The Court finds that all of the changes requested by Applicant and decreed herein are consistent with, and result in a reduction from, the contemplated draft on the San Miguel River of the original application as decreed in consolidated Case Nos. 91CW127 and 98CW239. See Twin Lakes Reservoir and Canal Company v. City of Aspen, 568 P.2d 45 (Colo. 1977).

34. The Applicant, in regards to conditional water rights, has established that it

both can and will, with diligence, place the subject water to beneficial use within a reasonable period of time pursuant to C.R.S. §37-92-305(9). See Matter of BoCC of Arapahoe County, 891 P.2d 952 (Colo. 1995).

35. If administered in accordance with this Decree, Applicant's plan of augmentation shall be sufficient to permit the continuation of diversions from the subject water rights decreed herein when curtailment would otherwise be required to meet a valid senior call for water. C.R.S. §§ 37-92-305(3), (5), and (8).

### DECREE

36. Each of the FINDINGS OF FACT and CONCLUSIONS OF LAW contained in Paragraphs 1-28 above are incorporated herein by reference as if fully set forth herein.

37. The name and address of the Applicant is as follows:

San Miguel Valley Corporation  
7800 E. Dorado Place, Suite 250  
Englewood, Colorado 80111-2306  
(303) 220-8330

38. These consolidated Applications, for correction of point of diversion, change of conditional surface water rights, change of conditional ground water rights, and amendment of plan for augmentation, and for findings of reasonable diligence, as outlined and described in the foregoing Findings of Fact, and subject to the terms and conditions herein, are hereby approved.

39. The State Engineer, the Division Engineer, and/or the Water Commissioner shall not curtail the diversion and use of water covered by these water rights and the plan for augmentation so long as the out-of-priority depletions associated with such diversions are replaced to the stream system pursuant to the conditions contained herein. To the extent that Applicant or one of its successors or assigns is ever unable to provide the replacement water required, then Applicant's diversions shall not be entitled to operate under the protection of this plan for augmentation, and shall be subject to administration and curtailment in accordance with the laws, rules, and regulations of the State of Colorado. Pursuant to C.R.S. §37-92-305(8), the State Engineer shall curtail all out-of-priority diversions which are not so replaced so as to prevent injury to vested water rights.

40. Applicant shall make available for release, or available for direct flow, to the San Miguel River and its tributaries a sufficient quantity of water to replace any depletions resulting from out-of-priority diversions caused by the use and operation of the structures referenced herein. The volume of augmentation water required for direct

augmentation or release each year shall be limited to out-of-priority depletions, or diversions in such instances as when all diversions are depletive, to the stream system directly attributable to the use and operation of the water rights described herein at such times as a valid senior call is in place. The Division Engineer shall direct releases under this augmentation plan in a manner which will help assure that the senior calling rights of other water users receive the benefit of any released augmentation water.

41. Pursuant to C.R.S. §37-92-502(5)(a), Applicant shall install and maintain such measuring devices, recorders, flow meters and provide accountings, and supply calculations regarding the timing of depletions as reasonably required by Statute and the Division Engineer for the operation of these water rights and this plan for augmentation.

42. Applicant has obtained as part of this consolidated Decree, a finding of reasonable diligence for the conditional water rights originally adjudicated in Consolidated Case Nos. 91CW127 and 98CW239, as changed herein and as requested in the Application for Case No. 10CW195. The conditional water rights decreed and described herein, being part of Applicant's integrated water system, diligence on one part of the system shall be deemed diligence on all features of the system. Prior to or during the month of August, 2022 and every six years thereafter until the conditional water rights are decreed absolutely, the owner or user thereof, if it is their desire to maintain the same, shall file an application for Finding of Reasonable Diligence with this Court.

43. Applicant shall notify this Court of any change in mailing address. Upon the sale or other transfer of these conditional water rights, the transferee shall file with this Court a Notice of Transfer, which shall state:

- A. The title and case number of this case;
- B. The description of the water right transferred;
- C. The name of the transferor;
- D. The name and mailing address of the transferee.

Applicant shall notify any transferee of the requirements of this paragraph upon such transfer.

44. The State Engineer and Division Engineer of Water Division 4 and other water administration official shall administer and comply with the terms and conditions as herein approved, including the issuance of well permits to implement this decree.

45. Applicant shall provide the Division Engineer monthly and annual accountings, by November 30 of each year for the previous November 1 through October 31 period, in a form substantially as set forth in **Exhibit C** to the original decree

in consolidated Case Nos. 91CW127 and 98CW239. The CWCB shall have access to any measuring devices and accountings at reasonable times in order to make readings therefrom or monitor administration of the plan for augmentation decreed herein.

46. Pursuant to the provisions of C.R.S. §§37-92-304(3) and (6), the water rights and plan for augmentation decreed herein shall be subject to the reconsideration of this Court for the purpose of evaluating injury to vested water rights, beginning with the date of this decree, and for a period of five years from the date each said water right is made absolute, in whole or in part, and for the plan for augmentation, for a period of five years from the date that Applicant's development project is 75% complete. When such level of completion is obtained, Applicant shall notify the Court, the Division Engineer and the Objectors in writing. If any Objector seeks to invoke the Court's retained jurisdiction in the future to allege injury to a vested water right, then such petitioning party shall set forth the specific facts of alleged injury to petitioner's water right in his petition, and he shall bear the additional burden of prima facie proof of the specific facts alleged in such petition. Any such petition shall be made in good faith, under oath, and shall set forth with particularity the factual basis for the requested reconsideration, together with proposed decretal language to affect the petition. If the petitioning party meets that evidentiary burden, then the ultimate burden of proof shall be upon the Applicant to prove absence of unreasonable injury. Failure of the petitioning party to meet the initial burden of proof shall result in dismissal of the petition. The Court shall retain perpetual retained jurisdiction for the purpose of addressing disputes pertaining to lagged depletions for new and existing wells pursuant to Paragraph 18.A above.

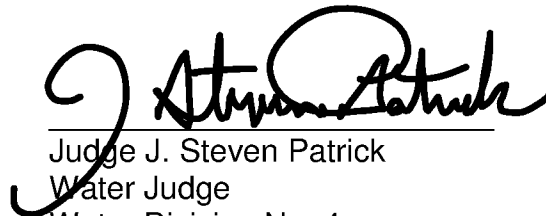
47. Use of Land or Structures. Nothing in this Decree acts to create or enlarge any right of Applicant to the use of land or structures owned by other parties for the diversion of water, nor to create or enlarge any existing right of Applicant for the use of such lands, structures or facilities. Applicant may utilize any existing water diversion, carriage, storage, and measurement structures only to the extent of such existing rights, or to the extent it in the future acquires the right to utilize any such structures from the appropriate entities, whether by purchase or other means. Similarly, Applicant may utilize land owned by others for the construction, operation and maintenance of such structures to which Applicant has a use right, only to the extent it has acquired the right to use such land for such purposes from the appropriate entities, whether by purchase or through other means.

48. Except to the extent that this Court has specifically retained jurisdiction herein, this Findings of Fact, Conclusions of Law, and Decree shall be final when entered as a Decree of this Court.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the foregoing Findings of Fact, Conclusions of Law and Decree, are hereby adopted as the Order and Decree of this Court.

DATED and ENTERED THIS 15<sup>th</sup> day of August, 2016.

BY THE COURT:



Judge J. Steven Patrick  
Water Judge  
Water Division No. 4



EXHIBIT A – LEGAL DESCRIPTIONS: (1) SOCIETY TURN PARCEL AND (2) MILL CREEK PARCEL  
SMVC 09CW190

**PROPERTY DESCRIPTION:**

A TRACT OF LAND LYING SOUTHWESTERLY OF COLORADO STATE HIGHWAY 145 AS ESTABLISHED ON COLORADO DEPARTMENT OF TRANSPORTATION PROJECT S0150(3) AND WITHIN THE DENVER PLACER, MINERAL SURVEY NO. 12119 OF THE UPPER SAN MIGUEL MINING DISTRICT AND IN THE NAVIKE PLACER, MINERAL SURVEY NO. 736 OF SAID MINING DISTRICT AND IN GOVERNMENT LOT 1 OF SECTION 32, ALL SITUATED IN SECTIONS 32 AND 33, TOWNSHIP 43 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, COUNTY OF SAN MIGUEL, STATE OF COLORADO, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 9 OF SAID DENVER PLACER BEING A UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT BRASS CAP;

THENCE ALONG LINE 9-10 OF SAID DENVER PLACER N 81°08'37" W, 366.65 FEET;

THENCE DEPARTING SAID LINE 9-10 N 08°13'23" W, 448.33 FEET;

THENCE S 81°46'37" W, 362.00 FEET;

THENCE S 08°13'23" E, 335.11 FEET TO SAID LINE 9-10;

THENCE ALONG SAID LINE 9-10 N 81°08'37" W, 1406.67 FEET TO CORNER NO. 10 OF SAID DENVER PLACER;

THENCE ALONG LINE 1-2 OF THE BOSTON PLACER, MINERAL SURVEY NO. 2019 IN SAID MINING DISTRICT N 81°05'35" W, 107.35 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 145;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE N 74°26'41" E, 846.03 FEET;

THENCE CONTINUING ON SAID RIGHT-OF-WAY, 696.28 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE, BEING CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2790.00 FEET, A CENTRAL ANGLE OF 14°17'56" AND A CHORD BEARING N 81°35'39" E, 694.48 FEET;

THENCE CONTINUING ON SAID RIGHT-OF-WAY, N 88°44'41" E, 704.33 FEET TO THE WESTERN MOST CORNER OF THE PARCEL OF LAND ACQUIRED UNDER FEDERAL AID PROJECT NH 145-045 AND DESCRIBED IN THE WARRANTY DEED RECORDED JANUARY 18, 2012 IN RECEPTION NUMBER 421280,

THENCE S 40°26'09" E 80.00 FEET ALONG THE WESTERN BOUNDARY OF SAID WARRANTY DEED RECORDED JANUARY 18, 2012 IN RECEPTION NUMBER 421280;

THENCE CONTINUING ALONG SAID WESTERN BOUNDARY N 88°45'19" E 75.75 FEET;

THENCE CONTINUING ALONG SAID WESTERN BOUNDARY S 14°10'25" E 219.30 FEET TO A POINT ON THE WESTERN BOUNDARY OF COLORADO STATE HIGHWAY 145 AS ESTABLISHED ON COLORADO DEPARTMENT OF TRANSPORTATION PROJECT S0150(3);

THENCE S 11°20'11" W, 645.31 FEET ALONG SAID WESTERN BOUNDARY OF COLORADO STATE HIGHWAY 145 AS ESTABLISHED ON COLORADO DEPARTMENT OF TRANSPORTATION PROJECT S0150(3) TO THE INTERSECTION WITH LINE 8-9 OF SAID DENVER PLACER;

THENCE N 07°31'25" W, 215.78 FEET ALONG LINE 8-9 OF SAID DENVER PLACER TO THE POINT OF BEGINNING,

COUNTY OF SAN MIGUEL, STATE OF COLORADO.

EXHIBIT A – LEGAL DESCRIPTIONS: (1) SOCIETY TURN PARCEL AND (2) MILL CREEK PARCEL  
SMVC 09CW190

**PROPERTY DESCRIPTION:**

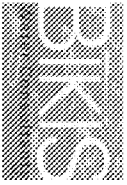
A TRACT OF LAND LYING NORTHERLY OF COLORADO STATE HIGHWAY 145-B WEST ANNEXATION ACCORDING TO THE ANNEXATION MAP RECORDED WITH THE SAN MIGUEL COUNTY CLERK AND RECORDER IN PLAT BOOK 1 AT PAGES 1827-1828 AND WITHIN THE FOLLOWING MINERAL SURVEYS LOCATED IN THE UPPER SAN MIGUEL MINING DISTRICT, THE OHIO PLACER MINERAL SURVEY NO. 194 AND THE MINETA PLACER MINERAL SURVEY NO. 5418 AND THE ARTHUR FELTON PLACER, MINERAL SURVEY NO. 14813 AND THE VIRGINIA PLACER MINERAL SURVEY NO. 658 AND WITHIN THE HOMESTEAD ENTRY SURVEY NO. 174 AND WITHIN GOVERNMENT LOTS 12 AND 13 OF SECTION 34, TOWNSHIP 43 NORTH, RANGE 8 WEST, NEW MEXICO PRINCIPAL MERIDIAN FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO.1 OF SAID VIRGINIA PLACER;

1. THENCE EASTERLY ALONG LINE 1-2 OF SAID VIRGINIA PLACER S59°18'42"E 184.01 FEET TO CORNER NO. 4 OF SAID ARTHUR AND FELTON PLACER;
2. THENCE NORTHERLY ALONG LINE 3-4 OF SAID ARTHUR AND FELTON PLACER N15°38'30"E 657.89 FEET TO CORNER NO. 3 OF SAID ARTHUR AND FELTON PLACER;
3. THENCE EASTERLY ALONG LINE 2-3 OF SAID ARTHUR AND FELTON PLACER S64°34'00"E 2167.44 FEET TO CORNER NO. 2 OF SAID ARTHUR AND FELTON PLACER;
4. THENCE SOUTHERLY ALONG LINE 1-2 OF SAID ARTHUR AND FELTON PLACER S33°45'00"W 829.66 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF SAID COLORADO STATE HIGHWAY 145-B WEST ANNEXATION;
5. THENCE WESTERLY ALONG SAID NORTHERN RIGHT OF WAY 5.82 FEET ON THE ARC OF A NON-TANGENTIAL CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 4861.50 FEET, AN INCLUDED ANGLE OF 00°04'02", AND A CHORD OF 5.82 FEET WHICH BEARS N68°09'42"W;
6. THENCE CONTINUING WESTERLY ALONG SAID NORTHERN RIGHT OF WAY N68°11'43"W 1457.53 FEET;
7. THENCE CONTINUING WESTERLY ALONG SAID NORTHERN RIGHT OF WAY 542.88 FEET ON THE ARC OF A NON-TANGENTIAL CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2915.00 FEET, AN INCLUDED ANGLE OF 10°40'00", AND A CHORD OF 541.90 FEET WHICH BEARS N74°28'51"W;
8. THENCE CONTINUING WESTERLY ALONG SAID NORTHERN RIGHT OF WAY N81°59'45"W 490.35 FEET TO THE INTERSECTION WITH THE EASTERN BOUNDARY OF THE SUBDIVISION OF THE BROWN HOMESTEAD ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1 AT PAGE 68 WITH THE CLERK AND RECORDER OF SAN MIGUEL COUNTY;
9. THENCE ALONG SAID EASTERN BOUNDARY OF THE SUBDIVISION OF THE BROWN HOMESTEAD N10°24'39"E 278.19 FEET;
10. THENCE ALONG THE NORTHERN BOUNDARY OF SAID SUBDIVISION OF THE BROWN HOMESTEAD N82°02'51"W 232.18 FEET;
11. THENCE CONTINUING ALONG SAID NORTHERN BOUNDARY S40°22'09"W 60.78 FEET;
12. THENCE CONTINUING ALONG SAID NORTHERN BOUNDARY N80°07'21"W 102.36 FEET;
13. THENCE CONTINUING ALONG SAID NORTHERN BOUNDARY S09°52'39"W 6.83 FEET;
14. THENCE CONTINUING ALONG SAID NORTHERN BOUNDARY N81°41'51"W 57.46 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION OF THE BROWN HOMESTEAD;
15. THENCE ALONG THE WESTERN BOUNDARY OF SAID SUBDIVISION OF THE BROWN HOMESTEAD S 10°45'39"W 209.84 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF SAID COLORADO STATE HIGHWAY 145-B WEST ANNEXATION;
16. THENCE WESTERLY ALONG SAID NORTHERN RIGHT OF WAY N79°52'29"W 288.53 FEET;
17. THENCE CONTINUING WESTERLY ALONG SAID NORTHERN RIGHT OF WAY N61°26'23"W 63.25 FEET;
18. THENCE CONTINUING WESTERLY ALONG SAID NORTHERN RIGHT OF WAY N79°52'29"W 2705.22 FEET;
19. THENCE CONTINUING WESTERLY ALONG SAID NORTHERN RIGHT OF WAY 14.46 FEET ON THE ARC OF A NON-TANGENTIAL CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 1860.00 FEET, AN INCLUDED ANGLE OF 00°28'43", AND A CHORD OF 14.46 FEET WHICH BEARS N79°40'11"W TO A POINT ON LINE 2-3 OF SAID OHIO PLACER, MINERAL SURVEY NO. 194;
20. THENCE NORTHERLY ALONG LINE 2-3 OF SAID OHIO PLACER N10°00"E 415.15 FEET TO CORNER NO. 2 OF SAID OHIO PLACER;
21. THENCE EASTERLY ALONG LINE 1-2 OF SAID OHIO PLACER S79°54'18"E 303.73 FEET TO CORNER NO. 1 OF THE PILOT KNOB PLACER, MINERAL SURVEY NO. 7737 UPPER SAN MIGUEL MINING DISTRICT;
22. THENCE NORTHERLY ALONG LINE 1-6 OF SAID PILOT KNOB PLACER N01°46'24"E 304.13 FEET TO CORNER NO. 6 OF SAID PILOT KNOB PLACER;
23. THENCE WESTERLY ALONG LINE 5-6 OF SAID PILOT KNOB PLACER N79°56'24"W 304.13 FEET TO CORNER NO. 5 OF SAID PILOT KNOB PLACER;
24. THENCE WESTERLY ALONG LINE 4-5 OF SAID PILOT KNOB PLACER N76°08'54"W 14.12 FEET TO THE INTERSECTION WITH THE NORTHERN LINE OF SAID GOVERNMENT LOT 12;
25. THENCE EASTERLY ALONG THE NORTHERN LINE OF SAID GOVERNMENT LOT 12 N89°57'00"E 978.32 FEET TO THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 12 SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 13;
26. THENCE EASTERLY ALONG THE NORTHERN LINE OF SAID GOVERNMENT LOT 13 N89°57'00"E 1055.87 FEET TO THE INTERSECTION WITH LINE 3-4 OF THE SILVER KING LODE, MINERAL SURVEY NO. 6290 UPPER SAN MIGUEL MINING DISTRICT;
27. THENCE SOUTHERLY ALONG SAID LINE 3-4 OF THE SILVER KING LODE S49°00'00"W 487.34 FEET TO CORNER NO. 4 OF SAID SILVER KING LODE;
28. THENCE EASTERLY ALONG LINE 1-4 OF SAID SILVER KING LODE S41°00'00"E 176.82 FEET TO THE INTERSECTION WITH LINE 3-4 OF SAID MINETA PLACER;
29. THENCE NORTHERLY ALONG LINE 3-4 OF SAID MINETA PLACER N47°05'54"E 656.83 FEET TO CORNER NO. 3 OF SAID MINETA PLACER;
30. THENCE EASTERLY ALONG LINE 2-3 OF SAID MINETA PLACER S79°48'30"E 767.88 FEET TO CORNER NO. 2 OF SAID MINETA PLACER;
31. THENCE SOUTHERLY ALONG LINE 1-2 OF SAID MINETA PLACER S15°32'00"W 284.18 FEET TO CORNER NO. 3 OF SAID HOMESTEAD ENTRY SURVEY NO. 174;
32. THENCE EASTERLY ALONG LINE 3-4 OF SAID HOMESTEAD ENTRY SURVEY NO. 174 S79°14'18"E 1086.43 FEET TO CORNER NO. 4 OF SAID HOMESTEAD ENTRY SURVEY NO. 174;
33. THENCE SOUTHERLY ALONG LINE 1-4 OF SAID HOMESTEAD ENTRY SURVEY NO. 174 S14°59'00"W 384.45 FEET TO CORNER NO. 1 OF SAID HOMESTEAD ENTRY SURVEY NO. 174, ALSO BEING CORNER 1 OF SAID VIRGINIA PLACER AND THE POINT OF BEGINNING;

COUNTY OF SAN MIGUEL, STATE OF COLORADO.

P:\Project Files\115-08 San Miguel Valley Corp\Mapping\ArcMap\Task03\2015\09CW190\Exhibit A.mxd



355 RiverGate Lane, Suite B4-82  
 Durango, CO 81301  
 (970) 385-2340ph 385-2341fx  
 www.btkiswater.com

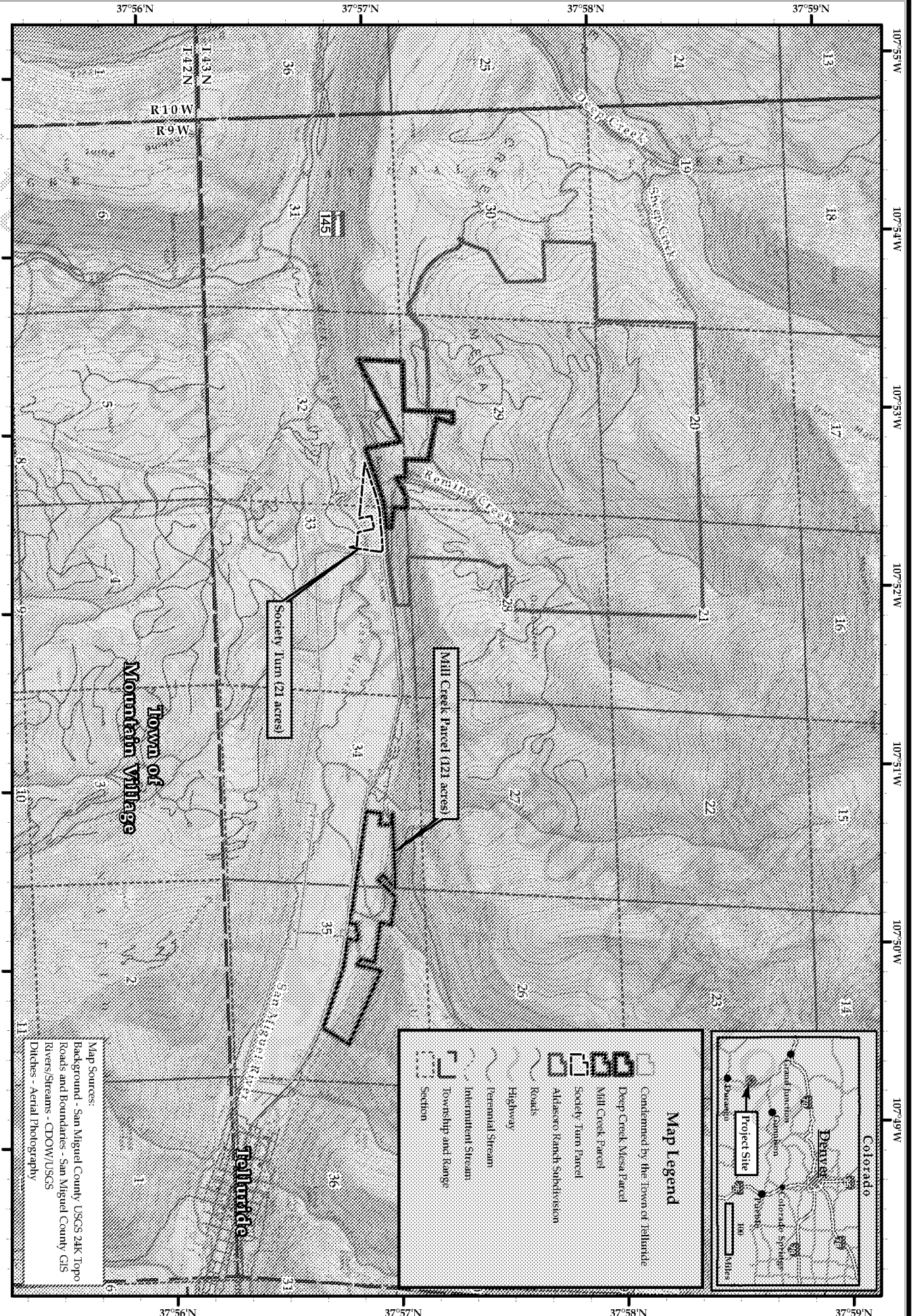


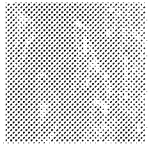
0 1,750 3,500 7,000 Feet  
 1 inch = 3,500 feet

Designed by: DSS  
 Checked by: EAB  
 Date: 3/18/2015  
 Scale: 1:42,000

San Miguel Valley Corporation  
 - Case No. 09CW190 -  
 Vicinity Map

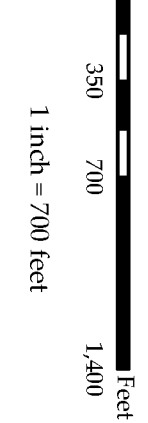
Exhibit  
 A





**BIKIS**  
Water Consultants  
a division of SGM

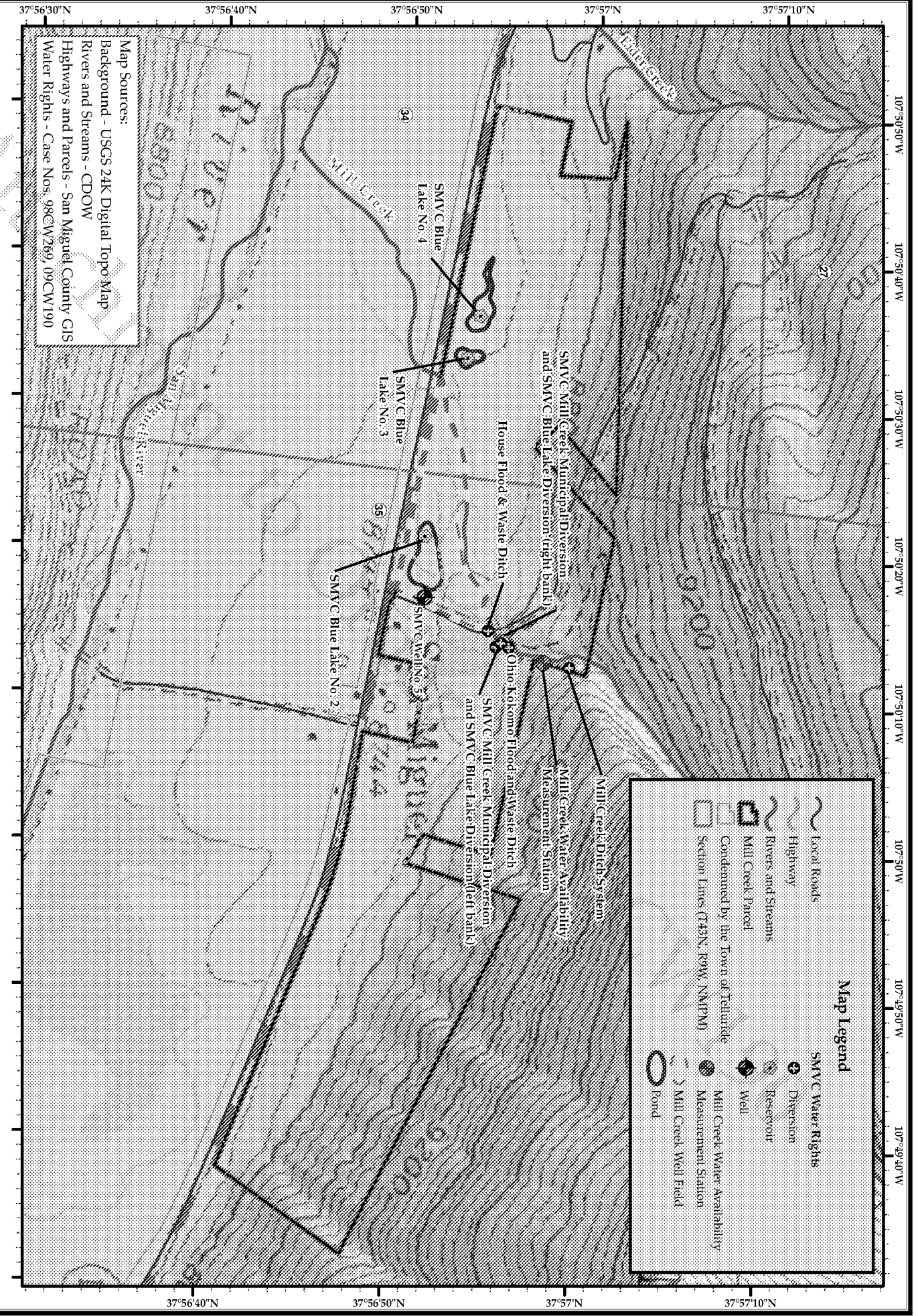
555 RiverCreek Lane, Suite 88-82  
Durango, CO 81301  
(970) 385-2500 / 385-2814  
www.bikiswater.com



Designed by: DSS  
Checked by: EAB  
Date: 8/3/2016  
Scale: 1:8,400

**San Miguel Valley Corp.**  
Case No. 09CW190  
**Mill Creek Parcel - Water Rights Map**

**Exhibit B**



**Exhibit C. Delayed Well Impact Factors**  
**San Miguel Valley Corporation**  
**Case No. 09CW190**  
 DRAFT

Month	Month of Pumping	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Annual Total
SMVC Well No. 3 T = 44,000 gpd/ft Specific Yield = 0.10													
Factor	90.0%	10.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
SMVC Well No. 5 T = 72,000 gpd/ft Specific Yield = 0.10													
Factor	84.2%	9.5%	2.0%	1.1%	0.8%	0.5%	0.4%	0.4%	0.3%	0.3%	0.2%	0.2%	100.0%

**Notes:**

Calculated using the IDS AWAS and Modified Glover. Pumped 100 AF in first month

SMVC Well No. 3 used an alluvial aquifer with X = 300 ft, W = 760 ft

SMVC Well No. 5 used an infinite aquifer with X = 280 ft

Attachment to Order - 190

**Exhibit D. Abandoned Water Rights Summary**  
**Case No. 09CW190**  
**San Miguel Valley Corporation**  
 DRAFT

ID	Water Right Name	Adj Date	Appt Date	Admin No.	Case No.	Use Type	Structure Type	Adj Type	Rate Conditional (GFS)	SMVC Ownership
2049	EX SMVC Deep Creek To SMVC Blue Lake Diversion No. 2	1998-12-31	1991-09-20	54056.51762	98CW0239	EX	R	S, C	5	100.0%
2045	SMVC Blue Lake Diversion No. 2	1998-12-31	1998-06-15	54222.00000	98CW0239	0.1,3,5,7,8,9,A,EX,R	1	S, C	10	100.0%
2047	SMVC Eider Creek Municipal Diversion	1998-12-31	1998-08-28	54296.00000	98CW0239	0.1,3,7,8,9,A,EX,R	1	S, C	3	100.0%
5275	SMVC Well No. 1	1998-12-31	1998-08-28	54296.00000	98CW0239	1,3,7,8,9	2	S, C	2.2	100.0%
5276	SMVC Well No. 2	1998-12-31	1998-08-28	54296.00000	98CW0239	1,3,7,8,9	2	S, C	2.2	100.0%
5278	SMVC Well No. 4	1998-12-31	1998-08-28	54296.00000	98CW0239	1,3,7,8,9	2	S, C	2.2	100.0%
2050	EX SMVC Deep Creek To Eider Creek	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S, C	5	100.0%
2053	EX SMVC Eider Creek Exchange	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S, C	5	100.0%
2055	EX SMVC San Miguel River To Blue Lake Diversion No. 2	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S, C	5	100.0%
2056	EX SMVC San Miguel River To Eider Creek	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S, C	5	100.0%

Sources: Colorado's Decision Support Systems, May 2011, and Case Nos. 98CW239, 09CW190, and 2010CW192

Explanation of Codes:

Structure Type: 1 - ditch; 2 - well; 3 - reservoir; R - exchange.

Use Codes: 0 - storage; 1 - irrigation; 2 - municipal; 3 - commercial; 5 - recreation; 6 - fishery; 7 - fire; 8 - domestic; 9 - stock; A - augmentation; EX - exchange; R - recharge

Adj Type: C - conditional; O - original; S - supplemental.

Attachment to Order

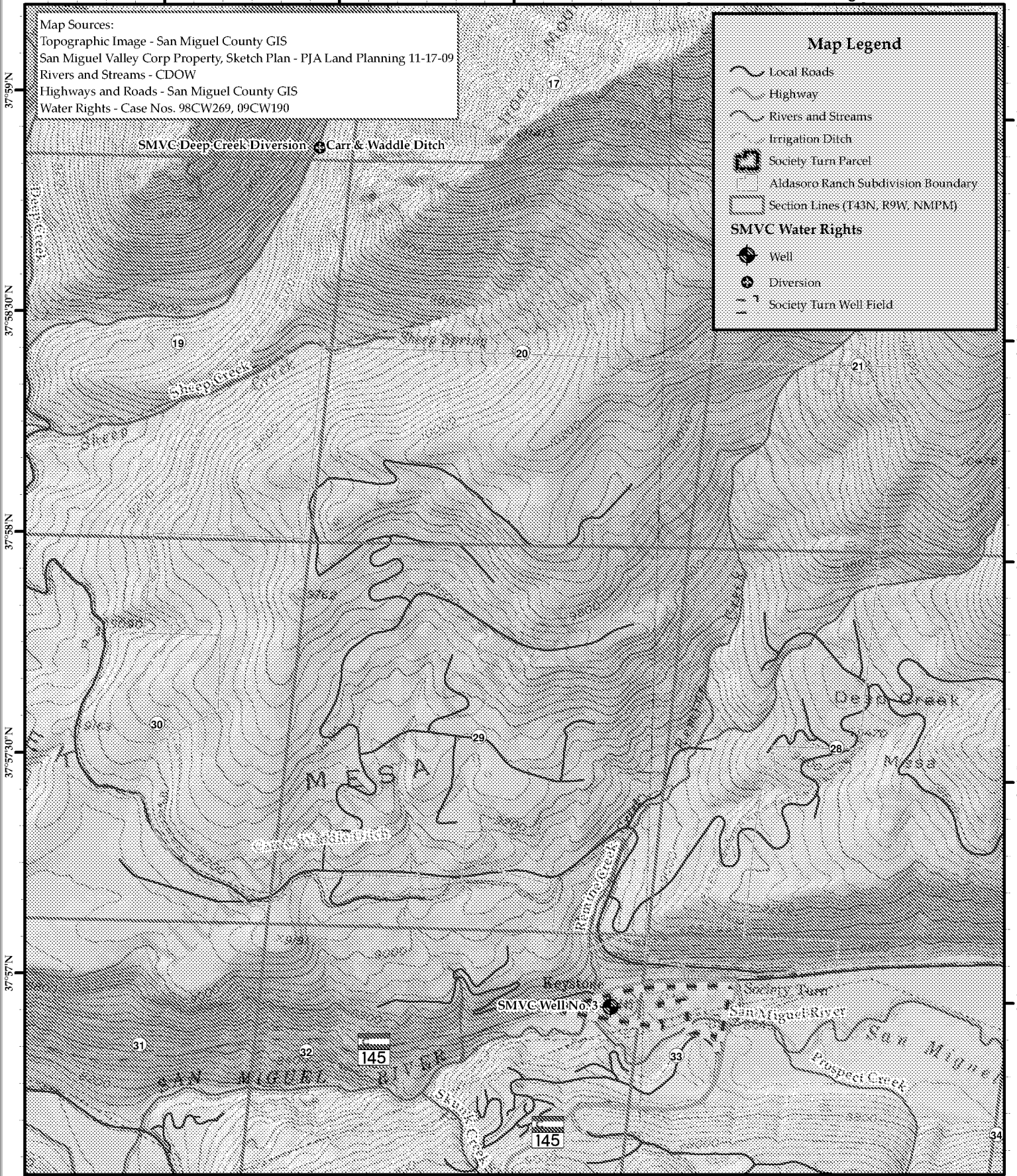
Map Sources:

Topographic Image - San Miguel County GIS  
 San Miguel Valley Corp Property, Sketch Plan - PJA Land Planning 11-17-09  
 Rivers and Streams - CDOW  
 Highways and Roads - San Miguel County GIS  
 Water Rights - Case Nos. 98CW269, 09CW190

Map Legend

- Local Roads
- Highway
- Rivers and Streams
- Irrigation Ditch
- Society Turn Parcel
- Aldasoro Ranch Subdivision Boundary
- Section Lines (T43N, R9W, NMPM)
- SMVC Water Rights**
- Well
- Diversion
- Society Turn Well Field

SMVC Deep Creek Diversion Carr & Waddle Ditch



E:\Project Files\1443570 San Miguel Valley Corp Mapping\AcMap\Final\1443570\_081616\_Society Turn Parcel Water Rights Map.mxd



555 RiverGate Lane, Suite B4-82  
 Durango, CO 81301  
 (970) 385-2340ph 385-2341fx  
 www.BikisWater.com



0 875 1,750 Feet  
 1 inch = 1,750 feet

Designed by: DSS  
 Checked by: EAB  
 Date: 3/9/2015  
 Scale: 1:21,000

**San Miguel Valley Corp.**  
**Case No. 09CW190**  
**Society Turn Parcel**  
**Water Rights Map**

**DRAFT**  
**Exhibit**  
**E**

**Table 1. Monthly Water Demands**  
**San Miguel Valley Corporation**  
 (All values in acre-feet)

Parcel	Units (Type)	Month	Diversions			
			In-house	Irrigation	Ponds and Wetlands	Total
			(1)	(2)	(3)	(4)
Mill Creek	20 (SF) (PUD)	January	0.65	0.00	0.00	0.65
		February	0.58	0.00	0.00	0.58
		March	0.65	0.00	0.00	0.65
		April	0.63	0.35	3.80	4.77
		May	0.65	2.10	3.80	6.55
		June	0.63	3.74	0.00	4.36
		July	0.65	3.97	0.00	4.62
		August	0.65	3.21	0.00	3.86
		September	0.63	2.28	0.00	2.90
		October	0.65	0.32	0.00	0.96
		November	0.63	0.00	0.00	0.63
		December	0.65	0.00	0.00	0.65
		<b>Subtotal:</b>	<b>7.62</b>	<b>15.96</b>	<b>7.60</b>	<b>31.18</b>
Society Turn	144,800 sq ft (C,P)	January	1.72	0.00	0.00	1.72
		February	1.56	0.00	0.00	1.56
		March	1.72	0.00	0.00	1.72
		April	1.67	0.24	0.00	1.91
		May	1.72	0.42	0.00	2.14
		June	1.67	0.74	0.00	2.41
		July	1.72	0.66	0.00	2.38
		August	1.72	0.48	0.00	2.20
		September	1.67	0.34	0.00	2.01
		October	1.72	0.22	0.00	1.94
		November	1.67	0.00	0.00	1.67
		December	1.72	0.00	0.00	1.72
		<b>Subtotal:</b>	<b>20.27</b>	<b>3.10</b>	<b>0.00</b>	<b>23.37</b>
<b>Total:</b>	<b>27.89</b>	<b>19.06</b>	<b>7.60</b>	<b>54.55</b>		

## Sources:

Development mix provided in February 2014 Preliminary Plan by PJA Land Planning (PJA) using rates from Case Nos. 91CW127 and 98CW239, and January 15, 1996, Preliminary Engineering Report (PER) by J. Craig Green.

## Notes:

ac = acre; AF = acre-feet; AF/yr = acre-feet per year; C = commercial; CU = consumptive use; gals = gallons; ISDS = individual sewage disposal systems; P = public; PUD = planned unit development; SF = single family; sq ft = square feet.

## Column Notes:

- 1) Assumes 20 homes (four people per house; 85 gals/day/person) and 144,800 sq ft of commercial space (0.14 AF/1000 sq ft).
- 2) Assumes turf grass CU of 1.55 AF/ac/yr and 80 percent irrigation efficiency for 2.3 acres for the Mill Creek Parcel (5,000 sq ft per home), and 1.6 acres of parks on the Society Turn Parcel. Also assumes tree canopy CU = 4.18 AF/ac/yr and 80 percent irrigation efficiency for 2.2 acres of tree canopy on the Mill Creek Parcel (aspens, cottonwoods, willows, and spruce).
- 3) Includes diversions to fill 1.8 acres of ponds at Mill Creek Parcel (7.6 AF). Ponds will be filled in April and May each year by in-priority ditch water.
- 4) Equals Column 1 + Column 2 + Column 3.



**Table 2a. Monthly Analysis of Water Use for the Mill Creek Parcel**  
**San Miguel Valley Corporation**  
 (All values in acre-feet)

Month	Debits			Credits		Net Stream Depletions
	Diversions from SMVC Well No. 5 (1)	Delayed Impacts to Mill Creek from SMVC Well No. 5 (2)	Surface Water Diversions to Irrigation (3)	Total Debits (4)	Irrigation Return Flows (5)	
January	0.65	0.67	0.00	0.67	0.00	0.00
February	0.58	0.61	0.00	0.61	0.00	0.00
March	0.65	0.66	0.00	0.66	0.00	0.00
April	0.97	0.93	3.80	4.73	0.06	0.06
May	1.25	1.19	5.30	6.49	0.38	0.38
June	1.69	1.59	2.67	4.27	0.70	0.70
July	1.60	1.56	3.02	4.59	0.78	0.78
August	1.34	1.35	2.52	3.87	0.66	0.66
September	1.12	1.14	1.79	2.93	0.48	0.48
October	0.96	0.99	0.00	0.99	0.12	0.12
November	0.63	0.69	0.00	0.69	0.02	0.02
December	0.65	0.67	0.00	0.67	0.00	0.00
<b>Total:</b>	<b>12.07</b>	<b>12.07</b>	<b>19.14</b>	<b>31.18</b>	<b>3.19</b>	<b>3.19</b>

Sources:  
 Development mix provided in February 2014 Preliminary Plan by PJA Land Planning (PJA) using rates from Case Nos. 91CW127 and 98CW239, and January 15, 1996, Preliminary Engineering Report (PER) by J. Craig Green.

Notes:  
 AF = acre-feet; AF/yr = acre-feet per year; gpd = gallons per day; HCU = historical consumptive use; IDS AWAS = Integrated Decision Support Group Alluvial Water Accounting System Model; ISDS = individual sewage disposal systems

- Column Notes:
- 1) Total domestic demand from development of the Mill Creek Parcel. Assumes SMVC Well No. 5 provides all in-house demands and irrigation demands for each lot. Does not include irrigation demands for landscaping or parks. Equals Table 1, Column 1 + 1.55 AF/yr and 80 percent irrigation efficiency for 2.3 acres of blue grass irrigation (assumes 20 homes with 5,000 sq ft per home).
  - 2) Equals the lagged impacts to Mill Creek from the pumping of SMVC Well No. 5. Calculated using the IDS AWAS for an infinite aquifer T = 72,000 gpd/ft, S = 10 percent.
  - 3) Equals the amount of surface water used for irrigation of tree canopy (2.2 acres) x 4.18 AF/yr and 80 percent irrigation efficiency.
  - 4) Equals the sum of Column 2 through Column 3.
  - 5) Equals surface return flows + lagged groundwater return flows from the irrigation of the 4.5 acres on Mill Creek Parcel. Calculated using the IDS AWAS for an alluvial aquifer T = 72,000 gpd/ft, S = 10 percent.
  - 6) Equals the sum of Column 5. Assumed no return flows for ISDS.
  - 7) Equals Column 4 - Column 6.

**Table 2b. Monthly Analysis of Water Use for the Society Turn Parcel**  
**San Miguel Valley Corporation**  
 (All values in acre-feet)

Month	Debits			Credits		Total Credits	Depletions
	Diversions from SMVC Well No. 3 (1)	Delayed Impacts to Mill Creek from SMVC Well No. 3 (2)	Total Debits (3)	Irrigation Return Flows (4)	WWTP In-house Return Flows (5)		
January	1.72	1.72	1.72	0.00	1.64	1.64	0.09
February	1.56	1.57	1.57	0.00	1.48	1.48	0.09
March	1.72	1.71	1.71	0.00	1.64	1.64	0.07
April	1.91	1.89	1.89	0.05	1.58	1.63	0.26
May	2.14	2.12	2.12	0.08	1.64	1.72	0.40
June	2.41	2.38	2.38	0.14	1.58	1.73	0.65
July	2.38	2.38	2.38	0.13	1.64	1.77	0.62
August	2.20	2.22	2.22	0.10	1.64	1.73	0.49
September	2.01	2.03	2.03	0.07	1.58	1.65	0.37
October	1.94	1.95	1.95	0.05	1.64	1.68	0.27
November	1.67	1.69	1.69	0.00	1.58	1.59	0.11
December	1.72	1.72	1.72	0.00	1.64	1.64	0.08
<b>Total:</b>	<b>23.37</b>	<b>23.37</b>	<b>23.37</b>	<b>0.62</b>	<b>19.26</b>	<b>19.88</b>	<b>3.49</b>

**Sources:**

Development mix provided in February 2014 Preliminary Plan by PJA Land Planning (PJA) using rates from Case Nos. 91CW127 and 98CW239, and January 15, 1996, Preliminary Engineering Report (PER) by J. Craig Green.

**Notes:**

AF = acre-feet; gpd = gallons per day; HCU = historical consumptive use; IDS AWAS = Integrated Decision Support Group Alluvial Water Accounting System Model; ISDS = individual sewage disposal systems; WWTP = wastewater treatment plant

**Column Notes:**

- 1) Total demands from development of the Society Turn Parcel. Assumes SMVC Well No. 3 provides all in-house demands and irrigation demands for the parcel. Equals Table 1, Column 4.
- 2) Equals the lagged impacts to San Miguel River from the pumping of SMVC Well No. 3. Calculated using the IDS AWAS for an alluvial aquifer T = 44,000 gpd/ft, S = 10 percent.
- 3) Equals Column 2.
- 4) Equals surface return flows + lagged groundwater return flows from the irrigation of 1.6 acres for the Society Turn Parcel. Calculated using the IDS AWAS for an alluvial aquifer T = 44,000 gpd/ft, S = 10 percent.
- 5) Equals the return flows to San Miguel River from in-house water using the Telluride Regional WWTP. Assumes 95 percent of water used returns to the San Miguel River.
- 6) Equals the sum of Column 4 through Column 5.
- 7) Equals Column 3 - Column 6.

Table 3. Description of Water Rights Owned by SMWC  
San Miguel Valley Corporation

ID	Water Right Name	Adj Date	Appr Date	Admin No	Case No	Use Type	Structure Type	Adj Type	Rate Absolute (cfs)	Volume Absolute (AF)	Rate Conditional (cfs)	Volume Conditional (AF)	SMWC Ownership	
549	Car & Waddle Ditch	1911-06-03	1896-07-01	16984.00000	CA1627 98CW0239	0.1A,EX,R	1	O	7.5	0	0	0	33.3%	
725	Ohio and Kokomo Flood and Waste Ditch	1911-06-03 1939-11-01	1903-06-01	19506.00000 30604.19510	CA1627 CA4641 98CW0239	0.1A,EX,R	1	O,S	4.25	0	0	0	54.5%	
642	House Flood and Waste Ditch	1911-06-03	1903-06-01	19509.00000	CA1627 98CW0239	0.1A,EX,R	1	O	1.25	0	0	0	15.1%	
693	Mill Creek Ditch System*	1939-11-01	1899-07-01, 1894-07-02, 1901-06-15	30604.14427, 30604.16254, 30604.18793	CA4641 98CW0239	0.1,8A,EX,R	1	S	3.25	0	0	0	15.1%	
549	SMWC Deep Creek Diversion	1998-12-31	1991-09-20	54056.51762	98CW0239	A,E	1	S,C	0	0	10	0	100%	
2048	EX SMWC Deep Creek To SMWC Blue Lake Diversion	1998-12-31	1991-09-20	54056.51762	98CW0239	E	R	S,C	0	0	5	0	100%	
2049	EX SMWC Deep Creek To SMWC Blue Lake Diversion No. 2	1998-12-31	1991-09-20	54056.51762	98CW0239	E	R	S,C	0	0	5	0	100%	
2044	SMWC Blue Lake Diversion	1998-12-31	1991-09-20	54056.51762	98CW0239	0.1,3,7,8,9A,EX,R	1	S,C	0	0	10	0	100%	
3231	SMWC Blue Lake No. 2	1998-12-31	1991-09-20	54056.51762	98CW0239	0.1,3,5,6,7,8,9A,EX	1	S,C	0	0	0	0	100%	
2045	SMWC Blue Lake Diversion No. 2	1998-12-31	1998-06-15	54222.00000	98CW0239	0.1,3,5,7,8,9A,EX,R	1	S,C	0	0	10	0	100%	
2047	SMWC Elder Creek Municipal Diversion	1998-12-31	1998-08-28	54296.00000	98CW0239	0.1,3,7,8,9A,EX,R	1	S,C	0	0	3	0	100%	
2046	SMWC Mill Creek Municipal Diversion	1998-12-31	1998-08-28	54296.00000	98CW0239	0.1,3,7,8,9A,EX,R	1	S,C	0	0	5	0	100%	
5275	SMWC Well No. 1	1998-12-31	1998-08-28	54296.00000	98CW0239	1,3,7,8,9	2	S,C	0	0	2.2	0	100%	
5276	SMWC Well No. 2	1998-12-31	1998-08-28	54296.00000	98CW0239	1,3,7,8,9	2	S,C	0	0	2.2	0	100%	
5277	SMWC Well No. 3	1998-12-31	1998-08-28	54296.00000	98CW0239	1,3,7,8,9	2	S,C	0	0	2.2	0	100%	
5278	SMWC Well No. 4	1998-12-31	1998-08-28	54296.00000	98CW0239	1,3,7,8,9	2	S,C	0	0	2.2	0	100%	
5279	SMWC Well No. 5	1998-12-31	1998-08-28	54296.00000	98CW0239	1,3,7,8,9	2	S,C	0	0	2.2	0	100%	
2050	EX SMWC Deep Creek To Elder Creek	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S,C	0	0	5	0	100%	
2051	EX SMWC Deep Creek To Mill Creek	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S,C	0	0	5	0	100%	
2053	EX SMWC Elder Creek Exchange	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S,C	0	0	5	0	100%	
2052	EX SMWC Mill Creek Exchange	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S,C	0	0	5	0	100%	
2054	EX SMWC San Miguel River To Blue Lake Diversion	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S,C	0	0	5	0	100%	
2055	EX SMWC San Miguel River To Blue Lake Diversion No. 2	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S,C	0	0	5	0	100%	
2056	EX SMWC San Miguel River To Elder Creek	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S,C	0	0	5	0	100%	
2057	EX SMWC San Miguel River To Mill Creek	1998-12-31	1998-12-31	54421.00000	98CW0239	EX	R	S,C	0	0	5	0	100%	
2147	Deep Creek Mesa Diversion	2010-12-28	2010-12-28	58801.00000	2010CW192	0.1,2,3,5,6,8,9A	1	S,C	0	0	0.47	0	100%	
3674	SMWC Lower Pond	2010-12-31	2010-12-28	58801.00000	2010CW192	0.1,2,3,5,6,8,9A	3	S,C	0	0	0	0	100%	
2109	SMWC Enlargement of ARHCO Remine Pipeline	2010-12-31	2010-12-28	58801.00000	2010CW192	1,3,8	1	S,C	0	0	0.7	0	100%	
5150	SMWC Enlargement of Adasoro Wells Nos. 1-12	2010-12-31	2010-12-28	58801.00000	2010CW192	1,2,3,5,6,8,9A	2	S,C	0	0	.11 each	0	100%	
5161														
Pending Water Rights in Case No. 09CW190														
	SMWC Blue Lake No. 2 (changed location)		1991-09-20		09CW190	1,3,5,6,7,8,9A,EX,R	3	AP,S,C	0	0	0	0	5.2	100%
	SMWC Blue Lake No. 3		2013-06-20		09CW190	0.1,3,5,6,7,8,9A,E	3	S,C	0	0	0	0	0.8	100%
	SMWC Blue Lake No. 4		2013-06-20		09CW190	0.1,3,5,6,7,8,9A,E	3	S,C	0	0	0	0	1.6	100%
	SMWC Blue Lake Diversion (changed location)		1991-09-20		09CW190	0.1,3,5,6,7,8,9A,EX,R	1	AP,S,C	0	0	10	0	0	100%
	SMWC Mill Creek Municipal Diversion (changed location)		1998-08-28		09CW190	0.1,3,7,8,9A,EX,R	1	S,C	0	0	5	0	0	100%
	SMWC Well No. 3 (changed location)		1998-08-28		09CW190	1,3,7,8,9	2	S,C	0	0	2.2	0	0	100%
	SMWC Well No. 5 (changed location)		1998-08-28		09CW190	1,3,7,8,9	2	S,C	0	0	2.2	0	0	100%

Sources: Colorado's Decision Support Systems, May 2011, and Case Nos. 98CW239, 09CW190, and 2010CW192

Explanation of Codes:  
 Structure Type: 1 - ditch; 2 - well; 3 - reservoir; R - recharge;  
 Use Codes: 0 - storage; 1 - irrigation; 2 - municipal; 3 - commercial; 5 - recreation; 6 - fishery; 7 - fire; 8 - domestic; 9 - stock; A - augmentation; E - evaporation; EX - exchange; R - recharge;  
 Adj Type: C - conditional; O - original; S - supplemental;  
 Notes:  
 \* The Mill Creek Ditch System includes the Mill Creek Ditch No. 1, the Mill Creek Ditch No. 1 Enlargement, and the Mill Creek Ditch No. 1 Boyer Enlargement.  
 Adj = adjudication; Admin = administrator; AF = acre feet; Appr = appropriation; cfs = cubic feet per second

**Table 4. Water Rights Division by Town of Telluride Condemnation Order**  
**San Miguel Valley Corporation**

Ditch Name	Priority No.	Decreased Amount (cfs)	Irrigated Acres <sup>(1)</sup>	Total HCU <sup>(2)</sup> (AF/yr)	Transferred to Town of Telluride			Retained by SMVC			
					Percent <sup>(3)</sup>	Net cfs	HCU	Percent	Net cfs	HCU	Acres <sup>(4)</sup>
Ohio and Kokomo Flood and Waste Ditch	106, 252	4.25	22.00	18.60	45.5%	1,934	8.46	54.5%	2,316	10.14	12.00
House Flood and Waste Ditch	107	1.25		39.30	84.9%	1.06	33.37	15.1%	0.19	5.93	
Mill Creek Ditch No. 1, Mill Creek Ditch No. 1 Enlargement and Mill Creek Ditch No. 1 Boyer Enlargement	219, 228, 247	3.25	68.8 <sup>(5)</sup>	17.80	84.9%	2.76	15.11	15.1%	0.49	2.69	10.4 <sup>(5)</sup>
Carr & Waddle (Deep Creek Diversion)	77	2.50	33.80	12.00	0.0%	0.00	0.00	100.0%	2.50	12.00	33.80
<b>Total:</b>		<b>11.25</b>	<b>124.60</b>	<b>87.70</b>		<b>5.76</b>	<b>56.94</b>		<b>5.50</b>	<b>30.76</b>	<b>56.20</b>

Notes:

AF/yr = acre-feet per year

cfs = cubic feet per second

HCU = historical consumptive use

Footnotes:

- 1) From January 15, 1996, Preliminary Engineering Report by J. Craig Green.
- 2) HCU credits were decreed in consolidated Case Nos. 91CW127 and 98CW239.
- 3) Plus the right to return flows and surplus water from remaining 54.5 percent (owned by SMVC) to the extent that contributed to irrigation CP land they purchased.
- 4) Per the condemnation order.
- 5) This is the total irrigated under the Mill Creek System, which includes the Mill Creek Ditch No. 1, Mill Creek Ditch No. 1 Enlargement, Mill Creek Ditch No. 1 Boyer Enlargement, plus House Flood and Waste Ditch.

Attachment to Order - 2016

**Table 5. Monthly HCU Credits<sup>(1)(2)</sup>**  
**San Miguel Valley Corporation**  
 (All values in acre-feet unless otherwise noted)

Month	Average Year HCU Credits				2002 Call Period HCU Credits <sup>(3)</sup>				Flow Needed at Headgate (cfs) Average Year <sup>(4)</sup>				Flow Needed at Headgate (cfs) 2002 Call Period <sup>(5)</sup>			
	Ohio and Kokomo Flood and Waste Ditch	Mill Creek Ditch System <sup>(6)</sup>	Carr & Waddle Ditch <sup>(7)</sup>	Total	Ohio and Kokomo Flood and Waste Ditch	Mill Creek Ditch System <sup>(6)</sup>	Carr & Waddle Ditch <sup>(7)</sup>	Total	Ohio and Kokomo Flood and Waste Ditch	Mill Creek Ditch System <sup>(6)</sup>	Carr & Waddle Ditch <sup>(7)</sup>	Total	Ohio and Kokomo Flood and Waste Ditch	Mill Creek Ditch System <sup>(6)</sup>	Carr & Waddle Ditch <sup>(7)</sup>	Total
January	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
February	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
March	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.002	0.002	0.000	0.004	0.002	0.002	0.000	0.004
April	0.05	0.05	0.00	0.10	0.05	0.05	0.00	0.10	0.002	0.002	0.000	0.004	0.002	0.002	0.000	0.004
May	1.04	0.88	1.40	3.32	1.04	0.88	1.40	3.32	0.042	0.036	0.057	0.135	0.043	0.036	0.058	0.137
June	2.67	2.27	1.28	6.22	2.42	2.18	1.28	5.88	0.112	0.095	0.054	0.261	0.114	0.097	0.055	0.265
July	2.89	2.46	2.02	7.37	0.85	1.69	2.02	4.56	0.118	0.100	0.082	0.299	0.035	0.070	0.083	0.188
August	2.29	1.94	1.24	5.47	0.59	1.17	1.08	2.83	0.093	0.079	0.050	0.222	0.028	0.055	0.051	0.134
September	1.15	0.97	0.00	2.12	0.34	0.67	0.00	1.01	0.048	0.041	0.000	0.089	0.014	0.029	0.000	0.043
October	0.05	0.05	0.00	0.10	0.05	0.05	0.00	0.10	0.002	0.002	0.000	0.004	0.002	0.002	0.000	0.004
November	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
December	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
<b>Total:</b>	<b>10.14</b>	<b>8.62</b>	<b>5.94</b>	<b>24.70</b>	<b>5.34</b>	<b>6.68</b>	<b>5.78</b>	<b>17.79</b>	<b>0.000</b>	<b>0.009</b>	<b>0.000</b>	<b>0.009</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

Notes:  
 AF/yr = acre-feet per year; cfs = cubic feet per second; HCU = historical consumptive use.

- Footnotes:  
 1) For portion still owned by SANVC per condemnation order with the Town of Telluride.  
 2) HCU credits were calculated and decreed in consolidated Case Nos. 91 CW127 and 98CW239.  
 3) HCU credits were curtailed based on the 2002 call records on the San Miguel River (see Table 6).  
 4) Equals the amount of water needed at the each ditch's headgate to satisfy the average year HCU credits. Assumed a irrigation efficiency of 50 percent and a 20 percent ditch loss.  
 5) Equals the amount of water needed at the each ditch's headgate to satisfy the 2002 water year HCU credits. Assumed a irrigation efficiency of 50 percent and a 20 percent ditch loss.  
 6) Includes Mill Creek Ditch No. 1, Mill Creek Ditch No. 1 Boyer Enhancement, Mill Creek Ditch No. 1 House, Food and Waste Ditch. The HCU from the Mill Creek Ditch System total 2.69 AF/yr.  
 7) In Case No. 10CW192, 6.04 AF of the 12 AF of HCU credits associated with the Carr & Waddle Ditch were dedicated for use in the Plan for Augmentation.

Attachment to



**Table 7. Mill Creek Water Availability Analysis for Water Year 2002**  
**San Miguel Valley Corporation**  
 (All values in cubic feet per second)

Month	Mill Creek Yield (2002) (1)	Mill Creek Water Right 2002 Divisions (2)	Remaining Available Water (3)	Town of Telluride's Portion (4)	SMVC's Portion (5)	Flow Needed for HCU Credits (6)	Excess Flow (7)
January	1.66	0.76	0.90	0.68	0.22	-	0.22
February	1.57	0.63	0.94	0.71	0.23	-	0.23
March	2.16	0.75	1.41	1.06	0.35	-	0.35
April	4.46	0.64	3.82	2.88	0.95	0.004	0.94
May	5.78	0.41	5.37	4.04	1.33	0.137	1.20
June	4.81	0.49	4.32	3.25	1.07	0.265	0.81
July	2.09	0.70	1.38	1.04	0.34	0.188	0.15
August	1.86	0.85	1.01	0.76	0.25	0.134	0.12
September	4.28	0.49	3.79	2.85	0.94	0.043	0.90
October	2.34	0.62	1.71	1.29	0.43	0.004	0.42
November	1.97	0.55	1.42	1.07	0.35	-	0.35
December	1.85	0.61	1.24	0.93	0.31	-	0.31

## Footnotes:

- 1) Average monthly streamflow based on USGS gages "San Miguel River near Telluride (09171200)" (1959-1965) and "San Miguel River near Placerville (09172500)"; 1959-2013. Determined by correlation between 09171200 and 09172500 gages adjusted for the Mill Creek watershed for driest year recorded (WY2002).
- 2) Based on the monthly diversion records of the Mill Creek Water Right from the CDWR, converted to average daily diversion.
- 3) Equals Column 1 - Column 2.
- 4) Equals Column 3 x 75.2% (The combined percentage of water the Town of Telluride owns in the Ohio and Kokomo Flood and Waste Ditch, the House Flood and Waste Ditch and the Mill Creek Ditch System).
- 5) Equals Column 3 x 24.8% (The combined percentage of water that SMVC owns in the Ohio and Kokomo Flood and Waste Ditch, the House Flood and Waste Ditch and the Mill Creek Ditch System).
- 6) Equals the flow needed (cfs) to satisfy the headgate delivery of SMVC's HCU credits (see Table 5).
- 7) Equals Column 5 - Column 6.

**Table 8. Plan for Augmentation**  
**San Miguel Valley Corporation**  
 (All values in acre-feet)

Month	Total Debits from Tables 2a and 2b (1)	Total Credits from Tables 2a and 2b (2)	Net Stream Depletions (3)	Number of Days Out of Priority (4)	Augmentation Requirement (5)	HCU Credits (6)	HCU Available to Storage (7)	HCU Credits to Stream (8)	HCU Credits Placed in Storage (9)	Avg Water Released from Storage (10)	Blue Lake Nos. 2-4 Aug Pond Evap (11)	End of Month Storage (12)
January	2.39	1.64	0.75	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.79
February	2.18	1.48	0.71	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.79
March	2.36	1.64	0.72	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.79
April	6.62	1.69	4.93	0	0.00	0.10	0.10	0.00	0.10	0.00	0.50	6.19
May	8.61	2.09	6.52	0	0.00	3.32	3.32	0.00	0.00	0.00	0.67	7.60
June	6.65	2.43	4.22	11	1.55	5.88	4.33	1.55	0.81	0.00	0.81	7.60
July	6.97	2.55	4.42	31	4.42	4.56	0.13	4.42	0.13	0.00	0.83	6.90
August	6.09	2.39	3.70	31	3.70	2.83	0.00	2.83	0.00	0.87	0.75	5.28
September	4.96	2.13	2.83	16	1.51	1.01	0.00	1.01	0.00	0.50	0.56	4.23
October	2.94	1.80	1.15	31	1.15	0.10	0.00	0.10	0.00	1.05	0.39	2.79
November	2.39	1.61	0.78	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.79
December	2.39	1.64	0.75	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.79
<b>Total:</b>	<b>54.55</b>	<b>23.07</b>	<b>31.48</b>	<b>120</b>	<b>12.33</b>	<b>17.79</b>	<b>7.88</b>	<b>9.91</b>	<b>1.04</b>	<b>2.41</b>	<b>4.50</b>	<b>2.79</b>

Sources:  
 Development mix provided in February 2014 Preliminary Plan by PJA Land Planning (PJA) using rates from Case Nos. 91 CW 127 and 98CW239, and January 15, 1996, Preliminary Engineering Report (PER) by J. Craig Green.

Notes:  
 AF = acre-feet; CWC/B = Colorado Water Conservation Bureau; HCU = historical consumptive use; Rf = return flow.

- Column Notes:
- Total debits from development of the Mill Creek and Society Turn Parcels. Equals Table 2a, Column 5 + Table 2b, Column 4.
  - Total bypassed diversions and return flows from development of the Mill Creek and Society Turn Parcel. Equals Table 2a, Column 9 + Table 2b, Column 8.
  - Equals Column 1 - Column 2.
  - Equals the estimated number of days this plan is out-of-priority. Assumes a call similar to 2002 (see tx) from senior irrigation ditches.
  - Equals Column 3 x Column 4 / number of days in the month.
  - Equals HCU Credits available for portion still owned by SIMVC per condemnation order with Telluride based on the 2002 call period analysis (see Table 5).
  - Equals Column 6 - Column 5 if Column 6 is greater than Column 5, otherwise equals zero.
  - Equals Column 6 - Column 7.
  - Equals water diverted to storage from HCU credits.
  - Equals Column 5 - Column 6 if Column 5 is greater than Column 6, otherwise equals zero.
  - Equals evaporation for three ponds (1.8 acres) that are off-channel and have an annual gross evaporation rate of 2.5 AF per acre, as decreed in Case Nos. 91CW127 and 98CW239. Includes the creation of 0.67 acres of wetlands that have an annual consumptive use equal to gross evaporation. Excess water in April and May is used to refresh the ponds.
  - Equals previous month storage + HCU credits placed in storage (Column 9) - Column 10 - Column 11. Storage capacity equals 7.6 AF and ponds are full on June 1st.



**Table 9. Mill Creek Streamflow Allocation Matrix - Example at 55.0% (A)**  
**Distribution of the Available Streamflow Supply between Telluride and SMVC**

(1) Mill Creek Flow (cfs)	(2) Percent Allocation		(3) Divertible Supply		(4) Percent Streamflow		SMVC Diversions to Storage Percentage of Water Right to Divert	55.0%
	Telluride (%)	SMVC (%)	Telluride (cfs)	SMVC (cfs)	Telluride (%)	SMVC (%)		
0.10	60.4%	39.6%	0.06	0.04	60.4%	39.6%		
0.20	60.4%	39.6%	0.12	0.08	60.4%	39.6%		
0.30	60.4%	39.6%	0.18	0.12	60.4%	39.6%		
0.40	60.4%	39.6%	0.24	0.16	60.4%	39.6%		
0.50	60.4%	39.6%	0.30	0.20	60.4%	39.6%		
0.60	60.4%	39.6%	0.36	0.24	60.4%	39.6%		
0.70	60.4%	39.6%	0.42	0.28	60.4%	39.6%		
0.80	60.4%	39.6%	0.48	0.32	60.4%	39.6%		
0.90	60.4%	39.6%	0.54	0.36	60.4%	39.6%		
<b>0.94</b>	<b>60.4%</b>	<b>39.6%</b>	<b>0.57</b>	<b>0.37</b>	<b>60.4%</b>	<b>39.6%</b>		
1.00	91.0%	9.0%	0.62	0.38	62.2%	37.8%		
1.10	91.0%	9.0%	0.71	0.39	64.8%	35.2%		
1.20	91.0%	9.0%	0.80	0.40	67.0%	33.0%		
1.30	91.0%	9.0%	0.90	0.40	68.9%	31.1%		
1.40	91.0%	9.0%	0.99	0.41	70.5%	29.5%		
1.50	91.0%	9.0%	1.08	0.42	71.8%	28.2%		
1.60	91.0%	9.0%	1.17	0.43	73.0%	27.0%		
1.70	91.0%	9.0%	1.26	0.44	74.1%	25.9%		
1.80	91.0%	9.0%	1.35	0.45	75.0%	25.0%		
1.90	91.0%	9.0%	1.44	0.46	75.9%	24.1%		
2.00	91.0%	9.0%	1.53	0.47	76.6%	23.4%		
<b>2.10</b>	<b>91.0%</b>	<b>9.0%</b>	<b>1.62</b>	<b>0.48</b>	<b>77.3%</b>	<b>22.7%</b>		
2.20	91.1%	8.9%	1.71	0.49	77.9%	22.1%		
2.30	91.1%	8.9%	1.81	0.49	78.5%	21.5%		
2.40	91.1%	8.9%	1.90	0.50	79.0%	21.0%		
2.50	91.1%	8.9%	1.99	0.51	79.5%	20.5%		
2.60	91.1%	8.9%	2.08	0.52	80.0%	20.0%		
2.70	91.1%	8.9%	2.17	0.53	80.4%	19.6%		
2.80	91.1%	8.9%	2.26	0.54	80.8%	19.2%		
2.90	91.1%	8.9%	2.35	0.55	81.1%	18.9%		
3.00	91.1%	8.9%	2.44	0.56	81.4%	18.6%		
3.10	91.1%	8.9%	2.53	0.57	81.8%	18.2%		
3.20	91.1%	8.9%	2.63	0.57	82.1%	17.9%		
3.30	91.1%	8.9%	2.72	0.58	82.3%	17.7%		
3.40	91.1%	8.9%	2.81	0.59	82.6%	17.4%		
3.50	91.1%	8.9%	2.90	0.60	82.8%	17.2%		
3.60	91.1%	8.9%	2.99	0.61	83.1%	16.9%		
3.70	91.1%	8.9%	3.08	0.62	83.3%	16.7%		
3.80	91.1%	8.9%	3.17	0.63	83.5%	16.5%		
3.90	91.1%	8.9%	3.26	0.64	83.7%	16.3%		
4.00	91.1%	8.9%	3.35	0.65	83.9%	16.1%		
4.10	91.1%	8.9%	3.45	0.65	84.0%	16.0%		
4.20	91.1%	8.9%	3.54	0.66	84.2%	15.8%		
4.30	91.1%	8.9%	3.63	0.67	84.4%	15.6%		
4.40	91.1%	8.9%	3.72	0.68	84.5%	15.5%		
4.50	91.1%	8.9%	3.81	0.69	84.7%	15.3%		
4.60	91.1%	8.9%	3.90	0.70	84.8%	15.2%		
4.70	91.1%	8.9%	3.99	0.71	84.9%	15.1%		
4.80	91.1%	8.9%	4.08	0.72	85.1%	14.9%		
4.90	91.1%	8.9%	4.17	0.73	85.2%	14.8%		
5.00	91.1%	8.9%	4.27	0.73	85.3%	14.7%		
5.10	91.1%	8.9%	4.36	0.74	85.4%	14.6%		
<b>5.13</b>	<b>91.1%</b>	<b>8.9%</b>	<b>4.38</b>	<b>0.75</b>	<b>85.5%</b>	<b>14.5%</b>		
5.20	60.3%	39.7%	4.43	0.77	85.1%	14.9%		
5.30	60.3%	39.7%	4.49	0.81	84.7%	15.3%		
5.40	60.3%	39.7%	4.55	0.85	84.2%	15.8%		
5.50	60.3%	39.7%	4.61	0.89	83.8%	16.2%		
5.60	60.3%	39.7%	4.67	0.93	83.3%	16.7%		
5.70	60.3%	39.7%	4.73	0.97	82.9%	17.1%		
5.80	60.3%	39.7%	4.79	1.01	82.6%	17.4%		
5.90	60.3%	39.7%	4.85	1.05	82.2%	17.8%		
6.00	60.3%	39.7%	4.91	1.09	81.8%	18.2%		
6.10	60.3%	39.7%	4.97	1.13	81.5%	18.5%		
6.20	60.3%	39.7%	5.03	1.17	81.1%	18.9%		
6.30	60.3%	39.7%	5.09	1.21	80.8%	19.2%		
6.40	60.3%	39.7%	5.15	1.25	80.5%	19.5%		
6.50	60.3%	39.7%	5.21	1.29	80.2%	19.8%		
6.60	60.3%	39.7%	5.27	1.33	79.9%	20.1%		
6.70	60.3%	39.7%	5.33	1.37	79.6%	20.4%		
6.80	60.3%	39.7%	5.39	1.41	79.3%	20.7%		
6.90	60.3%	39.7%	5.45	1.45	79.0%	21.0%		
7.00	60.3%	39.7%	5.51	1.49	78.7%	21.3%		
7.10	60.3%	39.7%	5.57	1.53	78.5%	21.5%		
7.20	60.3%	39.7%	5.63	1.57	78.2%	21.8%		
7.30	60.3%	39.7%	5.69	1.61	78.0%	22.0%		
7.40	60.3%	39.7%	5.75	1.65	77.7%	22.3%		
<b>7.41</b>	<b>60.3%</b>	<b>39.7%</b>	<b>5.76</b>	<b>1.65</b>	<b>77.7%</b>	<b>22.3%</b>		

**SMVC Diversions to Storage**  
 Percentage of Water Right to Divert 55.0%

$$\text{Divertible Supply} = \frac{\text{Streamflow}}{\text{Column 3}} \times \frac{\% \text{ Allocation}}{\text{Column 2}}$$

	Ownership	Divertible	
Telluride	0.57 cfs	0.37 cfs	60.4%
SMVC	0.68 cfs	0.37 cfs	39.6%
<b>Total Right</b>	<b>1.25 cfs</b>	<b>0.94 cfs</b>	

**Ohio and Kokomo Flood & Waste Ditch: Priority 106**

$$\text{Divertible Supply} = 0.94 \text{ cfs} + \left( \frac{\text{Streamflow} - 0.94 \text{ cfs}}{\text{Column 1}} \right) \times \frac{\% \text{ Allocation}}{\text{Column 2}}$$

	Ownership	Divertible	
Telluride	1.06 cfs	1.06 cfs	91.0%
SMVC	0.19 cfs	0.10 cfs	9.0%
<b>Total Right</b>	<b>1.25 cfs</b>	<b>1.16 cfs</b>	

**House Flood & Waste Ditch: Priority 107**

$$\text{Divertible Supply} = 2.10 \text{ cfs} + \left( \frac{\text{Streamflow} - 2.10 \text{ cfs}}{\text{Column 1}} \right) \times \frac{\% \text{ Allocation}}{\text{Column 2}}$$

	Ownership	Divertible	
Telluride	2.76 cfs	2.76 cfs	91.1%
SMVC	0.49 cfs	0.27 cfs	8.8%
<b>Total Right</b>	<b>3.25 cfs</b>	<b>3.03 cfs</b>	

**Mill Creek Ditch System: Priorities 219,228, & 247**

$$\text{Divertible Supply} = 5.13 \text{ cfs} + \left( \frac{\text{Streamflow} - 5.13 \text{ cfs}}{\text{Column 1}} \right) \times \frac{\% \text{ Allocation}}{\text{Column 2}}$$

	Ownership	Divertible	
Telluride	1.37 cfs	1.37 cfs	60.3%
SMVC	1.64 cfs	0.10 cfs	39.7%
<b>Total Right</b>	<b>3.01 cfs</b>	<b>2.27 cfs</b>	

Notes:  
 A) The values shown on this Table 9 represent a maximum example of diversions should all of the Mill Creek Water Rights described herein be diverted simultaneously at the maximum 55% decreed in Consolidated Case Nos. 91CW127 and 98CW239. Lower rates of diversion, or diversion of only some, but not all, of such Mill Creek water rights at a rate of 55% or less, would result in differing diversion entitlements, and differing stream flows necessary to obtain such entitlements. This Table 9 is therefore provided as an example of formulas applicable to calculating divertible water under varying flow conditions and under varying diversion regimes.  
 (1) Mill Creek Flow: The streamflow supply available at the various Mill Creek headgates.  
 (2) Percent Allocation: The distribution of the streamflow supply between Telluride and SMVC, based on SMCS's decision to divert its HCU credits at a rate up to 55% of its decreed ownership in the water right.  
 (3) Divertible Supply: The streamflow supply that can be diverted by Telluride and SMVC based on the Percent Allocation.  
 (4) Percent Streamflow: The percentage of the streamflow supply that can be diverted by Telluride and SMVC based on the Percent Allocation.