



JACK M. CAMPBELL
GOVERNOR

53-1
Animas-La Plata
[Signature]

STATE OF NEW MEXICO 1966 MAY -9 AM 9:12
OFFICE OF THE GOVERNOR
SANTA FE

STATE ENGINEER OFFICE
SANTA FE, N. M.

May 4, 1966

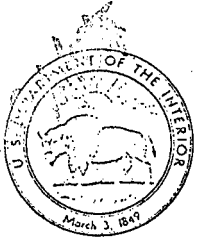
Mr. S. E. Reynolds
State Engineer
State Capitol
Santa Fe, New Mexico

Dear Mr. Reynolds:

You are hereby authorized to advise the appropriate committees of the Congress that the State of New Mexico generally concurs in the Regional Director's recommendation to revise the plan for the Animas-La Plata Project in the manner described in the Bureau of Reclamation's March 1966 supplemental report on the project.

Sincerely,

[Handwritten signature of Jack M. Campbell]
JACK M. CAMPBELL
GOVERNOR



THE SECRETARY OF THE INTERIOR
WASHINGTON

May 3, 1966

Dear Mr. Speaker:

As provided by Section 9(a) of the Reclamation Project Act of 1939 (53 Stat. 1187), transmitted herewith is my report on the Animas-La Plata Project, Colorado-New Mexico.

The report presents a plan for a water resource development in Southwestern Colorado and New Mexico which is proposed as a participating project of the Colorado River Storage Project. The plan has engineering feasibility and is economically justified.

My proposed report on this project was transmitted on October 12, 1962, to the States of the Colorado River Basin, the Secretary of the Army, and the interested Federal agencies for review as required by law and the procedures approved by the President on May 15, 1962. Copies of the review comments received are attached to the report.

The report and copies of the comments received were submitted to the President on April 13, 1966. Enclosed is a copy of a letter dated April 30, 1966, from the Deputy Director, Bureau of the Budget. The Deputy Director does not offer objection to authorization of the Animas-La Plata Project, Colorado-New Mexico. I confirm, therefore, my earlier recommendation that this project be authorized for construction.

Sincerely yours,

Lawrence H. H. DeLoach
Secretary of the Interior

Hon. John W. McCormack
Speaker of the House
of Representatives
Washington, D. C.

Enclosures

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Animas-La Plata
Hole

M E M O R A N D U M

May 3, 1966

TO: The Honorable Jack M. Campbell, Governor of New Mexico

FROM: S. E. Reynolds, State Engineer

SUBJECT: Animas-La Plata Project

You will recall that by letter to the Secretary of the Interior dated January 20, 1964 you generally concurred in the conclusions and recommendations of the Regional Director's report on the subject project and offered the State's cooperation in securing the early authorization and construction of the project.

The Bureau of Reclamation has completed a supplemental report on the project dated March 1966. This report recommends certain revisions in the project. The most significant recommended revisions of the project in New Mexico are as follows:

1. New lands to be irrigated reduced from 14,700 acres to 11,200 acres (900 acres of reduction is Ute Mountain Indian land).
2. Thirteen thousand five hundred acre feet of water annually allocated to Aztec, Farmington and the smaller

communities downstream from Farmington. No project water was allocated to municipal and industrial use in New Mexico in the original report.

Under the revised report the total consumptive use of the New Mexico compact allocation remains 34,100 acre feet annually as it was in the original report.

At its meeting on April 29, 1966 the Interstate Stream Commission acted to recommend to you that the State generally concur in the Regional Director's recommendation to revise the Animas-La Plata Project in the manner described in the Bureau of Reclamation's March 1966 supplemental report on the project.

A letter is attached for your signature in the event you concur in the Commission recommendation. The authorization given by the letter will be needed for the presentation of my statement to the House Interior and Insular Affairs Committee on May 9.

Respectfully submitted,

S. E. Reynolds
State Engineer

May 4, 1966

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

Dear Mr. Reynolds:

You are hereby authorized to advise the appropriate committees of the Congress that the State of New Mexico generally concurs in the Regional Director's recommendation to revise the plan for the Animas-La Plata Project in the manner described in the Bureau of Reclamation's March 1966 supplemental report on the project.

Sincerely,

JACK M. CAMPBELL
GOVERNOR

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Animas-La Plata
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EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON, D.C. 20503

APR 30 1966

Honorable Stewart L. Udall
Secretary of the Interior
Washington, D. C. 20240

Dear Mr. Secretary:

This is in reply to your letters of April 6 and 13, 1966, submitting your proposed reports on the Dallas Creek, San Miguel, West Divide, and Animas-La Plata projects in Colorado. These Upper Colorado Basin projects, together with the Dolores project on which we advised you earlier, would be authorized under the provisions of a revision of H.R. 4671 (found in House Interior Committee Print No. 19), legislation to authorize the Lower Colorado River Basin project, which is now under consideration in the Congress. This legislation would also authorize the Central Arizona project, Bridge and Marble Canyon Dams, and related works in the Lower Colorado Basin as features of an overall Colorado Basin development.

Except for San Miguel, the projects meet the conventional direct benefit-cost ratio criterion. However, all five projects have a high cost per acre and investment per farm, and the irrigation cost per acre for Dallas Creek, San Miguel, and West Divide are among the highest for reclamation projects. In all cases, irrigation farmers will be heavily subsidized by assistance from power revenues and the percentage repayment of irrigation cost by water users is only a small fraction of the irrigation allocation. Since these new projects in the Upper Colorado Basin would require such heavy subsidies for irrigation farmers, we question the desirability in areas of critically short water supply of Federal Government sponsorship without further consideration of both alternative uses and of supplemental water sources.

Our specific comments on the individual projects are as follows:

Dolores project

The Dolores project, which we cleared in our letter to you of May 4, 1966, has a cost per acre for the irrigation allocation of \$630 and a direct 100-year benefit-cost ratio just above unity (1.07:1). The irrigation investment per farm would be approximately \$140,000. The repayment of the irrigation allocation is low (16.0%) and, as we noted in our earlier letter, the charges for municipal and industrial water might be raised to help pay for the project and reduce power subsidies from the Upper Colorado River Basin fund.

OSE-2081

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Animas-La Plata project

The revised Animas-La Plata project would also have a heavy dependence on power revenues, with a water users repayment of only 13.1%. The investment per farm would be about \$157,000. The project has a cost per acre of \$840 and a low direct benefit-cost ratio (1.1:1). While, there appears to be no immediate need for the 23,500 acre-feet of municipal and industrial water that would be delivered to the Ute Mountain Tribe Reservation, the allocation of this water for these purposes rather than irrigation improves the project. The charge for municipal and industrial water seems very low considering that it will probably be used in large part for developing a profitable coal-steam power industry.

Dallas Creek project

The Dallas Creek project has a very high cost per acre (\$1,140) and the irrigators' repayment is low (11.9%). The investment per farm would be about \$192,000. We agree with the comment of the Department of Agriculture that the economic growth of the area would be stimulated more by the planned development of additional municipal and industrial water supply to meet future demands rather than allocating large amounts of water to irrigation. We also agree with the comment of the State of Nevada that the charge on the contemplated municipal and industrial water could be increased to help in the direct repayment of the project.

West Divide project

The West Divide project has one of the highest costs per acre (\$1,710) of any Reclamation project. The investment per farm would be approximately \$273,000. We also question whether there is enough demand in the near future to necessitate the immediate authorization of this project and believe it would be preferable for the project to be deferred until it is clear that there will be a real demand for the project water for the development of oil shale reserves. However, if the oil shale reserves are developed, it would seem to be an unwise use of resources to commit water to irrigation if the future demands for municipal and industrial water are as great as anticipated in the project report. Furthermore, we agree with the State of Nevada that the water charge for municipal and industrial water could be substantially increased, particularly in light of the commercial development of the oil shale resources.

San Miguel project

The San Miguel project appears to have the lowest priority of the five projects. It has a very high cost per acre (\$1,310), an extremely low irrigators' repayment (10%) with a correspondingly heavy dependence on power revenues and a direct benefit-cost ratio significantly less than unity (0.89:1). The investment per farm would be approximately \$226,000. We agree with the comments of the State of Nevada that the municipal and industrial water charges could be at least doubled.

We fully understand the desire of the State of Colorado to make full use of its compact entitlement to the scarce waters of the Upper Colorado Basin. These five projects would, however, exhaust the remaining supply of water available to the State of Colorado. Further, the situation is somewhat different in the Upper than in the Lower Colorado Basin. In the Lower Basin, an established economy is faced with an immediate water crisis accelerated by the pressures of population growth. In both the Upper and Lower Basins, nevertheless, the same considerations--population pressures, alternative opportunities for regional development, development for industrial as well as agricultural purposes, demands for water at the lowest possible cost--emphasize the critical importance of planning at this time to use waters available to the States of the Colorado Basin in the most efficient possible way, and thereby, to make an optimum contribution to the future growth of the States, the region, and the Nation.

The revision of H.R. 4671, contained in House Interior Committee Print No. 19, on which hearings are scheduled before the House Interior and Insular Affairs Committee for May 9, 1966, is designed to solve water problems in the Colorado Basin by directing the Secretary of the Interior to consider projects to import up to 8.5 million acre-feet annually, in addition to authorizing developments in the Upper and Lower Colorado Basins, including the Central Arizona Project, as noted above. We commented last year on S. 75 and S. 1019, similar bills to authorize certain development in the Lower Colorado Basin and to provide means of augmenting water supplies for that area. However, the revision of H.R. 4671 would apply to both the Upper and Lower Colorado Basins and would go substantially beyond the legislation commented on by the Bureau last year.

These considerations, particularly the major policy and budgetary implications of any proposed major importation of waters as contemplated in the measure now under consideration by the Congress, in our view, underline the importance of prompt establishment of the National Water Commission recommended by the Administration to review these and other complex water problems both in the West and throughout the entire Nation. This Commission, composed of the most able individuals from all related disciplines, would advise on the entire range of water resource problems--from methods to conserve and augment existing water supplies to the application of modern technology, such as desalting, to provide more usable water for our cities, our industries, and our farms. We would favor acceleration of the review of western water problems with particular emphasis on the Colorado Basins. The Commission would also provide a focal point for a considered assessment of the conflicting objectives of power, water supply, and the preservation of areas of unique, scenic value--presented by proposals for dams in the Colorado River gorge.

In summary, for the reasons expressed above, the Bureau of the Budget would favor deferral of at least the West Divide, San Miguel, and Dallas Creek projects at this time, pending the establishment of the National Water Commission and completion of its review of related water problems. We believe that this course of action will permit water developments

needed at this time in the Colorado Basin to proceed, but at the same time provide a basis for thorough consideration of the fundamental issues involved and a recommended program that will be in the best interest of the people of the Upper and Lower Colorado Basin, as well as the Nation as a whole.

Sincerely,

PRESS RELEASE

House Committee on Interior
and Insular Affairs

APRIL 22, 1966
For Immediate Release

LOWER COLORADO RIVER PROJECT HEARINGS RESUMED

Representative Wayne N. Aspinall(D.-Colo.), Chairman of the House Committee on Interior and Insular Affairs, and Representative Walter Rogers (D.-Tex.), Chairman of the Subcommittee on Irrigation and Reclamation, today announced that the Subcommittee will resume its hearings and consideration of legislation to authorize the Lower Colorado River Basin Project, H. R. 4671 and companion bills, on Monday, May 9. The Subcommittee completed eight days of hearings on this legislation, August 23 through September 1, 1965. Following those hearings there were meetings of representatives of the seven Colorado River Basin States to resolve differences on the legislation and as a result of the meetings, amendments to H. R.4671 have been developed and proposed. The additional hearings scheduled at this time are principally on the proposed amendments. Copies of the bill with amendments may be obtained from the Committee.

Chairman Rogers stated that, in view of the comprehensive and detailed testimony received last fall on H. R. 4671, the Subcommittee will only receive testimony on new matters or new information and will not accept testimony repetitious of that already received and presently before the Committee. Chairman Rogers indicated that the principal new matters are the new Title V involving Upper Colorado River Basin authorizations, proposed amendments to Title II relating to the study of future Colorado River Basin water requirements and sources of supply, and proposed amendments to Title VI relating to criteria for operating the reservoirs on the River.

Chairman Rogers also stated that the Committee's rules with respect to the presentation of testimony will be closely adhered to and that copies of all statements presented must be submitted to the Committee prior to noon on Saturday, May 7. Witnesses will be expected to brief their testimony in their oral presentation. The Chairman expressed the hope that the hearings can be completed in not more than three days and that the Subcommittee can proceed to executive consideration of the legislation during the week of May 9.

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OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20541

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Arizone La Plata

April 20, 1966

Mr. F. F. Montoya
La Plata
New Mexico

Dear Mr. Montoya:

I have read with interest your proposed statement to the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs, House of Representatives which you kindly supplied by letter dated April 14.

The statement appears to me to be very helpful in reflecting the water users attitude and point of view on the project.

I have talked to Bob Tyner who may suggest that you include a little more information on the contracts being offered by the Western Canning Company and possibly something on present and future for orchards.

I would appreciate having a copy of your final statement and would be pleased to present it for the record at the hearings if you decide you want to handle it that way. I will request time for you to appear in person unless you advise me that you do not want to appear.

Very truly yours,

S. E. Reynolds
State Engineer

Enclosure: Statement
DPH/wbf

Blind Copy to: Mr. I. J. Coury, Chairman
Interstate Stream Commission
P O Box 448, Farmington
w/copy statement

LaPlata N. Mex
April 14 - 1966.

1966 APR 15 PM 1:54

STATE ENGINEER OFFICE
SANTA FE, N.M.

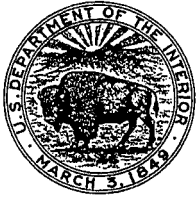
Mrs. Steve Reynolds
Dear Sir:

Enclosed please find copy
of the testimony we have prepared.
Please read it over & let us
know what you think.

I'm sending my copy, since
we ran out last night, in
order to save time. Be sure
to send a copy back, including
any proposed changes.

Sam Maynes, just returned
from Washington & Denver & brought
us up to date, at our meeting
last night in Farmington. He
had a good turn out.

Yours Truly
J. J. Montoya.



IN REPLY
REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

REGIONAL OFFICE - REGION 4

P. O. BOX 11568

SALT LAKE CITY, UTAH 84115

1966 APR 25 AM 10:22

STATE ENGINEER OFFICE
SANTA FE, N. M.

APR 22 1966

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

Dear Steve:

In response to your timely inquiry, there is enclosed a copy of the supplement of March 1966 to the 1962 Animas-La Plata feasibility report. Presently, this report is not approved for public use or release and we ask that you treat it accordingly. Thanks again for reminding us of the need to get this information out to a few people who need to have it now.

Sincerely yours,

David
Regional Director

Encl.

SJ
Animas La Plata

April 19, 1966

Mr. John F. Loehr, Attorney
La Plata Conservancy District
La Plata, New Mexico

Dear John:

Herewith for your information are copies
of our recent exchange of correspondence with
Frank Maynes.

Sincerely,

S. E. Reynolds
State Engineer

SER/wbf

Enclosures 3

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Animas-La Plata

JTM

April 18, 1966

Mr. Frank E. Maynes, Attorney for
Southwestern Water Conservation District
1040 Main Avenue
Durango, Colorado 81302

Dear Mr. Maynes:

This is in response to your letter of April 1, 1966 asking for our comments on the proposal you submitted for the Animas-La Plata Project Compact. We feel that the two States are in agreement in principle but we are concerned that the language you propose does not accomplish the purpose originally intended.

Your letter indicates that under the revised project plan all project diversions for use in New Mexico would be made in Colorado. Mr. Robert Tyner, in describing the new project plan, stated that there would be a diversion just below La Plata, New Mexico to serve lands downstream and adjacent to the La Plata River. Thus, it appears that a portion of the New Mexico lands under the project are still to be served by Animas River water, including return flows, diverted in New Mexico.

There is also the possibility that the project plan could be further modified before construction. For example, the Bureau of Reclamation might find it necessary to return to the original plan of diversion for use in New Mexico if the proposed uses for the Cinder Gulch reservoir do not materialize.

Article II as proposed by the Colorado draft should be omitted since this compact could not modify the Upper Colorado River Basin Compact apportionment and it seems unwise to imply that it could.

We have no objection to the language proposed in the preamble
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Mr. Frank E. Maynes

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April 18, 1966

and in Article III of the Colorado draft.

We feel that the language of the Santa Fe draft is necessary and sufficient to accommodate the revised project plan or the original plan and urge that you reconsider it. If you find this draft unacceptable it would be helpful for us to know the basis of your objections.

Sincerely,

S. E. Reynolds
State Engineer

SER/wbf

Copy to: Mr. Felix Sparks, Director,
Colorado Water Conservation Board
1525 Sherman Street, Denver

Mr. William S. Eakes
Attorney at Law
Durango, Colorado

Mr. F. F. Montoya, President
La Plata Conservancy District
La Plata, New Mexico

Mr. John F. Loehr, Attorney
La Plata Conservancy District
La Plata, New Mexico (with copy incoming)

Blind copy to: Mr. I. J. Coury, Chairman
Interstate Stream Commission
P O Box 448, Farmington (with copy incoming)

BRADFORD, MCDANIEL & MAYNES

ATTORNEYS AT LAW

1040 MAIN AVENUE

DURANGO, COLORADO

81302

1966 APR -4 AM 9:41

BYRON V. BRADY
L. W. MCDANIEL
FRANK E. MAYNES

STATE ENGINEER OFFICE
SANTA FE, N. M.

BOX 1157
PHONE 247-1113

April 1, 1966

Mr. Steve E. Reynolds,
State Engineer
State of New Mexico
State Capital Building
Sante Fe, New Mexico

Dear Mr. Reynolds:

Enclosed please find our suggestion for the Animas-La Plata Project Compact. This is in the form of an amendment to H.R. 4671.

Also enclosed, please find copies of the proposed Amended Water Adjudication Decrees as they affect the Animas-La Plata Project. The Court allowed us to amend in order to conform with the recent changes in the Animas-La Plata Project.

Our problem has been greatly simplified by the fact that the diversion of water for use in New Mexico is now made in Colorado. Under these changed conditions the above proposed compact wording will fully protect New Mexico's water rights under the project.

A copy of this proposal has been sent to Mr. Felix L. Sparks of the Colorado Water Conservation Board. He suggested that we contact you direct to determine if this proposal is agreeable with you.

Since time is growing short, please telephone me if you have any suggestions about this.

Very truly yours,



Frank E. Maynes

Attorney for

SOUTHWESTERN WATER CONSERVATION DISTRICT

FEM:db
Enclosures (2)

OSE-2092

(Eliminate lines 4 through 9 on page 27 [part of 501 (b)] Add new material at line 14 on page 28 a.)

Section 503(a). Project construction of the Animas-La Plata Federal Reclamation Project shall not be undertaken until and unless the States of Colorado and New Mexico shall have ratified the Animas-La Plata Project Compact as set forth in sub-paragraph (b) of this section.

(b) ANIMAS-LA PLATA COMPACT

The State of Colorado and the State of New Mexico, in order to implement the operation of the Animas-La Plata Project, a proposed participating project under P.L. 485 (70 Stat.105) and being moved by considerations of interstate comity have resolved to conclude a compact for these purposes, and have agreed upon the following Articles:

Cher
ARTICLE I

Water rights acquired in the State of Colorado for the Animas-La Plata Project, a Federal Reclamation Project, for use in the State of New Mexico, are, hereby, declared ^{to be valid and} ^{admitted} to have the same status under the laws of the State of Colorado as ^{the rights} ~~though such rights had been~~ acquired for use in the State of Colorado.

ARTICLE II

Nothing herein shall be construed to change the apportionment of water by The Upper Colorado River Compact of October 11, 1948.

ARTICLE III

This Compact shall become binding and obligatory when it shall have been ratified by the legislatures of each of the signatory States and approved by the Congress of the United States of America.

(c) The consent of Congress is hereby given to the States of Colorado and New Mexico to enter into the Animas-La Plata Project Compact as set forth in sub-paragraph (b) above and said Compact is hereby approved by the Congress of the United States and shall become binding and obligatory upon the States of Colorado and New Mexico when the states have ratified

DRAFT
WSE 3/4/66

(Eliminate lines 4 through 9 on page 27 [part of 501 (b)] Add new material at line 14 on page 28 a.)

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Water rights acquired in the State of Colorado for the Animas-La Plata Project, a Federal Reclamation Project, for use in the State of New Mexico, are, hereby, declared to have the same status under the laws of the State of Colorado as though such rights had been acquired for use in the State of Colorado.

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ARTICLE III

This Compact shall become binding and obligatory when it shall have been ratified by the legislatures of each of the signatory States and approved by the Congress of the United States of America.

(c) The consent of Congress is hereby given to the States of Colorado and New Mexico to enter into the Animas-La Plata Project Compact as set forth in sub-paragraph (b) above and said Compact is hereby approved by the Congress of the United States and shall become binding and obligatory upon the States of Colorado and New Mexico when the states have ratified the Compact.

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

(Conditional)

DITCH PRIORITY NO. _____ (combined)

RESERVOIR PRIORITY NO. _____ (combined)

THE COURT FINDS THAT:

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

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

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

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

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

No. 700
Animas-LaPlata
Project

Animas-LaPlata
Project

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

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

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

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

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

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

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

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

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

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

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

South 1/4 corner of Section 12, Township 34 North, (North of the Ute Line), Range 12, West, N.M.P.M., bears South 85°58' East, a distance of 3,970 feet and from said Station 10+00 the axis of the dam bears South 89°15' East. The dam will have a length of about 3,800 feet and a width of 35 feet at the crest. The source of supply for the reservoir is the Animas River. Animas River water will be diverted at Teft Diversion Dam and transported to the reservoir by the Animas Diversion Canal. A further source of water supply for the reservoir is La Plata River and Hay Gulch, claimed in Water District No. 33. The reservoir will also serve as a re-regulating reservoir for water stored in Howardsville Reservoir which can be released to Animas River and brought to Hay Gulch Reservoir via Teft Diversion Dam and Animas Diversion Canal in the same manner as the direct flows of the Animas River.

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

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

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

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

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

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

No La Plata water Dist 33

o. MEADOWS RESERVOIR is located at an offstream site about 15 miles northwest of Farmington, New Mexico. The dam is a rolled-earth structure and the reservoir will have a total capacity of 17,450 acre feet of which 13,750 acre feet will be active capacity. The reservoir is located in portions of Sections 25, 26, 27, 34 and 36 of Township 31 North, Range 14 West, N.M.P.M. The initial point of survey of the high water line of the reservoir is located at a point from whence the Southwest corner of Section 26, Township 31 North, Range 14 West, N.M.P.M., bears South 25°18' West, a distance of 1,300 feet. The axis extends South 45°50' West, from a point on the right abutment at Station 0+00 from whence the Southwest corner of Section 26, Township 31 North, Range 14 West, N.M.P.M., bears South 34°32' West, a distance of 2,130 feet. The dam is 2,200 feet long and 30 feet wide at the crest. The source of supply for the reservoir is the Animas River through the Animas Diversion Canal as a conduit to the La Plata River and subsequent diversion at Meadows Diversion Dam in New Mexico.

No La Plata water Dist 33

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

Reservoir is located at a point from whence the southwest corner of Section 26, Township 31 North, Range 14 West, N.M.P.M., bears South 30°22' West, a distance of 530 feet. The source of water in this canal is Meadows Reservoir, which includes water from Animas River which has been carried to the La Plata River by the Animas Diversion Canal. *No record*

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

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

7. The amounts of the appropriations are as follows:

a. Direct Water Rights.

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

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

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

b. Storage Rights:

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

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

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

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

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

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

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

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

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

in New Mexico.

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

a. Direct Water rights as follows:

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

b. Storage water rights as follows:

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

said reservoir if capacity and water are available.

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

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

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

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

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

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

S
Animas La Plata

ANIMAS-LA PLATA PROJECT
(Water District No. 33)

(Conditional)

DITCH PRIORITY NO. _____ (Combined)

RESERVOIR PRIORITY NO. _____ (Combined)

THE COURT FINDS THAT:

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

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

3. The sources from which the appropriations are made are the La Plata River and Hay Gulch.

4. The points of diversion of ditches and other structures for diverting water and the location of reservoirs for storing water in Water District No. 33 are as follows:

a. THE ANIMAS DIVERSION CANAL traverses the rugged mountain terrain from the Animas River, in Water District No. 30, to Hay Gulch Reservoir in Water District No. 33. It is the largest project feature extending about 47.6 miles long, having a capacity of approximately 600 c.f.s. throughout its length. It enters the east boundary of Water District No. 33 at a point about the corner common to Sections 11U, 12U, 13 and 14, Township 34 North, Range 11 West, N.M.P.M., and travels westward to Hay Gulch

Reservoir about nine miles. The major source of supply for this canal is the Animas River, from which water rights are claimed in Water District No. 30. However, water from the La Plata River will be diverted into this canal through the La Plata Diversion Dam and Canal described herein. The Animas Diversion Canal serves as a distribution canal as well as a feeder canal to Hay Gulch Reservoir for re-regulating purposes. La Plata River water will enter this canal at the terminus of the La Plata Diversion Canal which is located at a point on the Animas Diversion Canal from whence the southeast corner of Section 7U, Township 34 North, Range 11 West, N.M.P.M., bears South $27^{\circ}05'$ East a distance of 2,260 feet.

b. LA PLATA DIVERSION DAM AND CANAL. The La Plata Diversion Dam will divert flows of La Plata River Canal for conveyance to the Animas Diversion Canal. The diversion dam and headworks of the canal are located at a point whence the southeast corner of Section 7U, Township 34 North, Range 11 West, N.M.P.M., bears South $16^{\circ}04'$ East, a distance of 2,150 feet. The canal will have a capacity of 400 c.f.s. and will extend from the diversion dam approximately 400 feet to the Animas Diversion Canal. The source of water in this canal is the La Plata River.

c. THE HAY GULCH RESERVOIR is formed by Hay Gulch Dam at the terminus of the Animas Diversion Canal at Hay Gulch about 23.5 miles west of Durango, Colorado. The dam is a rolled earth structure and the reservoir will have a total capacity of 56,330 acre feet, of which 53,730 acre feet will be active capacity. The reservoir is located in portions of Sections 6 and 7, Township 34 North, Range 11 West; Sections 1, 2, 3, 11 and 12, Township 34 North, Range 12 West; Section 31, Township 35 North, Range 11 West; and Sections 35 and 36, Township 35 North, Range 12 West, all N.M.P.M.

The initial point of survey of the high water line of the reservoir is located at a point whence the South $1/4$ corner of Section 12, Township 34 North (North of the Ute Line), Range 12 West, N.M.P.M. bears South $80^{\circ}31'$ East, a distance of 1,200 feet.

The axis of Hay Gulch Dam is described as follows: From Station 10+00, a point on the axis of the dam, the South 1/4 corner of Section 12, Township 34 North (North of the Ute Line), Range 12 West, N.M.P.M., bears South $86^{\circ}58'$ East a distance of 3,970 feet, and from said Station 10+00 the axis of the dam bears South $89^{\circ}15'$ East.

The dam will have a length of about 3,800 feet and a width of 35 feet at the crest. The source of supply for the reservoir is the La Plata River and Hay Gulch. The reservoir also serves as a re-regulating reservoir for water from the Animas River claimed in Water District No. 30.

d. DRY SIDE CANAL extends 14.1 miles in length from Hay Gulch Reservoir to the bifurcation works for the Ponds and Ute Canals. The canal has an initial capacity of 625 c.f.s. and a terminal capacity of 385 c.f.s. About 22 lateral and turnout structures will be constructed with built-in measuring devices. The diversion from Hay Gulch Dam and Reservoir is located at a point whence the northeast corner of Section 3U, Township 34 North, Range 12 West, N.M.P.M., bears North $79^{\circ}12'$ East a distance of 3,150 feet.

The source of water in this canal is the La Plata River and Hay Gulch, both direct flow, and water stored in Hay Gulch Reservoir. Water from the Animas River, claimed in Water District No. 30, and carried to Hay Gulch Reservoir through the Animas Diversion Canal, will also be carried in the Dry Side Canal.

e. PONDS CANAL extends 11.6 miles southeast from Dry Side Canal. It has an initial capacity of 175 c.f.s. and a terminal capacity of 20 c.f.s. About 17 lateral and turnout structures with built-in measuring devices, will be constructed. The diversion from Dry Side Canal is located at a point whence the northwest corner of Section 32, Township 34 North, Range 13 West, N.M.P.M., bears North $23^{\circ}48'$ West a distance of 1,090 feet.

The source of water in this canal is the Dry Side Canal and the water transported therein is as described heretofore.

f. UTE CANAL extends 22.2 miles southwest from Dry Side Canal and has an initial capacity of 195 c.f.s. and a terminal capacity of 5 c.f.s. About 36 laterals and turnouts, with built-in measuring devices, will be constructed. The diversion from Dry Side Canal is located at a point whence the northwest corner of Section 32, Township 34 North, Range 13 West, N.M.P.M., bears South $23^{\circ}48'$ West, a distance of 1,090 feet.

The source of water in this canal is the Dry Side Canal and the water transported therein is as described hereinbefore.

g. LONGHOLLOW DIVERSION DAM AND CANAL AND MEADOWS DIVERSION CANAL. That Longhollow Diversion Dam is located on the La Plata River from whence the Northeast Corner of Section 3, Township 32 North, Range 13 West N.M.P.M., in Colorado bears North $2^{\circ}00'$ East 1,580 feet. From this diversion dam, water will be diverted into Longhollow Canal which will extend 3.5 miles southeasterly from its headworks on the Longhollow Diversion Dam, will have a capacity of 175 cubic feet per second of time and will operate as a service canal as well as an inlet canal for the Three Buttes Reservoir. Also from this diversion Dam, water will be diverted into Meadows Diversion Canal which will extend a distance of about 16.2 miles from the diversion dam to the Meadows Reservoir and said canal has a carrying capacity of 165 cubic feet of water per second of time with a terminal capacity of 150 cubic feet of water per second of time, along the line of which canal 15 laterals and turnouts with built-in measuring devices are to be constructed for the diversion of water therefrom.

h. THREE BUTTES RESERVOIR. That this reservoir, when constructed, will be located at an offstream site about 3.5 miles southeasterly from the Longhollow Diversion Dam on the La Plata River. The dam will be a rolled earth and rock fill structure, about 3,100 feet long with a crest width of 30 feet.

The reservoir will have a total capacity of 38,400 acre feet. The reservoir will be located in portions of Sections 1, 2, 11 and 12, Township 32 North, Range 12 West, N.M.P.M. and Sections 15 and 22, Township 32 North, Range 12 West, N.M.P.M., all in the State of Colorado and Section 7, Township 32 North, Range 12 West, N.M.P.M. and Sections 12 and 13, Township 32 North, Range 13 West, N.M.P.M., all in the State of New Mexico. The initial point of survey of the high water line of the reservoir is located at a point from which the Southwest Corner of Section 7, Township 32 North, Range 12 West, N.M.P.M., in the State of New Mexico bears South 59°00' West 2,405 feet. The axis of the dam is described as follows: Beginning at Station 0+00 whence the Southwest Corner of Section 7, Township 32 North, Range 12 West, N.M.P.M., in the State of New Mexico bears South 56°00' West 2,445 feet; thence South 10°00' East 400 feet along the axis; thence South 71°00' West 1,980 feet along the axis; then North 53°00' West 720 feet to axis Station 31+00. The source of supply for the reservoir is the Animas River, the waters of which will be diverted to the La Plata River by the Animas Diversion Dam and then diverted by the Longhollow Diversion Dam, together with waters from the La Plata River. ~~When~~
~~storage capacity is available, the maximum amount of water which can be stored~~
~~storage capacity for water stored in the Three Buttes Reservoir.~~ The amount of storage rights claimed at the Three Buttes Reservoir is 38,400 acre feet annually, exclusive of water stored therein for re-regulation.

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

j. MEADOWS RESERVOIR is located at an offstream site about 15 miles northwest of Farmington, New Mexico. The dam is a rolled-earth structure and the reservoir will have a total capacity of 17,450 acre feet of which 13,750 acre feet will be active capacity. The reservoir is located in portions of Sections 25, 26, 27, 34, 35 and 36 of Township 31 North, Range 14 West, N.M.P.M. The initial point of survey of the high water line of the reservoir is located at a point from whence the southwest corner of Section 26, Township 31 North, Range 14 West, N.M.P.M., bears South $25^{\circ}18'$ West, a distance of 1,300 feet. The axis extends South $45^{\circ}50'$ West, from a point on the right abutment at Station 0+00 from whence the southwest corner of Section 26, Township 31 North, Range 14 West, N.M.P.M., bears South $34^{\circ}32'$ West, a distance of 2,130 feet. The dam is 2,200 feet long and 30 feet wide at the crest. The source of supply for the reservoir is the La Plata River, the waters of which are diverted at Meadows Diversion Dam, together with the waters imported from the Animas River, claim for which is made in Water District No. 30.

k. MEADOWS CANAL distributes water released from Meadows Reservoir and extends 11.1 miles southwest from the reservoir, having an initial capacity of 90 c.f.s. and a terminal capacity of 20 c.f.s. About 29 laterals and turnouts with built-in devices will be constructed. The diversion from Meadows Dam and Reservoir is located at a point from whence the southwest corner of Section 26, Township 31 North, Range 14 West, N.M.P.M., bears South $30^{\circ}12'$ West, a distance of 530 feet. The source of water in this canal is Meadows Reservoir, which includes water from Animas River which has been carried to the La Plata River by the Animas Diversion Canal.

5. The purpose of the Animas-La Plata Project, and the appropriations of water made therefor, is to provide a full supply of water to irrigate 58,900 acres of land to be brought under cultivation, of which 44,200 acres of land are in La Plata and Montezuma Counties in Colorado, and 14,700 acres are in San Juan County, New Mexico, and to provide a supplemental supply of water to 25,600 acres of land now under cultivation, of which 20,100 acres are in Colorado, and 5,500 acres are in New Mexico. In addition, the project will supply water

for domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial purposes.

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

7. The amounts of appropriations are as follows:

a. Direct Water Rights:

(1) The amount of water appropriated from the La Plata River using the La Plata Diversion Dam and Canal for direct use is 400 c.f.s.

(2) The amount of water appropriated as Direct Water Rights Diversion from Hay Gulch using Hay Gulch Reservoir and other project works as a direct conduit for direct use is 625 c.f.s.

(3) The amount of water appropriated as Direct Water Rights in the La Plata River in Colorado, including the return flows of project water applied upstream, for use in Colorado and New Mexico, pursuant to Article IX (a) of the Upper Colorado River Compact, is as follows:

(i) One Hundred and Sixty-five cubic feet per second of time to be diverted through the Meadows Diversion Canal.

(ii) One Hundred and Seventy-five cubic feet per second of time to be diverted through the Longhollow Canal.

b. Storage Rights:

(1) The amount of water appropriated for initial storage at Hay Gulch Reservoir is 56,330 acre feet and the amount of water appropriated for annual use from storage in Hay Gulch Reservoir is 53,730 acre feet. An additional 46,730 acre feet of water are appropriated for annual use from storage in Hay Gulch Reservoir whenever capacity in said Reservoir is available

for refilling and water is available in the La Plata River or Hay Gulch for such refilling. The sources of such water appropriated are the La Plata River and Hay Gulch and its tributaries. Hay Gulch Reservoir will also function as a storage reservoir for water appropriated from the Animas River in Water District No. 30, and conveyed into Hay Gulch Reservoir by the Animas Diversion Canal. Whenever capacity is available, Hay Gulch Reservoir will also serve as a re-regulating reservoir for water released from Howardsville Reservoir in Water District No. 30, through the Animas River and the Animas Diversion Canal. The water stored in Hay Gulch Reservoir through such re-regulation shall not be charged against the storage rights appropriated herein.

(2) The amount of water appropriated for initial storage at Meadows Reservoir is 17,450 acre feet, and the amount of water appropriated for annual use from storage in Meadows Reservoir is 13,750 acre feet. An additional 13,750 acre feet of water are appropriated for annual use from storage in Meadows Reservoir whenever capacity in said reservoir is available for refilling and water is available in the La Plata River for such refilling. The source of such water is the La Plata River, diverted through Longhollow Diversion Dam and Meadows Diversion Canal, as well as return flows from project water and imported water from the Animas River, claim for which is made in Water District No. 30.

(3) The amount of water appropriated for storage at Three Buttes Reservoir is 38,400 acre feet annually. The source of such water is the La Plata River, diverted through Longhollow Diversion Dam and Longhollow Canal, as well as return flows from Project water and imported water from the Animas River, claim for which is made in Water District No. 30.

8. In the project operation and to achieve a better utilization of the waters appropriated hereunder, Animas Mountain Reservoir, Hay Gulch Reservoir, Three Buttes Reservoir and Meadows Reservoir will also function as a system of re-regulating reservoirs in that water stored in Howardsville Reservoir and in Hay Gulch Reservoir will be transferred to storage in such reservoirs

when capacity is available. No water is claimed to accomplish this re-regulation other than that claimed for storage in Howardsville Reservoir and Hay Gulch Reservoir.

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

10. The Animas-La Plata Project includes lands in the State of New Mexico and in three separate Water Districts in the State of Colorado. Article IX, subsection (a) of the Upper Colorado River Compact, dated October 11, 1948, and approved by the legislature of the State of Colorado (C.R.S., 1923, 148-8-1), authorizes the acquisition of water rights in an upper signatory state for use in a lower signatory state. In this instance the State of Colorado is an upper signatory state and the state of New Mexico is a lower signatory state. The Southwestern Water Conservation District is authorized to acquire water rights in the State of Colorado for use in New Mexico.

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

a. Direct Water Rights as follows:

(1) Four Hundred cubic feet of water per second of time from the La Plata River at the La Plata Diversion Dam.

(2) Six Hundred and Twenty-five cubic feet of water per

second of time from Hay Gulch.

(3) One Hundred and Sixty-five cubic feet of water per second of time in the La Plata River in Colorado, for use in New Mexico and Colorado to be diverted through the Meadows Diversion Canal.

(4) One Hundred Seventy-five cubic feet of water per second of time in the La Plata River in Colorado for use in New Mexico and Colorado to be diverted through the Longhollow Canal.

b. Storage Water Rights from the La Plata River and Hay Gulch, when available from either or both sources, as follows:

(1) Initial storage water in Hay Gulch Reservoir - 56,330 acre feet.

(2) Annual storage rights in Hay Gulch Reservoir - 53,730 acre feet, and 46,730 acre feet to refill said reservoir if capacity and water are available.

(3) Initial storage rights in Meadows Reservoir - 17,450 acre feet.

(4) Annual storage right in Meadows Reservoir - 13,750 acre feet, and 13,750 acre feet to refill said reservoir if capacity and water are available.

(5) Initial and annual storage rights in Three Buttes Reservoir - 38,400 acre feet.

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

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