

RESOLUTION NO. 2010- 62
BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTROSE
STATE OF COLORADO

A SUPPLEMENTAL RESOLUTION CONFIRMING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MONTROSE TO APPROPRIATE WATER FOR DIRECT-FLOW USE AND STORAGE; TO CHANGE THE TYPE, PLACE, AND MANNER OF USE AND POINTS OF DIVERSION OF THE URAVAN TRUST WATER RIGHTS; AND TO APPROPRIATE RIGHTS OF EXCHANGE; AND AUTHORIZING THE FILING OF WATER COURT APPLICATIONS TO ADJUDICATE SUCH WATER RIGHTS

WHEREAS, the Board of County Commissioners of the County of Montrose adopted Resolution No. 2010-60 on December 13, 2010 (the "Resolution"), confirming the intent of the Board to appropriate water for direct-flow use and storage; to change the type, place, and manner of use of the Uravan Trust water rights; and to appropriate rights of exchange; and to file water court applications to adjudicate such water rights, as more fully described in that Resolution; and

WHEREAS, further engineering investigations have revealed additional opportunities to develop physical and legal water supplies to meet the water demands identified in the Resolution, and the County has diligently pursued the appropriation of conditional water rights for enlargements of the Maverick Draw Reservoirs 1 and 2 and additional water supplies for the Marie Scott Reservoir from Trail Creek, Williams Creek, Willow Creek, Little Cone Creek, Hunt Creek, East Fork Painter Creek, Painter Creek, East Specia (Specie) Creek, West Branch Specia (Specie) Creek, Spring Branch Creek, East Saltado Creek, Rock Creek, and Saltado Creek; and

WHEREAS, Montrose County has determined through engineering studies that there is sufficient physical and legal availability of water to fill and refill the enlargements of the Maverick Draw Reservoirs 1 and 2 and the Marie Scott Reservoir in the following capacities, as alternative places of storage to partially provide the aggregate new storage capacity required for the consumptive uses and non-consumptive uses identified in the Resolution:

- A. Maverick Draw Reservoir No. 1, First Enlargement: 15,000 acre-feet, conditional, together with a right to successive refills in the cumulative amount of 15,000 acre-feet, conditional, to be supplied by diversions from Fall Creek, Trail Creek, Williams Creek, Willow Creek, Little Cone Creek, Hunt Creek, East Fork Painter Creek, Painter Creek, East Specia (Specie) Creek, West Branch Specia (Specie) Creek, Spring Branch Creek, East Saltado Creek, Rock Creek, and Saltado Creek through the J. & M. Hughes Ditch and Beaver Park Ditch at a cumulative rate of flow of 100 c.f.s.. This is an enlargement of the Maverick Draw Reservoir No. 1 described in the Resolution;
- B. Maverick Draw Reservoir No. 2, First Enlargement: 15,000 acre-feet, conditional, together with a right to successive refills in the cumulative amount of 15,000 acre-feet, conditional, to be supplied by diversions from Fall Creek, Trail Creek, Williams Creek, Willow Creek, Little Cone Creek, Hunt Creek, East Fork Painter Creek, Painter Creek, East Specia (Specie) Creek, West Branch Specia (Specie) Creek, Spring Branch Creek, East Saltado Creek, Rock Creek, and Saltado Creek through the J. & M. Hughes Ditch and Beaver Park Ditch at a

cumulative rate of flow of 100 c.f.s.. This is an enlargement of the Maverick Draw Reservoir No. 2 described in the Resolution, which will also be relocated as shown in Exhibit A, incorporated herein by this reference;

- C. The Marie Scott Reservoir, the source of which is described in the Resolution as being the channel of Saltado Creek and Fall Creek through the J. & M. Hughes Ditch, will also be filled by diversions from Trail Creek, Williams Creek, Willow Creek, Little Cone Creek, Hunt Creek, East Fork Painter Creek, Painter Creek, East Specia (Specie) Creek, West Branch Specia (Specie) Creek, Spring Branch Creek, East Saltado Creek, Rock Creek, and Saltado Creek, in addition to Fall Creek, through the J. & M. Hughes Ditch at a cumulative rate of flow of 100 c.f.s., in the amount of 15,000 acre-feet, conditional, together with a right to successive refills in the cumulative amount of 15,000 acre-feet, conditional;

and

WHEREAS, Montrose County has determined that the foregoing reservoirs and water sources will also be sources of supply for the appropriative rights of exchange described in the Resolution and this Supplemental Resolution;

and

WHEREAS, Montrose County has determined that the appropriation of water for storage in the amounts described above for the beneficial uses described in the Resolution will supplement and enhance the County's water rights and water supplies, and the population of Montrose County will benefit from the associated increased water supply, water storage capacity, and water supply security arising therefrom; and

WHEREAS, the Resolution inadvertently omitted a description of a conditional appropriative right of exchange from the confluence of Big Bucktail Creek with the San Miguel River to its headwaters, as was depicted on Exhibit C to the Resolution and intended to be included therein, and set forth as follows:

Big Bucktail Creek: at a rate of flow up to 11.3 c.f.s.

and

WHEREAS, Montrose County has determined that it would be advantageous to file an application for changes in the points of diversion as well as changes of the type, place, and manner of use of the Uravan Trust water rights to allow those rights to be used for domestic, agricultural, industrial, and municipal use, and for the purposes of augmentation and exchange, enhancement or maintenance of water quality, recreation, piscatorial, and all other beneficial uses, together with the right of reuse, successive use, and disposition to extinction, in order to help meet future water demands; and

WHEREAS, the Board of County Commissioners has considered the foregoing; and

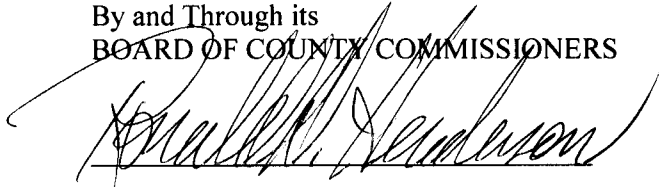
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, COLORADO THAT IT INTENDS TO APPROPRIATE WATER FOR STORAGE; TO CHANGE THE POINTS OF DIVERSION AS WELL AS THE TYPE, PLACE, AND MANNER OF USE OF THE URAVAN TRUST WATER RIGHTS; AND TO APPROPRIATE RIGHTS OF EXCHANGE; AND TO FILE WATER COURT APPLICATIONS TO ADJUDICATE SUCH WATER RIGHTS, AS MORE FULLY DESCRIBED ABOVE.

BE IT FURTHER RESOLVED that the Montrose County staff, its engineering consultants, and its special water rights counsel are authorized to file and proceed with the necessary applications, and other actions deemed advisable in their discretion, to adjudicate the water rights described above, and their actions are approved and ratified hereby.

ADOPTED THIS 20th DAY OF DECEMBER, 2010.

COUNTY OF MONTROSE
STATE OF COLORADO

By and Through its
BOARD OF COUNTY COMMISSIONERS



ATTEST:

Marie Amours



Exhibit

A

LE CALVIN J & HOLDINE
ARD COURT

TIPTON, CA 94566-0000

Mav Draw No. 2 Rev

Maveric Draw No. 2

RAGSDALE GALEA & RAGSDALE BETTY L
P O BOX 181
37417 CO RD II
REDVALE, CO 81431-0181

WILLIAMS WAYNE & PAT
P O BOX 51