Summary

This is an application for change of water rights and appropriative right of exchange near Nucla and Naturita in Montrose County. Applicants intend to change the type, manner and place of use for the Johnson Ditch water rights to include new uses, diversions to storage, and several upstream alternate points of diversion. Applicants are also requesting an appropriative right of exchange for 10 cfs, as well as the right to use the subject water rights in the San Miguel or Dolores River drainage basins.

CWCB Water Rights

The CWCB holds a deed to the remaining 40 cfs of the San Miguel Power Company Canal, which right was conveyed to CWCB by Union Carbide in Consent Decree 83C2384, U.S. District Court, as partial settlement of CERCLA litigation. Additionally, the CWCB and Applicants are parties to a Memorandum of Understanding dated March 20, 1991 regarding several water rights, including the Johnson Ditch water rights that are the subject of this application. The Johnson Ditch water rights are currently held in trust by the Uravan Water Trust established by Appendix VI to the Consent Decree entered by the U.S. District Court on April 13, 1988 in Case No. 83-CWCB-2384.

Potential for Injury

Applicants must ensure that the proposed change of water rights and appropriative right of exchange are consistent with the terms of the MOU and Consent Decree, and must own the water rights that are the subject of this application to obtain a decree for the proposed change and exchange.

It is unclear from the application whether the proposed change of water right and exchange will affect the San Miguel Power Company Canal water right (a/k/a San Miguel River Ditch No. 22), decreed on October 22, 1926, which was deeded to the CWCB under the Consent Decree in 1988.

Other Objectors

Other objectors include the Farmers Water Development Co., Tri-State Generation and Transmission Assoc., Western Fuels-Colorado, LLC, Town of Telluride, Sheep Mountain Alliance, John Hendricks & Western Sky Investments, and Richards & Richards.

Johnson Ditch

San Miguel Power Co. Canal

Dolores River

San Miguel River

Tuttle Draw Reservoir

Big Bucktail Reservoir

Nucla

Paradox Valley Pipeline

Naturita

Maverick Draw Reservoir No. 1

Highline Canal

Maverick Draw Reservoir No. 2

Norwood

March 15-16, 2011 Board Meeting
Consent Agenda Item 3.j; Statement of Opposition
Case No. 4-10CW194; Board of County Commissioners of Montrose County,
Town of Nucla, Town of Naturita

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