commonly occur during May and June in response to melting snowpack so it is very doubtful that the peak flow of 36,000 cfs, which occurred in 1935, prior to construction of most of the upstream flood control structures and diversions, would occur again.

No flow data is available from U.S. Government sources for Cottonwood and Rapid Creeks. Mid-Continent Resources, however, maintained a four-foot Parshall flume equipped with a water stage recorder from January, 1980 until September, 1981. This flume is located below the confluence of the two creeks but above all diversion headgates. This flow data was presented previously in Table 7-4. This flume is now monitored as site SWGS-01 and additional flumes were installed in 1983 and 1993 to monitor flows above this point. Results of this monitoring have been included in annual hydrologic reports.

There is no quality data available from Rapid and Cottonwood Creeks sufficient to identify seasonal variations.

Water quality data for water discharged from the Roadside South Portal is contained in Table 7-1. Water quality data for the Colorado River is contained in Tables 7-8 and 7-9. Additional quality on these and other locations is provided annually to the Division in the annual hydrologic reports.

(3) Alternate Water Supply Information

Within the disturbance areas, surface water exists only as ephemeral flows in the usually dry tributary drainage ways to the Colorado River. Runoff from local precipitation was collected in sedimentation ponds. Water from sedimentation ponds was settled before being discharged to the natural drainage system except during unusually high precipitation events (e,g, greater than a 10-year, 24-hour storm). When discharge from

the sedimentation ponds was necessary, the water was released in accordance with the NPDES permit.

A Rapid Creek water rights holder asserted that the mine was impacting the flow in Rapid Creek to the injury of his water right. At the request of the Colorado Division of Water Resources, Office of the State Engineer and the Division Engineer for Water Division 5 (together "DWR"), SCC had a study performed to investigate this concern. The study concluded that a portion of the total outflow from the mine could be attributed to a reduction of the available surface flow in discrete segments of Rapid and Cottonwood Creeks. The initial study concluded that the effect of the mine on groundwater flow may be reducing the available surface flow in those segments of Rapid and Cottonwood Creeks by approximately 38 GPM, based on an average measured discharge of 118 GPM from the mine outfall.

SCC entered into a Compliance Order on Consent ("Consent Order") with DWR on January 13, 2022 to implement and adjudicate a plan for augmentation with the Water Court in and for Water Division 5 to remedy any water rights injury attributable to the reduced flow in Rapid and Cottonwood Creeks induced by the Roadside South Portal Mine. The Consent Order is presented in Appendix 7-4.

(4) Maps

The locations of all applicable surface water hydrology features in the Roadside North and South Portals permit area and adjacent areas are shown in Exhibit 17, Tab Section 7.