

# MILL CREEK FIRST CLASS WATER RIGHTS

2/9/2010

What is the limit of the Water Rights?

FOR DISTRIBUTION PURPOSES ONLY!!

DRAFT

What is the value of a Share of MIC Stock? (Currently Using 4.23 af/share)

The first, second and third class water rights on Mill Creek were defined in the Ferdinand Erickson Decree dated December 14, 1908 followed by a supplemental decree by Judge A.H. Christensen dated August 10, 1910, both Civil 170, Seventh Judicial District Court, Grand County, Moab Irrigation Company et al Plaintiffs vs the Wilson Mesa Irrigation Company et al Defendants. The 1908 decree set the duty at 1.0 cfs / 60 acres, but the court agreed to gather information during the 1909 irrigation season and review the duty question. As a result the 1910 supplemental decree adjusted the duty to 1.0 cfs / 55 acres.

**Decree Award:**  
BENEFICIAL USES:

Irrigation 1119.5 acres @ 1 cfs / 55 acres Resulting in a flow of: 20.3545 cfs  
Culinary & Domestic NOT QUANTIFIED

Divided as: Moab Irrigation Co. 1063.5 acres 19.33 cfs  
Peterson's (now Walkers) 56 acres 1.02 cfs

**MOAB IRRIGATION COMPANY:**

**1081 SHARES**

(ASSUMED VALUES AS PER EXISTING DUTY)

				DIVERSION	DEPLETION	
05-2013	a8258	Irrigation	1063.5 acres @ 5.0 af / acre =	5317.5	3305.358 af	<b>Filed in 1975</b> Heretofore Quantification on Change Not Quantified in AF Amounts on Change!!
		Stock	800 elus @ 0.028 / head =	22.4	22.4 af	
		Domestic	30 fam @ 0.45 / family =	13.5	2.7 af	
				<b>5353.40</b>	<b>3330.46</b> af	

Explanatory Paragraph: Because the "Culinary & Domestic" listed in the Decree was not quantified, it will be assume the "Stock & Domestic" listed and quantified on the Permanent Change Application a8258 is the Sole Supply for the "Culinary & Domestic" portion of the Decreed Right. This assumption is reasonable and likely conservative.

Irrigation 1063.5 acres @ 5.0 af / acre = 5317.5 af Stock 800 elus @ 0.028 / head = 22.4 af Domestic 30 fam @ 0.45 / family = 13.5 af Mun/Ind/Rec/Fish/Flood 0 af Storage - Plain Field Dam - Not Built 10000 af <b>5353.40 af</b>	Hereafter Quantification on Change w/ Assumed <b>Sole Supply for Stock &amp; Domestic</b>  Supplemental to Pack Creek & other rights.  <span style="color: red;">Lasped 1987</span>
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SEG'D to 05-1523 GCWCD	a8258a	<b>14.9 cfs or 3000 af</b>				
			Irrigation 820.04 acres @ 5.0 af / acre = 4100.2 af	4100.2 af	17.248 af	<b>Filed in 1978</b> Sole Supply " assumed " assumed
			Stock 616 elus @ 0.028 / head = 17.248 af	17.248 af	9.9 af	
			Domestic 22 fam @ 0.45 / family = 9.9 af	9.9 af	0 af	
			Mun/Ind/Rec/Fish/Flood 0 af	0 af	<b>4127.35</b>	

Remaining in 05-2013:	<b>4.43 cfs from North Fork of Mill Creek Only</b>				
			Irrigation 243.46 acres @ 5.0 af / acre = 1217.3 af	1217.3 af	Sole Supply
			Stock 184 elus @ 0.028 / head = 5.152 af	5.152 af	" assumed
			Domestic 8 fam @ 0.45 / family = 3.6 af	3.6 af	" assumed
				<b>1226.05</b>	

Explanatory Paragraph: The 1989 Permanent Change Application a15198 listed sole supply values for Stock as 184 elu's and Domestic as 7 families. It is assumed that the remaining sole supply uses were segregated to 05-1523. It is also assumed that the increase in the irrigation on a15198 from 243.73 to 243.81 was accounted for by a reduction in the sole supply for domestic from 8 families to 7 families.

a15198	Irrigation	243.73 acres @ 5.0 af / acre =				
			Stock 184 elus @ 0.028 / head =	5.152 af	3.6 af	Filed in 1989 Heretofore Quantification on Change Assumed Sole Supply for Stock & Domestic
			Domestic 8 fam @ 0.45 / family =	3.6 af	<b>1227.40 af</b>	
				<b>1227.35</b>	<b>763.5435</b> af	

  

				DIVERSION	DEPLETION	
		Irrigation 243.81 acres @ 5.0 af / acre =		1219.05	757.76148 af	<b>USES and ACRE-FOOT amount limited by APPROVAL MEMORANDUM &amp; affirmed by AMENDED MEMORANDUM DATED 1992. Election Filed in 1994</b>
			Stock 184 elus @ 0.028 / head =	5.152	5.152 af	
			Domestic 7 fam @ 0.45 / family =	3.15	0.63 af	
			Mun/Ind/Rec/Fish/Flood 0 af	0	0 af	
				<b>1227.35</b>	<b>763.5435</b> af	

*ADJUSTED FOR CURRENT 6 AC-FT / ACRE DUTY:	<b>1471.16 AF</b>	DIVERSION AF LIMIT OF WATER RIGHT
	<b>763.54 AF</b>	DEPLETION AF LIMIT OF WATER RIGHT
*assumes in-valley uses only from North Fork of Mill Creek	<b>4.43 CFS</b>	FLOW LIMIT OF WATER RIGHT

DIVERSION VALUE PER SHARE IN MIC FROM 05-2013:	1471.16 / 1081 SHARES =	<b>1.36</b>	AF/SHARE	DIVERSION
DEPLETION VALUE PER SHARE IN MIC FROM 05-2013:	763.54 / 1081 SHARES =	<b>0.71</b>	AF/SHARE	DEPLETION
IRRIGATION ACREAGE VALUE PER SHARE IN MIC FROM 05-2013:	243.81 / 1081 SHARES =	<b>0.23</b>	AC/SHARE	ACRES

OTHER "IN-HOUSE" SEGREGATIONS	DATE	SOURCE	CFS	AF	ACRES	SHARES	STATUS	
*05-2327	Bynum / Day / Roberts	1990	Unnamed Spring	4.23	0.720	1	WUC	
*05-2330	Collette J. Webster	1990	Underground Well	0.45	0.000	1	WUC	a33908 unapproved
*05-2346	Paul & Vickie Morris	1991	Underground Well	7.19	0.000	12	Approved	Proof Due 2011
*05-2639	George & Ann Carter	1996	Mill Creek	14.4	27.500	4	Approved	Election Filed
*05-2640	Stolfus & Humphrey	1996	Underground Well	0.9	0.220	0.25	WUC	
*05-2693	George & Ann Carter	1998	Web Hollow Creek	21.15	6.000	5	Approved	Election Filed
*05-2712	Greg Mckennis	1998	Mill Creek & Well	46.74	10.990	13	WUC	
*05-2739	Corbin / Mogensen / Toon	1998	Corbin Springs	3.6	0.261	1	WUC	
05-2828	Michael Shumway	1998	2 Unnamed Springs	0.0079	4.23	1	SEG	
*05-2839	Michael Shumway	2000	Unnamed Springs	4.23	1.299	1	Approved	Proof Due 2010
*05-2888	Michael Shumway	2001	Mill Creek	42.30	13.927	10	WUC	
*05-2896	Michael Shumway	2002	Unnamed Springs	4.23	0.000	1	Approved	Proof Due 2012
*05-2944	David Von Zastrow	2002	Unnamed Springs	4.23	0.723	1	Approved	Election Filed
05-2987	Tom Johnson	2003	Powerhouse Spring	0.1116	4.23	1	Approved	Proof Filed
05-3159	Moab 21 LLC	2006	Mill Creek	10.55	0	49.5	Approved	Proof Due 2012
*05-3439	South Mesa Ranch	2009	Mill Creek	551.93	133.17	130.482	Unapproved	
05-3458	Kevin Carrol	2009	Mill Creek	4.23	0.925	1	Unapproved	
*05-3476	Floyd Harrell	2009	Underground Well	4.23	0.883	1	Unapproved	
TOTALS:			0.1195	733.0508	201.69	234.232		
				TOTAL:	195.69	*Mesa Acreage ??		
				TOTAL:	6.00	Valley Acreage ??		



**COMPARISON SUMMARY FOR MIC/GCWCD WATER RIGHTS VS DECREE:**

DECREE: Irrigation 1063.5 acres @ 1 cfs / 55 acres Resulting in a flow of: 19.3300 cfs

				DIVERSION	DEPLETION
Irrigation	1063.5 acres	@	6.0 af / acre =	6381.0	3305.358 af
Culinary & Domestic	800 elus	@	0.028 / head =	22.4	22.4 af
	30 fam	@	0.45 / family =	13.5	2.7 af
				<b>6416.90</b>	<b>3330.46</b> af

ADJUSTED FOR CURRENT 6 AC-FT / ACRE DUTY:	<b>6416.90 AF</b>	<b>DIVERSION AF LIMIT OF WATER RIGHT</b>
	<b>3330.46 AF</b>	<b>DEPLETION AF LIMIT OF WATER RIGHT</b>

				DIVERSION	DEPLETION	
05-2013	MIC	Irrigation	243.81 acres @ 5.0 af / acre =	1219.05	757.761 af	AS PER APPROVAL OSE
a15198		Stock	184 elus @ 0.028 / head =	5.152	5.152 af	
		Domestic	7 fam @ 0.45 / family =	3.15	0.63 af	
		Mun/Ind/Rec/Fish/Flood		0	0 af	
				<b>1227.35</b>	<b>763.54</b> af	

ADJUSTED FOR CURRENT 6 AC-FT / ACRE DUTY:	<b>1471.16 AF</b>	<b>DIVERSION AF LIMIT OF WATER RIGHT</b>
	<b>763.54 AF</b>	<b>DEPLETION AF LIMIT OF WATER RIGHT</b>

				DIVERSION	DEPLETION	
05-1523	GCWCD	Irrigation	195.69 acres @ 4.0 af / acre =	782.76	356.156 af	Mesa Users Valley Users
a10395		Irrigation	624.35 acres @ 6.0 af / acre =	3746.1	1940.4798 af	
		Stock	0 elus @ 0.028 / head =	0	0 af	
		Domestic	22 fam @ 0.45 / family =	9.9	1.98 af	
		Mun/Ind/Rec/Fish/Flood		<b>408.63</b>	<b>269.3</b> af	
		Storage - Ken's Lake Dam	<b>3000 af</b>	0	0 af	
				<b>4947.39</b>	<b>2567.91</b> af	

*ADJUSTED FOR CURRENT 4 & 6 AC-FT / ACRE DUTY:	<b>4947.39 AF</b>	<b>DIVERSION AF LIMIT OF WATER RIGHT</b>
	<b>2567.91 AF</b>	<b>DEPLETION AF LIMIT OF WATER RIGHT</b>

DECREE TOTAL:	<b>6416.90</b>	<b>3330.46</b>	<b>AF</b>	W/ CULINARY & DOMESTIC
MIC / GCWCD TOTAL:	<b>6418.55</b>	<b>3331.45</b>	<b>AF</b>	
DIFFERENCE:	<b>-1.65</b>	<b>-1.00</b>	<b>AF</b>	

**MOAB IRRIGATION COMPANY STOCK:**

\*4600 AF BY AGREEMENT WITH GCWCD

<b>05-2013</b>		<b>05-1523*</b>		
<b>1.36</b> AF/SHARE	+	<b>4.26</b> AF/SHARE	=	<b>5.62</b> AF/SHARE

**MOAB IRRIGATION COMPANY STOCK:**

\*Upon Return of '05-1523 to MIC

<b>05-2013</b>		<b>05-1523*</b>		
<b>1.36</b> AF/SHARE	+	<b>4.58</b> AF/SHARE	=	<b>5.94</b> AF/SHARE
Depletion <b>0.71</b> AF/SHARE	+	<b>2.38</b> AF/SHARE	=	<b>3.08</b> AF/SHARE
Irrigated Acreage <b>0.23</b> AC/SHARE	+	<b>0.76</b> AC/SHARE	=	<b>0.98</b> AC/SHARE

**WHERE DID 4.23 ACRE-FEET / SHARE ORIGINATE??**

Data gleaned from a letter dated May 24, 1990 from Dale Pierson, GCWCD to James Walker, MIC.

1086.8976 shares x 5 acre-feet / share = 5434 af

5434 af - 15% for evaporation & seepage = 4618.9 af      **ROUNDED DOWN TO 4600 AF**

4600 / 1086.8976 shares = **4.23 af / share**