

DISTRICT COURT, WATER DIVISION 7, COLORADO

WATER RESUME

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TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 7

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications filed in the Office of the Water Clerk during the month of April 2023, for each county affected.

**23CW6 Kruger Farms LLC**, PO Box 26266, Albuquerque, NM 87125: Kruger Reservoir; Navajo River; Archuleta County; Date of original decree, 12/9/68; Case no. CA 308-D; Subsequent decrees and dates, W-186, 4/10/75, W-186-77, 12/6/77, 81CW72, 11/18/81, 03CW94, 3/31/04, 10CW28, 9/16/10, 16CW24, 4/3/17; In the N1/2 of Section 33, T33N, R2E, NMPM, Original point of survey - East end of existing dam is at a point whence the W1/4 corner of said Section 33, T33N, R2E, NMPM bears 61° 04'W, 3,027.8 ft; Oil Well Creek, tributary to Navajo River, tributary to San Juan River; Appropriation date, 6/23/67; 87.3 acre feet (since reduced to 20 acre feet); Irrigation and livestock watering; Kruger Farms LLC has diligently pursued a new, suitable location for the Kruger Reservoir; finalization has been delayed because of drought and additional time is needed to see the new location and structure to fruition; Work towards completion of project outlined in application. (9 pages including exhibits)

**23CW3008 Montezuma County.** Application for an Alternate Point of Diversion and Place of Use. Applicant, Robert Urquhart, 314 Bala Ave, Bala Cynwyd, PA 19004. Please direct all correspondence to Applicant's counsel, Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2<sup>nd</sup> Ave, Ste 11B, Durango, CO 81301 (970) 403-1770 (amy@waterland-law.com). **1. Structure Name:** TURKEY CREEK DITCH **A. Original Decree:** Civil Action No. 0473, District Court, Montezuma County, 2/1/1892. **B. POD:** Headgate is located at a point in Montezuma County, Colorado on the South bank of Lost Canon Creek in the North West quarter Section 35 Tp. 38 N.R. 12 W. N.M.P.M, 620 feet below where the Old Mancos Bear Creek and Rico Road crosses said creek and the waters of Turkey Creek are picked up where said ditch empties into Turkey Creek at the South West quarter of Section 5 Tp. 37 R.N. 12 W. N.M.P.M. **C. Source:** Lost Canyon Creek and Turkey Creek **D.App Date:** 7/ 16/1886 **E.Amount at Issue:** 0.04167 cfs (18.7 gpm) **F. Use:** Irrigation **2. Description of Proposed Change:** Applicant seeks an alternate point of diversion for ½ share of Summit Water decreed to the Turkey Creek Ditch so that said water may be diverted at the headgate of the Wattles and Freeman Ditch, as it has historically pursuant to Applicant's ownership of one-half (½) share of capital stock in the Summit Reservoir and Irrigation Company, Inc. ("Summit"). The point of diversion for the Wattles and Freeman Ditch is located on branch of Turkey Creek, which is one of the sources of supply into the natural course of Turkey Creek where said stream is used to convey the water decreed to the Turkey Creek Ditch into Summit's irrigation system. Use of this alternate point of diversion will not increase the historically irrigated lands or expand the historical use of the Turkey Creek Ditch water right, and it will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. Location of Alt POD: NW ¼ NE ¼ Section 4, T37N, R12W, NMPM. **UTM:** Easting 218100.7 Northing 4155226; 19555 Road 42, Mancos, CO 81328. **3. Affected Property Owner:** USFS, 15 Burnett Court, Durango CO 81301 **4. Remarks:** See Application for additional information. (6 pages including exhibits)

**23CW3009 La Plata County.** APPLICATION TO MAKE ABSOLUTE, ALTERNATIVELY FOR A FINDING OF REASONABLE DILIGENCE. Applicants: Jeff and Caroline Munger, 1200 CR 505, Bayfield, CO 81122. Please direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2<sup>nd</sup> Ave, Ste 11B, Durango, CO 81301 (amy@waterland-law.com) 970-403-1770. Structures: (1) SULLIVAN DITCH-MUNGER ENLARGEMENT and (2) MUNGER POND, Prior Cases # 07CW83, 14CW3046: App. Date: July 20, 2007. Conditional Amt & Uses: 0.5 cfs for pond filling; 5 AF pond with the right to fill and refill up to 20 AF for irrigation and stockwater. Location: (Sullivan Ditch-Munger

Enlargement) The headgate of the Sullivan Ditch, which is located at a point on the Pine River in the SW ¼ NE ¼ SW ¼ of Section 14, T35N, R7W, NMPM, 1558' from the South section line and 1819' from the West section line of Section 14. GPS, Zone 13, N4131151 E268827- (Munger Pond) in the N½N¼ of Section 26, T35N, R7W, NMPM Source: Pine River and Sullivan Ditch- Munger Enlargement. Detailed Outline of What Has Been Done Toward Completion of Appropriation and Application of Water to Beneficial Use: During the last diligence period Applicants consistently diverted the Sullivan Ditch- Munger Enlargement water right through the Sullivan Ditch and applied said water to beneficial use on their property. Applicants constructed a small pond on their property and have been using it to store a portion of the water right conditionally decreed to Munger Pond. Applicants have diverted up to 0.5 c.f.s. into the Munger Pond, impounded 20 acre-feet, and subsequently applied said water to the uses of irrigation and stock watering. Claim for Absolute Water Right: Applicants seek to make the Sullivan-Ditch Munger Enlargement water right (0.5 cfs) absolute for the filling of ponds and to make the Munger Pond water right (20 AF) absolute for irrigation and stock water. Date Water Applied to Beneficial Use: July 2018 Affected Landowners: Applicants. Remarks: To the extent that Applicants are unable to obtain absolute water rights for the Sullivan Ditch- Munger Enlargement and the Munger Pond, Applicants seek a finding of reasonable diligence for said conditional water rights, so that they will be continued in effect for an additional six (6) years. Applicants use the Sullivan Ditch- Munger Enlargement and the Munger Pond as an integrated system and therefore acts showing reasonable diligence on either water right is attributed to the whole system. See Application for additional information. (6 pages including exhibits)

THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of June 2023, to file with the Water Clerk, a verified Statement of Opposition, setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: \$192.00; Forms are available through the Office of the Water Clerk or on the Judicial web site at [www.courts.state.co.us](http://www.courts.state.co.us); Jason Poyer, Water Court Specialist, 1060 E. 2<sup>nd</sup> Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before May 31, 2023

/s/ Jason Poyer  
Water Court Specialist