

DISTRICT COURT, WATER DIVISION 7, COLORADO

WATER RESUME

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 August 2021, for each county affected.

21CW21 The Whalen Trust Dated March 24, 2014, Attn: Gary A. Whalen, 1727 Crestview Dr., Durango, CO 81301: **Whalen Pump**; La Plata County; Date of original decree, 11/30/07; Case no., 06CW127; Subsequent decrees, 3/10/16, 13CW3034; Water will be diverted within the Animas Service Area which shall be defined as any point within the Animas River Basin (which includes the Animas River and all of its tributaries) upstream of a point in the Animas River that is located as follows: in the SW1/4SW1/4 of Section 29, T35N, R9W, NMPM, 1250 feet from the South Section line and 720 feet from the West Section line of said Section 29; Animas River; Appropriation date, 2/22/09; Depletion amounts range from 20 to 40 cfs; Year round depletions associated with beneficial uses of water diverted from the Animas River and its tributaries in the Animas Service Area from non-exempt wells and surface diversion for irrigation, supplemental irrigation, wetlands and wetlands irrigation, domestic and municipal use, pond, reservoir use, gravel and other mining, stock and wildlife watering, firefighting, recreation, snow and ice making, piscatorial, recharge, augmentation, and exchange; Date water applied to beneficial use, 6/1/2020; Diversion rate: 0.033 cfs/15 gpm, Depletion amounts: April 1-14 0.000247 cfs, April 15-30 0.000247 cfs, May 0.0005593 cfs, June 1-14 0.0007981 cfs, June 15-30 0.0007981 cfs, July 1-14 0.0007642 cfs, July 15-31 0.0007642 cfs, August 0.0005853 cfs, September 0.0004704 cfs, October 0.0002276 cfs; Irrigation of .10 acres of home lawns and gardens on Parcel #5665-201-16-006; La Plata County; SW1/4NE1/4, Section 20, T35N, R9W, NMPM; Easting 245180, Northing 4130517; Work towards completion of project outlined in application. Application To Make Absolute in Whole or in Part (9 pages including exhibits)

21CW3035 (Ref. 06-CW-115, 15-CW-3002) APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, mailing address, email address, and telephone number of applicant: High Mountain Properties, LLC, fka Extreme Ski Area Properties, Ltd., 205 West 17th Street, Suite E, Tulsa, OK 74119-4645 with all pleadings and correspondence to Martha P. Whitmore, Hockersmith & Whitmore, LLC, P.O. Box 646, 917 Main Street, Second Floor, Ouray, CO 81427-0646, marti@ouraylaw.com, 970-325-4414; 2. Name of structure: GLADSTONE WELL 3. Describe conditional water right (as to each structure) including the following information from previous decree: A conditional right for the Gladstone Well for 0.0334 c.f.s. (15 gallons per minute) with the further limitation of annual diversion limit of 1 acre foot per year. A. Date of Original Decree: January 28, 2008 in Case No. 06-CW-115, Court: Water Division No. 7; B. List all subsequent decrees awarding findings of diligence: August 27, 2015 in Case No. 15-CW-3002 C. Legal description: San Juan County, NE1/4NE1/4NW1/4, Section 21, Township 42 North, Range 7 West, N.M.P.M., 408 feet from the north section line and 2285 feet from the west section line of said Section 21. Also described in the UTM format as follows: Northing 4196855 and Easting 267537. D. Source of water: Groundwater tributary to Cement Creek which is tributary to the Animas River. E. Appropriation Date: February 28, 2005 Amount: 0.0334 c.f.s. (15 gallons per minute) with the further limitation of annual diversion limit of 1 acre foot per year. F. Use: Domestic, residential, inside use only, not to exceed eight residential dwellings. Since the issuance of the original decree in this matter, Applicant has modified its proposed development plans to reduce the number of potential residential dwellings from eight to five. G. Depth: (if well) Wells not yet constructed. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Since the date of the

diligence decree in 15-CW-3002, Applicant has made diligent efforts toward development of the well as described above: a. The well site has been inaccessible since approximately August of 2015 due to the Gold King mine disaster. The US Environmental Protection Agency (“EPA”) has had the area generally closed due to its remediation efforts at the Gold King Mine. The well permit that Applicant had received in 2015 expired without the ability to construct the well. As a result, the well had not been drilled. b. Applicant has hired Ken Schaaf to apply for a new well permit, which application is on file at the office of the State Engineer. Upon issuance of a new well permit, the Applicant intends to drill and complete the well. Therefore, Applicant hereby requests that the conditional right be continued. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. All structures and places of use will be on Applicant’s land. 5. Remarks or any other pertinent information: Original Applicant, Extreme Ski Area Properties, Ltd., transferred the property associated with this water right to High Mountain Properties, LLC on February 22, 2010 by Bargain and Sale Deed recorded on February 25, 2010 at Reception No. 147319, San Juan County, State of Colorado public records. **SAN JUAN COUNTY** (4 pages)

21CW3036 La Plata County, Water District No. 7 **1. Name, address, and telephone number of applicant:** Don L. Gosney, PO Box 256, Bayfield, CO 81122; **Attorney:** Floyd L. Smith, 48 CR 250, Suite 5, Durango, CO 81301; **2. Name of structure:** Gosney Ranch Spring; **Type:** spring tributary to unnamed tributary to Dry Creek, tributary to Los Pinos River **3. Location of structure:** A. In the NE1/4SW1/4, Section 15U, T34N, R7W, NMPM, La Plata County, Colorado, **B.1. GPS location:** Northing 4118869.67, Easting 269265.01, NAD83 Zone 13. **4. Source:** unnamed tributary of Dry creek, tributary of Los Pinos River; **5.A. Date of Appropriation:** July 1, 2011; **5.B. How appropriation initiated:** buried about 100’ of perforated pipe at a depth of 3 to 5 feet with an outflow pipe that daylights and feeds a stock tank. Overflow then gravity irrigates the area below the runway and above the Doctor Morrison Ditch; **5.C. Date water applied to beneficial use:** July 1, 2011; **6. Amount:** 0.10 cfs Absolute; **7. Uses:** livestock watering, irrigation of 1.5 acres in E/2SW/4, Section 15U, T34N, R7W, NMPM, la Plata County, Colorado; **8. Names and address of owner:** Application. **9. Remarks:** None (8 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 October 2021, 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; Danene M. Etz, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-385-6181)



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Danene M. Etz, Water Court Specialist