

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 December 2021, for each county affected.

**21CW25** Allen E. & Linda C. Farnsworth, 10150 Road 40.9, Mancos CO 81328: **Bluebird Pump**; Mancos River; Montezuma County; Date of Original Decree, 7/17/09; Case No. 08CW53; Subsequent Decree, 12/31/15, 15CW9; NW1/4SE1/4SE1/4, Section 20, T36N, R13W, NMPM; Wastewater (irrigation and surface runoff) into Railroad Draw tributary to Chicken Creek, tributary to the Mancos River; Appropriation Date, 7/7/08; 0.20 cfs; Irrigation of approximately 10 acres of pasture; Date water applied to beneficial use, 6/13; 0.2 cfs; Irrigation; Easting 207482.8, Northing 4139713.4; 680.58 Feet from South, 1281.51 Feet from East; Work toward completion of project outlined in application. Application for Finding of Reasonable Diligence and to Make Absolute in Whole or in Part (14 pages including exhibits)

**21CW26** Jim Holway, 28678 Highway 550, Durango, CO 81301: **Holway Pump**; Animas River; La Plata County; Date of original decree, 11/30/07; Case no., 06CW127; 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 South, 720 feet from West; Animas River; Appropriation date, 2/22/06; 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 water feature and other evaporation, industrial and manufacturing use, power, geothermal, commercial use, gravel and other mining, stock and wildlife watering, fire fighting, recreation, snow and ice making, piscatorial, recharge, augmentation, and exchange; Diversion, pump and irrigation system was used to irrigate 4 acres; Date water applied to beneficial use, 6/1/21; Diversion rate: 0.10 cfs, depletion amounts: April 1-14 0.00988 cfs, April 15-30 0.00988 cfs, May 0.022372 cfs, June 1-14 0.031924 cfs, June 15-30 0.031924, July 1-14 0.030568 cfs, July 15-31 0.030568 cfs, August 0.023412 cfs, Sept 0.018816 cfs, Oct 0.009104 cfs; Irrigation of 4 acres; SW1/4SW1/14, Section 22, T36N, R9W, NMPM; Easting 247681, Northing 4139368; Work towards completion of project outlined in application. Application to Make Absolute in Whole or in Part (8 pages including exhibits)

**21CW3046** **La Plata County, Water District 34: 1) Applicant:** John R. Harris and Janet K. Harris, 13602 Road 43.5, Mancos, CO 81328; **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm P.C., 813 Main Ave., Suite 206, Durango, CO 81301; **3) Name of Structures:** Cutthroat Pond and Cutthroat Pond Enlargement, Lower Cutthroat Pond, Horseshoe Pond, Rampart Pond, Dan's Pond, Upper Rodeo Pond, Lower Rodeo Pond, Little Creek Pond, Kathi's Pond, EB Well Nos. 4 and 5; **4) Type of Application:** Application to Make Absolute and for a Finding of Reasonable Diligence; **5) Source and Drainage Basin:** West and Middle Mancos River, tributary to Mancos River; **6) Points of Diversion:** Structures are located in Sections 1, 2, 11 and 12, T36N, R13W, N.M.P.M., Montezuma County; **7) Decreed Uses:** Augmentation, irrigation, piscatorial, stock watering, recreation and aesthetics for the Ponds, and domestic, commercial, irrigation, stock watering, fire protection, recreation, swimming pool, and other beneficial uses for the Wells; **8) Quantities of Conditional Rights:** Cutthroat Pond and Cutthroat Pond Enlargement: 25.5 AF for fill and refill; Lower Cutthroat Pond: 6.09 AF for remaining initial fill and one refill; Horseshoe Pond: 4.5

AF for fill and two refills; Rampart Pond: 2.4 AF for fill and two refills; Dan's Pond: 1.8 AF for fill and two refills; Upper Rodeo Stock Pond: 0.20 AF for two refills; Lower Rodeo Stock Pond: 0.17 AF for remaining initial fill and one refill; Little Creek Pond: 9.6 AF for fill and one refill; Kathi's Pond: 0.6 AF for fill and two refills; EB Well Nos. 4 and 5: 30 gpm each; **9) Appropriation Dates:** Various appropriation dates from 1968 to 2004, with priority dates of 2000 and 2004 based on the initial decrees; **10) Summary of Activities to Develop Conditional Water Rights:** Applicant has developed and used most or all of the conditional water rights for the Cutthroat Ponds, Horseshoe Pond, Upper and Lower Rodeo Stock Ponds, and Kathi's Pond, and has constructed many improvements, including building a new barn for hay storage, equipment and stock raising, and building perimeter fencing to help facilitate stock grazing. Applicant has spent considerable funds on its water development activities; **11) Additional Information:** Applicant requests that the Court enter a decree making Applicant's water rights absolute in the amounts and for the uses described in Section 5 of the Application, and that the conditional rights which have not yet been developed be retained for an additional six year due diligence period. See Application for more details. (13 pages including exhibit)

**21CW3047** (15CW3024), Purgatory Metropolitan District, PO Box 2501, Durango, CO 81302. James J. Petrock and Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. Application for Finding of Reasonable Diligence in LA PLATA COUNTY. Name of Structures: Purgatory Water and Sanitation District Well #1, Permit #15890-F, and Well #3, Permit #10313-F. 3. Prior Decree Information: Originally decreed January 4, 1973, in Case No. W-639, District Court, Water Division 7, for the following: 3.1 Well #1: 30 gpm absolute, plus 85 gpm conditional; 3.2 Well #3: 8 gpm absolute, plus 7 gpm conditional. 3.3 Diligence was found and the conditional rights continued in Case Nos. W-639-76, 80CW96, 84CW54 & 55, 88CW22 & 23, 94CW100 & 101, 94CW101, 01CW36, 01CW62, 08CW55. In Case No. 85CW78 the absolute and conditional rights associated with Well #3 were transferred to an alternate point of diversion at Well#1, and the Well #3 physical structure was abandoned. 3.4 In Case No. 01CW36, 30 gpm of the conditional water right for Well #1 was made absolute, approximately 55 gpm remains conditional. 3.5 In Case No. 15CW3024, the conditional rights for Purgatory Wells 1 and 3 were continued in full force and effect until December, 2021. 4. Source of Water: Hermosa formation, Animas River watershed. 5. Dates of Appropriation: 5.1 Well #1: August 30, 1971 5.2 Well #3: August 15, 1965 6. Conditional Amounts: 6.1 Well #1: 0.1197 cfs (53.9 gpm) (conditional) 6.2 Well #3: 0.0155 cfs (7 gpm) (conditional). 7. Locations of Structures: 7.1 Well #1: Located in the NW¼ SW¼ of Section 24, Township 39 North, Range 9 West, NMPM, approximately 1560 feet from the South and 860 feet from the West section lines of said Section 24. 7.2 Well #3: Located in the NW¼SW¼ of Section 24, Township 39 North, Range 9 West, NMPM, whence the S¼ corner bears S50°23'E, 2134.2 feet. 8. Uses: Municipal. **CLAIM FOR A FINDING OF REASONABLE DILIGENCE** 9. This Application for Finding of Reasonable Diligence is filed pursuant to the Water Right Determination and Administration Act of 1969, C.R.S. § 37-92-302. 10. During this diligence period, in continuing the development of the conditional water rights, Purgatory has been engaged in the legal defense and protection of the water rights, has been diligent in the continued use and development of the water rights, including expenditures for legal, engineering, construction and maintenance work, and has made a steady application of effort to complete the appropriations in a reasonably expedient and efficient manner. These activities include, but are not limited to, the following: 10.1 Purgatory has continued in the use, development, and maintenance of its overall unified water supply system, of which the subject conditional rights are a part, including maintenance and engineering work on Purgatory's municipal water system including evaluating the use of Wells 1 and 3 for potable water supplies. 10.2 Purgatory adjudicated the right to use an additional well (Purgatory Well No. 6) in Purgatory's unified water supply system in Case No. 13CW3039, decreed July 23, 2015. The decree designates Well No. 6 as an alternate point of diversion for both the absolute amounts and conditional amounts for Well #1 and Well #3. 10.3 Purgatory has continued to use, repair and maintain Well #1 and #3. As a component of a unified water supply system of wells, storage, transmission and distribution facilities owned and operated by applicant. Engineering, well servicing, repairs and related system costs during the relevant diligence period from 2015 to November 2021 total \$54,772.00. 10.4

Purgatory has incurred additional expenses for legal, consulting, and engineering work. 10.5 The work and above expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. 11. Purgatory owns all the land on which the structures for the water rights are located. Purgatory requests that this Court enter a decree finding that it has exercised reasonable diligence in the development of the remaining conditional water rights, continuing the conditional water rights for another diligence period, and for such other and further relief as the Court deems just and proper in the premises. (4 pages)

**21CW3048 NOTICE OF FILING OF FINAL DECENNIAL ABANDONMENT LIST FOR WATER DIVISION NO. 7:** The State Engineer and the Division Engineer for Water Division 7, by and through the Attorney General hereby provide notice of the filing with the Water Clerk of the decennial abandonment list for Water Division 7 under section 37-92-401(4)(c), C.R.S. (2021). Notice is hereby given that, pursuant to section 37-92-401(4) C.R.S. (2021), the Division Engineer, in consultation with the State Engineer, has revised and finalized the decennial abandonment list, which contains those water rights that the Division Engineer has determined to have been abandoned in whole or in part. The decennial abandonment list, when concluded by judgment and decree, shall be conclusive as to the water rights determined to have been abandoned. The initial abandonment list (published in July 2020) and the final revised abandonment list are available online at: <https://dwr.colorado.gov/services/water-administration/water-rights>. The initial and final revised decennial abandonment lists may also be inspected after December 31, 2021, at the offices of the State Engineer, Division Engineer, and Clerk of the Water Court. Contact the respective offices for information on hours and/or appointments. This decennial abandonment proceeding, including any protest proceedings, are subject to Rule 12 of the Uniform Local Rules for All State Water Court Divisions (Water Court Rules), effective as amended on December 13, 2018 and available on the Water Court's website at: <https://www.courts.state.co.us/Courts/Water>. Any person who wishes to protest the inclusion of any water right on the final decennial abandonment list shall file a written protest with the Water Clerk and the Division Engineer in accordance with the procedures set forth in section 37-92-401(5), C.R.S (2021) not later than June 30, 2022. The fee for filing such a protest with the Water Clerk is forty-five dollars (\$45.00). The protest shall set forth in detail the factual and legal basis therefor. A form for such a protest ([JDF 304W](#)) is available on the Water Court website. (7 pages including notice)

**21CW3049** Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado, 80203. Telephone: (303) 866-3441. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7<sup>th</sup> Floor, Denver, Colorado 80203. Telephone: (720) 508-6282. Email: [jennifer.mele@coag.gov](mailto:jennifer.mele@coag.gov) **APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE, A NATURAL STREAM; IN THE UPPER SAN JUAN WATERSHED, IN HINSDALE COUNTY, COLORADO. 2. Name of water right:** Rincon La Vaca Creek Instream Flow Water Right. **3. Legal Description:** The Rincon La Vaca Creek Instream Flow Water Right is located in the natural stream channel of Rincon La Vaca Creek from its headwaters to the confluence with the Los Pinos River, a distance of approximately 4.47 miles. A map depicting the approximate location of the Rincon La Vaca Creek Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** headwaters of Rincon La Vaca Creek in the vicinity of: i. UTM: Northing: 4170340.18; Easting: 288830.29 (NAD 1983 Zone 13 North) ii. Lat/Long: Latitude 37° 39' 21.46"N; Longitude 107° 23' 37.95"W iii. PLSS: SW SW Section 11, Township 39 N, Range 5 West NMPM; 390' East of the West Section Line, 380' North of the South Section Line **B. Downstream Terminus:** confluence with Los Pinos River at: i. UTM: Northing: 4171003.14; Easting: 294776.30 (NAD 1983 Zone 1 North) ii Lat/Long: Latitude 37° 39' 47.81"N; Longitude 107° 19' 36.15"W iii. PLSS: NW NW Section 7, Township 39 N, Range 4 W NMPM; 579' West of the East Section Line, 1255' South of the North Section Line **C.** The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long and PLSS coordinates are provided as

cross-reference locations only. The UTM, Lat/Long and PLSS locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). The PLSS locations for the upstream and downstream termini were derived using 2005 PLSS data from the U.S. Bureau of Land Management's Geographic Coordinate Database. **4. Source:** Rincon La Vaca Creek tributary to the Los Pinos River tributary to the San Juan River. **5. A. Date of initiation of appropriation:** January 25, 2021 **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 25, 2021, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2021). **C. Date applied to beneficial use:** January 25, 2021 **6. Amount of water claimed:** Instream flow of 1.2 cfs (11/01 - 04/30), and 2.8 cfs (05/01 - 10/31), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2021), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2021). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. *See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2021). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2021). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on September 15, 2021, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2021), that the natural environment of Los Pinos River will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. (7 pages including exhibit)

**21CW3050** Application for Absolute and Conditional Surface and Storage Water Rights and Plan for Augmentation. **1. Applicants:** Piedra Family LLLP and The Cimarrona Legacy Utah Trust Dated January 31, 2014; c/o Jeffrey M. Kane, Southwest Water and Property Law LLC; 10 Town Plaza, No. 422; Durango, CO 81301; (970) 422-5510; jkane@swpropertylaw.com. **2. Requested Surface Rights:** Hinsdale County; **A. Name: Piedra-Cimarrona Ditch.** i. Location: SE ¼ NW ¼ Section 15, Township 37 N, Range 3 W, N.M.P.M. Easting: 307247, Northing: 4146567, NAD 1983 UTM Zone 13N. ii. Source: Taylor Spring No. 1 and other springs and irrigation return flows from the Bess Girl Ditch and other ditches via an unnamed draw, each being tributary to the Middle Fork of the Piedra River, tributary to the Piedra River. iii. Appropriation date: November 11, 1998. iv. Amount: 0.83 cfs, absolute. v. Use: storage in and filling of Heart Pond, Crescent Pond, and Cimarrona Pond; stock watering; incidental wildlife; year-round freshening of Heart Pond, Crescent Pond, and Cimarrona Pond. vi. Date water applied to beneficial use: 1989 to fill Crescent Pond and 2002 to fill Heart Pond. **B. Name: Cimarrona Pond Ditch.** i. Location: SE ¼ NW ¼ Section 15, Township 37 N, Range 3 W, N.M.P.M. Easting: 307321, Northing: 4146489, NAD 1983 UTM Zone 13N. ii. Source: Taylor Spring No. 1 and other springs and irrigation return flows from the Bess Girl Ditch and other ditches via an unnamed draw, each being tributary to the Middle Fork of the Piedra River, tributary to the Piedra River. iii. Appropriation date: May 20, 2019. iv. Amount: 0.33 cfs, conditional. v. Use: storage in and filling of Cimarrona Pond; stock watering; incidental wildlife; year-round freshening of Cimarrona Pond. **3. Requested Storage Rights:** **A. Name: Heart Pond, a/k/a Middle Fork Pond.** i. Location: NE ¼ SW ¼ Section 15, Township 37N, Range 3W, N.M.P.M. Easting: 307171, Northing: 4146064, NAD 1983 UTM Zone 13N. ii. Filling Source: Piedra-Cimarrona Ditch and springs and irrigation return flows from the Bess Girl Ditch and other ditches via an unnamed draw, each being tributary to the Middle Fork of the Piedra River, tributary to the Piedra River. iii. Appropriation date: November 11, 1998. iv. Amount: 5.76 acre-feet, absolute, with a right to fill and successively refill at a rate of 0.5 cfs. v. Uses: Piscatorial; fire-fighting; aesthetic; recreation; incidental wildlife; stock watering. vi. Surface area: 0.97

acres. vii. Maximum depth: 10.7 feet. viii. Capacity: 5.76 acre-feet, with no active storage. ix. Type: lined pond with fixed height surface outlet structure. x. Date water applied to beneficial use: 2002 by completion of gravel excavation and filling of pond, fire-fighting team request to fill pump trucks from pond during Missionary Ridge Fire, stocking with trout from the Middle Fork of Piedra River, stock watering, and incidental wildlife use. xi. Remark: Applicant Piedra submitted a Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure to the Division of Water Resources, Water Division 7, in December, 1999 referring to Heart Pond as Middle Fork Pond. B. Name: Crescent Pond, a/k/a Middle Fork Pond No. 2. i. Location: NE ¼ SW ¼ Section 15, Township 37N, Range 3W, N.M.P.M. Easting: 307087.7, Northing: 4146063.6 NAD 1983 UTM Zone 13N. ii. Filling Source: Piedra-Cimarrona Ditch and springs and irrigation return flows from the Bess Girl Ditch and other ditches via an unnamed draw, each being tributary to the Middle Fork of the Piedra River, tributary to the Piedra River. iii. Appropriation date: 1989. iv. Amount: 0.81 acre-feet, absolute, with a right to fill and successively refill at a rate of 0.5 cfs. v. Uses: Piscatorial; aesthetic; recreation; incidental wildlife; stock watering. vi. Surface area: 0.31 acres. vii. Maximum depth: 6.1 feet. viii. Capacity: 0.81 acre-feet, with no active storage. ix. Type: lined pond with fixed height surface outlet structure. x. Date water applied to beneficial use: 1989 by filling of pond, stocking with trout from the Middle Fork of Piedra River, stock watering, and incidental wildlife use. xi. Remark: Applicant Piedra submitted a Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure to the Division of Water Resources, Water Division 7, in December, 1999 referring to Crescent Pond as Middle Fork Pond No. 2. C. Name: Cimarrona Pond. i. Location: SE ¼ NW ¼ Section 15, Township 37 N, Range 3 W, N.M.P.M. Easting: 307414, Northing: 4146361, NAD 1983 UTM Zone 13N. ii. Filling Source: Cimarrona Pond Ditch via the Piedra-Cimarrona Ditch and springs and irrigation return flows from the Bess Girl Ditch and other ditches via an unnamed draw, each being tributary to the Middle Fork of the Piedra River, tributary to the Piedra River. iii. Appropriation date: May 20, 2019. iv. Amount: 4.4 acre-feet, conditional, with a right to fill and successively refill at a rate of 0.33 cfs. v. Uses: Piscatorial; fire-fighting; aesthetic; recreation; incidental wildlife; stock watering. vi. Surface area: 0.66 acres. vii. Maximum depth: 10.0 feet. viii. Capacity: 4.4 acre-feet. a. Active storage: 2.6 acre-feet. b. Dead storage: 1.8 acre-feet. ix. Type: lined pond with agri drain outlet structure. **4.** Applicants are the owners of the land upon which all structures applied for herein are or will be constructed. **5.** Applicants request entry of a decree confirming the above requested water rights and awarding as absolute any portions of the requested conditional water rights put to beneficial use during the pendency of this case. (8 pages including exhibit)

**21CW3051 La Plata County, Water District 30: 1) Applicant:** Sky Mountain Ranch, LLC, 22 Gondoliers Bluff, Newport Coast, CA 92657; **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm P.C., 813 Main Ave., Suite 206 Durango, CO 81301; **3) Type of Application:** Application for a simple change in surface point of diversion (POD) pursuant to C.R.S. §37-92-305(3.5), or in the alternative, for a regular change of water right; **4) Water Right to be Changed:** 1.0 c.f.s. in the Patricia A. Sherwood Ditch and Pipeline (PSDP) owned by Applicant, and originally decreed conditional in Case No. 1751B with a Priority of 1968-125, and made absolute in Case Nos. W-107 and W-550-76; **5) Drainage Basin:** Animas River; **6) Decreed Point of Diversion:** On the East bank of the Animas River, whence the west quarter corner of Section 19, Township 37 North, Range 8 West, N.M.P.M. bears South 52°20' West a distance of 3336.0 feet; **7) Decreed Uses:** irrigation and domestic purposes; **8) Description of Proposed Change:** Applicant desires to change the POD of Applicant's 1 cfs water right in the PSDP from the decreed POD to a new POD as described in below, which is approximately 0.20 mile upstream of the decreed POD on the Animas River. This is only a change in POD and the decreed irrigation and domestic uses will remain the same. Applicant believes this change qualifies as a simple change in POD pursuant to CRS 37-92-305(3.5) as Applicant is not aware of any intervening surface diversion or inflow between the decreed POD and the new POD. In the event this change does not qualify for a simple change in POD, Applicant requests a regular change in POD. The Animas River has historically not gone on call, this change to a new POD will not result in a change in stream conditions, and will not cause injury to any other water users. Applicant has been diverting water at the new POD and such diversions have not gone on call or caused any injury to

other water users. Location of New POD: UTM NAD83 (Zone 13) Easting: 253373; Northing: 4150287. PLSS description is in the NW1/4NE1/4 Section 19, T37N, R8W, NMPM.; **9) Landowners:** The new point of diversion is located on Applicant's property; **10) Additional Information:** Applicant requests that the Court enter a decree changing Applicant's PSDP water right to the new POD described herein. See Application for more details. (6 pages including attachments)

**21CW3052** The La Plata Archuleta Water District, P.O. Box 1377, Ignacio, CO 81137, (970) 748-4750, through counsel Evan D. Ela and Joseph W. Norris, Cockrel Ela Glesne Greher & Ruhland, P.C., 390 Union Boulevard, Suite 400, Lakewood, Colorado 80215, (303) 986-1551, APPLICATION FOR CONDITIONAL WATER RIGHTS in La Plata County. 1. Name of Structure. Los Pinos Pump Station (*aka* Bayfield Pine River Pump Station). 2. Legal Description of Structure. The location of the Los Pinos Pump Station is at a point on the East bank of the Los Pinos River whence the Southeast corner of Section 2, Township 34 North, Range 7 West, N.M.P.M. bears South 49° 56' 32" East, a distance of 4824.03 feet, and whence the center ¼ corner of said Section 2 bears South 67° 44' 00" East a distance of 1199.81 feet; with GPS coordinates of Northing 4125193, Easting 268559, Zone 13, NAD 83 datum. 3. Source. Pine River (*aka* Rio Los Pinos or Los Pinos River). 4. Intended Uses of Water: (a) All uses associated with a rural water system, including but not limited to domestic, commercial, industrial, municipal, lawns and gardens, orchards, livestock, fire flow for fire suppression, recreation, fishery, and evaporation from storage, but not augmentation or exchange; (b) Storage near the location of treatment plants used by the District as necessary to facilitate the water treatment process, principally for clarifying and pre-treating the raw water; and (c) Treated water exchange with other water providers pursuant to Colorado law. 5. Appropriation Date. December 9, 2021. 6. Amount. 7.5 cfs, CONDITIONAL. 7. Name(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: (a) Town of Bayfield, c/o Town Manager, P.O. Box 80, Bayfield, CO 81122; (b) Wilmer Family Trust, 955 CR 501, Bayfield, Colorado 81122. (4 pages)

**21CW3053** APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **1. Applicant.** MONTEZUMA VALLEY IRRIGATION COMPANY ("MVIC"), Post Office Box 1056, Cortez, Colorado 81321, Email Address: [bjohnson@mVIC.info](mailto:bjohnson@mVIC.info), Telephone Number: (970) 565-3332. Attorneys: John P. Justus, Karoline M. Henning, HOSKIN FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. 2. Background: On December 16, 2021 the Dolores Water Conservancy District ("DWCD") conveyed Totten Reservoir and its decreed water rights, including the conditional water rights described below, to MVIC. During the applicable diligence period both MVIC and DWCD exercised reasonable diligence in the development of the conditional water rights described in this application. 3. Conditional Surface Water Right: DWCD Hartman Draw Diversion. a. Date of Original Decree: Decree entered December 10, 2015 in Case No. 2004CW46 by the Water Court in and for Water Division No. 7. b. Location of Point of Diversion ("POD"): On Hartman Draw in the SW ¼SE ¼SE ¼, Section 26, T37N, R16W, N.M.P.M a distance of 25 feet from the South section line and 740 feet from the East section line of said Section 26. GPSed location: Easting: 183550 Northing: 4148366. c. Source: Hartman Draw, tributary to McElmo Creek, tributary to San Juan River. d. Appropriation Date: June 30, 2004. e. Decreed Amount: 10 c.f.s., Conditional. f. Decreed Uses: i. Irrigation of up to 1000 Acres of Fairgrounds Land in Sections 25, 27, 28, 32, 33, 34 and 35, T36N, R15W; Sections 1, 2, 3, 4, 5, T35N, R15W. ii. Supplemental Irrigation: 20 acres of the Simon Draw Wetlands Area (Tracts 2, 3 and 4), together with up to 100 acres of uplands operated by the Bureau of Reclamation, located one-half mile East of Totten Reservoir, in the E 1/2 of Section 20 and W 1/2 of Section 21, T36N, R15W, N.M.P.M. ("Wetlands/Uplands"), up to 1,434 Acres of the "McElmo Land," described below and up to 7,800 Acres of Ute Mountain Ute Tribal land ("UMUT Land") described below. 1. UMUT Land: T33½N, R19W, Sections 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, 36; T33½N, R19W, Sections 31, 32, 33, 34, 35, 36; T33N, R19W, Sections 1, 12, 13, 14; T33N, R18W,

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15; T33½N, R20W, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 23, 24, 25, 26, 27, 34, 35; T34N, R19W, Sections 6, 7, 8, 9; T34N, R20W, Sections 1, 10, 11, 12. 2. McElmo Land: irrigated lands in McElmo Canyon, consisting of: T35N, R17W, Sections 1, 2, 3; T36, R17W, Sections 31, 32, 33, 34; T36N, R18W, Sections 31, 32, 33, 34, 35, 36; T36N, R19W, Sections 31, 32, 33, 34, 36; T35N, R19W, Sections 1, 2, 3, 4. iii. Storage year round in Totten Reservoir, described in Paragraph 5, below, for irrigation of the Fairgrounds Land, described above, and supplemental irrigation of UMUT Land, the Wetlands/Uplands and the McElmo Land, described above; fishery use within Totten Reservoir; municipal; industrial; domestic; augmentation within the boundaries of the Dolores Water Conservancy District, as it exists today and may expand in the future; exchange as decreed in 99CW69; incidental wildlife watering; fire protection; stock watering; and commercial. g. Owner of land on which diversion is to be located: i. U.S. Department of the Interior, Bureau of Reclamation; c/o Robert Stump, 60 S. Cactus Street, Cortez, Colorado 81321. ii. U.S. Department of the Interior, Bureau of Reclamation, Public Affairs Officer, Commissioner's Office, 1849 C Street NW, Washington, DC 20240. 4. Conditional Water Storage Right: Totten Reservoir. a. Source: DWCD Hartman Draw Diversion, described above. b. Decreed Amount: Storage pursuant to the DWCD Hartman Draw Diversion, (and the Ritter Draw and Simon Draw rights as decreed in Case No. 03 CW 112, on March 5, 2015), shall not total more than the initial fill of Totten Reservoir and two refills of up to 3,400 acre feet each. c. Appropriation Date: June 30, 2004. d. Additional Use: fishery use within Totten Reservoir. e. Owner of land on which diversion is to be located: MVIC is the owner of Totten Reservoir and the lands on which its dam structure is located. 5. 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: During the diligence period, the combined expenditures of DWCD and MVIC were \$71,051.52 on continued operations, engineering, maintenance and replacements of Totten Dam & Reservoir and its associated facilities which comprise part of the integrated system for the eventual diversions from the water rights identified herein. These activities include dam safety monitoring of long term movement surveys, short term settlement surveys, regular piezometer readings and routine visual inspections. Additional water quality (salinity) testing for ultimate diversions under these water rights have also continued throughout this period. Other costs relate to weed control, minor repairs and normal storage and release operations of Totten Reservoir into McElmo Creek. MVIC, through a lease arrangement with DWCD has operated Totten Dam & Reservoir since 2020 and has entered into annual agreements with users in the McElmo Creek drainage for the beneficial use of water that might be stored in Totten Reservoir, including water stored under the water rights that are the subject of this application. Further, MVIC and DWCD retained the Byers Group LLC to perform a review of the surface cracking on Totten Dam, prior crack repair and the general performance of Totten Dam, as well as a Potential Failure Mode Analysis, in order to develop recommendations to restore the water storage currently unavailable due to a Colorado Division of Water Resources (DWR) 2009 Storage restriction to gage height 8.95'. Based on such analysis, the Dam Safety Branch lifted the reservoir storage restrictions and authorized a fill of the reservoir on the satisfaction of certain conditions precedent. MVIC is diligently pursuing satisfaction of those conditions. WHEREFORE, Applicant requests that the Court enter a Decree finding that reasonable diligence has been exercised toward the perfection of the above-described water rights. Application is 5 pages in length.

**21CW3054** (11CW34, 04CW11), Water Division: 7. DISTRICT COURT, WATER DIVISION NO. 7, STATE OF COLORADO, 1060 East 2<sup>nd</sup> Avenue, Durango, Colorado 81301. **CONCERNING THE APPLICATION FOR WATER RIGHTS OF WILLIAMS. AND TOM CARR, IN MONTEZUMA COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name and Address of Applicant. William S. and Tom Carr ("Applicant"), Echo Basin Resort, 43747 Road M, Mancos, CO 81328. Direct all pleadings to: Steven J. Bushong, Gunnar J. Paulsen, Bushong & Holleman, P.C., 1525 Spruce Street, Suite 200, Boulder, CO 80302. 2. Name of Structures. (a) Brookie Pond, (b) Range Pond, (c) Rainbow Pond, (d) Heart Lake, (e) Bill's Pond, (f) E.B. Well No. 1, (g) E.B. Well No. 2, (h) E.B. Well No. 3, (i) E.B. Well No. 6, (j) E.B. Well No. 7. 3. Description of Conditional Water Rights: The following conditional water rights were decreed in the Water Court for Water Division

No. 7 (“Water Court”) in Case No. 04CW11 (“Subject Water Rights”) and were made partially absolute and/or granted a finding of reasonable diligence in Case No. 11CW34. The general location of the Subject Water Rights is depicted on **Exhibit A**, (a) Brookie Pond., (i) Decreed Location: SE1/4 NE1/4 of Section 11, 1,050 feet from East Section line and 1,900 feet from North Section line; UTM coordinates Northing 4143628, Easting 212604, (ii) Source: Spring runoff through Weber Reservoir (with the source being Middle Mancos River water), as decreed in Water Court Case No. 00CW10, irrigation wastewater and drainage tributary to the West Mancos River, (iii) Appropriation Date: September 30, 2004, for new uses of irrigation, piscatorial, stock watering, fire protection and aesthetic as decreed in Case No. 04CW11. Brookie Pond was originally decreed 2.25 acre-feet absolute for recreation use in Case No. 00CW10, (iv) Amount: In addition to the 2.25 AF of storage decreed in Case No. 00CW10 for recreation, the right to continuously divert water for Freshening Flows, as that term is defined in the decree in Case No. 04CW11, and to maintain storage levels, and for a fill and two refills (conditional) of the pond annually, in priority, (v) Filling/Diversion Rate: See Paragraph 3(k) below, (vi) Uses: In addition to recreation use decreed in Case No. 00CW10, piscatorial, stock watering, fire protection, aesthetic and recreation (absolute); and irrigation (conditional). Irrigation lands are located in the SE1/4 NE1/4 Section 11, (b) Range Pond., (i) Decreed Location: SE1/4 NE1/4 of Section 11, 610 feet from East Section line and 2,680 feet from North Section line; UTM coordinates Northing 4143376, Easting 212726, (ii) Source: Irrigation wastewater and runoff tributary to the West Mancos River, (iii) Appropriation Date: July 31, 2004, (iv) Amount: 0.3 AF conditional, with the right to continuously divert water for Freshening Flows, as that term is defined in the decree in Case No. 04CW11, and to maintain storage levels, and for a fill and two refills of the pond annually, in priority, (v) Filling/Diversion Rate: The rate of natural drainage and runoff estimated to be a maximum of 2.0 cfs, (vi) Uses: Irrigation, stock watering, recreation and aesthetic. Irrigated lands lie within the SE1/4 NE1/4 Section 11 and NW1/4 Section 12, (c) Rainbow Pond., (i) Decreed Location: SE1/4 NW1/4 of Section 12, 537 feet from West Section line and 2,022 feet from North Section line; UTM coordinates Northing 4143572, Easting 213076, (ii) Source: Unnamed tributaries of the West Mancos River, runoff tributary to the West Mancos River, and Middle Mancos River water, (iii) Appropriation Date: May 31, 1998, (iv) Amount: 7.4 AF, part absolute and part conditional, with the right to continuously divert water for Freshening Flows, as that term is defined in the decree in Case No. 04CW11, and to maintain storage levels, and for a fill and two refills (conditional) of the pond annually, in priority, (v) Filling/Diversion Rate: See Paragraph 3(k) below, (vi) Uses: Piscatorial, stock watering, fire protection, recreation, and aesthetic (absolute); Irrigation (conditional). Irrigated lands lie within the NW1/4 Section 12 and SE1/4 NE1/4 Section 11, (d) Heart Lake., (i) Decreed Location: SE1/4 NE1/4 of Section 11, 320 feet from East Section line and 2,610 feet from North Section line; UTM coordinates Northing 4143397, Easting 212814, (ii) Source: Unnamed tributaries of the West Mancos River, runoff tributary to the West Mancos River, and Middle Mancos River water, (iii) Appropriation Date: May 31, 1998, (iv) Amount: 1.5 AF absolute, with the right to continuously divert water for Freshening Flows, as that term is defined in the decree in Case No. 04CW11, and to maintain storage levels, and for a fill and two refills (conditional) of the pond annually, in priority, (v) Filling/Diversion Rate: See Paragraph 3(k) below, (vi) Uses: Irrigation, piscatorial, stock watering, fire protection, recreation, and aesthetic. Beneficial use and water right includes recirculating water through an artificial stream channel, waterfalls, and associated water features, which total approximately an additional 0.2 surface acres. Irrigated lands lie within the S1/4 NE1/4 Section 11 and NW1/4 Section 12., (e) Bill’s Pond., (i) Decreed Location: SE1/4 NW1/4 of Section 12, 290 feet from West Section line and 2,680 feet from North Section line; UTM coordinates Northing 4143371, Easting 212998, (ii) Source: Unnamed tributaries of the West Mancos River, runoff tributary to the West Mancos River, and Middle Mancos River water, (iii) Appropriation Date: July 31, 2003, (iv) Amount: 0.1 AF conditional, with the right to continuously divert water for Freshening Flows, as that term is defined in the decree in Case No. 04CW11, and to maintain storage levels, and for a fill and one refill of the pond annually, in priority, (v) Filling/Diversion Rate: A maximum of 2.0 cfs using Middle Mancos River water and/or the rate of natural discharge and runoff tributary to the West Mancos River, estimated to be a maximum of 2.0 cfs., (vi) Uses: Stock watering and aesthetic, (f) E.B. Well No. 1., (i) Decreed Location: This bedrock well is located in the SE1/4 NE1/4 of Section 11, 282 feet from the East line and 1,722 feet from the North line



of said section, (ii) Permit Number: 64061-F, formerly 14161-F, (iii) Source: Groundwater tributary to the West Mancos River, (iv) Depth: 113 feet, (v) Appropriation Date: July 31, 1969, (vi) Amount: 15 gpm (8 gpm absolute; 7 gpm, conditional, which reflects the additional portion made absolute in Case No. 11CW34), (vi) Uses: Domestic, commercial, irrigation, stock watering, fire protection, recreation, swimming pool, and other beneficial uses associated with Ranch development, (g) E.B. Well No. 2., (i) Decreed Location: This alluvial well is located in the SE1/4 SE1/4 of Section 2, 946 feet from the East line and 1,196 feet from the South line of said section, (ii) Permit Number: 61328-F, (iii) Source: Groundwater tributary to the West Mancos River, (iv) Depth: 24 feet, (v) Appropriation Date: August 3, 2001, (vi) Amount: 30 gpm (9 gpm absolute; 21 gpm conditional), (vii) Uses: Domestic, commercial, irrigation, stock watering, fire protection, recreation, swimming pool, and other beneficial uses associated with Ranch development, (h) E.B. Well No. 3., (i) Decreed Location: This alluvial well will be located in the NE1/4 SE1/4 of Section 2, 1,090 feet from the East line and 1,590 feet from the South line of said section, (ii) Permit Number: 64310-F, (iii) Source: Groundwater tributary to the West Mancos River, (iv) Appropriation Date: October 31, 2003, (v) Amount: 30 gpm conditional, (vi) Uses: Domestic, commercial, irrigation, stock watering, fire protection, recreation, swimming pool, and other beneficial uses associated with Ranch development, (i) E.B. Well No. 6., (i) Decreed Location: This bedrock well will be located in the SW1/4 SW1/4 of Section 1, 470 feet from the West line and 690 feet from the South line of said section, (ii) Source: Groundwater tributary to the West Mancos River, (iii) Appropriation Date: September 30, 2004, (iv) Amount: 30 gpm conditional, (v) Uses: Domestic, commercial, irrigation, stock watering, fire protection, recreation, swimming pool, and other beneficial uses associated with Ranch development, (j) E.B. Well No. 7., (i) Decreed Location: As changed in the 11CW34 Decree, the decreed location is in the SW1/4 SW1/4 of Section 1, 54 feet from the West line and 1,105 feet from the South line of said section, (ii) Source: Groundwater tributary to the West Mancos River, (iii) Appropriation Date: September 30, 2004, (iv) Amount: 30 gpm conditional, (v) Uses: Domestic, commercial, irrigation, stock watering, fire protection, recreation, swimming pool, and other beneficial uses associated with Ranch development, (k) Remarks on Ponds and Wells. The ponds listed above in paragraphs 3(a) – (e) are collectively referred to herein as the “Ponds,” and the wells listed above in paragraphs 3(f) – (j) are collectively referred to herein as the “Wells.” The West Mancos River and Middle Mancos River listed above as sources are both tributary to the Mancos River, which is tributary to the San Juan River, which is tributary to the Colorado River. All legal descriptions are located in Township 36 North, Range 13 West of the N.M.P.M., Montezuma County. UTM coordinates are in NAD 83 zone 13. The Ponds and Wells are the subject of an augmentation plan decreed in Case No. 04CW11 and various limitations on the use of the Ponds and Wells are contained in said decree. When Middle Mancos River water is listed as a source for the Ponds, it is diverted at the Weber Reservoir Inlet Ditch, with a decreed location at a point on the Middle Mancos River whence the NW corner of Section 7, T. 36 N., R. 12 W., N.M.P.M., bears South 89 degrees 45 minutes West 6460 feet. For Brookie, Rainbow, Heart Ponds (and other ponds not part of the Subject Water Rights) the collective diversion rate of Middle Mancos River water shall not exceed a collective rate of 4.0 cfs as measured in the main ditch lateral, with a filling rate equal to the capacity of each Pond’s inlet, not to exceed 2.0 cfs. Brookie, Rainbow, and Heart Ponds may also fill at the rate of natural drainage and runoff, estimated to be a maximum of 2.0 cfs for each Pond. All diversions of Middle Mancos River water for Applicant are passed through or around Weber Reservoir and then transported through lateral ditches and/or drainages to the Ponds. 4. Detailed outline of work done to complete project and apply water to beneficial use. The Ponds and Wells described in Paragraph 3 are components of an integrated water supply and storage system for what is now known as the Echo Basin Resort. Since the decree in Case No. 11CW34, the Applicant has engaged in a number of activities that demonstrate diligence toward the application of the conditional water rights to their decreed beneficial uses and now seeks to continue these conditional rights in full force and effect. The activities which demonstrate diligence include, but are not limited to, the following: (a) Applicant purchased the Echo Basin Resort property and the Subject Water Rights during the relevant diligence period on September 2, 2016 and has; (b) Since purchasing the property and Subject Water Rights in 2016, Applicant has spent approximately 300 man hours maintaining and improving the Subject Water Rights, including but not limited to the following activities: i. Regular reporting of the Ponds’ measurements to the Division of Water

Resources; ii. Rebuilding the outlet of Heart Lake; iii. Building a culvert at the inlet of Rainbow Pond; iv. Compliance with requests from the Division of Water Resources to keep the Ponds' dams clear of growth and debris; v. Working with contractors to increase the flow of E.B. Well No. 1 and other maintenance on the associated structure; vi. Daily maintenance of the structures associated with E.B. Well No. 2; and vii. Applicant has spent approximately \$10,000 on the above-mentioned activities, all of which has been necessary in the development of the remaining conditional portions of the Subject Water Rights; (c) Applicant has complied with the plan for augmentation decreed in Case No. 04CW11 by maintaining storage structures and ditches and making regular releases of augmentation water as required by the plan and the Division of Water Resources; 5. Name and address of the owners of the land upon which any new diversion structure or storage structure, or modification to any existing diversion structure or storage structure, is or will be constructed: E.B. Well Nos. 2, 3, 6, and 7 are located on land owned by John R. and Janet K. Harris, 13602 Rd. 43.5, Mancos, CO 81328; the remainder of the structures are located on property owned by the Applicant. WHEREFORE, Applicant hereby submits this Application for Finding of Reasonable Diligence and requests that the Court enter a decree that: A. Finds that reasonable diligence has been exercised in applying the remaining conditional portions of the Subject Water Rights to beneficial use and continues the conditional portions of the Subject Water Rights in full force and effect; and B. Grants such other relief as may be appropriate. (10 pages including exhibits)

## **21CW3055 APPLICATION FOR WATER STORAGE RIGHTS IN LA PLATA COUNTY.**

Attorneys for Applicant: Alperstein & Covell, P.C., Gilbert Y. Marchand, Jr., #19870, Andrea L. Benson, #33176, Cynthia F. Covell, #10169, 1391 Speer Boulevard, Suite 730, Denver, CO 80204, gym@alpersteincovell.com; alb@alpersteincovell.com; cfc@alpersteincovell.com, phone: 303-894-8191; fax: 303-861-0420. 1. Name and Address of Applicant. Edgemont Ranch Metropolitan District ("ERMD") c/o Richard Cortese, 5972 CR 234, Durango, CO 81301. Direct all pleadings to: Gilbert Y. Marchand, Jr., Andrea L. Benson, Cynthia F. Covell, Alperstein & Covell, P.C., 1391 Speer Boulevard, Suite 1391, Denver, CO 80204 (303) 894-8191. 2. Introduction. ERMD owns Edgemont Reservoir and water right that is used to help supply ERMD with water. When originally decreed, Edgemont Reservoir was decreed for augmentation use. This Application seeks confirmation of additional uses for Edgemont Reservoir including municipal, commercial, and certain in-reservoir uses. Claim for New Absolute and Conditional Water Storage Rights in Edgemont Reservoir 3. Name of Structure: Edgemont Reservoir. 4. Prior Decrees: The Spring Valley Lake Reservoir (now known as Edgemont Reservoir) was originally decreed conditional for 124.6 acre-feet for augmentation use by the District Court, Water Division No. 7 ("Water Court"), in Case No. 83CW19, entered on August 4, 1983, with subsequent findings of reasonable diligence by the Water Court in Case Nos. 02CW44, 08CW08, and 14CW3049. By decree in 09CW34, the Water Court granted an alternate location for Edgemont Reservoir. By decree in Case No. 14CW3049, the Water Court made 30.17 acre-feet absolute at the alternate location and found diligence for 47.22 acre-feet and, by stipulation, ERMD allowed the remaining 47.21 acre-feet of the conditional right to expire. 5. New Water Rights: Edgemont Reservoir (Enlargement). New water rights are sought for Edgemont Reservoir as follows: 5.A. Location: 5.A.i. Legal Description of Edgemont Reservoir Dam Location (original). Center line of dam as originally decreed in Case No. 83CW19 is located beginning at a point of the centerline of Edgemont Reservoir Dam whence the West ¼ corner of Section 17, T35N, R8W, NMPM, bears N. 75°17'33" W., 1,855.81 feet; thence S. 1°16'23" E., 450.11 feet along the centerline of said dam to a point whence the said West ¼ corner bears N. 62°57'47" W., 2,026.47 feet. The approximate original location is shown on **Exhibit A**. 5.A.ii. Legal Description of Edgemont Reservoir Location (alternate): The center point of Edgemont Reservoir alternate location as decreed in Case No. 09CW34 is located in Section 18, Township 35 North, Range 8 West, N.M.P.M. in the County of La Plata, State of Colorado, more particularly described as follows: Centered about a point whence the Northeast corner of said Section 18 bears N 29°23'12" E, a distance of 1810.41 feet. Said point is 897.29 feet West of the East section line and 1570.46 feet South of the North section line of said Section 18. This legal description is approximate, and the actual constructed site is within four hundred feet of this location. **Exhibit B** attached to the application depicts the as built structure location and design. 5.B. Sources: 5.B.i. Florida River,

tributary to the Animas River, via diversions through the Edgemont Pipeline (described below); and **5.B.ii.** Surface water runoff and precipitation tributary to the Florida River. **5.C. Appropriation Date:** September 1, 2018, based upon date that water stored in Edgemont Reservoir was used directly for municipal and commercial uses. **5.D. Amounts:** 30.17 acre-feet, absolute, at alternative location; and 47.22 acre-feet, conditional. Applicant seeks the right to continuous refills when Edgemont Reservoir (Enlargement) is in-priority up to a cumulative total volume of 77.39 acre-feet of refills. **5.E. Uses:** Storage and subsequent use for municipal, commercial, fire protection, augmentation and replacement, including storage and evaporation in other ponds or reservoirs within ERMD, and in-reservoir use for recreational, piscatorial, and wildlife, including evaporation while in storage. **5.F. Diversion Rate Limit into Edgemont Reservoir from Edgemont Pipeline:** 2.5 cfs. **5.G. Location of Edgemont Pipeline Point of Diversion:** Per the corrected legal description decreed by the Water Court in Case No. 08CW08, the Edgemont Pipeline diverts from the Florida River at NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 17, T35N, R8W, NMPM, 130 feet from the West section line and 175 feet from the North section line of said Section 17. The GPS location is: E 253859, N 4132729. **5.H. Surface Area at High Water Line.** 3.91 acres at the as-constructed alternate place of storage (see Exhibit B) with further information to be provided when subsequent portions of Edgemont Reservoir are made absolute. **5.I. Remarks:** The Edgemont Pipeline is currently decreed for direct municipal and commercial use and for filling Edgemont Reservoir. See Water Court decrees in Case Nos. 83CW19, 83CW114, and 14CW3049. The Edgemont Reservoir (Enlargement) water right is not intended to increase the total decreed capacity of the Edgemont Reservoir, but instead to add beneficial uses and to allow certain refill rights. **6. Name and address of the owners of the land upon which any new diversion structure or storage structure, or modification to any existing diversion structure or storage structure, is or will be constructed:** Gorton Family Partnership LLLP (“Gorton”) owns the land on which the originally decreed Edgemont Reservoir is located and Applicant owns an easement burdening that land, and Applicant owns the land for the alternate location of Edgemont Reservoir on which Edgemont Reservoir is currently constructed. WHEREFORE, Applicant hereby submits this Application for Water Storage Rights and requests that the Court enter a decree that: **A.** Awards an absolute water right for the Edgemont Reservoir (Enlargement) as described above in paragraph 5 in the amount of 30.17 acre-feet; **B.** Awards a conditional water right for the Edgemont Reservoir (Enlargement) as described above in paragraph 5 in the amount of 47.22 acre-feet, with a right of continuous refills when in priority up to 77.39 acre-feet; **C.** Awards conditional water rights for any portion of the claimed absolute rights that are not made absolute during this case as described above in paragraph 5; and **D.** Granting such other relief as may be appropriate. Three pages (plus attorney signature and verification pages), and two exhibits. (7 pages including exhibits)

**21CW3056 Archuleta County.** APPLICATION FOR ABSOLUTE WATER RIGHTS. Applicant: Paul Wahlstrom, 4100 CR 613, Alvarado, TX 76009. Please send all correspondence to 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](mailto:amy@waterland-law.com). **Structures:** WAHLSTROM DITCH (Ditch) and WAHLSTROM POND (pond). **Location:** NE <sup>1</sup>/<sub>4</sub> NW <sup>1</sup>/<sub>4</sub> § 33, T33N, R2W, NMPM. Navajo River Ranch Subdivision, Unit 5, Lot 75. (UTM – Ditch: Easting 344808; Northing 4103040; Pond: Easting 344796; Northing 4102896). **Source:** Oil Well Creek, tributary to the Navajo River, tributary to the San Juan River. **App Date:** June 16, 2021. **Amt:** Ditch - 1.0 cfs; Pond - 1.5 acre-feet. **Uses:** Domestic, piscatorial, stockwater, fire protection, irrigation of five (5) acres of lawn and garden, freshening flows, and pond filling. Applicant owns the affected land. **Remarks:** See Application for maps and additional details. (7 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 February 2022, 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); Danene M. Etz, Water Court Specialist, 1060 E. 2<sup>nd</sup> Ave., Room 106, Durango, CO 81301; 970-385-6181)



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Danene M. Etz, Water Court Specialist

### **SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST**

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSP") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for following-leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP or Produced Nontributary Groundwater notification lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>.

Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.