

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 January 2022, for each county affected.

22CW1 Robbins Family Ranches, PO Box 423, Mancos, CO 81328: **Field Ditch**; Mancos River; Montezuma County; Date of original and subsequent decrees: 1893, 1930, 2020; Case no. CA1993, CA0988, 20CW24; Field Ditch Location from 1930 Decree case #CA0988, Being at a point on the West Fork of said Rio Mancos in the NE1/4, SW1/4, Section 23, T36N, R13W, NMPM and a spotted location SE1/4, SW1/4, Section 14, T36N, R13W, NMPM, 932' from South and 1511' from West Section lines; Easting 211658, Northing 4141249, Zone 13; West Mancos River; Appropriation date, Priority #1, 7-1-1874 and Priority #17, 5-15-1883; Absolute .91 cfs; Irrigation; Applicant wants to correct established but erroneously described point of diversion; Corrected point of diversion, SE1/4, SW1/4, Section 14, T36N, R13W, NMPM; Northing 211658, Easting 4141249; 932' from South and 1511' from West; See application for more details. Application for Correction for an Established but Erroneously Described Point of Diversion (7 pages including exhibits)

22CW2 Jim & Jennifer Nelson, PO Box 2721, Durango, CO 81302: **Ashley's Pump**; Animas River; La Plata County; Date of original decree, 9/30/09; Case no., 08CW83; Subsequent decree, 1/21/2016, 15CW14; In the NE1/4, SW1/4, SE1/4, Section 9, T34N, R9W, NMPM, being 1100 feet from the South section line and 1465 feet from the East section line of said section 9; Animas River; Appropriation date, 12/31/08; 0.10 cfs; Irrigation of 4 acres (2 new acres and 2 acres of supplemental irrigation); Appropriation date, 12/31/08; 0.50 cfs; Supplemental fish propagation; Work towards completion of project outlined in application. Application for Finding of Reasonable Diligence (6 pages)

22CW3 E.L. Hutchison Trust & Marianne S. Hutchison Trust, c/o Susan L. Hutchison, 57 E. Mediterranean Drive, Tucson, AZ 85704: **Getz Well** (Permit No. 58309-F), Animas and La Plata Rivers; La Plata County; Date of original decree, 7/15/09; Case no., 06CW121; Subsequent decree, 1/11/16; Case no. 15CW8; SW1/4SW1/4SE1/4, Section 6, T34N, R10W, NMPM; being 28 feet from the South section line and 2265 feet from the East section line of said Section 6; Groundwater, 90% tributary to the Animas River, 10% tributary to the La Plata River augmented pursuant to the Plan for Augmentation decreed in 89CW02; Appropriation date, 9/16/02; 20 gmp Conditional; Domestic for up to 38 single family residences and fire protection; Depth, 640 feet; Work towards completion of project outlined in application. Application for Finding of Reasonable Diligence (6 pages including exhibit)

22CW3000 Application for finding of diligence, Florida Water Conservancy District, P.O. Box 1157, Durango, CO 81302, By: Nancy Agro, 128 Riverview Drive, Durango, CO 81301; Date of Original Decree: October 9, 1992, Case Number 91 CW 64; Application is for storage rights in Lemon Reservoir. Location: the axis of the dam is located in Section 17 and 20, Township 36 North, Range 7 West, N.M.P.M. beginning at a point on the right abutment, from whence the Southwest corner of Section 17, Township 46 North, Range 7 West, N.M.P.M., bears South 84°34' West, a distance of 1,699.6 feet, thence South 63° 22' East a distance of 1,320 feet to a point on the end of the axis of the dam and rock fill structure; Source: Florida River and all tributaries thereof upstream from the dam, Appropriation Date: July 1, 1965, 28,554 Acre Feet to remain conditional; Use: Supplemental irrigation for 19,450 acres, stock water, domestic, fish culture, flood control and other beneficial uses permitted by law. (3 pages)

22CW3001 **La Plata County, Water District No. 30: 1) Applicant:** Kencel, LLC, a Colorado Limited Liability Company. **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm LLC, 813 Main Ave., Suite 206, Durango, CO 81301. **3) Name & Type of Structures:** Kencel Wells 1-2 (“the Wells”), Additional Kencel Ponds (“the Ponds”). **4) Type of Application:** Application for new water rights and plan for augmentation. **5) Drainage Basin:** Elbert Creek, tributary to Animas River Basin. **6) Locations:** The Wells, originally decreed Case No. 06CW73, are located on the property described as Lot 1B-1, Rapp Lots 2A-1 and 1B Boundary Adjustment, Project No. 2004-0297, Rec. No. 903679, and located in the SE1/4 Section 14, T38N, R9W, NMPM. Under this application, the Wells will serve the properties described at Rec. No. 968553, Lot 2A-2 according to the plat at Rec. No. 903679, and other adjacent and nearby properties (“the Properties”), and the Ponds will be located on said Properties. **7) Type of Uses:** In addition to the uses decreed in Case No. 06CW73, the Wells, either individually or combined, will be used for the following: 1) in-house use inside 4 residences; 2) irrigation of up to 1.75 acres, including lawn and garden irrigation; 3) water for 6 stock animals; 4) storage in 0.62 surface acres of ponds and water features; 5) fire protection; 6) piscatorial; 7) recreation; and 8) incidental aesthetics. The Ponds will be used for recreation, aesthetics, fire protection; piscatorial; stockwatering; and augmentation. The mix of uses may change, provided that depletions from the developed uses do not exceed 4 acre-feet. **8) Amounts:** Wells: total of 50 gpm (0.111 cfs) conditional; Ponds: total of 3.0 acre-feet conditional. **9) Appropriation Date:** July 18, 2003 for all structures. **10) Plan for Augmentation:** Applicant and its customers will apply water from the Wells and Ponds to the uses described above. Applicant will replace any out-of-priority depletions with four (4) acre-foot of augmentation water in Electra Lake, which Applicant has and will lease from Public Service Company of Colorado, the operator of Electra Lake. To protect senior water users, releases will be made from Electra Lake on a weekly basis during the time period when there is a call on Elbert Creek senior to the priority dates of the Wells and Ponds. The amount of water released on a weekly basis will be determined based on Applicant's reporting of water uses to the Division of Water Resources, and applying the depletion assumptions for such uses as described in the application. Applicant's out-of-priority depletions for the proposed uses will not exceed four acre-foot. **11) Additional Information:** See Application. (11 pages including exhibits)

22CW3002 (Ref. 06CW116, 15CW3008) APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, mailing address, email address, and telephone number of applicant: Anglo Saxon Properties, LLC and Transvaal Properties, LLC, 205 West 17th Street, Suite E, Tulsa, OK 74119-4645 with all pleadings and correspondence to Martha P. Whitmore, Hockersmith & Whitmore, LLC, PO Box 646, Ouray, CO 81427-0646, marti@ouraylaw.com, 970-325-4414; 2. Name of structure: ANGLO WELL NO. 1 3. Describe conditional water right (as to each structure) including the following information from previous decree: A conditional right for the Anglo Well No. 1 for 50 gpm, maximum of 100 gpm combined withdrawal from Anglo Well No. 1 and Anglo Well No. 2. A. Date of Original Decree: March 12, 2009 in Case No. 06CW116 Court: Water Division No. 7; B. List all subsequent decrees awarding findings of diligence: 15CW3008. C. Legal description: San Juan County, SW1/4SW1/4NE1/4, Section 31, Township 42 North, Range 7 West, N.M.P.M., 2288 feet from the north section line and 2202 feet from the east section line of said Section 31. Also described in the UTM NAD83 Zone 13S format as follows: Northing 4193148 and Easting 264448. This location was derived from the best possible mapping available at the time of the original application, however, recent modifications to the State mapping program (Aquamap) allows for more accurate (and more logical) location which is closer to Cement Creek, as follow: SW1/4SW1/4NE1/4, Sec. 31, T 42N, R 7W, N.M.P.M., 2120 feet from north section line and 2015 from the east section line of Sec. 31. This alternate location is still entirely on Applicant’s property. D. Source of water: Groundwater tributary to Cement Creek which is tributary to the Animas River. E. Appropriation Date: February 28, 2005. Amount: 50 gpm, maximum of 100 gpm combined withdrawal from Anglo Well No. 1 and Anglo Well No. 2. F. Use: Residential Use. The wells will provide volumes of water for the 140 dwellings, with four occupants per dwelling on a continuous year-round basis, and totals an annual demand of 56.46 acre feet per year. Discharge of such uses shall be to a treatment plant. Use: Commercial Use: Applicant will utilize 2.46 acre feet per year of water for the commercial facilities. Discharge shall be to the same treatment

plant as the residential uses. G. Depth: (if well) Well not yet constructed. 4. Name of structure: ANGLO WELL NO. 2. 5. Describe conditional water right (as to each structure) including the following information from previous decree: A conditional right for the Anglo Well No. 1 for 50 gpm, maximum of 100 gpm combined withdrawal from Anglo Well No. 1 and Anglo Well No. 2. H. Date of Original Decree: March 12, 2009 in Case No. 06CW116. Court: Water Division No. 7. I. List all subsequent decrees awarding findings of diligence: 15CW3008. J. Legal description: San Juan County, SW1/4NW1/4NE1/4, Section 31, Township 42 North, Range 7 West, N.M.P.M., 1245 feet from the north section line and 2333 feet from the east section line of said Section 31. Also described in the UTM NAD83 Zone 13S format as follows: Northing 4193467 and Easting 264416. This location was derived from the best possible mapping available at the time of the original application, however, recent modifications to the State mapping program (Aquamap) allows for more accurate (and more logical) location which is closer to Cement Creek, as follow: SE1/4SW1/4NE1/4, Sec. 31, T 42N, R 7W, N.M.P.M., 960 feet from north section line and 1910 from the east section line of Sec. 31. This alternate location is still entirely on Applicant's property. K. Source of water: Groundwater tributary to Cement Creek which is tributary to the Animas River. L. Appropriation Date: February 28, 2005 Amount: 50 gpm, maximum of 100 gpm combined withdrawal from Anglo Well No. 1 and Anglo Well No. 2. M. Use: Residential Use. The wells will provide volumes of water for the 140 dwellings, with four occupants per dwelling on a continuous year-round basis, and totals an annual demand of 56.46 acre feet per year. Discharge of such uses to be to a treatment plant. Use: Commercial Use: Applicant will utilize 2.46 acre feet per year of water for the commercial facilities. Discharge shall be by the same treatment plant as the residential uses. N. Depth: (if well) Well not yet constructed. 6. Name of structure: ANGLO SAXON POND. 7. Describe conditional water right (as to each structure) including the following information from previous decree: A conditional right for the Anglo Saxon Pond for reservoir capacity adequate for storage and release of 20 acre feet of water if call is placed. O. Date of Original Decree: March 12, 2009 in Case No. 06CW116 , Court: Water Division No. 7. P. List all subsequent decrees awarding findings of diligence: 15CW3008. Q. Legal description: San Juan County, NE1/4NW1/4NE1/4, Section 31, Township 42 North, Range 7 West, N.M.P.M., 558 feet from the north section line and 1943 feet from the east section line of said Section 31. Also described in the UTM NAD83Zone 13S format as follows: Northing 4193673 and Easting 264540. R. Source of water: Tributary flow to Cement Creek which is tributary to the Animas River. S. Appropriation Date: February 28, 2005. Amount: A maximum of 2.5 c.f.s. from Cement Creek, in priority. T. Use: Residential and Commercial uses as described above. The Anglo Saxon Pond will be constructed for the specific purpose of storage and release of augmentation water. U. Depth: (if well) N/A 8. 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 decree in 15CW3008, Applicant has made diligent efforts toward development of the wells and pond as described below: a. The US Environmental Protection Agency ("EPA") has had the area generally closed due to its remediation efforts at the Gold King Mine, as a result the Applicant has not been able to move forward with development applications and land use approvals. b. The Applicant has previously performed significant work toward road construction, planning and design of the development as detailed in the application filed in 15CW3008. These improvements and planning efforts remain poised for continuation of development efforts at the conclusion of the EPA Superfund and other remedial efforts. Therefore, Applicant hereby requests that the conditional right be continued. 9. All structures and places of use will be on Applicant's land. 10. Remarks or any other pertinent information: Original Applicants, Anglo Saxon Properties, Ltd. and Transvaal Properties, Ltd., transferred the property associated with these water rights to Anglo Saxon Properties, LLC and Transvaal Properties, LLC on April 30, 2010 by Bargain and Sale Deeds recorded on June 23, 2010 at Reception Nos. 147455 and 147456, San Juan County, State of Colorado public records. **SAN JUAN COUNTY** (6 pages)

22CW3003 CONCERNING THE APPLICATION FOR WATER RIGHTS OF applicant, ANESI MINING VENTURES, LLC, in the Animas River or its Tributaries in SAN JUAN COUNTY. Applicant: Anesi Mining Ventures, LLC, 835 E. 2nd Avenue, # 220, Durango, CO 81301, 970-247-9246. Name of

structure: **Carolina Mill Site Diversion**. Location of Structure: San Juan County, T41N, R7W, N.M.P.M. Point of diversion: Easting 13S 0267408E, Northing 4185143N. Source of UTMs: Survey Map, ±20 feet. Source: Kendall Gulch Creek. The date of appropriation was initiated by legal research on the requirement of Southwest Water Conservation District in Case No. 06CW127. However, the stipulated initial date of appropriation will not occur until August 15, 2022. Appropriation was initiated: The Applicant plans to build a residential cabin of approximately 1500 square feet and a 2000 square foot lined pond to be used for irrigation of a small garden and a few decorative trees. The pond will divert its water back to Kendall Gulch Creek to run through an electric turbine to generate electricity for the cabin. Also attached to the Application is a Notice of Intent to Make Absolute subject to the water right decreed in Case No. 06CW127. The stipulated date of appropriation with the Southwest Water Conservation District is August 15, 2022. Date water applied to beneficial use: Anticipated to be August 15, 2022. Amount claimed: Absolute 15 cfs. Proposed Uses: Residential, small garden, decorative tree planting. Number of acres proposed to be irrigated 2000 square feet. Legal description of irrigated acreage: See attached map on file with Water Court. Attorney for Applicant: Frank J. Anesi, Reg. 1365, 835 E. 2nd Ave, #220, Durango, CO 81301, 970-247-9246. (8 pages including exhibits)

22CW3004 La Plata & Archuleta Counties, APPLICATION TO MAKE ABSOLUTE. Applicants: Patrick and Elayne Kerrigan, 3531 CR 973, Ignacio, CO 81137. Please direct all correspondence to Amy N. Huff, 679 E. 2nd Ave, Ste11B, Durango, CO 81301 (970) 403-1770 – amy@waterland-law.com. **KERRIGAN DITCH #3** Original Decree: Case No. 07CW72 Subsequent Decree: Case No. 14CW3021 Legal Description: SE ¼ NW ¼ SE ¼ of S3, T32N, R6W, NMPM, 1328’ from the South section line and 1933’ from the East section line UTM: X – 278979; Y- 4102506.7 Source: Sambrito Arroyo App Date: 10/15/2007 Amt: 0.75 cfs Use: Supplemental irrigation of 70 acres in the S ½ SE ¼ of S3, T32N, R6W, NMPM. **KERRIGAN POND** Original Decree: Case No. 07CW72 Subsequent Decree: Case No. 14CW3021 Legal Description: SE ¼ NW ¼ SE ¼ of S3, T32N, R6W, NMPM, 280’ from the South section line and 1844’ from the East section line UTM: X – 278998.2; Y- 4102186.9 Source: Sambrito Arroyo App Date: 10/15/2007 Amt: 3.2 acre-feet Uses: Supplemental irrigation of 70 acres, piscatorial, fire protection, recreation, and stockwater. Outline of Activities: In the summer of 2015, Applicants constructed the diversion structure and pipeline necessary to apply the water decreed to the Kerrigan Ditch #3 and to the Kerrigan Pond to beneficial use. Applicants have consistently applied the water decreed to the Kerrigan Ditch #3 and the Kerrigan Pond to beneficial use since 2016. Date Water Applied to Beneficial Use: May 2016 Amounts: Kerrigan Ditch #3 - 0.75 cfs/Kerrigan Pond - 3.2 acre-feet Uses: Supplemental irrigation piscatorial, fire protection, recreation, and stockwater. Affected Landowners: Applicants. Remarks: See Application for maps, photographs, and records. (11 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 March 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; Kandi McCoy, Clerk of Court, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before February 28, 2022

/s/Kandi McCoy
Clerk of Court