

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 2023, for each county affected.

23CW1 Annemarie Miskovic & Bert Geary, PO Box 910, Durango, CO 81302: **Kate's Pump**; Montezuma County; In the SE1/4, Section 7, T34N, R13W, NMPM; UTM Coordinates Easting 205529, Northing 4124830, Zone 13; Stagecoach Acres subdivision; Source is Weber Creek, tributary to Mancos River; Appropriation date, 11/29/03; 0.50 cfs conditional; Irrigation of 35 acres; Previously decreed in case 03CW110; See application for further details; Application for Finding of Reasonable Diligence (7 pages including exhibits).

23CW3000 MONTEZUMA COUNTY, WATER DISTRICT NO. 34: (1) **Applicant:** Rob Oliver, 3431 Misty Meadow Drive, Dallas, TX 75287; (2) **Attorneys:** Adam T. Reeves, Maynes, Bradford, Shipp & Sheftel, LLP, 835 East 2nd Avenue, Durango, CO 81301; (3) **Application:** To Make Absolute in Part and for a Finding of Reasonable Diligence; (4) **First Structure:** Oliver's Pump; **Point of Diversion ("POD"):** A point in the NW/4SE/4SW/4 of Section 7 (an odd-sized section), T34N, R13W, N.M.P.M., 1029 feet from the South Section line and 1,758 feet from the West Section line. GPS location: Zone 13S, Easting 204564.38, Northing 4124314.832), Stagecoach Acres, Tract 3, as recorded in the Plat recorded at Reception No. 521331 in the Clerk's Office of Montezuma County ("Applicant's Property"); **Source:** Weber Creek, tributary to Mancos River; **Appropriation Date:** Sept. 30, 2008; **Amount:** 0.09 c.f.s., Conditional; **Use:** Irrigation of 16 acres on Applicant's Property ("Sixteen Acres"); fire fighting and filling of Oliver's Puddle; (5) **Second Structure:** Oliver's Puddle; **Location:** NW/4SE/4SW/4, Section 7, T34N, R13W, N.M.P.M., a distance of 1195 feet from the South Section line and 1,400 feet from the West Section line (GPS location: Zone 13S, Easting 204437.9; Northing 4124372.84); **Source:** Weber Creek, tributary to Mancos River and a small tributary to Weber Creek; **Filling rate:** 0.25 cfs; **Appropriation date:** Dec. 31, 2000; **Amount:** 0.91 AF, conditional, with multiple refills up to 7.44 AF annually; **5) Diligence and perfection activities in last six years:** (a) In 2017 Applicant excavated approximately 60' out of the 80' of galvanized pipe and ram pump covered in silt from the flooding in previous years caused by the runoff from the Weber Canyon Fire, which is used to fill Oliver's Puddle; (b) in 2020, Applicant installed a small solar panel system to provide power for pumping the water rights sought herein; (c) In 2021, Oliver's Puddle silted in from runoff in a small tributary to Weber Creek; (d) In 2022, Applicant hired a local contractor at a cost of \$2,239.00 to remove silt and uncover drainage pipe for Oliver's Puddle; due to poor hydrology Applicant was unable to fill Oliver's Puddle in 2022. Applicant owns the land upon which the above structures are located (5 pages).

23CW3001 Water Division 7. DISTRICT COURT, WATER DIVISION 7, COLORADO, 1060 E. Second Avenue, Room 106, Durango, Colorado 81301 970-247-2304. CONCERNING THE APPLICATION FOR WATER RIGHTS OF ELBERT CREEK WATER COMPANY, LLC, IN LA PLATA COUNTY. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name, address, e-mail address and telephone number of applicant: Elbert Creek Water Company, LLC

("Applicant"), c/o Logan Hartle, Operator in Responsible Charge, 600 Glacier Club Drive, Durango, Colorado 81301. Direct all pleadings and correspondence to: Paul ("Fritz") Holleman, Gunnar J. Paulsen, Bushong & Holleman, PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302. 2. Names of structures: Tamarron Lake No. 9; Tamarron Lake No. 10; Tamarron Lake No. 11; Tamarron Lake No. 12; L. Carson Ditch; Stable Spring; Fish Lake Pump and Pipeline; New Lake Ditch, all as depicted on **Exhibit 1** to the Application attached hereto. 3. Description of conditional water rights: A. Original decree: Case No. 84CW213, District Court, Water Division 7, October 15, 1986, B. Subsequent decrees: Decrees finding reasonable diligence and/or making portions of the conditional water rights originally decreed in Case No. 84CW213 absolute were previously entered in Case Nos. 92CW72 on March 7, 1994, 00CW17 on December 11, 2002, 08CW87 on July 28, 2010, and 16CW3025 on January 20, 2017, C. Legal description: Tamarron Lake No. 9: The outlet of Tamarron Lake No. 9 is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T37N, R9W, N.M.P.M., at a point whence the SE corner of said Section 1 bears S 4 $^{\circ}$ 45' E, a distance of 1,280.0 feet, La Plata County, Colorado, Tamarron Lake No. 10: The outlet of Tamarron Lake No. 10 is located in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T37N, R9W, N.M.P.M., at a point whence the SE corner of said Section 1 bears S 34 $^{\circ}$ 0' E, a distance of 1,730.0 feet, La Plata County, Colorado, Tamarron Lake No. 11: The outlet of Tamarron Lake No. 11 is located in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T37N, R9W, N.M.P.M., at a point whence the SE corner of Section 1, T37N, R9W, N.M.P.M., bears N 75 $^{\circ}$ 30' E, a distance of 1,900.0 feet, La Plata County, Colorado, Tamarron Lake No. 12: The outlet of Tamarron Lake No. 12 is located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T37N, R9W, N.M.P.M., at a point whence the SE corner of Section 1, T37N, R9W, N.M.P.M., bears N 45 $^{\circ}$ 30' E, a distance of 2,350.0 feet, La Plata County, Colorado. L. Carson Ditch: The headgate is located on a slough of Elbert Creek in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T37N, R8W, N.M.P.M., at a point whence the SE corner of Section 1, T37N, R9W, N.M.P.M., bears S 3 $^{\circ}$ 0' W, a distance of 470.0 feet, also described as being on the right (west) bank of Elbert Creek at point which bears N 11 $^{\circ}$ 35' E, a distance of 1,660.0 feet from the common corners of Sections 6, 7, 1 and 12 of T37N, R8 and 9W, N.M.P.M., La Plata County, Colorado, Stable Spring: Located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T37N, R9W, N.M.P.M., at a point whence the SE corner of Section 1 bears S 25 $^{\circ}$ 45' E, a distance of 2,750.0 feet, La Plata County, Colorado, Fish Lake Pump and Pipeline: The pump station is located on a slough of Elbert Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T37N, R9W, N.M.P.M., at a point whence the SE corner of said Section 1 bears S 1 $^{\circ}$ 0' E, a distance of 1,280.0 feet, La Plata County, Colorado, New Lake Ditch: The headgate is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T37N, R8W, N.M.P.M., at a point whence the SE corner of Section 1, T37N, R9W, N.M.P.M., bears S 6 $^{\circ}$ 0' W, a distance of 3,130.0 feet, La Plata County, Colorado. D. Source (for all structures): Elbert Creek, tributary to the Animas River. E. Appropriation date (for all structures): September 30, 1982. F. Amounts: Tamarron Lake No. 9: 6.0 acre-feet conditional, 3.0 acre-feet having already been decreed absolute in Case No. 84CW213, Tamarron Lake No. 10: 10.0 acre-feet conditional, Tamarron Lake No. 11: 25.0 acre-feet conditional, Tamarron Lake No. 12: 75.0 acre-feet conditional, L. Carson Ditch: 2.0 cfs conditional, Stable Spring: 0.25 cfs conditional, Fish Lake Pump and Pipeline: 2.0 cfs conditional, New Lake Ditch: 2.0 cfs conditional. G. Use: Irrigation, recreation, and fish and wildlife. 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: The structures and conditional water rights described herein are planned for construction and use on land within the Glacier Club development. Applicant provides water and wastewater service to the Glacier Club. Buildout of the project is expected to continue over several years, and it is Applicant's intent to continue to develop and use the subject water rights as a part of its integrated water system for the Glacier Club. Applicant engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the subject water rights to their decreed beneficial uses and has incurred significant expenses in investigation and improvements related to its integrated water supply system. All

such expenditures are necessary steps in the development of Applicant's integrated water supply system and the subject water rights. Applicant's efforts toward development of the subject conditional water rights during the diligence period include, but are not limited to, the following: A. Applicant constructed a second 9-hole golf course at a cost more than \$8.5 million and has continued development within Glacier Club property. Total Glacier Development Corporation expenditures from Jan 1, 2017, to Dec 31, 2022, are more than \$19.5 million, B. Applicant spent more than \$6.5 million on water treatment and wastewater treatment upgrades during the diligence period, C. Significant expenses have been spent on new river pumps and maintaining the raw water pumps that supply domestic and irrigation water, D. New water distribution lines and pumpstations are in the construction phase to supply new residential developments, E. Applicant regularly monitored the filings of other water users, and incurred legal and engineering costs to protect its water rights, including the subject water rights described in paragraph 3, F. Applicant continues to rely upon the subject water rights and has no intention to abandon same, G. The Glacier Club development water requirements are met by operation of a single integrated water system pursuant to the plan for augmentation decreed in Case No. W-1095-73, Water Division 7, and subsequent decrees incorporating additional water rights under that plan. The subject conditional water rights will be used as part of the single integrated water system to provide a water supply to the Glacier Club development, which will proceed in phases over several years. The Court has previously found that the subject water rights are part of the Glacier Club development integrated system and that Applicant's phased development program shall be considered for purposes of all required future determinations of reasonable diligence for the subject conditional water rights. 5. If claim to make absolute – water applied to beneficial use: N/A. 6. Names and addresses of owners or reputed owners of the land upon which any new diversion structure or storage structure, or modification to an 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: Applicant. WHEREFORE, Applicant requests that the Court enter a final decree finding and ruling that Applicant has exercised reasonable diligence in the development of the subject conditional water rights and continuing the subject conditional water rights in full force and effect for an additional diligence period (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 March 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; Stephanie Wills, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before February 28, 2023

/s/Stephanie Wills
Water Court Specialist