

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 March 2023, for each county affected.

23CW2 **Jacob Harter**, 2475 CR 225, Durango, CO 81301; **2475 Pump**: La Plata County, SE1/4NE1/4, Section 31, T35N, R8W, NMPM; UTM coordinates, Easting 253392.16, Northing 4127195.99, Zone 13; Source, Florida River; Appropriation date 1/1/23; 0.10 cfs absolute; Use, supplemental irrigation; See application for further details; Amended Application for Absolute Water Rights (Surface) (7 pages including exhibits)

23CW5 **Bonds Ranch Family Partnership LLLP**, 3437 HWY 550, Durango, CO 81303; **Bonds Commercial Well**: La Plata County; NE1/4NE1/4, Section 1, T32N, R10W, NMPM; 80 feet from North section line, 1089 feet from East section line; UTM coordinates, Zone 13, 243908 Easting, 4104602 Northing; Source, Animas River, Alluvial Aquifer; Appropriation date, 4/1/15; 0.0440 cfs (217.8AF); Use, Commercial: road construction and maintenance, dust control, livestock watering, etc. for ranching, mining sand and gravel (including processing and washing), employee use (drinking and sanitary), ready-mix concrete; Pump in well verified to be present and functional on 10 March 2023; See application for further details; Application to Make Absolute in Whole or in Part (5 pages)

23CW3004 Application to Make Absolute Partial Water Right, La Plata County. **1. Applicant: Sultan Mountain, LLC**, 3833 S Alameda St, Corpus Christi, TX 78411, c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 10 Town Plaza, No. 422, Durango, CO 81301, (970) 422-5510, kperdue@swpropertylaw.com. **2. Structures: A. Animas Service Area Water Right (“ASA Water Right”).** i. Loc SW1/4 SW ¼ of Section 29, T35N, R9W, NMPM, 1,250 feet from the South Section Line and 720 feet from the West Section Line of said Section 29, La Plata County, Colorado.; ii. Source: Ground water and surface water in the Animas River and its tributaries upstream of the location described above; iii. Appropriation date: February 22, 2006; iv. Amt: a year-round Depletion Flow Rate (conditional) set forth in the table at section 5(E) of the Decree dated November 30, 2007 in case no. 2006CW0127; v. Use: 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. **B. Blanche Placer Pipe.** i. Loc: SW ¼ Section 18, Township 41N, Range 7W, N.M.P.M, UTM Coordinates: NAD 83, Zone 13S, Easting 263474.08, Northing 4187632.57 (coordinates from DWR CDSS); ii. Source: an unnamed drainage tributary to the Animas River; iii. Appropriation date: Approximately May 1, 1984; iv. Amt: 0.0023 cfs; v. Use: Domestic and Commercial. **3.** Name and address of owners of land upon which any existing diversion structure may be located: Bureau of Land Management, 2465 South Townsend Ave. Montrose, CO 81401 (9 pages including exhibits)

23CW3005 APPLICATION FOR FINDING OF REASONABLE DILIGENCE

1) Applicant: Town of Dove Creek, P.O. Box 508, Dove Creek, Colorado 81324; **2) Attorneys:** Krob Law Office, LLC, 8400 E. Prentice Avenue, Suite 1500, Greenwood Village, Colorado 80111; **3) Application for Finding of Reasonable Diligence;** **4) Name of Structure:** Dove Creek Dolores River Water Supply

Development; **5) Source:** Groundwater tributary to the Dolores River; **6) Location:** SE1/4, SW1/4, SW1/4 of Section 23, Township 41 North, Range 18 West of the N.M.P.M., and 20.0 feet from the South section line and 2050.0 feet from the West section line on the left bank of the Dolores River; **7) Original Decree:** Case No. CA-2220 on June 11, 1968; **8) Appropriation Date:** February 16, 1951; **9) Amount:** 1.08 cfs, of which 0.21 cfs remains conditional and 0.87 cfs was previously made absolute; **10) Uses:** Municipal, domestic and industrial use in an integrated water system for the Town of Dove Creek; **11) Ruling sought:** That the Applicant has demonstrated reasonable diligence in putting the remaining conditional water rights to beneficial use and that such rights are continued as a conditional water right. (5 pages including exhibit)

23CW3006 La Plata County, Water District 30: **1) Applicant:** Caswell Properties, LLC, 39724 Hwy 160, Bayfield, CO 81122; **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm LLC, 128 Riverview Dr., Durango, CO 81301; **3) Name of Structures:** Caswell Properties Well; **4) Type of Application:** Application for a Finding of Reasonable Diligence; **5) Source and Drainage Basin:** groundwater tributary to Wilson Gulch, tributary to Animas River; **6) Locations:** NW1/4 NW1/4 Section 12, T34N, R9W, NMPM, 1127 feet from the North section line, and 899 feet from the West section line, at 29502 E. US Hwy 160, Durango, CO 81301; **7) Uses:** domestic use for 9 residences; commercial use, including for retail store(s) and offices; irrigation of 4,000 square feet, including lawn, garden and landscaping; and fire protection; **8) Quantity:** 15 gpm, including 6 gpm absolute and 9 gpm conditional for domestic use inside four residences, irrigation of 4,000 square feet, and fire protection; and 15 gpm conditional for all other uses; **9) Appropriation Date:** October 12, 1965 for domestic use for one residence, irrigation of 4,000 square feet, and fire protection, and May 5, 2016 for all other uses; **10) Summary of Activities to Develop Conditional Water Rights:** Applicant has made improvements and repairs to the Property; performed extensive land planning and permitting work through La Plata County to develop additional uses on the Property; performed water quality, quantity, aquifer testing, and worked with CDPHE on Applicant's water system; done other activities described in the Application; and spent considerable funds on its development activities. **11) Landowners:** The Well is located on Applicant's property; **12) Additional Information:** Applicant requests that the Court enter a diligence decree and extend Applicant's conditional water rights for an additional six year due diligence period. *See* Application for more details. (6 pages including exhibits)

23CW3007 Application for a Simple Change in a Surface Point of Diversion, Mancos River, Montezuma County. **1.** Applicant: Devin Newby and Erika Sansoni, c/o Jeffrey Kane, Southwest Water and Property Law LLC, 10 Town Plaza, No. 422, Durango, CO 81301, (970) 422-5510, jkane@swpropertylaw.com. **2.** Applicant is the owner of 2.25 c.f.s. in the Smith Ditch and wishes to move the point of diversion to the Root and Ratliff Ditch headgate, a distance of less than 10 feet, pursuant to C.R.S. § 37-92-305(3.5). **3.** Requested Simple Change: **A.** Smith Ditch. i. Loc: a. Original Decree, Case No. C.A. 1993 (April 28, 1893): The head of said ditch is situated about the centre and near the East line of the North East Quarter of Section Twenty Seven (27) Township Thirty Six (36) Range Thirteen (13) W.N.M.M. running thence in a Southwesterly direction crossing near the North East Corner of the South East quarter of Section Twenty Seven (27) Town. 36 Range 13 W.N.M.M. around the point of a hill touching the South East 1/4 of Section 27 Town. 36 Range 13 W.N.M.M. then back on to the South West Quarter of Section 27 Town. 36 Range 13 W.N.M.M. thence crossing to the North West Quarter of Section 34 Town. 36 Range 13 W.N.M.M. thence back on to the South West Quarter Section 27 Town. 36 Range 13 W.N.M.M.; b. Subsequent Decree, Case No. W-159 (Oct. 20, 1970): located on the right bank of the Mancos River at a point whence the NW Corner of Section 26, T36N, R13W, N.M.P.M. bears N06° 00' W, 1,000.0 ft.; **B.** Amounts: i. 0.25 c.f.s., absolute, appropriation date of May 15, 1876 (Priority No. 3), Case C.A. 1993; ii. 0.5 c.f.s., absolute, appropriation date of May 15, 1877 (Priority No. 4), transferred from Lee & Burke Ditch to Smith Ditch in Case No. W-159 (Oct. 20, 1970); iii. 1.5 c.f.s., absolute, appropriation date of May 15, 1878 (Priority No. 6); **C.** Use: irrigation; **D.** Source: Rio Mancos; **E.** Proposed change in point of diversion: i. New location: NW1/4 NW1/4, Section 26, Township 36 North, Range 13 West, N.M.P.M.; UTM coordinates: Easting 211263, Northing 4139111, Zone 13. **4.** The Smith Ditch water rights will continue to irrigate the same lands as historically irrigated, there is no intervening surface

diversion point or inflow, and the requested simple change does not include any other type of change of the water right. **5.** Names of reputed owners of the land upon which any modification to any existing diversion structure is located: **A.** Robbins Family Ranches, LLC; **B.** The Root and Ratliff Ditch Company. (4 pages)

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 May 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; Jason Poyer, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before April 30, 2023

/s/ Jason Poyer
Water Court Specialist