

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 May 2022, for each county affected.

22CW5 John Gallegos, PO Box 1687, Arboles, CO 81121: **Gallegos Pivot**; Stollsteimer Creek, Piedra River; Archuleta County; NE1/4SW1/4, Section 36, T34N, R5W, NMPM; Easting 291776, Northing 4113672; 1955 feet from South, 2390 feet from West; Stollsteimer Creek, tributary to Piedra River; Appropriation date 12/18/18; Appropriation was initiated by completing pivot pump system; Date water applied to beneficial use April 2019; Absolute 300 gpm; Irrigation, stock fire protection; Number of acres historically irrigated, 20; see application for more details. Application for Absolute Water Rights (Surface) (7 pages including exhibits)

22CW6 Family Bardin Partnership LLP, PO Box 464, Durango, CO 81302: Animas River; La Plata County; Date of original decree: 06/09/2016; Case no. 15CW20; **Bardin Pump #3**; NW1/4SW1/4, Section 18, T34N, R9W, NMPM; being 1712 feet from the South section line and 1091 feet from the West section line of said Section 18; Easting 245044, Northing 4119627, Zone 13; Animas River; Appropriation date, 12/11/2015; 2.00 cfs; Irrigation of 80 acres, filling of Bardin Pond 3, freshening flows; **Bardin Pond #3**; SW1/4SW1/4, Section 18, T34N, R9W, NMPM; being 667 feet from the South section line and 854 feet from the West section line of said Section 18; Easting 244963, Northing 4119309, Zone 13; Animas River; Appropriation date, 12/11/2015; 0.11 af; Irrigation of 80 acres, piscatorial and recreational. Application of Finding of Reasonable Diligence (10 pages including exhibits)

22CW3011 (ref. 11CW7). APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE IN ARCHULETA COUNTY. 1. Names, addresses, and telephone numbers of Applicant: Pagosa Area Water and Sanitation District ("District"), 100 Lyn Ave, Pagosa Springs, CO 81147, (970) 731-2691. Please direct all correspondence to Law of the Rockies, Kendall Burgemeister, Atty. Reg. No. 41593, 525 N. Main Street, Gunnison, CO, 81230, (970) 641-1903, kburgemeister@lawoftherockies.com. 2. Name of Structures: San Juan River Intake, San Juan Raw Water Storage Reservoir, and San Juan Recreation Reservoir. 3. Summary of Application. The District seeks to make absolute the conditional water rights originally decreed in Case Nos. W-1062, W-1063, and W-1064, for which a finding of reasonable diligence was most recently entered in Case No. 11CW7, as changed in Case No. 11CW59. In the alternative, the District seeks a finding of reasonable diligence for all such conditional water rights and portions thereof that are not made absolute in this proceeding. 4. Description of the subject conditional water rights: (a) San Juan River Intake. Previous Decrees: Original decree entered on December 5, 1973, Case No. W-1063-73. Findings of continued diligence were decreed in Case Nos. W-1063-77 (December 6, 1977), 81CW63 (November 18, 1981), 85CW44 (October 13, 1987), 89CW29 (March 28, 1999), 96CW18 (February 27, 1998), 04CW12 (February 9, 2005), and 11CW7 (March 16, 2016). The point of diversion was changed in Case No. 11CW59 (March 16, 2016). All in the District Court, Water Division 7. Source: San Juan River. Appropriation Date: June 1, 1973. Amount: The District owns 0.8 cfs, conditional, of the 12.0 cfs that was the subject of the original decree. Location of point of diversion: In Case No. 11CW59, the point of diversion was changed to The San Juan River Intake Alternate Point #1 (WDID 2901006), which is described as being on the west bank of the San Juan River, at a point bearing North 65°17'33" East, 1177.8 feet from the southwest corner of Section 36, Township 35 North, Range 2 West of the N.M.P.M. in the County of Archuleta, State of Colorado; alternatively described as located in the SE1/4SW1/4SW1/4 of said Section 36, with the UTM coordinates Easting, 321007 and Northing, 4121030. Beneficial uses: Municipal, commercial, industrial, domestic, incidental, irrigation, irrigation, recreation, fish and wildlife propagation, and all other beneficial uses. (b) San Juan Raw Water Storage Reservoir. Previous Decrees: Original decree entered on December 5, 1973, Case No. W-1062-73. Findings of continued diligence decreed in Case Nos. W-1062-77 (December 6, 1977); 81CW62 (November 18, 1981), 85CW43 (October 13, 1987), 89CW29 (March 28, 1999),

96CW18 (February 27, 1998), 04CW12 (February 9, 2005), and 11CW7 (March 16, 2016). The point of diversion and places of storage were changed in Case No. 11CW59 (March 16, 2016). All in the District Court, Water Division 7. Source: San Juan River. Appropriation Date: June 1, 1973. Amount: The District owns all of the 250 ac-ft (12.0 cfs rate of fill), conditional, that was the subject of the original decree. Location of point of diversion: In Case No. 11CW59, the point of diversion was changed to The San Juan River Intake Alternate Point #1, described above. Location of Place of Storage: In Case No. 11CW59, the place of storage was changed to the following alternate storage locations: (1) SJR Intake Forebay. Located in the SW/4 of the SW/4 of Section 36, Township 35 North, Range 2 West of the N.M.P.M., in the County of Archuleta, State of Colorado. The center of the pond is situated 329 feet from the south section line and 301 feet from the west section line of said Section 36, with UTM coordinates Easting, 320975 and Northing, 4121110. (2) Lake Forest. Located principally in the N/2 of Section 19 and SE/4 of Section 18, Township 35 North, Range 2 West of the N.M.P.M., in the County of Archuleta, State of Colorado, with UTM coordinates Easting, 313504 and Northing, 4125510. (3) Village Lake (aka Town Center Lake). Located principally in the SW/4 of Section 17 and the NE/4 of Section 19, Township 35 North, Range 2 West of the N.M.P.M., in the County of Archuleta, State of Colorado, with UTM coordinates Easting, 314286 and Northing, 4125910. (4) Pinon Lake. Located principally in the NW/4 of Section 21 and the S/2 of Section 16, Township 35 North, Range 2 West of the N.M.P.M., in the County of Archuleta, State of Colorado, with UTM coordinates Easting, 316484 and Northing, 4126029. (5) Lake Pagosa (aka Linn & Clark Reservoir). Situated in the S/2 of Section 8, Township 35 North, Range 2 West of the N.M.P.M., in the County of Archuleta, State of Colorado, with UTM coordinates Easting, 315495 and Northing, 4127640. (6) Martinez Dam. To be located in the W/2 of Section 31, Township 36 North, Range 2 West of the N.M.P.M., the high water line of said reservoir to occur at a point on the dam axis from whence the Southeast corner of said Section 31 bears South 55°28'51" East a distance of 5,628.8 feet, in the County of Archuleta, State of Colorado, with UTM coordinates Easting, 313308 and Northing, 4131696. (7) Stevens Reservoir. Situated in Sections 4 and 5, Township 35 North, Range 2 West of the N.M.P.M. and in Sections 32 and 33, Township 36 North, 2 West of the N.M.P.M., County of Archuleta, State of Colorado, with UTM coordinates Easting, 316029 and Northing, 4130120; including the enlargement of Stevens Reservoir completed in March of 2009. (8) G.S. Hatcher Reservoir. Located in Sections 25 and 36, Township 36 North, Range 2 1/2 West of the N.M.P.M., and in Sections 30 and 31, Township 36 North, Range 2 West of the N.M.P.M., in the County of Archuleta, State of Colorado, with UTM coordinates Easting, 312944 and Northing, 4131733. Beneficial uses: Municipal, commercial, industrial, domestic, incidental, irrigation, recreation, fish and wildlife propagation, and storage. (c) San Juan Recreation Reservoir. Previous Decrees: Original Decree entered on December 5, 1973, Case No. W-1064-73. Findings of continued diligence decreed in Case Nos. W-1064-77 (December 6, 1977), 81CW64 (November 18, 1981), 85CW45 (October 13, 1987), 89CW29 (March 28, 1999), 96CW18 (February 27, 1998), 04CW12 (February 9, 2005), and 11CW7 (March 16, 2016). The point of diversion and places of storage were changed in Case No. 11CW59 (March 16, 2016). All in the District Court, Water Division 7. Source: San Juan River. Appropriation Date: June 1, 1973. Amount: The District owns all of the 300 ac-ft (12.0 cfs rate of fill), conditional, that was originally decreed. Location of point of diversion: In Case No. 11CW59, the point of diversion was changed to The San Juan River Intake Alternate Point #1, as described above. Location of place of storage: In Case No. 11CW59, the place of storage was changed to the following alternate storage locations: (1) Lake Forest, as described above. (2) Village Lake (aka Town Center Lake) , as described above. (3) Pinon Lake, as described above. (4) Lake Pagosa (aka Linn & Clark Reservoir), as described above. (5) G.S. Hatcher Reservoir, as described above. Beneficial uses: Recreation, storage. Claim to Make Absolute. (a) The District owns the following water rights decreed for diversion at the San Juan River Intake Alternate Point #1: Name of Water Right: A.D. Archuleta Ditch. Use: Domestic, municipal, irrigation, fish and wildlife. Priority Admin. No.: 16181.00000. Flow Rate (cfs): 2.5.; Name of Water Right: A.D. Archuleta Ditch. Use: Domestic, municipal, irrigation, fish and wildlife. Priority Admin. No.: 16954.00000. Flow Rate (cfs): 1.0.; Name of Water Right: Keith Ditch. Use: Domestic, municipal, irrigation, fish and wildlife. Priority Admin. No.: 17380.00000. Flow Rate (cfs): 1.0.; Name of Water Right: Pagosa Lumber Co. Ditch #1. Use: Domestic, municipal, irrigation, fish and wildlife. Priority Admin. No.: 19012.15493. Flow Rate (cfs): 2.0. Combined Volume for above rights (AFY): 105.11 CU; Name of Water Right: San Juan River Intake. Use: Municipal, commercial, industrial, domestic, incidental irrigation, recreation, fish and wildlife propagation, all other municipal uses. Priority Admin. No.: 45077.00000 Flow Rate (cfs): 0.8 cfs. Volume (AFY): n/a; Name of Water Right: San Juan Raw Water Storage Reservoir. Use: Muni, etc. and storage at SJR Intake Forebay; Lake Forest; Village Lake; Pinon Lake; Lake Pagosa; Martinez Dam; Stevens Reservoir; G.S. Hatcher Reservoir. Priority Admin. No.: 45077.00000. Flow Rate (cfs): (12.0 cfs rate of fill). Volume (AFY): 250 (cond.); Name of Water Right: San Juan Recreation Reservoir. Use: Recreation, storage at Lake Forest; Village Lake; Pinon Lake; Lake Pagosa; G.S. Hatcher Reservoir. Priority Admin. No.: 45077.00000. Flow Rate (cfs): (12.0 cfs rate of fill). Volume (AFY): 300 (cond.); Name of Water Right: San Juan River Intake. Use: Direct flow or storage for municipal, commercial, industrial, domestic, irrigation, recreation,

piscatorial, wildlife propagation and all other municipal uses. Priority Admin. No.: 48930.00000. Flow Rate (cfs): 1.52 (Abs) 15.06 (Conds). Volume (AFY): n/a. (b) San Juan River Intake. The District owns 6.5 cfs of absolute water rights senior to the 0.8 cfs San Juan River Intake conditional right at issue in this case. These senior rights are limited to 105.11 acre-feet of depletions to the San Juan River per year. Division of Water Resources' records indicate that 18-21 cfs of water was observed being diverted through the structure on April 5, 2019. In the 2021 water year, 105.11 acre-feet had been diverted through the San Juan River Intake Alternate Point #1 by June 5, 2021. Thereafter, on numerous occasions, water was diverted in excess of 0.8 cfs. In particular, from October 1, 2021 through October 31, 2021, water was diverted directly to the water treatment plant at a rate of 2.63 cfs, which is sufficient to make the 0.8 cfs conditional right absolute, even if the District's junior 1.52 cfs absolute water right was taken into account. The District seeks to make the 0.8 cfs conditional water right absolute in its entirety. (c) San Juan Raw Water Storage Reservoir and San Juan Recreation Reservoir. Division of Water Resources' records indicate that 738 acre-feet were diverted through the San Juan River Intake Alternate Point #1 to Lake Forest in 2018 and 1,092 acre-feet were so diverted in 2019. The District seeks to make the conditional water rights for the San Juan Raw Water Storage Reservoir and San Juan Recreation Reservoir, which total 550 acre-feet, absolute in their entirety. Alternative Claim for Finding of Reasonable Diligence. 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 District diverted water pursuant to the subject conditional water rights throughout the diligence period, including the diversions described in paragraph 5, above. The District maintains a water enterprise fund to account for revenue and expenditures related to the operation, maintenance, and development of its water supply infrastructure (which excludes general fund and wastewater fund revenue and expenditures). During the diligence period, the records of the water enterprise fund reflect that the District expended the following sums operating, maintaining, repairing, and developing its integrated water supply system, which includes the diversion and storage infrastructure used to exercise the subject water rights: 2016: \$4,259,084; 2017: \$4,773,170; 2018: \$4,411,920; 2019: \$5,199,135; 2020: \$5,144,130; 2021: Approximately \$5,406,164. The District has begun using Cityworks asset management software to track maintenance, repair, and construction projects. Exhibit C attached to the Application on file with the Water Court lists projects related to the District's raw water infrastructure. Exhibit C does not include other expenses such as expenses related to treated water delivery or wastewater, and it does not necessary include every project undertaken with respect to raw water facilities. The District is in the process of upgrading pumping stations from the San Juan River Intake Alternate Point #1, constructing a building to house new variable frequency drives and pump controllers, and installing new motors and revising the SCADA system. The budget for this project is \$126,600. Owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: (a) The San Juan River Intake Alternate Point #1 and SJR Intake Forebay: Alpine Cascade Corporation, P.O. Box 4490, Pagosa Springs, CO 81157-4490. (b) Lake Forest, Lake Pagosa, and G.S. Hatcher Reservoir. Pagosa Lakes Property Owners Association, 230 Port Ave., Pagosa Springs, CO 81147-0000. (c) Village Lake. Pagosa Lakes Property Owners Association; and Pagosa Western Property LLC, PO Box 2803 Pagosa Springs, CO 81147. (d) Pinon Lake. Wyndham Vacation Resorts, Inc., 6277 Sea Harbor Dr., 8th Floor Tax Dept, Orlando, FL 32821; and Pagosa Western Property LLC. (e) Martinez Dam. Willcin Powder LLC, 135 Country Center Dr. Ste. F30, Pagosa Springs, CO 81147; Black Powder Trust, 900 Black Powder Pl., Pagosa Springs, CO, 81147; Rendezvous Property Owners Assn., 900 Black Powder Pl., Pagosa Springs, CO 81147-0000. (f) Stevens Reservoir. The District. (18 Pages including exhibits)

22CW3020 APPLICATION FOR FINDING OF REASONABLE DILIGENCE; CONCERNING THE APPLICATION FOR WATER RIGHTS OF APPLICANT: JIM AND LISA WATTERS TRUST IN THE ANIMAS RIVER OR ITS TRIBUTARIES IN LA PLATA COUNTY, By attorney: David Liberman, 1099 Main Street, Suite 312, Durango, CO 81301, Phone Number: 970-375-6265; Atty. Reg. #: 23284; Applicant: Jim and Lisa Watters Trust, 320 Animas Springs Road, Durango, CO 81301; Structure: LINDEN THERMAL SPRING (a spring). Description of conditional water right from previous decree: Date of Original Decree: July 8, 2009; Case No.: 06CW101; Court: Water Division 7; Subsequent decrees awarding findings of diligence: 5/12/2016 in 15CW3022, Water Division 7; Legal description of point of diversion: In the NE¹/₄, SW¹/₄, NE¹/₄, Section 25, T37N, R9W, NMPM, being 1539 feet from the North section line and 1419 feet from the East section line of said Section 25. Please see map filed with court application showing location of Linden Thermal Spring. Source of water: spring tributary to Animas River. Appropriation date: December 22, 2000; Amount: 0.11 cfs conditional; Use: Recreation (including incidental aesthetic), thermal heating. Uses also include recreation for a swimming pool and spa, thermal heating of structures including a green house, Japanese

style garden and structures, and residential; Outline of diligence: Linden Thermal Spring is part of integrated water system described in 06CW101. During the last six years Applicant has hired: Necchi Construction for maintenance work on Linden Thermal Spring including cleaning flume, grotto, and settling pond at cost of \$5,689.50; San Juan Water works for sprinkler and pump work on Linden Thermal Spring including cleaning and adjusting sprinklers and drip system and other infrastructure related to Linden Thermal Spring and to avoid costly repairs to Linden Thermal Spring, the installation of new PVC pipe, replacements of new pumps and suction line, algae filters, new sprinklers and modular controllers at cost of \$13,122.83; Powerhouse Electric, LLC, for purchase and install of pump for low river water applications and for submersible 0.4 non-clog submersible pump at cost of \$3,155.50 and; Grand Junction Pipe and Supply for algae valve filter, fittings, parts and suction hose assembly at cost of \$760.78; Law Office of David Liberman LLC for work on Linden Thermal Spring diligence at cost of \$481. Applicant is the sole owner of land upon which the water right and structures are located. (7 pages including exhibits)

22CW3021 District Court, Water Division 7, State of Colorado, 1060 East 2nd Ave, Durango, CO 81301, (970) 247-2304. CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WHOLE OR IN PART OF Richard W. Hurworth and Jill A. Hurworth, in the Florida River or its Tributaries in LA PLATA COUNTY. Applicants: Richard W. Hurworth and Jill A. Hurworth, 6835 CR 307 Ignacio, CO 81137, 970-799-0994, 970-799-5343, Name of structure: Hurworth Pump. Date of Original Decree: 03/27/2009; Case No. 08CW28; District Court, La Plata County, Water Division 7. Subsequent decrees awarding findings of diligence: Date of Decree: 06/09/2016; Case No. 15CW5; Court: La Plata County, Water Division 7. Legal description: In the S1/4, NW1/4, NE1/4, Section 6, T33N, R8W, NMPM, being 764 feet from the North section line and 2,403 feet from the East section line of said Section 6. Northing 4113741 Easting 254988, Zone 13 NAD 83 UTM. Source of water: Salt Creek, Tributary to the Florida River; Appropriation Date: May 20, 2008; Amount: 0.67 CFS; Use: Irrigation of 60 acres, livestock watering, piscatorial and incidental firefighting. The applicants have been applying the water 0.67 CFS, which began October 11, 2011, to irrigate 60 acres of their property and provide water to their livestock and fish. To date, they have not needed the water for firefighting but wish to continue the rights as an absolute water right should the need arise. Date water applied to beneficial use: 10/11/2011; Amount: 0.67 CFS. Use: Irrigation of 60 acres, livestock watering, piscatorial and incidental firefighting. Legal Description: La Plata County, In the SW1/4, NW1/4, NE1/4, Section 6, T33N, R8W, NMPM. UTM coordinates: E254188, N4113741, 6835 CR 307, Ignacio, CO 81137. 764 Feet from N and 2,403 Feet from E. Attorneys for the Applicant: Frank J. Anesi, Reg. 1365, 835 E. 2nd Ave, #220, Durango, CO 81302, (970) 247-9246, frank_15@fjanesi.com, (8 pages including exhibits)

22CW3022 La Plata County, Application to Make Absolute. Applicants, Jaydee Brunson, et al., Please direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2nd Ave, Ste 11B, Durango, CO 81301 (970) 403-1770, amy@waterland-law.com. Structures: Brunson Point of Diversion Nos. 1, 2, and 3. Date of Original Decree: 06/27/2008, Case No. 07CW67. Location: (POD #1) SE¹/₄SE¹/₄SE¹/₄ §22, T34N, R8W, NMPM, being 233' from the S section line and 544' from the E section line; (POD #2) SE¹/₄SE¹/₄SE¹/₄ §22, T34N, R8W, NMPM being 411' from the S section line and 412' from the E section; (POD #3) SE¹/₄SE¹/₄SE¹/₄, §22, T34N, R8W, NMPM being 475' from the S section line and 153' from the E section line. App Date: 06/04/2006. Amt: 12 gpm (0.015 cfs) for each POD. Uses: Irrigation of Lots 1, 2 & 3 within the Long Meadow Subdivision in La Plata County, Colorado. Description of what has been done toward completion of the appropriation: Applicants applied the water conditionally decree beneficial use in 2019. Landowners: Applicants own the land on which the diversion structures are located. Remarks: See application for additional information. (12 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 July 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; Stephanie Dinnocenzo, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before June 30, 2022

/s/Stephanie Dinnocenzo
Water Court Specialist