

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 October 2021, for each county affected.

**21CW3039** CONCERNING THE APPLICATION FOR WATER RIGHTS OF TIERRA HERMOSA, LLC In the Animas River or its Tributaries, IN LA PLATA COUNTY. APPLICATION TO MAKE ABSOLUTE IN WHOLE OR IN PART. District Court, Water Division No. 7, Colorado, 1060 E. 2<sup>nd</sup> Ave, Durango, CO 81301; 970-247-2304. Applicant: Tierra Hermosa LLC, 1500 CR 500, Durango, CO 81301. Name of structure: Warner Reservoir No. 9 Type: Reservoir. Date of Original Decree: May 4, 1998 Case No. 1996CW107 Court: Water Division No. 7. Subsequent decrees awarding findings of diligence: Date of Decree: January 14, 2009, Case No. 2004CW3; Date of Decree: May 23, 2015, Case No. 2014CW3044; Date of Decree: August 25, 2021, Case No. 2021CW3013; All in Water Division No. 7. Legal description: NORTH POND SECOND REFILL (WARNER RESERVOIR NO. 9): From SE corner of Section 1 (also NE corner of Section 12) T37N, R9W, N.M.P.M., the dam is 2,500 feet north and 310 feet east; in Section 6, T37N, R8W, N.M.P.M., extrapolated from USGS Quad maps, sections are not identified. Source of water: Elbert Creek. Appropriation Date: April 5, 2021; Amount: 10.8 acre feet; Use: augmentation, recreation. The pond was originally filled on April 5, 2021. The first refill was May 24, 2021. The second refill was completed on June 18, 2021. Date water applied to beneficial use: 6/18/2021; Amount: 10.8 acre feet Absolute Use: Augmentation & recreational. **NORTH POND (WARNER RESERVOIR No. 9):** La Plata County, SW1/4NW1/4, Section 6, Township 37 N, Range 8W, N.M.P.M. 3700 feet from the South and 300 feet from the West Section line, Street Address: 1500 CR 200, Durango, CO 81301. Attorney for Applicant: Anesi Law Firm, Frank J. Anesi, 835 E. 2<sup>nd</sup> Ave, #220, Durango, CO 81301, [frank\\_15@fjanesi.com](mailto:frank_15@fjanesi.com), 970-247-9246 (6 pages including exhibit)

**21CW3040** Core Mountain Enterprises LLC., d.b.a Silverton Mountain Ski Area and Silverton Outdoor Learning and Recreation Center, Aaron Brill, Manager, c/o Silverton Mountain, 811 Greene Street, P.O. Box 856, Silverton, CO 81433; Telephone (970) 387-5706. Please send all pleadings and correspondence to Applicants' counsel: Adam T. DeVoe, Devoe Law, 3900 E. Mexico Street, Suite 300, Denver, CO 80210; Phone Number: (303) 550-9517; Email: [adam@devoe-law.com](mailto:adam@devoe-law.com). **CORE MOUNTAIN ENTERPRISES, LLC., APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE.** (1) Conditional water rights. The area of the conditional water rights for which Applicant seeks a finding of reasonable diligence and to make partially absolute are generally depicted on the Map attached as Exhibit A and include: (2) Conditional water rights. The conditional water rights for which Applicant seeks a finding of reasonable diligence and to make partially absolute are shown on the Map attached as Exhibit A and include: A. Name of Structures: (i.) Silverton Ski Area Diversion No. 1 (ii.) Silverton Ski Area Well No. 1 (iii.) Silverton Ski Area Spring Collection System No. 1 (iv.) Silverton Ski Area Well No. 2 (v.) Silverton Ski Area Reservoirs B. Original Decree: (i.) Date of Entry: November 7, 2007 (ii.) Case No.: 05CW82 (iii.) Court: Water Division No. 7, Durango, CO; C. Silverton Ski Area Diversion No. 1 (i.) Legal Description: Diversion No. 1 is located generally in the SW1/4 NW1/4 of Section 20, Township 42 North, Range 7 West, N.M.P.M., approximately 2,196 feet from the North section line and 1,275 feet from the West section line. More specifically, Diversion No. 1 is described by the following UTM coordinates: X=265592, Y=4196372, Zone 13, NAD83 (i.) Source of water: Surface water from Cement Creek, a tributary of the Animas River (ii.) Appropriation Date: November 12, 2005 (iii.) Amount: 0.233 c.f.s. (100 g.p.m.) Conditional (iv.) Use: Irrigation, commercial,

industrial, recreation, fire protection, domestic and ice/snowmaking on up to 120 acres within the boundaries of the Silverton Mountain Ski Area. Said water will be produced for immediate application to beneficial use, for storage and subsequent application to beneficial use, and to fill and refill storage reservoirs (v.) Alternate Point of Diversion: Silverton Ski Area Diversion No. 1 and Silverton Ski Area Well No. 1 are granted the right to divert as an alternate point of diversion to the other point for a total diversion amount not to exceed 0.223 c.f.s. (100 g.p.m.) D. Silverton Ski Area Well No. 1 (i.) Legal Description: Well No. 1 is located generally in the SE1/4 NW1/4 of Section 20, Township 42 North, range 7 west, N.M.P.M., approximately 1,599 feet from the West section line and 2,166 feet from the North section line. More specifically, Well No. 1 is described by the following UTM coordinates: X=265691, Y=4196378, Zone 13, NAD83 (ii.) Source of water: Groundwater from the alluvium of Cement Creek, tributary to the Animas River (iii.) Appropriation Date: November 12, 2005 (iv.) Amount: 0.233 c.f.s. (100 g.p.m.), Conditional (v.) Use: Irrigation, commercial, industrial, recreation, fire protection, domestic and ice/snowmaking on up to 120 acres within the boundaries of the Silverton Mountain Ski Area. Said water will be produced for immediate application to beneficial use, for storage and subsequent application to beneficial use, and to fill and refill storage reservoirs (vi.) Alternate Point of Diversion: Silverton Ski Area Diversion No. 1 and Silverton Ski Area Well No. 1 are granted the right to divert as an alternate point of diversion to the other point for a total diversion amount not to exceed 0.223 c.f.s. (100 g.p.m.); E. Silverton Ski Area Spring Collection System No. 1 (i.) Legal Description: Spring Collection System No. 1 is located generally in the SE1/4 SE1/4 of Section 20, Township 42 North, Range 7 West, N.M.P.M., approximately 924 feet from the East section line and 160 feet from the South section line. More specifically, the location of Spring Collection System No. 1 is described by the following UTM coordinates: X=266523, Y=4195433, Zone 13, NAD83 (ii.) Source of water: Spring flow tributary to Cement Creek, tributary to the Animas River (iii.) Appropriation Date: November 12, 2005 (iv.) Amount: 1.0 c.f.s. (449 g.p.m.), Conditional (v.) Use: Irrigation, commercial, industrial, recreation, fire protection, domestic and ice/snowmaking on up to 120 acres within the boundaries of the Silverton Mountain Ski Area. Said water will be produced for immediate application to beneficial use, for storage and subsequent application to beneficial use, and to fill and refill storage reservoirs (vi.) Alternate Point of Diversion: Silverton Ski Area Spring Collection Area No. 1 and Silverton Ski Area Well No. 2 are granted the right to divert as an alternate point of diversion to the other point for a total diversion amount not to exceed 1.0 c.f.s. (449 g.p.m.); F. Silverton Ski Area Well No. 2 (i.) Legal Description: Well No 2 is located generally in the SE1/4 SE1/4 of Section 20, Township 42 North, range 7 West, N.M.P.M., approximately 924 feet from the East section line and 160 feet from the South section line. More specifically, Well No. 2 is described by the following LJTM coordinates: X=266523, Y=4195433, Zone 13, NADS3 (ii.) Source of water: Groundwater tributary to Cement Creek, tributary to the Animas River (iii.) Appropriation Date: November 12, 2005 (iv.) Amount: 1.0 c.f.s. (449 g.p.m.), Conditional (v.) Use: Irrigation, commercial, industrial, recreation, fire protection, domestic and ice/snowmaking on up to 120 acres within the boundaries of the Silverton Mountain Ski Area. Said water will be produced for immediate application to beneficial use, for storage and subsequent application to beneficial use, and to fill and refill storage reservoirs (vi.) Alternate Point of Diversion: Silverton Ski Area Spring Collection Area No. 1 and Silverton Ski Area Well No. 2 are granted the right to divert as an alternate point of diversion to the other point for a total diversion amount not to exceed 1.0 c.f.s. (449 g.p.m.) G. Silverton Ski Area Reservoirs (i.) Legal Description: Three off-channel reservoirs will be constructed within the 10 acres parcels described below. Applicant may also store water in the Natalie Reservoir (A) Ski Area Reservoir #1 will be heated in the vicinity of and along the Cement Creek channel near Ski Area Well No. 1 in the SW1/4, SE1/4, NW1/4, Section 20, Township 42 North, Range 7 West, N.M.P.M. (B) Ski Area Reservoir #2 will be located near Ski Area Well No. 2 in the NW1/4, SE1/4, SE1/4, SE1/4, Section 20, Township 42 North, Range 7 West, N.M.P.M.; SW1/4, NE1/4, SE1/4, SE1/4, Section 20, Township 42 North, range 7 West, N.M.P.M.; SE1/4, NW1/4 SE1/4, SE1/4, Section 20, Township 42 North, Range 7 West, N.M.P.M.; NE1/4, SW1/4, SE1/4, SE1/4, Section 20, Township 42 North, Range 7 West, N.M.P.M. (C) Ski Area Reservoir #3 will be located near Ski Area Well No. 2 in the W1/2, NE1/4, NE1/4, NE1/4 Section 29, Township 42 North, Range 7 West, N.M.P.M.; E1/2, NW1/4, NE1/4, NE1/4, Section 29, Township 42 North, Range 7 West, N.M.P.M. (D) The Natalie Reservoir is located in the NE1/4, NE1/4,

SW1/4, Section 28, Township 42 North, Range 7 West, N.M.P.M.; (i.) Source of water: The reservoirs will be filled from the surface and groundwater sources identified herein, specifically Silverton Ski Area Diversion No. 1, Silverton Ski Area Well No. 1, Silverton Ski Area Spring Collection System No. 1 and Silverton Ski Area Well No. 2 (ii.) Appropriation Date: November 12, 2005 (iii.) Amount: Total storage in all four reservoirs shall not exceed 6-acre feet, Conditional (iv.) Use: Irrigation, commercial, industrial, recreation, fire protection, domestic and ice/snowmaking on up to 120 acres within the boundaries of the Silverton Mountain Ski Area. Said water will be produced for immediate application to beneficial use, for storage and subsequent application to beneficial use, for augmentation of out of priority depletions associated with water rights decreed herein for use at the Silverton Mountain Ski Area, and to fill and refill storage reservoirs (v.) Junior Conditional Storage Right in the Natalie Reservoir: Storage in the Natalie Reservoir under the terms of this decree is junior to the existing rights decreed in Case No. 93CW79, Water Division No. 7. 3. Work Done Toward Completion of Appropriation: A. The Applicant acquired pumps, pipes, snowmaking equipment, and other materials to conduct snowmaking activities and dust suppression at the Silverton Mountain Ski Area. In addition, the Applicant used helicopter support to place snowmaking equipment on the mountain. The Applicant also used rental equipment to haul and place snowmaking equipment on the Silverton Mountain Ski Area B. Applicant utilized in excess of 400 hours of salaried employee time placing equipment and making snow and conducting dust suppression activities at the Silverton Mountain Ski Area; C. Applicant utilized attorney time and resources to review water rights, to assist in maintaining the water rights legal status, to make a site visit to the Silverton Mountain Ski Area, and to file applications in water court. 4. Claim to Make Absolute: A. Dates water applied to beneficial use: (i.) Winter Snowmaking 2020/2021: December 8, 9, 12, 13, 15, 16, 17; Jan 18, 22, 24; February 8 and 15 (ii.) Summer Dust Suppression 2021: June 1, 2, 3, 7, 8, 9, 10, 14, 15, 16, 17, 21, 22, 23, 24; July 5, 6, 7, 8, 12, 13, 14, 15, 26, 27, 28, 29; August 2, 3, 4, 5, 9, 10, 12, 16, 17, 18, 19, 23, 24, 25; September 6, 7, 8, 9, 13, 14, 15; A. Amount: 25 gpm B. Use: Snowmaking and Dust Suppression C. Proof: Diversion and Use Records attached as Exhibit B D. Place of use: Map attached as Exhibit A. (9 pages including exhibits)

**21CW3041 Core Mountain Enterprises LLC., d.b.a Silverton Mountain Ski Area and Silverton Outdoor Learning and Recreation Center, Aaron Brill, Manager, c/o Silverton Mountain, 811 Greene Street, P.O. Box 856, Silverton, CO 81433; Telephone (970) 387-5706. Please send all pleadings and correspondence to Applicants' counsel: Adam T. DeVoe, Devoe Law, 3900 E. Mexico Street, Suite 300, Denver, CO 80210; Phone Number: (303) 550-9517; Email: [adam@devoe-law.com](mailto:adam@devoe-law.com). CORE MOUNTAIN ENTERPRISES, LLC., APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE.** (1) Conditional water rights. The area of the conditional water rights for which Applicant seeks a finding of reasonable diligence and to make partially absolute are generally depicted on the Map attached as Exhibit A and include: A. Name of Structures: (i.) Natalie Pipeline (ii.) Natalie Reservoir (iii.) SJC Pump and Pipeline and SJC Pond; (2) Original Decree: (i.) Date of Entry: August 31, 1994 (ii.) Case No.: 93CW78, 93CW79, and 93CW80 (iii.) Court: Water Division No. 7, Durango, CO. (3) Natalie Pipeline (i.) Legal Description: The point of diversion is located in the SW1/4 of the NE1/4 of the NW1/4, Section 28, Township 42 North, Range 7 West, N.M.P.M., being 1,056 feet from the North section line and 1,962 feet from the West section line of Section 28 (ii.) Source of water: South Fork of Cement Creek, a tributary of Cement Creek and the Animas River (iii.) Appropriation Date: September 30, 1993 (iv.) Amount: 2.5 c.f.s., Conditional (v.) Use: Domestic, commercial, industrial, recreational, snowmaking, augmentation and exchange (vi.) Original Decree: Case No. 93CW80, August 31, 1994 (4) Natalie Reservoir (i.) Legal Description: The reservoir outlet is located in the NE1/4 of the NE1/4 of the SW1/4, Section 28, Township 42 North Range 7 West, N.M.P.M., being 2,443 feet from the South section line and 2,395 feet from the West section line of section 28 (ii) Source of water: In basin runoff tributary to the South Fork of Cement Creek a tributary of Cement Creek and the Animas River (iii) Appropriation Date: September 20, 1993 (iv.) Amount: 40 AF, Conditional (v.) Use: Domestic, irrigation, commercial, recreation, piscatorial, snowmaking, augmentation, and exchange (vi.) Original Decree: Case No. 93CW79, August 31, 1994 (5) SJC Pump and Pipeline and SJC Pond (i.) Legal Description: a. SJC Pump and Pipeline: The point of diversion is located in the NW1/4 of the NE1/4 of the SE1/4, Section 21,

Township 42 North, Range 7 West, N.M.P.M. b. SJC Pond: The reservoir outlet is located in the NW1/4 of the NE1/4 of the SE1/4, Section 21, Township 42 North, Range 7 West, N.M.P.M. (ii.) Source of water: Middle Fork of Cement Creek, a tributary of cement Creek and the Animas River (iii.) Appropriation Date: July 1, 1993 (iv.) Amount: a. SJC Pump and Pipeline: .20 c.f.s., Conditional b. Conditional; SJC Pond: 8.0 AF, Conditional (v.) Use: a. SJC Pump and Pipeline: Domestic, stock watering, commercial, industrial, snowmaking, augmentation and exchange and the delivery of water into storage within the SJC Pond b. SJC Pond: Domestic, irrigation, stock watering, commercial, industrial, snowmaking, augmentation, and exchange (vi.) Original Decree: Case No. 93CW78, August 31, 1994. Work Done Toward Completion of Appropriation: A. The Applicant acquired pumps, pipes, snowmaking equipment, and other materials to conduct snowmaking activities and dust suppression at the Silverton Mountain Ski Area. In addition, the Applicant used helicopter support to place snowmaking equipment on the mountain. The Applicant also used rental equipment to haul and place snowmaking equipment on the Silverton Mountain Ski Area; B. Applicant utilized in excess of 400 hours of salaried employee time placing equipment and making snow and conducting dust suppression activities at the Silverton Mountain Ski Area; C. Applicant utilized attorney time and resources to review water rights, to assist in maintaining the water rights legal status, to make a site visit to the Silverton Mountain Ski Area, and to file applications in water court. 1. Claim to Make Absolute: A. Natalie Pipeline – During the diligence period, the Applicant diverted 2.5 c.f.s. in priority and put the water to beneficial use for all decreed purposes; B. Natalie Reservoir – During the diligence period, the Applicant diverted 40 AF in priority and put the water to beneficial use for all decreed purposes C. SJC Pump and Pipeline and SJC Pond – During the diligence period, the Applicant diverted 2.0 c.f.s. (SJC Pump and Pipeline) and 8.0 AF (SJC Pond) in priority and put the water to beneficial use for all decreed purposes. (6 pages including exhibits)

**21CW3042 La Plata County, Water District 30: 1) Applicant:** Kroulik Tree Farm, LLC and Kroulik 1998 Living Trust, 126 E. Waltann Ln., Phoenix, AZ 85022; **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm P.C., 813 Main Ave., Suite 206, Durango, CO 81301; **3) Name of Structures:** Walter Ditch Second Enlargement (“Walter”) and Ambold-Wallace Ditch Kroulik Enlargement (“A-W”), originally decreed in Case No: 06CW119 and made partially absolute in Case No. 2014CW3026; **4) Type of Application:** Application to Make Absolute and for a Finding of Reasonable Diligence; **5) Source and Drainage Basin:** Animas River; **6) Points of Diversion:** Walter: NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> Section 25, T37N, R9W, NMPM, 1711 feet from the North section line and 227 feet from the East section line of Section 25. A-W: NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Section 24, T37N, R9W, NMPM, 1205 feet from the South section line and 103 feet from the East section line of Section 24; **7) Decreed Uses:** Walter: Irrigation of 15 acres, stockwatering, and the filling and refilling of ponds for recreation, piscatorial, incidental aesthetics, and the aforementioned uses. A-W: Irrigation of 40 acres, stockwatering, and the filling and refilling of ponds for recreation, incidental aesthetics, piscatorial, and the aforementioned uses; **8) Quantities:** Walter: 0.628 cfs conditional. A-W: 1.01 cfs conditional; **9) Appropriation Date:** December 28, 2000; **10) Summary of Activities to Develop Conditional Water Rights:** Applicant has used its conditional Walter water in the amount of 0.578 cfs to irrigate an additional 13.3 acres. Applicant has used it’s A-W water to fill and refill an additional pond, which has been used for stockwatering, recreation and incidental aesthetics. **11) Additional Information:** Applicant requests that the Court enter a decree making Applicants’ Walter and A-W water rights absolute in the amounts and for the uses described above, 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. (6 pages including exhibit)

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 December 2021, 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