

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 October 2022, for each county affected.

22CW3038 APPLICATION TO MAKE ABSOLUTE CONDITIONAL WATER RIGHT Applicant, Triangle Bar V, LLC, 2777 CR 225, Durango, CO 81301, by its attorney: Nancy Agro, (970) 749-8621, nancy@nancyagro.com. Conditional Water Rights: Vaughn Well and Vaughn Pond, Decreed October 13, 2016, Case Number 15 CW 3015, egal Description: As Decreed: Located within property owned by Triangle Bar V, LLC located at 2777 CR 225, La Plata County, Colorado, more particularly described as being a tract in the N/2 NE/4 of Section 31, and SW/4 SE/4 of Section 30, all in Township 35 North, Range 8 West, NMPM; Vaughn Well Permitted location: Zone 13, NAD 83, Easting 253140 Northing: 4128140, SW/4 SE/4 Section 30, Township 35 North, Range 8 West, NMPM; Source: groundwater tributary to the Florida River; Appropriation Date: April 30, 2015, Amount: 0.033 c.f.s. (15 gm), Annual Volume 1.03 AF; Use: Residential uses for guest home, livestock, dust control, filling, re-filling and freshening of pond; Vaughn Pond: Legal description: The center of the pond is located at approximately: Latitude 37°15'57.84", Longitude -107°47'8.76"; Source: Groundwater tributary to the Florida River via Vaughn Well; Date of appropriation: April 30, 2015; Amount Decreed: 0.56 acre feet conditional; Use: fire protection; piscatorial; stockwatering; incidental aesthetics; Applicant obtained a well permit and constructed the Vaughn Well, and the well is fully operational. Applicant constructed and filled the pond and has used it for decreed purposes (3 pages)

22CW3039 **La Plata County, Water District 30: 1) Applicant:** Patricia Granger Condiotti, 240 Valle Vista Way, Durango, CO 81301; and Steven and Kimberly Washburn, 581 Jenkins Ranch Rd., Durango, CO 81301 **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm LLC, 128 Riverview Dr., Durango, CO 81301; **3) Name of Structures:** Langhart Well Field, which includes Langhart Well No. 1, Langhart Well No. 2, and Langhart Well No. 3, originally decreed in Case No: 06CW113, and made partially absolute and diligence entered in Case No. 2014CW26; **4) Type of Application:** Application to Make Absolute and for a Finding of Reasonable Diligence; **5) Source and Drainage Basin:** groundwater, tributary to the Animas River; **6) Locations:** SE1/4 SW1/4 Section 15, T35N, R9W, NMPM, more specifically described in application; **7) Conditional Uses:** domestic; **8) Quantity:** Total combined rate of flow for all of the wells within the Langhart Well Field is 0.222 cfs (100 gpm), with 100 gpm made absolute for all uses in prior cases, except domestic which is 70 gpm absolute and 30 gpm still conditional; **9) Appropriation Date:** November 30, 2005; **10) Summary of Activities to Develop Conditional Water Rights:** Applicant Condiotti has used Well No. 3 for all decreed uses in the amount of 80 gpm, such that an additional 10 gpm can be made absolute for domestic use. Applicant Washburn has drilled a new Well No 2, which replaced the original Well No. 2. Washburn has constructed a new house on their property, and has connected Well No. 2 to the house and used it for domestic uses. Washburn has used Well No. 2 in the amount of 20 gpm for all decreed uses, such that an additional 20 gpm can be made absolute for domestic use. Other activities are described in Application. Applicants have spent considerable funds on their water development activities. **11) Landowners:** All structures are located on Applicants' properties; **12) Additional Information:** Applicant requests that the Court enter a decree making the Langhart Well Field and Well Nos. 1-3 absolute for domestic use in the amount of 30 gpm, find that Applicants have been diligent in developing their conditional rights, and holding that any remaining conditional water rights shall be retained

for an additional six year due diligence period. See Application for more details (7 pages including exhibits)

22CW3040 (Prior Case Nos. 2016CW04; 2009CW01) Application for Finding of Reasonable Diligence. **1. Name, mailing address, and telephone number of Applicant:** Black Max LLC, c/o Kevin Schneider, 320 N. Skylane Drive, Durango, Colorado 81303. Please direct all pleadings and correspondence to: Peggy E. Montañó; Trout Raley; 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203; Phone: 303-861-1963; and Joshua W. Mack; Goldman, Nicholson & Mack, P.C.; 679 E. 2nd Avenue, Suite C, P.O. Box 2270 Durango, Colorado 81302; Phone: (970) 259-8747 **2. Names of structures:** KCN Pump Station **3. Description of Conditional Water Rights:** A. Date of Original Decree: March 17, 2010 Case No.: 2009CW01 Court: District Court, Water Division 7 B. Subsequent Diligence/Absolute Decree: Case No.: 2016CW04 Court: District Court, Water Division 7 C. Legal Description: i. In the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T34N, R9W, NMPM, in La Plata County, being 1244 feet from the South section line and 1627 feet from the East section line of said Section 9. D. Source of water: Animas River E. Appropriation Date and Amount: i. Date: January 6, 2009 ii. Amount: 0.20 c.f.s. conditional F. Use: Irrigation of 8.0 acres (Parcel No. 566909400098), stock and recreation (aesthetic features and small ponds) **4. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed including expenditures during the previous diligence period:** A. During the diligence period the Applicant has hired the services of a real estate attorney to determine the status of the annexation of the land into the City of Durango and extension of essential water and sewer service; road and other infrastructure requirements of annexation as well as the limitations of the type of development allowed by the city. The attorney produced a written memo to Black Max outlining the possible uses of the real estate considering annexation which drive the use of water on the site. B. During the diligence period the Applicant hired the services of a water engineer at Harris Water Engineering to determine the condition of the existing wells on the property, the potential for ponds and impoundments and use of the water for irrigation and other uses if the land is annexed or without annexation. The engineer performed a site inspection of the land parcel during the diligence period and produced a letter report to the Applicant. The report includes relative land elevations necessary for water pumping and storage and locations where diversion of the water would be practical to support the development of the parcel under the annexation requirements. It also includes mapping of the current well structures and other water use features as well as recommendations for development of the water rights. C. During the diligence period the Applicant expended in excess of \$5,000.00 to support diligence including hiring of water counsel in connection with the water court process related to the conditional water rights. **5. Name and address of owners of land upon which all structures will be located or upon which water will be placed to beneficial use:** Black Max LLC c/o Kevin Schneider 320 N. Skylane Drive, Durango, CO 81303 **6. Remarks or any other pertinent information:** The La Posta Road area is currently under consideration by the City of Durango for annexation into the city. The development of this land parcel and the associated water rights are affected to a certain degree by that pending annexation consideration (5 pages)

22CW3041 DISTRICT COURT, WATER DIVISION 7, CO, 1060 E. 2nd Ave, Durango, C) 81301, 970-247-2304. CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant, David West, in the Animas River or its Tributaries in LA PLATA COUNTY. Applicant: David West, PO Box 3488, Durango, CO 81302, 970-749-4747. Name of structure: Honking Eagle Enlargement or Reid Ditch. Date of Original Decree: 06.27.08 Case No. 2006CW105. Date of Subsequent decrees awarding findings of diligence: 12.09.16 2016, Case No. 2014CW19. Location of Structure: The head gate of the Reid Ditch is located on the East bank of the Rio Las Animas, at a point on the Northeast Quarter of S25, T37N, R9W, NMPM. Further described as the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S25, T37N, Range 9W NMPM., being 807 ft from the N section line and 329 ft from the E section line of said S25. UTM Zone 13S, Easting 252270, Northing 4148493. Source of Water: Animas River. Appropriation Date: December 27, 2000. Amount: 1. CFS Conditional. Use: Fillage and storage in ponds for piscatorial, firefighting, & recreation on Lot C1 (approximately 28.375 acres) of the Honking Eagle Minor Exemption Subdivision, Project 93-58, located

in the NE1/4 of S11, T36N, R9W, N.M.P.M. Legal Description: NE1/4 of the NE1/4 S25, TN, RW, NMPM. UTM coordinates: Easting 25.2270, Northing 414893, Zone 13, Street Address: 494 Burnett Road, Durango, CO 81301, Subdivision: Honking Eagle Minor, Lot C1. Attorney for Applicant: Frank J. Anesi, Reg. 1365, 835 E. 2nd Ave, #220, Durango, CO 81301, 970-24-9246 (8 pages including exhibits)

22CW3042 Application for Finding of Reasonable Diligence. **1. Applicant:** San Juan Water Conservancy District (“SJWCD”), 46 Eaton Drive, Suite #5; Pagosa Springs, Colorado 81147; (970) 985-5764; c/o Jeffrey M. Kane, Southwest Water and Property Law LLC; 10 Town Plaza No. 422; Durango, CO 81301; (970) 422-5510; jkane@swpropertylaw.com. **2. Water Right for Which Applicant Seeks a Decree Entering a Finding of Reasonable Diligence.** **A.** Structure: Dry Gulch Reservoir. **B.** Original Decree: Case No. 73-308D, Water Division 7 (Dec. 19, 1968). **C.** Last Diligence Decree: Case No. 16CW3011 (Oct. 7, 2016). **D.** Location: The storage reservoir will be located on Dry Gulch in Sections 4, 5, 8, and 9 of Township 35 North, Range 1 West, N.M.P.M. The intersection of the axis of the dam with the centerline of the channel of Dry Gulch is located at a point whence the South quarter corner of Section 8, Township 35 North, Range 1 West, N.M.P.M. bears South 09° 13’ West a distance of 5,724 feet. A map providing the general location of the reservoir is filed with the Application as Exhibit A. **E.** Source: Runoff tributary to Dry Gulch and water diverted from the San Juan River by the Park Ditch. **F.** Appropriation Date: July 22, 1967. **G.** Amount: 6,300 acre-feet, Conditional. **H.** Uses: industrial, domestic, municipal, recreation, and piscatorial purposes. **3. Diligence Activities:** SJWCD and the Pagosa Area Water and Sanitation District own the land upon which the Dry Gulch Reservoir dam, the principal structure of the San Juan River Headwaters Project, will be built. Each district has continued planning, permitting, design, and development of the Project during the diligence period. The Application outlines the specific tasks and expenditures of SJWCD on the Project during the diligence period, which totaled approximately \$280,593. **4. Ownership:** **A.** Applicant and PAWSD; **B.** United States Department of Agriculture, Forest Service, San Juan National Forest; **C.** Kurt William Laverty (6 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 December 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 Wills, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before November 30, 2022

/s/Stephanie Wills
Water Court Specialist