

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 August 2023, for each county affected.

23CW11 William Simon, 8185 CR 2036, Durango, CO 81301; San Juan County; Smyrna Pipeline; Date of original decree: 11/23/04; Case no.: 04CW001; SW1/4NE1/4NE1/4, Section 15, T41N, R7W, NMPM being found 4000 feet North and 1050 feet West of the SE corner of said Section 15 according to USFS/BLM projections, Smyrna Millsite, Survey 12/22A Animas Mining District, San Juan County, May 13, 1898; Source: Unnamed tributary, Animas River; Appropriation date: 1/2/04; Amount: .10 cfs conditional, .01 cfs conditional; Use: 0.10 cfs conditional for the irrigation of up to 3 acres on Millsite, 0.01 cfs conditional for domestic use; Application for Finding of Reasonable Diligence (6 pages)

23CW3035 La Plata Archuleta Water District, 255 Ute St., Ignacio, CO 81137, (970) 748-4750, through counsel Evan D. Ela, Joseph W. Norris, and Madison D. Phillips, Cockrel Ela Glesne Greher & Ruhland, P.C., 44 Cook Street, Suite 620, Denver, Colorado 80206, (303) 218-7200, APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE ON DECREED CONDITIONAL RIGHTS in La Plata County. 1. Name, Address and Telephone Number of Applicant. La Plata Archuleta Water District, 255 Ute St., Ignacio, CO 81137, (970) 748-4750. 2. Purpose of Application: This Application seeks to obtain findings of reasonable diligence pursuant to the most recent diligence Ruling and Decree issued in Case No. 10CW76. 3. Name of Structures: Pine River Basin Diversion Facilities (the "Subject Water Rights"). 4. Description of the Subject Water Rights: a. Previous Decrees: (1) Original Decree: The Subject Water Rights were originally decreed on November 17, 2004, Case No. 03CW119, District Court, Water Division 7, Findings of Fact, Conclusions of Law and Decree, Concerning the Application for Water Rights of La Plata Archuleta Water District Task Force in La Plata County, Colorado. (2) Diligence Decree: The District Court, Water Division 7, entered Findings of Fact, Ruling of the Referee, Conclusion of Law, Judgement and Decree on August 18, 2017 for Case No. 10CW76, abandoning 2.5 cfs of the diversion rate originally appropriated for the Pine River Basin Diversion Facilities water right and decreed in Case No. 03CW119 and 3,060 ac-ft of the total annual volume of the cumulative diversions authorized by the water rights originally decreed in Case Nos. 03CW102, 03CW119 and 03CW103. The Court granted continued diligence for the remaining 5.0 cfs CONDITIONAL, from any one or a combination of the two Alternate Diversion Points described below, not to exceed a combined total of 5.0 cfs at any time; and, in combination with diversions authorized by water rights originally decreed in Case No. 03CW103, a total flow rate of all such diversions by Applicant not to exceed 6.25 cfs cumulative, and all diversions in combination with those authorized under Case Nos. 03CW102 and 03CW103 by Applicant not to exceed 12.5 cfs in aggregate at any time nor exceed a volume of 4,940 ac-ft in aggregate in any water year. b. Location of Structures: The location of the proposed diversion structures are as follows: (1) Alternate Diversion Point #1: The headgate will be located on the west bank of the Pine River (Los Pinos) in the NE1/4 of the SE1/4 of Section 15, Township 34N, Range 7W, N.M.P.M., a distance of 2,300 feet from the South Section line and 400 feet from the East Section line; at UTM Coordinate 267292 Easting, 4113479 Northing in Zone 13S (NAD83 format); downstream of Pine River Canal Headgate; La Plata County, Colorado. (2) Alternate Diversion Point #2: The headgate will be located on the west bank of the Pine River (Los Pinos) in the NW1/4 of the NW1/4 of Section 4, Township 33N, Range 7W, N.M.P.M., a distance of 4,700 feet from South Section line and 4,400 feet from East Section line; at UTM Coordinate 270277 Easting, 4119075 Northing in Zone 13S (NAD83 format); La Plata County, Colorado. c. Amount: 5.0 cfs, CONDITIONAL, from any one or a

combination of the two Alternate Diversion Points described below, not to exceed a combined total of 5.0 cfs at any time; and, in combination with diversions authorized by water rights originally decreed in Case No. 03CW103, a total flow rate of all such diversions by Applicant not to exceed 6.25 cfs cumulative, and all diversions in combination with those authorized under Case Nos. 03CW102 and 03CW103 by Applicant not to exceed 12.5 cfs in aggregate at any time nor exceed a volume of 4,940 ac-ft in aggregate in any water year. d. Source for the Subject Water Rights: Pine River (Los Pinos). Diversions may be made using a surface diversion and/or a subsurface collection system. e. Appropriation Date for the Subject Water Rights: December 1, 2003. f. Uses: (1) All uses associated with a rural water system, including but not limited to domestic, commercial, industrial, municipal, lawns and gardens, orchards, livestock, fire flow, recreation, fishery, and evaporation, but not augmentation or exchange; (2) Storage at the location of the future District's treatment plants to facilitate the water treatment process, principally for the settlement of the raw water for the uses listed above from the surface/subsurface diversions; and (3) Treated water exchange with other water providers pursuant to Colorado law. 5. Outline of the work done and funds expended by Applicant during the relevant diligence period (November 22, 2010 through August 31, 2023) toward completion of the appropriation: a. Applicant hired a general manager and staff to operate and maintain Applicant's facilities and water rights. b. Applicant expended approximately \$1,066,700 on the design of pipelines and other facilities and approximately \$12,276,000 on the construction of 37 miles of pipelines and other facilities in Applicant's integrated rural municipal water system. c. Applicant expended approximately \$7,964,600 on the design and construction of an expansion of the Bayfield Water Treatment Plant from 1.5 mgd to 2.5 mgd as authorized by an intergovernmental agreement with the Town of Bayfield. The intergovernmental agreement allows for further expansion of 1 mgd in the future by installing certain process equipment. d. Applicant entered into a contract with the Colorado Water Conservation Board to purchase 2,500 ac-ft of water in the Animas La Plata Project over a 40-year period. To date, Applicant has expended \$1,592,600 on 460 ac-ft of storage capacity and water in the Animas La Plata Project. e. Applicant has negotiated with Durango to construct a joint water treatment plant to serve the western regions of Applicant's service area. f. Applicant expended approximately \$750,000 per year for operating the Applicant's integrated rural municipal water system. g. Applicant filed and is continuing to prosecute completion of the adjudication of a new point of diversion from the Rio Los Pinos at the location of the Bayfield pumping facility for directly feeding the water treatment facility of Applicant's greater integrated rural municipal water system. h. Applicant expended approximately \$85,832 on legal costs associated with water supply demand planning and for protection of water rights relied upon by Applicant's integrated rural municipal water system. i. Applicant expended approximately \$415,966 on general engineering costs associated with water supply demand planning and for protection of water rights relied upon by Applicant's integrated rural municipal water system. 6. Compliance with Original Decree: As required by paragraph 9.A of the Original Decree, the Subject Water Rights are owned, as of the date of this Application, by the La Plata Archuleta Water District, a Title 32 Special District organized and operated under the laws of the State of Colorado and in compliance with its service plan. 7. Name(s) and Address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any 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: Not applicable. (5 pages)

23CW3036 Application to Make Absolute in Whole or in Part or in the Alternative for a Finding of Reasonable Diligence, La Plata County. 1. Applicant: Lawrence R. Oby, 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. Structure: A. Susan's Pump. i. Loc: SE ¼, NW ¼, Section 7, Township 34 North, Range 13W, being 289 feet from the North line and 1883 feet from the East line of Said Section 7. UTM Coordinates: Northing 4124733, Easting 205010, Zone 13.; ii. Appropriation date: September 29, 1997; Amount: 0.3 cfs; iii. Use: Irrigation of 10 acres; domestic for one household; fire protection; B. Susan's Pump. i. Loc: SE ¼, NW ¼, Section 7, Township 34 North, Range 13W, being 289 feet from the North line and 1883 feet from the East line of Said Section 7. UTM Coordinates: Northing 4124733, Easting 205010, Zone 13.; ii. Appropriation date: July 30 2009; Amount: 0.3 cfs; iii. Use: Hydro-power generation;

C. Pierce Arrow Ranch Pipeline #1. i. Loc: SE ¼, SE ¼, Section 6, Township 34 North, Range 13W, being 151 feet from the South line and 380 feet from the East line of said Section 7. UTM Coordinates: Northing 4124949, Easting 205476, Zone 13; ii. Appropriation date: July 30, 2009; Amount: 0.6 cfs; iii. Use: Irrigation of 25 acres as described on maps of case 09CW43; livestock; hydro-power generation; and fire protection. 3. Applicant applied irrigation water to portions of the 10 acres irrigable under Susan's Pump and the 25 acres irrigable under Pierce Arrow Ranch Pipeline #1, delivered some of the 0.3 cfs diverted at Susan's Pump to a holding tank for irrigation around Applicant's residence, and maintained and repaired irrigation equipment to apply both diversions including a portable flow meter, flumes, valves, ditches, hand lay pipe and a "big gun." Water diverted at Susan's Pump has been used for fire suppression on Weber Mountain. Applicant installed and activated a hydroelectric turbine and associated equipment that generates domestic electricity using 0.3 cfs diverted at Susan's Pump and 0.2 cfs diverted at Pierce Arrow Ranch Pipeline #1. 4. Applicant is the owner of the land upon which all structures applied for herein are located. (13 pages including exhibits)

23CW3037 La Plata County. Application for Conditional Water Rights. Applicant: Irrigo, LLC. 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. Email: amy@waterland-law.com. 1. Irrigo Waste Ditch No. 1. (a) POD: NE ¼ SW ¼ §12, T33N, R8W, NMPM. UTM: Zone 13 - E 262602.97 N 411281.61 (b) Sources: Wastewater, runoff, diffuse water, springs, and all water up gradient from, or that would accrue to, the point of diversion for the Irrigo Waste Ditch No.1, on an unnamed tributary, tributary to the San Juan River (c) App Date: 8/29/2023 (d) Amt: 10 cfs, Conditional, with the right to use and reuse said water to extinction (e) Uses: Irrigation, supplemental irrigation, stockwater, domestic, industrial, replacement, and pond filling. 2. J Road Pond (a) POD: NE ¼ SE ¼ of §12, T33N, R8W, NMPM. UTM: NAD83 (Zone 13) E 263674.3 N 4111000 (b) Sources: wastewater, seeps, springs, runoff, diffuse water, and the Irrigo Waste Ditch No. 1 (c) App. Date: 8/29/2023. (d) Amt: 70 AF, Conditional. (e) Uses: Irrigation, supplemental irrigation, stockwater, domestic, industrial, and fire protection. 3. Affected Landowner: Applicant. 4. See Application for additional information. (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 October 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 September 30, 2023

/s/ Jason Poyer
Water Court Specialist