

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 December 2023, for each county affected.

**23CW13 RiverGate Lofts Condominium Owners Association**, 555 RiverGate Lane Durango, CO 81301, [riversgateloftshoa@gmail.com](mailto:riversgateloftshoa@gmail.com), 970-769-1508, La Plata County; Name of Structure: **RiverGate Diversion 1**, (Pump); Date of Original Decree: 12/1/17, Case Number 17CW07; Legal Description: In SW1/4NE1/4, Section 32, T34.5N, R9W, NMPM; GPS Location: NAD 83, Zone 13, Northing 4126575.6, Easting 245245.1; Source: Pump from the Animas River, Appropriation date: 5/31/17; Amount: 0.25 cfs (112 gpm) maximum diversion in conjunction with RiverGate Diversion 2; Use: Irrigation of 4 acres in conjunction with RiverGate Diversion 2; Name of Structure: **RiverGate Diversion 2**, (pump); Date of Original Decree: 12/1/17, Case Number 17CW07; Legal Description: In SW1/4NE1/4, Section 32, T34.5N, R9W, NMPM; GPS Location: NAD 83, Zone 13, Northing 4126488.2, Easting 245239.9; Source: Pump from the Animas River, Appropriation date: 5/31/17; Amount: 0.25 cfs (112 gpm) maximum diversion in conjunction with RiverGate Diversion 2; Use: Irrigation of 4 acres in conjunction with RiverGate Diversion 1. Application for Finding of Reasonable Diligence, See application for further details. (7 pages including exhibit)

**23CW3057 La Plata County, Water District 30: 1) Applicant:** Windom Water Company, Inc., c/o Jeff Bardin, Manager, 214 Lake Ln., Durango, CO 81303, [jeffbardin2005@yahoo.com](mailto:jeffbardin2005@yahoo.com); **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm LLC, 128 Riverview Dr. Durango, CO 81301; **3) Name of Structures:** Mortimer Well, Brooks Well, Craig Well, White Well, Windom North Pond, Windom South Pond, Additional Windom Ponds, and Helmericks Horse Tank, decreed in Case No: 01CW111, and decrees for diligence and to make portions of the water rights absolute were entered in Case Nos. 09CW53 and 2017CW3003; **4) Type of Application:** Application for a Finding of Reasonable Diligence; **5) Drainage Basin:** Elbert Creek, tributary to the Animas River; **6) Locations:** NE1/4SE1/4, SW1/4SE1/4, NE1/4SE1/4, NW1/4NE1/4, SE1/4NE1/4 of Section 11, T38N, R9W, NMPM, and other areas within Windom Ranch, as described in application; **7) Decreed Uses:** domestic use for up to eighteen (18) single-family residences; irrigation of up to 7.66 acres (including lawn and garden irrigation and landscaping), or storage in up to 8.62 surface acres of ponds, or some combination of irrigation and ponds, not to exceed 10.88 acre feet of annual depletion; fire protection; piscatorial; watering of up to six (6) head of livestock; recreation; and augmentation (for ponds). **8) Quantity:** Mortimer Well: 0.089 cfs absolute; Brooks Well: 0.167 c.f.s. including 0.129 cfs absolute and 0.038 cfs conditional; Craig Well: 0.045 c.f.s. including 0.011 cfs absolute and 0.033 cfs conditional; White Well: 0.111 cfs absolute; Windom North Pond: 0.97 AF absolute; Windom South Pond: 2.48 AF absolute; Additional Windom Ponds: 19.55 acre-feet, including 4.71 AF absolute and 14.82 AF conditional; Helmericks Horse Tank: 0.25 cfs conditional; out of priority depletions not to exceed 12 acre-feet under plan for augmentation in Case No. 01CW111; **9) Summary of Activities to Develop Water:** 2 new homes are being built on Parcels 5-A and 6-A, Windom Ranch, a barn is being built on Parcel 1C, and a home is being constructed in Windom West. Once completed, these parcels and structures will be served by all four wells and the Windom South Pond for irrigation and in-house use; **10) Landowners:** Structures are located on Windom Ranch common area and individual parcels within Windom Ranch; **11) Additional Information:** Applicant requests that the Court enter a finding of diligence and a decree extending Applicant's conditional water rights for an additional six year due diligence period. See Application for more details. (11 pages including exhibits)

**23CW3059** IN ARCHULETA COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Applicant, Alpine Cascade Corporation; c/o J. R. Ford; P.O. Box 4490, Pagosa Springs, Colorado 81157; Telephone: 970-264-5000; E-mail: frontdesk@pagosalandcompany.com. Please send all correspondence to Applicant's attorneys: Michael A. Kopp, #43204, Luke O'Brien, #58014; Trout Raley; 1120 Lincoln Street, Suite 1600, Denver, CO 80203; Telephone: 303-861-1963; E-Mail: mkopp@troutlaw.com; lobrien@troutlaw.com. 2. Name of structure: West Mesa Storage System, consisting of Bridge Pond, Waterfall Pond, and Lodge Pond. 3. Description of conditional water right: A. Date of original decree: August 12, 2002, Case No. 00CW21, District Court, Water Division No. 7. B. Subsequent decrees awarding findings of diligence: Case No. 16CW3044, District court, Water Division 7, December 7, 2017; Case No. 08CW61, District Court, Water Division 7, November 15, 2010. C. West Mesa Storage System: (i) Bridge Pond: The center of Bridge Pond dam is located in the NE1/4 NW1/4 of Section 23, Township 34 North, Range 2 West, N.M.P.M., in Archuleta County, Colorado, at a point whence the North ¼ Corner of said Section 23 bears North 62°30' East, a distance of 370 feet. (ii) Waterfall Pond: The center of Waterfall Pond dam is located in the SW1/4 SE1/4 of Section 14, Township 34 North, Range 2 West, N.M.P.M., in Archuleta County, Colorado, at a point whence the South ¼ Corner of said Section 14 bears South 30°30' West, a distance of 1,300 feet. (iii) Lodge Pond: The center of Lodge Pond dam is decreed to be located in the SW1/4 NE1/4 of Section 11, Township 34 North, Range 2 West, N.M.P.M., in Archuleta County, Colorado, at a point whence the Northeast Corner of said Section 11 bears North 31°10' East, a distance of 2,880 feet. D. Source of water: (i) Bridge Pond: Inflow from an unnamed tributary on which Bridge Pond is located, local drainage tributary to Bridge Pond, and water pumped from the San Juan River via one or two pipelines from the points of diversion described in Paragraph 3.E. (ii) Waterfall Pond: Inflow from an unnamed tributary on which Waterfall Pond is located, local drainage tributary to Waterfall Pond, and water pumped from the San Juan River via one or two pipelines from the from the points of diversion described in Paragraph 3.E. (iii) Lodge Pond: Water pumped from the San Juan River via one or two pipelines from the points of diversion described in Paragraph 3.E and local drainage tributary to Lodge Pond. E. San Juan River points of diversion: The West Mesa Storage System, consisting of Bridge Pond, Waterfall Pond, and Lodge Pond, may be filled from the San Juan River by pumping pipelines from one or a combination of the following points of diversion: (i) San Juan River Intake: A point of diversion near the west bank of the San Juan River at a point South 61° 30' East, 2,900.0 feet from Northwest Corner of Section 12, T34N, R2W, N.M.P.M., in Archuleta County, Colorado. (ii) Pit Park Ditch Headgate: A point of diversion on the west bank of the San Juan River in the SW1/4 NE1/4 of Section 23, Township 34 North, Range 2 West, N.M.P.M., in Archuleta County, Colorado, at a point whence the North ¼ Corner of said Section 23 bears North 23° 53' 41" West, a distance of 2,801.0 feet. (iii) Gazebo Park Infiltration Gallery: A point of diversion approximately 150 feet west of the west bank of the San Juan River in the SE1/4 NW1/4 of Section 12, Township 34 North, Range 2 West, N.M.P.M., in Archuleta County, Colorado, at a point whence the Northwest Corner of said Section 12 bears North 40° 30' 26" West, a distance of 2,951.1 feet. F. Rate of diversion: 6.0 cfs from all points of diversion. G. Appropriation Date: June 15, 1999 for all ponds. H. Amount: 125 acre-feet, of which 13.47 acre-feet is absolute and 111.53 acre-feet remains conditional, with the right to fill and refill in priority. Pursuant to the decree in Case No. 00CW21, water may be stored up to the decreed amount of 125 acre-feet in any combination of the three ponds as alternate places of storage for the West Mesa Storage System water right. Each pond was decreed with the following estimated capacities: (i) Bridge Pond: 42 acre-feet. (ii) Waterfall Pond: 55 acre-feet. (iii) Lodge Pond: 28 acre-feet. I. Uses: (i) Irrigation; livestock watering; fire suppression; dust control; domestic uses associated with low-density residential development; recreational and fish and wildlife propagation uses associated with storage in Bridge Pond, Waterfall Pond, and Lodge Pond; and augmentation and exchange uses by release from storage. If necessary, water may be released from storage under a separately approved plan for augmentation for out-of-priority depletions to the San Juan River that may be caused by the use of wells associated with the low-density residential development, or for other augmentation purposes. Water stored in the West Mesa Storage System ponds may also be used to replace evaporative depletions associated with the underground water right decreed for the Pit Park Gravel Pit Well in Case No. 95CW110 in the event that there is a valid call on the San Juan River at the Pit Park Gravel Pit Well by a

water right that is senior to the Pit Park Gravel Pit Well. (ii) Applicant also intends to pump water on a direct flow basis to the West Mesa Storage system ponds pursuant to the Applicant's ownership of a portion of the San Juan River Intake direct flow right decreed in Case No. W-1063-73 for the purposes of recreation and fish and wildlife propagation in and below the West Mesa Storage System ponds. Pit Park and Gazebo Park were decreed as alternate points of diversion for the Applicant's ownership interest in the San Juan River Intake water right in Case No. 95CW111. J. Legal description of the lands decreed to be irrigated pursuant to the decree in Case No. 00CW21: Approximately 55 irrigated acres on the west side of the San Juan River lying between Trujillo Road and the edge of the mesa overlooking the San Juan River canyon within the E1/2 of Section 11, the W1/2 of Section 12, the NW1/4 of Section 13 and the NE1/4 of Section 14, Township 34 North, Range 2 West, N.M.P.M., in Archuleta County, Colorado. 4. Detailed outline of what has been done toward completion of the appropriation: A. During the diligence period, the Applicant spent \$3,960 to repair a blowout on Waterfall Pond. B. During the diligence period, the Applicant spent \$11,900 to rebuild and repair irrigation pumps serving Waterfall Pond and Bridge Pond along with other water rights owned by Applicant. C. During the diligence period, the Applicant spent \$725 on legal fees related to protecting and developing the West Mesa Storage System right. 5. Claim for finding of reasonable diligence in part: A. Applicant has not yet constructed Lodge Pond. Bridge and Waterfall Ponds may be enlarged in the future. Applicant seeks a finding of reasonable diligence for the remaining 111.53 acre-feet of the West Mesa Storage System to be filled by unnamed tributaries and local drainage to the Ponds. B. Applicant has not yet constructed a pipeline to pump water from the San Juan River to the West Mesa Storage System. Applicant seeks a finding of reasonable diligence for the West Mesa Storage System in the full amount of 125 acre-feet to be filled with water diverted from the San Juan River at the points described in paragraph 3.E. 6. Name(s) and address(es) of owner(s) or reputed owner(s) 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: Applicant. (6 pages)

**23CW3060** IN ARCHULETA COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Applicant, Alpine Cascade Corporation; c/o J. R. Ford; P.O. Box 4490, Pagosa Springs, Colorado 81157; Telephone: 970-264-5000; E-mail: frontdesk@pagosalandcompany.com. Please send all correspondence to Applicant's attorneys: Michael A. Kopp, #43204, Luke O'Brien, #58014; Trout Raley; 1120 Lincoln Street, Suite 1600, Denver, CO 80203; Telephone: 303-861-1963; E-Mail: mkopp@troutlaw.com; lobrien@troutlaw.com. 2. Name of structure: Perkins Pit (a.k.a. Pit Park) Gravel Well. 3. Description of conditional water right: A. Date of original decree: October 18, 2002, Case No. 95CW110, District Court, Water Division No. 7. B. Subsequent decrees awarding findings of diligence: Case No. 17CW3027, District Court, Water Division 7, December 26, 2017; Case No. 08CW74, District Court, Water Division 7, June 29, 2011. C. Well Permit: Gravel Well Permit No. 041418-F was issued July 23, 1992. This permit was replaced by Permit No. 60930-F, which granted additional uses. A variance from the minimum standards of the Water Well Construction Rules to allow installation of permanent pumping equipment in the Perkins Pit Gravel Pit ponds was granted by the Board of Examiners of Water Well Construction and Pump Installation Contractors on February 14, 2002. D. Legal Description: The Perkins Pit Gravel Pit Well is located in the SE ¼, Section 23, Township 34 North, Range 2 West, N.M.P.M., Archuleta County, Colorado, in alluvial deposits on the west side of the San Juan River. The Perkins Pit Gravel Pit Well consists of three ponds joined by a channel with a combined surface area of 8.86 acres. The locations of the individual ponds are as follows: (i) North Pond: The centroid of the North Pond is located at a point from whence the Southwest Corner of said Section 23 bears South 55°55'39" West, a distance of 4,087.16 feet. (ii) Middle Pond: The centroid of the Middle Pond is located at a point whence the Southwest Corner of said Section 23 bears South 66°56'39" West, a distance of 3,485.38 feet. (iii) South Pond: The centroid of the South Pond is located at a point whence the Southwest Corner of said Section 23 bears South 74°11'57" West, a distance of 2,994.75 feet. E. Source of water: Alluvial ground water tributary to the San Juan River. F. Date of Appropriation: June 5, 1980. G. Amount: 1,420 gpm (3.163 cfs). (i) 70 gpm (0.163 cfs), absolute, for evaporation, recreation, and fish and wildlife propagation (Case No. 08CW74). (ii) 1350

gpm (3.0 cfs) for irrigation, stock watering, domestic, fire suppression, and dust control, as well as augmentation and exchange. 1. 763 gpm (1.7 cfs) absolute for irrigation, dust suppression, stock watering, and fire suppression. 2. 583 gpm (1.3 cfs) conditional for irrigation, dust suppression, stock watering and fire suppression. 3. 1350 gpm (3.0 cfs) conditional for domestic, augmentation and exchange. H. Uses: (i) Evaporation from 8.86 surface acres of exposed ground water. Ground water exposed to the atmosphere in the ponds evaporates at a calculated net evaporation rate of 2.65 acre-feet per acre per year. The maximum exposed surface area of 8.86 acres causes a total calculated net evaporation of 23.57 acre-feet per year. The estimated maximum net evaporation rate will be approximately 70 gpm. (ii) In addition to evaporation, water in the ponds is beneficially used for fish and wildlife propagation and recreation purposes. (iii) Water may also be pumped from the ponds at a maximum estimated rate of 3.0 cfs, or 1,350 gpm, for irrigation, stock watering, domestic, fire suppression, and dust control uses or stored in the ponds for augmentation and exchange. (iv) Legal description of irrigated acreage: 1. Gazebo Park: an irregular parcel of land lying on the west bank of the San Juan River in the NW ¼ of Section 12, Township 34 North, Range 2 West, N.M.P.M., containing 12.2 irrigated acres, the northernmost corner of which is located at a point whence the Northwest Corner of said Section 12 bears N 67°38'55" W a distance of 2,748.98 feet. 2. Middle Park: an irregular parcel of land lying on the west bank of the San Juan River in the SW ¼ of Section 12 and the NW ¼ of Section 13, Township 34 North, Range 2 West, N.M.P.M., containing 14.0 irrigated acres, the northernmost corner of which is located at a point whence the Southwest Corner of said Section 12 bears S 49°41'04" W a distance of 2,148.26 feet. 3. Pit Park: an irregular parcel of land lying on the west bank of the San Juan River in the NE ¼ and the SE ¼ of Section 23, Township 34 North, Range 2 West, N.M.P.M., containing 27 irrigated acres, the northernmost corner of which is located at a point whence the North ¼ Corner of Said Section 23 bears N 29°14'34" W a distance of 2,210.64 feet. 4. Low-Density Residential Area on Mesa: approximately 55 irrigated acres lying between Trujillo Road and the edge of the mesa overlooking the San Juan River canyon within the East ½ of Section 11, the West ½ of Section 12, the NW ¼ of Section 13, and the NE ¼ of Section 14, Township 34 North, Range 2 West, N.M.P.M. I. Depth: A maximum of 23 feet below the surface of the ground. 4. Detailed outline of what has been done toward completion of the appropriation: A. During the diligence period, the Applicant rebuilt the diversion structure for the Perkins Pit well ponds, at a cost of approximately \$13,282. B. During the diligence period, the Applicant completed a river restoration project in the area of the Perkins Pit well ponds at a cost of approximately \$315,378. C. During the diligence period, the Applicant incurred approximately \$725 in legal fees and expenses developing water rights for Applicant's property and opposing water rights applications with the potential to harm the subject water rights. 5. Claim for finding of reasonable diligence in part: A. Applicant seeks a finding of reasonable diligence for the remaining conditional portion of the Perkins Pit water right. 6. Name(s) and address(es) of owner(s) or reputed owner(s) 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: Applicant. (5 pages)

**23CW3061 APPLICATION FOR CORRECTION OF AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. OF APPLICANT HALL-SHUTT RANCH VENTURE, A TEXAS GENERAL PARTNERSHIP, In the RIO BLANCO River or its Tributaries, In ARCHULETA COUNTY, COLORADO. 1. Applicant:** Hall-Shutt Ranch Venture, a Texas General Partnership, C/O Wallace L. Hall, Jr., 5956 Sherry Lane, Suite 1810, Dallas, Texas 75225, send all pleadings and correspondence to: David Liberman, Esq., 1099 Main Street, Suite 312, Durango, Colorado 81301, 970-375-6265, [davidlibermanlaw@gmail.com](mailto:davidlibermanlaw@gmail.com). **2. Decreed structure for which correction is sought:** Sam Teeson Ditch and Gale Enlargement of the Sam Teeson Ditch. **3. Date of decrees:** 6/5/1928 for Sam Teeson Ditch and 12/19/1968 for Gale Enlargement of the Sam Teeson Ditch **4. Case No:** CA308 in Archuleta County District Court Nos. 73 and 308 for Sam Tesson Ditch and CA308-D in Division 7 Water Court District 29 for Gale Enlargement of the Sam Teeson Ditch. **5. Decreed legal description of location:** Please see Exhibit A. The ditch takes its water from the southeast bank of the Blanco River from which stream it

diverts its supply of water, at a point 835 feet South and 235 feet East of the Northwest corner of Section 32, Township 35 North, Range 2 East, N.M.P.M. **6. Source of water:** Blanco River. **7. Appropriation Date:** 5/20/1897 for Sam Teeson Ditch and 6/20/1952 for Gale Enlargement of the Sam Teeson Ditch. **8. Amount:** 1.25 CFS absolute for Sam Teeson Ditch, and 2.25 CFS absolute for the Gale Enlargement of the Sam Teeson Ditch. **9. Use:** Irrigation for Sam Teeson Ditch and irrigation and stock watering for Gale Enlargement of the Sam Teeson Ditch. **10. Detailed description of proposed correction to an established but erroneously described point of diversion:** Applicant believes the point of diversion for this water right has been in the same physical location since the enactment of the Adjudication Act of 1943, which creates a rebuttable presumption that the point of diversion has been located at the same physical location since its inception. Applicant is not aware of any other location of the point of diversion for this water right and there is no physical evidence of a head or ditch at the decreed point of diversion. Applicant's water engineer opined that the decreed point of diversion does not appear accurate when plotted using modern surveyed section corners and that reliable mapping may not have been available at the time the water right was adjudicated. Applicant's water engineer reviewed an aerial photo from 1960 showing the irrigated area for the water right, and opined the current location of the point of diversion makes sense to irrigate the historical and current location of the irrigated area, and that the decreed point of diversion is located too far downstream and downgradient to irrigate the historical irrigated area. Applicant's water engineer saw no physical evidence of a head or ditch at the decreed point of diversion. In addition, the decreed point of diversion is not actually located on the river, as is the actual point of diversion, being at a point on the east bank of the Rio Blanco River described herein. Applicant's water engineer opined that section lines and corners may have shifted during subsequent surveys and USGS topographic mapping development. **11. The legal description of the corrected point of diversion:** Please see Exhibit A, SE1/4 of the SW1/4 of Section 29, Township 35 N, Range 2E, New Mexico Principal Meridian In Archuleta County, UTM coordinates: Northing 4122463, Easting 343492, UTM Zone 13, Source of UTM's is hand-held Garmin GPS, GPS Unit Accuracy of location displayed on GPS device:30 feet. Street Address: 12851 County Road 326. **12. The names and addresses of owner 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:** Hall-Shutt Ranch Venture, a Texas General Partnership, C/O Wallace L. Hall, Jr., 5956 Sherry Lane, Suite 1810, Dallas, Texas 75225. **WHEREFORE**, the Applicant requests this Court grant the requested correction of the established but erroneously described point of diversion. (6 pages including exhibit)

**23CW3062 APPLICATION FOR CHANGE OF WATER RIGHT OF APPLICANT HALL-SHUTT RANCH VENTURE, A TEXAS GENERAL PARTNERSHIP, In the RIO BLANCO River or its Tributaries, In ARCHULETA COUNTY, COLORADO.** **1. Applicant:** Hall-Shutt Ranch Venture, a Texas General Partnership, C/O Wallace L. Hall, Jr., 5956 Sherry Lane, Suite 1810, Dallas, Texas 75225, send all pleadings and correspondence to: David Liberman, Esq., 1099 Main Street, Suite 312, Durango, Colorado 81301, 970-375-6265, [davidlibermanlaw@gmail.com](mailto:davidlibermanlaw@gmail.com). **2. Name of structure for which change is sought:** Sam Teeson Ditch and Gale Enlargement of the Sam Teeson Ditch. **3. Date of decrees:** 6/5/1928 for Sam Teeson Ditch and 12/19/1968 for Gale Enlargement of the Sam Teeson Ditch. **4. Case No:** CA308 in Archuleta County District Court Nos. 73 and 308 for Sam Tesson Ditch and CA308-D in Division 7 Water Court District 29 for Gale Enlargement of the Sam Teeson Ditch. **5. Legal description of location:** Please see Exhibit A. The ditch takes its water from the southeast bank of the Blanco River from which stream it diverts its supply of water, at a point 835 feet South and 235 feet East of the Northwest corner of Section 32, Township 35 North, Range 2 East, N.M.P.M. **6. Source of water:** Blanco River. **7. Appropriation Date:** 5/20/1897 for Sam Teeson Ditch and 6/20/1952 for Gale Enlargement of the Sam Teeson Ditch. **8. Amount:** 1.25 CFS absolute for Sam Teeson Ditch, and 2.25 CFS absolute for the Gale Enlargement of the Sam Teeson Ditch. **9. Use:** Irrigation for Sam Teeson Ditch and irrigation and stock watering for Gale Enlargement of the Sam Teeson Ditch. **10. Detailed description of proposed change:** Applicant is seeking two alternate points of diversion for the Sam Teeson Ditch and the Gale Enlargement to the Sam Teeson Ditch. Please see attached Exhibit A and Table 1 for the map and diversion records.

APOD A is located on the southeast bank of the Blanco River in the NE1/4 of the NE1/4 of Section 31, Township 35N, Range 2E, N.M.P.M. UTM Zone 13 NAD83 Coordinates: X: 342974 Y: 4122046. APOD B is located on the southeast bank of the Blanco River in the SE1/4 of the NE1/4 of Section 31, Township 35N, Range 2E, N.M.P.M. UTM Zone 13 NAD83 Coordinates: X: 342908 Y: 4121986. Source: BLM National PLSS GIS Layer. Street Address is 12851 County Road 326. **11.The names and addresses of owner 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:** Hall-Shutt Ranch Venture, a Texas General Partnership, C/O Wallace L. Hall, Jr., 5956 Sherry Lane, Suite 1810, Dallas, Texas 75225. **WHEREFORE**, the Applicant requests this Court grant the change of water right requested herein. (7 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 February 2024, 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); Jason Poyer, Water Court Specialist, 1060 E. 2<sup>nd</sup> Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before January 31, 2024

/s/ Jason Poyer  
Water Court Specialist

### **SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST**

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSPs") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP Notification List is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing and leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80-124(10)(a)(II)(E), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate

notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP and/or Produced Nontributary Groundwater Notification Lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.