

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 2023, for each county affected.

**2022CW3049**            **IN MINERAL COUNTY. FIRST AMENDED APPLICATION FOR WATER RIGHTS AND PLAN FOR AUGMENTATION** Applicant Bootjack Ranch, LLC (“Bootjack Ranch”) filed an Application for Absolute Surface and Storage Water Rights and Conditional Surface Water Right on December 30, 2022 (the “Original Application”). In this First Amendment to Application for Water Rights and Plan for Augmentation (“First Amendment”), Bootjack Ranch revised the name, legal description, appropriation date, and beneficial uses of the Chipper’s Lake Pumping Station, Lodge Pond Enlargement (paragraph 2); and the appropriation date and beneficial uses of Lodge Pond (paragraph 3). Bootjack Ranch also added new requests for a conditional storage right for the 160 Aug Pond (paragraph 4), and a plan for augmentation to cover future out-of-priority depletions from Lodge Pond (paragraph 5). 1. Name, Mailing Address, and Telephone Number of Applicant. Bootjack Ranch, LLC (“Bootjack Ranch”) 12500 East Highway 160 Pagosa Springs, CO 81147 (970) 264-7280. PLEASE SEND ALL CORRESPONDENCE AND PLEADINGS TO: Wayne F. Forman, #14082 and Courtney M. Shephard, #47668 at BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 17<sup>th</sup> Street, Suite 2200 Denver, CO 80202 Phone: (303) 223-1100 E-mail: wforman@bhfs.com; cshephard@bhfs.com 2. New Conditional Direct Flow Surface Water Right. a. Name: Lodge Pump Station (formerly named the “Chipper’s Lake Pumping Station, Lodge Pond Enlargement”). b. Legal Description: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 20, Township 37 North, Range 1 East, N.M.P.M., Mineral County, Colorado. UTM Easting: 332,529 meters. UTM Northing: 4,144,820 meters. Zone 13 South (NAD83). c. Source: Wolf Creek, a tributary to the West Fork of the San Juan River. d. Appropriation Date: October 31, 2022 e. How Appropriation Was Initiated: SGM, Inc. developed engineering plans for the Lodge Pump Station and Lodge Pond, and submitted a Notice of Intent to the Division 7 Engineer’s Office. f. Amount: 1.78 c.f.s. (800 gpm), conditional, for delivery into the Lodge Pond and 160 Aug Pond, and 0.55 c.f.s., conditional, for irrigation of 10 acres. g. Uses: Conditional for storage in, fill, and successive refill of Lodge Pond, firefighting, and replacing evaporation in and year-round freshening of Lodge Pond; storage in, fill, and successive refill of the 160 Aug pond, firefighting, replacing evaporation in the 160 Aug Pond; and irrigation. h. Irrigated Area Description: 11 acres in the E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 20 and NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Section 21, Township 37 North, Range 1 East, N.M.P.M., east of Chipper’s Lake as shown on Figure 1 in combination with the Dermody Pump and Wolf Creek Village Well No. 1. *See* Figure 1. 3. New Absolute Water Storage Right. a. Name: Lodge Pond. b. Legal Description: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 20, Township 37 North, Range 1 East, N.M.P.M., Mineral County, Colorado. UTM Easting: 332,724 meters UTM Northing: 4,144,680 meters. Zone 13 North (NAD83). c. Surface Area: 1.9 acres. d. Total Capacity: 13.5 acre-feet. e. Type: Unlined, off-channel. f. Dam Height: 10 feet, non-jurisdictional. g. Amount: 13.5 acre-feet, absolute, with the right to fill and refill to keep the pond full throughout the year. *See* Exhibit A. h. Source: Wolf Creek, a tributary to the West Fork of the San Juan River via the Lodge Pump Station. i. Appropriation Date: October 31, 2022. ii. How Appropriation Was Initiated: SGM, Inc. developed engineering plans for the Lodge Pump Station and Lodge Pond, and submitted a Notice of Intent to the Division 7 Engineer’s Office. iii. Date Water Applied to Beneficial Use: Bootjack Ranch filled Lodge Pond with 14.1 acre-feet of water during October 2022. iv. Annual Gross Evaporation: 5.94 acre-feet. k. Uses: Absolute for aesthetic, recreation, piscatorial, firefighting, wildlife, and irrigation. 1. Irrigated Area Description: Irrigation of 6.8 acres in the SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Section 20, Township 37 North, Range 1 East, N.M.P.M., around the Lodge Pond as shown

on Figure 1, in combination with the Dermody Pump and Wolf Creek Village Well No. 1. 4. New Conditional Water Storage Right. a. Name: 160 Aug Pond. b. Legal Description: NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Section 21, Township 37 North, Range 1 East, N.M.P.M., Mineral County, Colorado. UTM Easting: 332,946 meters. UTM Northing: 4,144,915 meters. Zone 13 South (NAD83). c. Surface Area: 1.0 acres. d. Total Capacity: 6 acre-feet. e. Type: Lined, off-channel. f. Dam Height: 10 feet g. Amount: 6 acre-feet, conditional. h. Source: Wolf Creek, a tributary to the West Fork of the San Juan River via the Lodge Pump Station. i. Appropriation Date: October 27, 2023. SGM, Inc. developed preliminary engineering plans for the 160 Aug Pond and on October 27, 2023, the Applicant filed this First Amendment, adding the 160 Aug Pond to the Original Application. j. Annual Gross Evaporation: 3.13 acre-feet. k. Uses: Augmentation and firefighting. 5. Plan for Augmentation. a. Structure to be Augmented: Lodge Pump Station (see paragraph 2). b. Water Rights to be Used for Augmentation: In-priority diversions from Wolf Creek stored in the 160 Aug Pond (see paragraph 4). c. Statement of Plan for Augmentation. i. Purpose: This plan for augmentation will offset out-of-priority diversions via the Lodge Pump Station from Wolf Creek, a tributary to the West Fork, into Lodge Pond for aesthetic, recreation, piscatorial, firefighting, and wildlife uses. ii. Replacement Requirements: The annual evaporative depletions from the Lodge Pond are approximately 5.94 acre-feet. See Exhibit B. iii. Operation of the Plan for Augmentation: 1. This plan for augmentation is intended to protect the uses at Lodge Pond (with the exception of irrigation use) if there is a valid future call from rights senior to the Lodge Pump Station priority date. While this plan confirmed the adequacy of augmentation supplies to offset maximum anticipated depletions, actual augmentation water will be provided based on actual depletions accruing at the time the plan is put into effect and calculated using the same methodologies on which the maximum depletion calculations are based. 2. If a valid senior call is made under the CWCB senior instream flow rights or downstream on the San Juan River, Bootjack Ranch's junior diversions will be subject to administration. Bootjack Ranch will account for its out-of-priority diversions and augment those diversions by releasing water from the 160 Aug Pond and piping the water to Wolf Creek at or above the point of depletion at the Lodge Pump Station. 6. Names and Addresses of Owners of the Land on Which the Structures are Located and Water Will be Placed to Beneficial Use: Bootjack Ranch constructed all structures and will place all water to beneficial use on land owned by Bootjack Ranch (address in paragraph 1, above). WHEREFORE, Bootjack Ranch requests that the Court enter a decree granting Bootjack Ranch: A. A conditional direct flow surface water right for the Lodge Pump Station as described in paragraph 2; B. An absolute water storage right for Lodge Pond as described in paragraph 3; C. A conditional water storage right for the 160 Aug Pond as described in paragraph 4; D. The plan for augmentation described in paragraph 5; and E. Granting such other relief as the Court deems just and proper. (11 pages including exhibits)

**2023CW3046** APPLICATION TO MAKE ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE, Applicant, Softail Inc., 716 C.R 302, Durango, CO 81303, Name of structures: Softail Diversion and Softail Pond, Original Decree 13 CW 3013, Legal description: In the SW/4 NW/4 NW/4 Section 28, Township 34 N, Range 9 West, NMPM being 1089 feet from the North section line and 22 feet from the West section line of Section 28. GPS Location: NAD 83 Zone 3, 247851 Easting, 4117124 Northing, Source: Surface run-off, irrigation return flows, wastewater from upstream lands, tributary to the Animas River, Appropriation Date: September 12, 2013, Amount: 1.00 c.f.s., Use: Supplemental Irrigation of 35.7 acres, stockwater of 40 head, storage in Softail Pond, Place of use: 716 CR 302, Durango, CO 81303, located in E/2 N/2 Section 29, Township 34N, Range 9W, NMPM and Tract C of the Randall Wilson Boundary Adjustment, Project 825925, Softail Pond, location: In the SE/4 NE/4 NE/4, Section 29, T34N, R9W, NMPM being 1116 feet from the north section line and 499 feet from the east section line of said Section 29. Approximately 700 feet downstream of the Softail Diversion, with the approximate center being located at GPS: NAD83 Zone 13 247692 Easting, 4117117 Northing; Source: Softail Diversion, Appropriation Date: September 12, 2013, Amount: 10.0 AF, Use: Supplemental irrigation of 35.7 acres, stockwater of 40 head of livestock, fish, recreation and fire protection; Place of use: On the property located at 716 CR 302, Durango, CO 81303, located in E/2 N/2 Section 29, Township 34N, Range 9W, NMPM and Tract C of the Randall Wilson Boundary Adjustment, Project 825925; Outline of

actions taken towards completion of the appropriation and application of water to beneficial use: Applicant has taken all steps needed to make this water right absolute including diverting the surface water, irrigating 35.7 acres, watering livestock, and storing water 10 AF in the pond. (3 pages)

**2023CW3047** DISTRICT COURT, WATER DIVISION 7, COLORADO 1060 E. 2<sup>nd</sup> Avenue, Suite 106, Durango, CO 81301-5157, 970-385-6189, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY OF DURANGO, IN LA PLATA COUNTY, **APPLICATION FOR FINDING OF REASONABLE DILIGENCE**. 1. Name, address, e-mail address and telephone number of applicant: City of Durango (“Applicant”), c/o Tony Vicari, Aviation Director, 1000 Airport Road, Durango, Colorado 81303, E-mail: [Tony.Vicari@durangogov.org](mailto:Tony.Vicari@durangogov.org), 970-382-6052. 2. Names of structures: Airport Pipeline; Airport Phase I Reservoir; Airport Phase II Reservoir. 3. Description of conditional water rights: A. Original decree: Case No. 99CW66, District Court, Water Division 7, August 7, 2002. B. Subsequent decrees: Decrees finding reasonable diligence were entered in Case No. 2008CW58 on July 14, 2010, and in Case No. 16CW3026 on October 19, 2017. C. Legal description: Airport Pipeline Points of Diversion: 1. Airport Infiltration Gallery: in the SE1/4 SW1/4, Section 30, Township 34 North, Range 8 West, N.M. P.M., La Plata County, Colorado, at a point 4,350 feet from the North Section Line, and 2,800 feet from the East Section Line. This point is also described as whence the Southeast Corner of said Section 30 bears South 70\_45'34" East a distance of 3,036 feet. The Airport Infiltration Gallery diverts ground water from the alluvium of the Florida River at a point near the existing river channel. The point of diversion may also be expanded as needed to include a surface diversion directly from the Florida River at a point upstream and within 200 feet of the Airport Infiltration Gallery (“Surface Intake”). The Airport Infiltration Gallery is also decreed as a point of diversion for a separate water right decreed in Case No. 90CW20, District Court Water Division 7. 2. Alternate Point of Diversion: Tyner East Side Ditch: The location of the Tyner East Side Ditch headgate was decreed in Case No. 7-1751, La Plata County District Court to be at a point whence the Northwest corner of the SW1/4 of the NW1/4, Section Seventeen Ute (17-U), T34N, R8W, N.M.P.M. bears North 3\_27' 3,000.5 feet. In Case No. 1751-B, which decreed the First Enlargement of the Tyner East Side Ditch, the location of the Tyner East Side Ditch headgate was described as: a point whence the same Northwest Corner of Seventeen Ute (17-U), T34N, R8W, N.M.P.M. bears North 3\_45' 3,025 feet. Water may be diverted from the Florida River through the Tyner East Side Ditch to the Airport Reservoirs, from which water may be treated and pumped by the Airport Pipeline to the Airport property. Such water will be diverted through the Tyner East Side Ditch to the Airport Reservoir only during the historical irrigation season of May 1 through September 30, and subject to the Applicant’s right-of-way agreement with Southern Ute Indian Tribe. Airport Phase I Reservoir: 1. Location: In the SE1/4 Section 30, Township 34 North, Range 8 West, N.M.P.M., La Plata County, Colorado. 2. Structures used to fill reservoir: The Airport Phase I Reservoir may store water in or tributary to the Florida River diverted through either the Tyner East Side Ditch described in paragraph 3.C.2 above or through the Airport Infiltration Gallery described in paragraph 3.C.1 above. Airport Phase II Reservoir: 1. Location: In the SE1/4 Section 30, Township 34 North, Range 8 West, N.M.P.M., La Plata County, Colorado. 2. Structures used to fill reservoir: The Airport Phase II Reservoir may store water in or tributary to the Florida River diverted through either the Tyner East Side Ditch described in paragraph 3.C.2 above or through the Airport Infiltration Gallery described in paragraph 3.C.1 above. D. Source of water: Florida River, tributary to the Animas River. E. Appropriation date: December 28, 1999. F. Amounts: Airport Pipeline: 0.25 cfs year-round, conditional; Airport Phase I Reservoir: 20 acre-feet, conditional, with the right to fill and refill in priority at a fill rate of 2 cfs; Airport Phase II Reservoir: 19 acre-feet, conditional, with the right to fill and refill in priority at a fill rate of 2 cfs. G. Uses: Domestic, commercial (including but not limited to uses for retail stores, restaurants, car and airplane washing, airplane de-icing and passenger enplanements), light industrial, light manufacturing, fire protection, storage, augmentation and exchange purposes. 4. 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: During the subject diligence period from October 2017 until the present date, Applicant’s efforts toward development of the subject water rights include, but are not limited to, the following: A. Integrated System: The subject water rights

are part of an integrated water supply system used to provide water service to the Durango-La Plata County Airport. Applicant has engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the subject water rights to the decreed beneficial uses and has incurred significant expense in investigations and capital improvements related to its water supply facilities to provide a dependable legal and physical supply of water to the Airport. B. Airport Infiltration Gallery Improvements: During the subject diligence period, the Applicant (1) replaced the water pumps and motor assemblies to maintain operational performance of raw water collection systems at a cost of approximately \$6,000; (2) fortified the riverbank to control erosion and provide structural integrity of the infiltration gallery at a cost of approximately \$3,000; (3) performed semimonthly infiltration gallery backwashing to ensure proper function and adequate raw water supply at a cost of approximately \$500 each backwash; (4) purchased a high volume water pump in 2019 to facilitate improved infiltration gallery backwashing at a cost of approximately \$5,000; (5) replaced water pump control equipment at the infiltration gallery at a cost of approximately \$500; (6) annual removal, cleaning, and inspection of water pump and associated hardware; and (7) installed wireless communication hardware to allow infiltration gallery infrastructure to communicate with other treatment facilities at a cost of approximately \$10,000. C. Water Treatment and Disinfection Modification Project: During the subject diligence period, Applicant designed, constructed, and implemented water treatment technologies to minimize the formation of disinfection byproducts and improve potable water quality at the airport at a cost of approximately \$134,000. D. Water Tank Rehabilitation Project: During the subject diligence period, Applicant designed and rehabilitated one of its 72,000-gallon potable water storage tank to improve potable water quality and structural integrity at a cost of approximately \$117,000. E. Wastewater Treatment Facility Upgrade Project: During the subject diligence period, Applicant designed and began implementing technologies to improve effluent water quality discharge to the Florida River, including replacement of lagoon liners, installation of lagoon covers, and installation of wastewater treatment basins and aeration systems, which is projected to be completed in 2024 at a cost of approximately \$900,000. F. Raw Water Storage Tank Replacement Project: During the subject diligence period, Applicant studied replacing an existing 12,000-gallon raw water storage tank, construction for which will begin in 2024, which will increase potable water quality and cost approximately \$255,000. G. Rate Study: During the subject diligence period, Applicant conducted a study to advise the airport on sustainable potable water and sewer rates for customers connected to its water and wastewater infrastructure at a cost of approximately \$7,000. H. Potable Water Distribution System Leak Detection and Evaluation Project: During the subject diligence period, Applicant conducted a project to identify and repair leaks within its potable water system at a cost of approximately \$10,000. I. Terminal Expansion: Airport enplanements have increased by 10% during the diligence period, from 186,491 in 2017 to 205,000 in 2023 to date. This increase in enplanements necessarily translates into an increase in water consumption by arriving and departing passengers, flight crew and staffing increases. During the subject diligence period, the Applicant investigated and evaluated improvements to the terminal facility. In 2023, construction of the first phase of a terminal expansion project began and is expected to cost approximately \$7,000,000. Design of the second expansion phase will continue through 2023 and construction is expected to begin in the summer of 2024 and continue through 2026 at a projected cost of approximately \$29,000,000. The terminal expansion project will accommodate the increase and projected continuing increase in enplanements. Applicant continues to investigate the potential expansion of the U.S. Forest Service air tanker base. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion structure or storage structure, or modification to an 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 and La Plata County, 1060 East Second Avenue, Durango, Colorado 81301. WHEREFORE, Applicant, City of Durango, requests that the Court enter a decree finding that it has exercised reasonable diligence in the development of the subject conditional water rights and continuing those conditional water rights in full force and effect for an additional diligence period. (7 pages)

**2023CW3048**

**LA PLATA COUNTY, WATER DISTRICT NO. 33: 1) Applicant:** La Plata Water Conservancy District, PO Box 71, Marvel, CO 81329 (970)588-3369; **2) Attorneys:** Adam T.

Reeves and Lindsey A. Ratcliff, Maynes, Bradford, Shipps & Sheftel, LLP, 835 E. 2<sup>nd</sup> Ave., Ste. 123, Durango, CO 81301; **3) Name of Structure:** Soldiers Draw Reservoir No. 2, tributary to the La Plata River; **4) Type of Application:** Reasonable Diligence: A. Original Decree: 85CW25 - December 8, 1986; (Due Diligence: 92CW84, 03CW40, and 16CW3010), District Court, Water Division 7; B. Location: Protracted SW1/4NW1/4 of Section 9, T34N, R11W, N.M.P.M., 300 ft. East of the West section line and 2,000 ft. North of the South section line; C. Appropriation Date: April 2, 1985; D. Amount: 1,000 acre-feet (“AF”), Conditional; E. Use: Irrigation, industrial, domestic, livestock and recreation; **5) Work performed toward completion of the appropriation between October 2017 and October 2023 (as more fully described in the Application):** A. District has engaged in a full review of its water rights portfolio, including evaluation of the subject water right under current hydrology to determine continuing utility of this right; B. Has operated Bobby K. Taylor Reservoir, recharge pits, and associated exchange to determine impacts to hydrology and water availability; C. Has explored coordinated operations with Red Mesa Reservoir and other associated water rights to evaluate the impact on river operations and water availability within the La Plata River Basin; **6) Owners of land upon which structures for the subject water right is located:** Colorado State University, 18683 St. Hwy 140, Hesperus, CO 81326. (4 pages)

**2023CW3049** La Plata County. APPLICATION TO MAKE ABSOLUTE AND FOR A FINDING OF REASONABLE DILIGENCE. Applicant: Rio Cabana, LLC. Please send all correspondence to Applicant’s counsel, Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2<sup>nd</sup> Ave, Unit 11B, Durango, CO 81301 (970) 403-1770. [amy@waterland-law.com](mailto:amy@waterland-law.com). **RIO CABANA DITCH I.** Original Decree: Case No. 14CW3051, District Court, Water Division No. 7, entered on October 12, 2017. POD: In the NE ¼ SE ¼ Section 35 Township 36N Range 8W, NMPM, at a point 2225 feet from the South Section line and 230 feet from the East Section line. GPS: Northing 4136510, Easting 260298; UTM NAD83 Zone 13Dis 35 T 36N R8W, NMPM. Source: Florida River, and its tributaries. App Date: 12/31/2014. Amt: 0.25 cfs, Conditional. Use: Irrigation (6,000 sq. feet/ 0.14 acres, as shown on Exhibit A), firefighting, and freshening flows for the Rio Cabana Pond I. Freshening flows are limited to 0.05 cfs (22 gpm) and may only operate during the irrigation season. What has been done toward completing the appropriation: During the last diligence period Applicant diverted 0.05 cfs from the Florida River through the Rio Cabana Ditch I and into the Rio Cabana Pond I for freshening flows. The records maintained by the Colorado Division of Water Resources affirm that Applicant has applied 0.05 cfs to beneficial use. See Exhibit B. Additionally, Applicant has maintained its contract with the Florida Water Conservancy District (FWCD) to ensure the viability of the plan for augmentation that was decreed in Case No. 2014CW3051 to allow the water rights in this application to divert out-of-priority. If claim to make absolute: (a) date – 2017; (b) amount -0.05 cfs; and (c) use – freshening flows. **RIO CABANA POND I.** Original Decree: Case No. 14CW3051, District Court, Water Division No. 7, entered on October 12, 2017. POD: In the NE ¼ SE ¼ Section 35, Township 36N Range 8W, NMPM, at a point 2261 feet from the South Section line and 286 feet from the East Section line. GPS: Northing 4136505, Easting 260291; UTM NAD83 Zone 13. Source: Rio Cabana Ditch I, Florida River, and its tributaries. App Date: 12/31/14. Amt: 0.27 AF to fill at a rate of up to 0.25 cfs, Conditional. The maximum rate of diversion when combined with the Rio Cabana Ditch I direct flow right described in Paragraph 2.1, above, is limited to 0.25 cfs. Use: Irrigation (6,000 sq. feet/ 0.14 acres, as shown on Exhibit A), firefighting, and incidental fishery. What has been done toward completing the appropriation: During the last diligence period, Applicant diverted water through the Rio Cabana Ditch I into the Rio Cabana Pond I. Applicant also maintained its contract with the FWCD See Section 2.1, above. If claim to make absolute: (a) date; (b) amount; and (c) use: Applicant is not claiming to make any portion of the Rio Cabana Pond I absolute at this time. **RIO CABANA POND GROUNDWATER RIGHT.** Original Decree: Case No. 14CW3051, District Court, Water Division No. 7, entered on October 12, 2017. POD: In the NE ¼ SE ¼ Section 35, T 36N, R8W, NMPM, at a point 2040 feet from the South Section line and 270 feet from the East Section line. GPS: Northing 4136451, Easting 260287; UTM NAD83 Zone 13. Source: Groundwater tributary to the Florida River. App. Date: 12/31/14. Amt: 3.02 g.p.m. maximum rate of withdrawal, from evaporation, 0.43 AF/year Conditional. Use: Irrigation (6,000 sq. feet/ 0.14 acres, as shown on Exhibit A), firefighting, and fishery. What has been done toward completion of the appropriations: The Rio Cabana

Pond Groundwater Right is part of Applicant's integrated system. During the last diligence period, Applicant diverted water under the Rio Cabana Ditch I water right and utilized the Rio Cabana Pond to temporarily store said water. Applicant has not yet begun construction on the Rio Cabana Pond Groundwater Right due to economic conditions and contractor availability. If claim to make absolute: (a) date; (b) amount; and (c) use: Applicant is not seeking to make any portion of the Rio Cabana Pond Groundwater Right absolute at this time. INTEGRATED SYSTEM/SHOWING OF DILIGENCE. The Rio Cabana Ditch I, the Rio Cabana Pond I, and the Rio Cabana Pond Groundwater Right are part of an integrated system and therefore activities associated with one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for the entire system. C.R.S. § 37-92-301(4)(b). Applicant has diverted water under the Rio Cabana Ditch I water right and it has stored water in the Rio Cabana Pond I. Applicant has also maintained its contract with the FWCD for augmentation water to replace out of priority depletions from out of priority diversions associated with the water rights in this application. Applicant intends to develop its water rights to their full decreed entitlements. A showing of diligence is supported by continuous project-specific effort aimed at developing a conditional right. Applicant has demonstrated reasonable diligence for the water rights described herein. AFFECTED LANDOWNERS. Applicant owns 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. (13 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 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](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 November 30, 2023

/s/ Jason Poyer  
Water Court Specialist