

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 April 2024, for each county affected.

2024CW3011 San Juan County. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Applicant: Town of Silverton, Colorado Attention: John Sites P.O. Box 250 Silverton, CO 81433; Please send all correspondence to Applicants; counsel: Peggy E. Montaña, Michael Kopp; Trout Raley; 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203; (303)861-1963; pmontano@troutlaw.com; mkopp@troutlaw.com. Overview of Application: In this Application, the Applicant seeks a finding of reasonable diligence for the conditional appropriative right of exchange decreed as part of the augmentation plan approved in Case No. 04CW50. The exchange allows the Applicant to release water from Big Molas Lake to the Animas River and replace, by exchange, diversions at several upstream points as described herein. Name of structures: Big Molas Lake and Molas Ditch. Description of water rights: Date of original decree: January 11, 2012, *nunc pro tunc* October 18, 2011, District Court, Water Division No. 7, Case No.04 CW50. Legal Description of Structures: Big Molas Lake: The reservoir is a natural lake which has been enlarged by the construction of an earthen dam as further described herein. The dam is located in the West 1/2 of Section 7, Township 40 North, Range 7 West, N.M.P.M. and the center of the dam is located at a point which is 1600 feet North of the South line and 1350 feet East of the West line of the said Section 7 which point is also described as North 37° 44.740 minutes, West 107° 41.00 minutes. Molas Ditch: The point of diversion for the Molas Ditch is located on the East bank of Molas Creek in the NE 1/4, NW 1/4, SE 1/4, Sec. 12, Twp. 40 N, Range 8W, being 2545 feet from the South section line and 1479 from the East section line as identified by GPS and provided by the State Engineer's Office. Source of water: Big Molas Lake: The natural drainage above Big Molas Lake and diversions from Molas Creek by the Molas Ditch, both of which are tributary to the Animas River. Molas Ditch: Molas Creek, a tributary of the Animas River. Date of Appropriation: Big Molas Lake: May 31, 1929 for recreational, piscatorial, and fishery in-reservoir uses. July 15, 2004, for municipal, commercial, irrigation, exchange and augmentation uses. Molas Ditch: May 31, 1929 for recreational, piscatorial, and fishery in-reservoir uses. July 15, 2004, for municipal, commercial, irrigation, exchange and augmentation uses. Amount: Big Molas Lake: 113 acre feet 113 acre-feet, absolute, for recreational, piscatorial, and fishery in reservoir uses (Case No. 04CW50). 113 acre-feet, absolute, for municipal, commercial, irrigation, augmentation, and exchange (Case No. 17CW3037). Molas Ditch: 2.2 cfs 2.2 cfs, absolute, for recreational, piscatorial, and fishery in reservoir uses (Case No. 04CW50). 2.2 cfs, absolute, for municipal, commercial, irrigation, augmentation, and exchange (Case No. 17CW3037). Uses: Big Molas Lake: Municipal, recreational, piscatorial, fishery in reservoir, commercial, irrigation of features within the Town of Silverton's Big Molas Lake Park, exchange, and augmentation uses. The Town's municipal and commercial use of the water right involves non-consumptive use of the water in Big Molas Lake as part of a municipal park with certain permitted commercial operations, such as a campground where fishing is permitted. The Town makes direct use of the water in the Lake for municipal and commercial use by leaving the water in the Lake. The Lake and the park are owned by the Town and managed as a Town resource even when water is not released. Irrigation use is limited to that required to establish approximately 5 total acres of wetland and upslope restoration of areas as well as natural landscaping and revegetation in the immediate vicinity of the Lake. The Town may use the water right for augmentation and exchange during periods when the Town's junior water rights, as defined in Paragraph 4.B.2, below, become subject to calls by senior downstream water users. Molas Ditch: To fill Big Molas Lake for municipal, recreational, piscatorial, fishery in reservoir, commercial, irrigation of features within the Town of Silverton's Big Molas

Lake Park, exchange, and augmentation uses. The Town's municipal and commercial use of the water right involves non-consumptive use of the water in Big Molas Lake as part of a municipal park with certain permitted commercial operations, such as a campground where fishing is permitted. The Town makes direct use of the water in the Lake for municipal and commercial use by leaving the water in the Lake. The Lake and the park are owned by the Town and managed as a Town resource even when water is not released. Irrigation use is limited to that required to establish approximately 5 total acres of wetland and upslope restoration of areas as well as natural landscaping and revegetation in the immediate vicinity of the Lake. The Town may use the water right for augmentation and exchange during periods when the Town's junior water rights as defined in Paragraph 4.B.2, below, become subject to calls by senior downstream water users. Appropriative right of exchange: General description: The appropriative right of exchange was decreed as part of the augmentation plan approved in Case No. 04CW50. The augmentation plan allows the Town to divert water out-of-priority from tributaries of the Animas River pursuant to the water rights described in Paragraph 4.B.2, below. The augmentation water is delivered from Big Molas Lake to the Animas River below the points of depletion for these rights. The Town then exchanges the augmentation water from the point of delivery on the Animas River up to the points of out-of-priority depletion, as more fully described herein. Exchange Reaches: Exchange-from point (downstream point of exchange): Releases under the augmentation plan shall be made from Big Molas Lake, including use of a siphon, if necessary, to the Animas River via a natural drainage from Big Molas Lake to Molas Creek at a point located North 37° 452.75' West 107° 204.483', and from Molas Creek into the Animas River at a point located North 37° 44.1' West 107° 39.60'. Exchange-to points (upstream points of exchange): The points of diversion for the Town of Silverton's water rights in the Boulder Creek Pipeline in the amount of 9.3 cfs as follows: Said pipeline is decreed for 4.65 cfs of water from Boulder Creek for the Town of Silverton with an appropriation date of December 31, 1883, a decreed date of July 14, 1920, and the decreed Special Appropriation Priority No. 1965-1 (Animas Adjudication No. 1751-B, March 21, 1966). The point of diversion on Boulder Creek, a tributary to the Animas River, is located in Section 9, Township 41 North, Range 7 West of the N.M.P.M. at a point whence U.S. Mineral Monument "Evergreen" bears South 63° 54' West, a distance of 3391 feet. An additional 4.65 cfs is decreed from Galvin Creek for the Town of Silverton with an appropriation date of December 31, 1899, a decreed date of July 14, 1920, and the decreed Special Appropriation Priority No. 1965-1 (Animas Adjudication No. 1751-B, March 21, 1966). The Galvin Creek line is a feeder to the Boulder Creek Pipeline. The point of diversion on Galvin Creek, a tributary to the Animas River through Boulder Creek, is located at a point whence U.S. Mineral Monument "Evergreen" bears North 58° 26' East, a distance of 4504 feet. The point of diversion for the Town of Silverton's water rights in the Bear Creek Pipeline in the amount of 7 cfs with an appropriation date of September 26, 1904, a decreed date of July 14, 1920, and the decreed Special Appropriation Priority No. 1965-3 (Animas Adjudication No. 1751-B, March 21, 1966) with a point of diversion on Bear Creek in Section 13, Township 41 North, Range 8 West, N.M.P.M. at a point from whence U.S. Mineral Monument No. 4937 bears North 67° 40' East, a distance of 3038.2 feet. The point of diversion for the Town of Silverton's water rights in the Mineral Creek Pipeline in the amount of 1.6 cfs with an appropriation and decree date of August 24, 1937 and the decreed Special Appropriation Priority No. 1965-4 (Animas Adjudication No. 1751-B, March 21, 1966) with a point of diversion at a point from whence U.S. Mineral Monument No. 4937 bears South 88° 11' East 11,662 feet. The point of diversion for the Town of Silverton's Silverton Expansion Diversion in the amount of 5.2 cfs, with a volumetric limit of 805 acre-feet, an appropriation date of 2000, a priority date of December 29, 2005, and a point of diversion on the Town's street right-of-way under the 14th Street bridge over the Animas River, more particularly described as a point in the Southwest ¼ of the Northeast ¼ of Section 17, Township 41 North, Range 7 West, N.M.P.M. 2,150 feet west of the East section line and 2,700 feet north of the South section line of said Section 17 (North 37° 58.668', West 107° 39.548'). Source: Water stored in Big Molas Lake pursuant to Case No. 04CW50. Amount: Pursuant to the decree in Case No. 04CW50, the Division Engineer will determine the amounts and timing of water to be released from the storage amount available in Big Molas Lake pursuant to the augmentation plan to prevent injury to downstream senior water rights and decreed uses. Use: Exchange Priority date: July 15, 2004 Detailed outline of work performed and expenditures made toward completion of the appropriation during the diligence period: In

every year during the diligence period and including 2023, the Town diverted water in the Molas Ditch at up to 2.2 cfs and stored it in Big Molas Lake above 10,500 feet in elevation in the amount of 113 acre-feet. The Town performed regular maintenance and dam inspections at Big Molas Lake. Removal of debris and silt from the weir and the Molas Ditch is performed annually to keep Big Molas Lake at the water level appropriate for recreation, including fishing. In 2020, Town employees installed a partial bentonite clay liner to a portion of the lake that was observed to be leaking. Molas Lake has maintained a higher water level in the fall since this maintenance occurred. The Town has performed regular maintenance each year during the diligence period to maintain the campground at Big Molas Lake as a commercial and recreational amenity for Town residents and visitors. Use of the water was made by Silverton employees during the diligence period for wetlands irrigation at Big Molas Lake as provided in the 04CW50 decree. The Town consistently monitored its source water requirements due to losses caused by main breaks and considered alternate sources and augmentation strategies including the use of Big Molas Lake water. Future development needs and options for use of Town water supplies, including Big Molas Lake water as needed, when the Town's junior water rights become subject to calls by senior downstream water users, also known as a "call," for water was studied. The demand for water has increased as the permanent population of the Town has increased during the diligence period and tourism, including the Durango and Silverton Narrow Gauge Railroad ridership and to Silverton Mountain Ski Area, has increased to over 860,000 visitors per year. Because of these challenges, in 2019 the Town began a Water Security Study, which inventoried all of the Town's water rights, identified source weaknesses and identified solutions for maintaining a robust supply, including augmentation. The Town conducted a study on its Wastewater System in 2019 and determined that the collections system would require rehabilitation to reduce inflow and infiltration. Town currently has a \$4.8 million USDA grant / loan funded project (construction 2024-2026) to rehab the collections system. Additionally, the wastewater treatment facility is beyond its engineered life span. Funding has been procured through the Colorado State Revolving Fund for preliminary design which is expected to replace the lagoon facility with a mechanical facility. The Town is exploring converting the existing wastewater treatment lagoons to augmentation reservoirs and using them in conjunction with the Big Molas Lake exchange. In the wake of the Gold King Mine spill in 2015, the Town has managed an increased water supply demand from EPA Superfund workers and contractors, which has ramped up during the diligence period. The Town has continued to study ways to secure distributed water supplies to ensure that if one supply is unusable, other safe reliable water supplies are available to the Town. During the diligence period the Town has expended over 250 hours in personnel cost and estimated expenditures of over \$50,000 on the above activities including engineering expenses for the Water Security and Wastewater System Studies. Claim for finding of reasonable diligence: Applicant seeks a finding of reasonable diligence for the conditional right of exchange decreed in Case No. 04CW50. Integrated system: These water rights are part of the Town of Silverton's integrated water supply system. Pursuant to C.R.S. 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system constitutes reasonable diligence in the development of water rights for all features of the entire system. Name and address of owners or reputed owners of the land upon which any new diversion storage structure will be constructed or upon which water is or will be stored: Applicant and the United States of America, U.S. Forest Service, 15 Burnett Court, Durango, Colorado 81302; and the United States of America, Bureau of Land Management, 2465 South Townsend Avenue, Montrose, Colorado 81401. (9 pages)

2024CW3012 Archuleta County. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Applicant: Navajo River Ranch POA, P.O. Box 185 Chromo, Colorado 81128. Please direct all correspondence to Applicant's counsel, Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2nd Ave. Unit 11B, Durango, CO 81301. 970-403-1770. amy@waterland-law.com. **CENTRAL SUPPLY WELL NO. 1 (WELL)** Prior Decrees: Cases No. 96CW20, 04CW04, 10CW68, 17CW3035. POD: In the NE ¼ SE ¼ SE ¼ S2, T32N, R1E, NMPM, 1110' from the S section line and 747' from the E section line GPS: Northing 4100429, Easting 339286 UTM NAD83 Zone 13N. Well Permit: 54938-F Source: Alluvial ground water tributary to the Navajo River. App Date: 4/29/96 Amt: 40 gpm, 10 gpm remains conditional.

Uses. Central water supply system, including uses for domestic livestock, commercial, industrial, irrigation for lawn, garden, shrubs and trees, fire protection and beneficial uses associated with the Navajo River Ranches development. Depth: 21 feet. Outline of Reasonable Diligence. NRR uses the Central Supply Well No. 1 as part of its integrated water supply system for the NRR subdivision, which system includes the Russell Spring Well. Both water rights were originally adjudicated in Case No. 96CW20. During the last diligence period, NRR continued to use water diverted from both the Russell Spring Well and the Central Supply Well No. 1 for domestic, irrigation, and fire protection uses within the Navajo River Ranch subdivision. There are currently 46 water taps within the subdivision and 43 structures receiving water from the central system. During the last diligence period, NRR spent approximately \$174,274 on its water operator, \$209,249 on system expenses, and \$80,000 on a telemetry water system. The NRR water system is designed to utilize water from both the Russell Springs Well and the Central Supply Well No. 1, described herein. The NRR water system is an integrated system pursuant to C.R.S. § 37-92-301(4)(b). Affected Landowners: NRR owns the real property on which the Central Supply Well No. 1 is located. Remarks: See Application. (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 June 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; Jason Poyer, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before May 31, 2024

/s/ Jason Poyer
Water Court Specialist