

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 July 2024, for each county affected.

**2024CW2** Montezuma County. Amended Application to Make Absolute. Applicants: Douglas Logan Gafford and Janet Lynn Gafford, 18747 Road V, Lewis, CO 81327. Structure: Gafford Ditch, Prior Decrees: Case No. 2017CW3023. Legal Description: SW 1/4 SE 1/4 of Section 3, T37N, R17W, NMPM, being 517 feet from the South Section line and 1380 feet from the East Section line of Section 3, UTM Coordinates: Easting 702820, Northing 4151360, Zone 125. Source: Unnamed draw tributary to Yellow Jacket Canyon, Tributary to McElmo Creek. App. Date: June 28, 2017. Amount: 0.5 cfs. Uses: Irrigation of 45.66 acres (as shown on Exhibit “C” and labeled “Non-Irrigated Lands”) and livestock water. See Application. (28 pages including exhibits)

**2024CW3** La Plata County. Applicant: Howard Self, 240 Rd 4020 Ignacio, CO 81137. Structure: Self Ditch Prior Decrees: Case No. 2018CW1. Legal Description: SE 1/4 SE 1/4 of Section 9, T32N, R6W, NMPM, GPS location, NAD 83, Zone 13, Northing 4100680, Easting 277763. Source: Vallejo Arroyo. App. Date: January 29, 2018. Amount: 0.05 cfs. Uses: Irrigation of 1.5 acres on lot 5 of Gillis-West Allison Subdivision. See Application. (7 pages including exhibits)

**2024CW3024 LA PLATA COUNTY, WATER DISTRICT NO. 30: 1) APPLICANT:** Southern Ute Indian Tribe, Attn: Peter Nylander, Water Resources Division Head, P.O. Box 737, Ignacio, CO 81137; **2) Attorneys:** Adam T. Reeves and Lindsey A. Ratcliff, Maynes, Bradford, Shipp & Sheftel, LLP, 835 East 2<sup>nd</sup> Avenue, Suite 123, Durango, CO 81301; **3) Application for Finding of Reasonable Diligence;** **4) Structure 1: Tyner East Side Ditch (WDID: 3001243):** Original Decree: Case No.: 1751, District Court, Water Division 7, entered November 8, 1923 (“CA1751 Decree”); Subsequent Decrees: Case No. 13CW3012, District Court, Water Division 7, entered July 30, 2018 (“13CW3012 Decree”); Case No. 05CW60, District Court, Water Division 7, entered August 21, 2007 (“05CW60 Decree”); Location: In the NW1/4SW1/4SW1/4, Section 17U, T34N, R8W, N.M.P.M., being 994 feet from the South section line and 230 feet from the West section line of said 17U; GPS Location: Northing 4119103, Easting 255942, NAD 83 Zone 13 N.; Florida River, tributary to the Animas River; Appropriation Date: October 31, 2005; Amount and Use: Total: 0.55 cfs.; Absolute: 0.38 cfs for irrigation of 31.12 acres as described in the 13CW3012 Decree; Conditional: 0.17 cfs for irrigation of 44.9 acres as described in the 05CW60 Decree; **5) Structure 2: Tyner West Side Ditch (WDID: 3001244):** Original Decree: CA1751 Decree; Subsequent Decrees: 13CW3012 Decree; 05CW60 Decree; Location: In the NW1/4SW1/4NW1/4, Section 17U, T34N, R8W, N.M.P.M., being 1930 feet from the North section line and 356 feet from the West section line of said Section 17U; GPS Location: Northing 4119829, Easting 256007, NAD 83 Zone 13 N.; Source: Florida River, tributary to the Animas River; Appropriation Date: October 31, 2005; Amount and Use: Total: 0.45 cfs; Absolute: 0.33 cfs for irrigation of 26.35 acres as described in the 13CW3012 Decree; Conditional: 0.12 cfs for irrigation of 36.1 acres as described in the 05CW60 Decree; **6) Outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed:** (a) In 2023, the Applicant spent \$11,054 to reestablish access to the ditch. The project involved cleaning out overgrown vegetation, weed spraying and management, and widening narrow sections of the ditch (b) Applicant has instituted an inter-disciplinary water use options team to evaluate the totality of the Tribe’s water rights portfolio which operates as an integrated project to serve the Tribe and its membership.

Among the rights subject to evaluation is that applied for here. 7) Applicant is the owner of the land upon which any new diversion or storage structure is or will be constructed. (4 pages)

**2024CW3025**      **ARCHULETA COUNTY; 1) Applicant:** Pinon Hills Ranch Property Owners Association, Inc.; **2) Attorneys:** Lindsey A. Ratcliff and Adam T. Reeves, Maynes, Bradford, Shipps & Sheftel, LLP, 835 East 2<sup>nd</sup> Avenue, Suite 123, Durango, CO 81301; **3) Application for a Finding of Reasonable Diligence;** **4) Structure:** Pinon Hills Diversion Structure (WDID: 2901024); Original Decree: Case No. 04W98, District Court, Water Division 7, amended July 12, 2006, *nunc pro tunc* July 20, 2005; Diligence Decrees: Case No. 11CW36, District Court, Water Division 7, January 18, 3012; Case No. 18CW3004, District Court, Water Division 7, July 25, 2018; Location: SW1/4NW1/4SW1/4, Section 14, T33N, R2W, N.M.P.M.; 237 feet east of the west section line and 2,128 feet north of the south section line of Section 14, with a GPS location having a Northing of 4108190 and an Easting of 318195 using UTM-NAD83 Zone 13N; Alternate Location (WDID: 2901025): NE1/4NW1/4SW1/4 Section 14, T33N, R2W, N.M.P.M.; 1,000 feet east of the west section line and 2,400 feet north of the south section line of Section 14, with a GPS location having a Northing of 4108269 and an Easting of 318430 using UTM- NAD83 Zone 13N; Source: San Juan River, through use of a surface diversion or a gallery collection system; Appropriation Date: March 13, 2003; Amount: 0.2 cfs was previously decreed Absolute in Case No. 11CW36; 4.8 cfs remain Conditional; Uses: Water usage associated with a rural subdivision of up to 45 lots at full build out, to build in phases 1 and 2, unless some land is placed in a conservation easement, on Applicant's property ("Property"), including, but not restricted to, domestic, lawn and garden irrigation, irrigation of common parks, fire protection, livestock watering and recreation, and filling of and evaporation from ponds for those uses listed above, gravel mining for road construction and maintenance on the Property, dust control, operation of and evaporation from Property water features including, but not limited to, fountains and water channels. Applicant has installed a potable water hauling station near the river from Applicant's subsurface gallery well to provide future subdivision residents with a supplemental water choice. Up to 15 subdivision homeowners whose wells prove unsatisfactory or who choose a cistern would be able to use the hauling station without significant water quality monitoring. One large pond on the Property, near the diversion point, will divert water from upstream into the Pond which will then flow back to the river downstream. **5) Outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed:** (a) Applicant has spent \$8,364 on water system expenses including a new pump for the gallery well and pump system, monitoring of the hauling station, and costs associated with the management, maintenance, and repair of the water system; **6) Applicant is the owner of the land upon which any new diversion or storage structure is or will be constructed.** (5 pages)

**2024CW3026**      **PAX 2013, Ltd., a Texas limited liability partnership, c/o Nicholas Hawkes, 3217 Road 41, Mancos, CO 81328** (Please address all pleadings and inquiries regarding this matter to Applicant's attorneys: Alyson K. Scott and Kelly L. Snodgrass of Alyson Scott Law, LLC, 3801 E. Florida Avenue, Suite 410, Denver, CO 80210; (720) 538-0356) Application for Finding of Reasonable Diligence **MONTEZUMA COUNTY 2. Name of structure:** Murray Ditch. **3. Description of conditional water right:** Pax 2013, Ltd. ("Applicant") obtained a conditional decree for 2.0 cfs for irrigation of 80 acres from the Court on April 21, 2005, in case number 04CW72 and as evidenced by the Judgment and Decree. Applicant subsequently filed and received decrees awarding findings of diligence on December 30, 2011, in case number 11CW20 and on July 10, 2018, in case number 17CW17. Applicant subsequently filed for a change in point of diversion, to divert its Murray Ditch water rights at the Graf Ditch point of diversion, which was granted by the Court's Findings of Fact, Conclusion of Law, Judgment and Decree entered in case number 17CW18 on January 10, 2019. **A. Legal Description of Original Point of Diversion (04CW72):** In the NW1/4NW1/4NE1/4, Section 29, T35N, R 13W, NMPM, being 25 feet from the North section line and 2425 feet from the East section line of said Section 29. **B. Legal Description of Changed Point of Diversion (17CW18):** 250 feet South of the North line of the SW1/4SE1/4 of Section 20, T35N, R13W, NMPM, and 600 feet East of the West line of said tract in the NW1/4SW1/4SE1/4 Section 20, and

more specifically described as: UTM Coordinates: Zone 12: Easting 738835; Northing: 4128448. C. **Source of water:** Webber Creek tributary to the Mancos River. D. **Appropriation Date:** May 20, 2004. E. **Amount of Water:** 2.0 cfs, conditional. F. **Use:** Irrigation of 80 acres (as depicted on **Exhibit A** hereto). 4. **Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use:** As decreed by the Court in the preceding diligence proceeding in Case No. 17CW17, “[p]ursuant to C.R.S. § 37-92-301(4)(b), work on one or more features of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system.” At ¶5. During the diligence period, Applicant obtained a decree from the Court on January 10, 2019, in Case No. 17CW18 changing the decreed point of diversion for the Murray Ditch water right from its originally decreed point to the Graf Ditch. Applicant hired an engineer who then observed the Graf Ditch and evaluated options to enlarge the structure to allow for diversion of the Murray Ditch water right at the changed, decreed point of diversion for irrigation on the property. Applicant is designing and installing steel irrigation boxes on the Graf Ditch to support irrigation utilizing the Murray Ditch water right. Applicant purchased and installed water filtration, irrigation guns, and gated pipe to facilitate irrigation by the Murray Ditch water right. Applicant excavated and sealed approximately 10,000 ft. of open channel alignment and has installed diversion gates on the Willden and Brinkerhoff Ditch. Applicant consulted legal counsel regarding maintaining diligence for the Murray Ditch water right and certain improvements to Graf Ditch to support diversion of the Murray Ditch water right as well as the Graf Ditch water right. Applicant made expenditures in excess of \$30,000 to cover the financial costs for the above work and activities completed during the diligence period. 5. **Names and addresses of owners or reputed owners of structure or the land upon which structures are located or upon which water is or will be stored and beneficially used:** None other than Applicant, whose name and address is set forth above. (5 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 September 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 August 31, 2024

/s/ Jason Poyer  
Water Court Specialist