

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 2024, for each county affected.

2024CW8 La Plata County. Applicant: Brett Summers, 4042 Hwy. 550 Durango, CO 81303. Structure: Bondad Beautifier. Prior Decrees: Case No. 18CW3. Legal Description: A pump in the SE1/4 SW1/4 of Section 31, T33N, R9W, NMPM, being 809 from the South Section line and 1664 from the West Section line of said Section 31, GPS location, NAD 83, Zone 13, Northing: 4104844, Easting: 244754. Source: Florida River tributary to the Animas River. App. Date: 8/7/2017. Amount: 0.08 CFS (38 gpm). Uses: Absolute for the irrigation of 1.6 acres, conditional for the irrigation of 1.75 acres. See application for further details. (9 pages including exhibits)

2024CW9 San Juan County. Applicants: Marc Salter and Sayra Salter, 355 Clover Pl. Durango, CO 81303. Structure: Salter Diversion. Prior Decrees: Case No. 06CW127, 13CW3034, 22CW3010. Legal Description: Water will be diverted within the Animas Service Area which shall be defined as any point within the Animas River Basin (which includes the Animas River and all of its tributaries) upstream of a point in the Animas River that is located as follows: in the SW1/4 SW1/4 of Section 29, T35N, R9W, NMPM, 1250 feet from the South Section line and 720 feet from the West Section line of said Section 29, La Plata County, Colorado, SW1/4 NE1/4 of Section 18, T40, R6, NMPM, San Juan County. UTM coordinates, Easting 273885, Northing 4188104. Source: Stoney Creek tributary to the Animas River. App. Date: 2/22/09. Amount: Depletion amounts range from 20 to 40 cfs. Uses: Year round depletions associated with beneficial uses of water diverted from the Animas River and its tributaries in the Animas Service Area from non-exempt wells and surface diversion for irrigation,; supplemental irrigation; wetlands and wetlands irrigation; domestic and municipal use; pond, reservoir water feature and other evaporation; industrial and manufacturing use, power; geothermal; commercial use; gravel and other mining; stock and wildlife watering; fire fighting; recreation; snow and ice making; piscatorial; recharge; augmentation; and exchange. See application for further details. (10 pages including exhibits)

2024CW10 San Juan County. Applicant: Michael L. Luther, PO Box 374 Silverton, CO 81433. Structure: Ward Dam Diversion. Prior Decrees: Case No. 03CW98, 10CW78, 17CW16. Legal Description: In the SE1/4 SW1/4 SE1/4, Section 10, T41N, R7W, NMPM, being approximately 226 feet from the South section line and 2096 feet from the East section line of said Section 10. Source: Arrastra Creek, tributary to the Animas River. App. Date: 9/14/03. Amount: 0.033cfs Absolute. Uses: No change to Absolute/Conditional water rights/uses is requested at this time. The Applicant currently requests that all of the Absolute and Conditional water rights and existing/proposed uses adjudicated in the past remain as-is. See application for further details. (6 pages including exhibit)

2024CW3033 Archuleta County; Application for Absolute Water Right; 1. Applicant: B & J Development, Ltd. Co. c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 679 E. 2nd Ave. Unit 10, Durango, CO 81301; (970) 422-5510; kperdue@swpropertylaw.com. 2. Structure: Turtle Ditch; i. In the SW1/4 of the SW1/4, Section 28, Township 36 North, Range 1 West, N.M.P.M. UTM Coordinates: 13 S, 326011m E; 4132246 m N; ii. Source of water: Fawn Gulch, tributary to the San Juan River; iii. Appropriation date: May 29, 2024; iv. Amount: 0.5 cfs absolute; v. Use: Irrigation and fire suppression; 3.

Applicant is the owner of the land upon which these structures are located. See map filed with application. (4 pages including exhibit)

2024CW3034 CONCERNING THE APPLICATION FOR WATER RIGHTS OF LA PLATA COUNTY IN THE FLORIDA RIVER AND ITS TRIBUTARIES, IN LA PLATA COUNTY, COLORADO: **APPLICATION TO MAKE ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE.** 1. Name, mailing address, and telephone number of Applicant: Board of County Commissioners, La Plata County, 1101 East Second Avenue, Durango, CO 81301, 970-382-6200; with copies of pleadings to: Kathleen Moore, La Plata County Attorney's Office, 1060 East 2nd Avenue, Suite 140, Durango, CO 81301, 970-382-8600, moore@lpcattorney.org. 2. Structures: **A. Name(s) of Structure(s):** LPC Florida Canal POD; LPC Florida Farmers Ditch POD; LPC Durango-A POD; LPC Ignacio-A POD; LPC Ignacio-B POD; LPC Bayfield-A POD. **B. Type of Structure(s):** points of diversion. 3. Description of Water Right and Prior Decrees: **A. Date of Original Decree:** October 30, 2018. **B. Case No. and Court:** 2017CW3044; District Court, Water Division No. 7. 4. Legal Description of Water Rights: The six (6) points of diversion, which operate as alternate points of diversion to each other (referred to herein as "PODs" or "APODs"), are listed below and shown on Exhibit 1 of the Application filed with the Court. *Diversion Point - Legal Description:* (1) *LPC Florida Canal POD* – A point in the NE ¼ of the SW ¼ of Section 8 T35N, R8W, N.M.P.M. 1,342 feet from the south section line and 1,691 feet from the west section line of said section 8. UTM coordinates: Easting: 254346.5 Northing: 4133181.2 (NAD 83, Zone 13); (2) *LPC Florida Farmers Ditch POD* – A point in the SW ¼ of the SW ¼ of Section 18 T35N, R8W N.M.P.M. 281 feet from the south section line and 1,119 feet from the west section line of said section 18. UTM coordinates Easting: 252522.6 Northing: 4131273.7 (NAD 83, Zone 13); (3) *LPC Durango-A POD* – A point in the NE ¼ of the SW ¼ of Section 20 T36N, R7W, N.M.P.M. 1,592 feet from the south section line and 1,494 feet from the west section line of said section 20. UTM coordinates Easting: 264104.1 Northing: 4139428.9 (NAD 83, Zone 13); (4) *LPC Ignacio-A POD* – A point in the NE ¼ of the SW ¼ of Section 32 T34N, R8W, N.M.P.M. 1,652 feet from the south section line and 1,844 feet from the west section line of said section 32. UTM coordinates: Easting: 256297.7 Northing: 4114451.6 (NAD 83, Zone 13); (5) *LPC Ignacio-B POD* – A point in the NW ¼ of the SW ¼ of Section 1 T33N, R9W, N.M.P.M. 1,744 feet from the south section line and 11 feet from the west section line of said section 1. UTM coordinates: Easting: 252469.5 Northing: 4112954.6 (NAD 83, Zone 13); (6) *LPC Bayfield-A POD* - A point in the NW ¼ of the NE ¼ of Section 15U T34N, R8W, Ute P.M. 936 feet from the north section line and 1,344 feet from the east section line of said section 15U. UTM coordinates: Easting: 260339.7 Northing: 4120018.3 (NAD 83, Zone 13). **A. Source:** Florida River and Salt Creek and their tributaries. **B. Appropriation Date:** December 7, 2017. **C. Amount:** 0.75 cfs conditional (maximum combined diversion rate from LPC Florida Canal POD, LPC Florida Farmers Ditch POD, LPC Durango-A POD, LPC Ignacio-A POD, LPC Ignacio-B, and LPC Bayfield-A POD). **D. Uses:** Municipal and Industrial, for County road and bridge purposes in La Plata County. See Exhibit 2 of the Application filed with the Court. 5. Outline of Work Performed or Actions Taken Toward Completion of Appropriation and Application of Water to Beneficial Use as Conditionally Decree: During the diligence period, Applicant has completed the following tasks: **A.** Diverted water by means of truck mounted pump from the APODs for municipal and industrial uses of the Road & Bridge Department. Colorado Decision Support System records, on file with the Colorado Division of Water Resources confirm that Applicant has applied 0.49 cfs to beneficial use. See Exhibit 3 of the Application filed with the Court. **B.** Maintained its Water Carriage Agreement with the Florida Consolidated Ditch Company to access and use haul points related to the LPC Florida Canal POD and the LPC Florida Farmers Ditch POD. **C.** Maintained its Third-Party Agreement for Purchase of Florida Project Storage Water for Long-Term Water Service with the Florida Water Conservancy District, as approved by the United States Bureau of Reclamation, to replace out-of-priority diversions with releases from Lemon Dam, as part of the plan for augmentation decreed in Case No. 2017CW3044. **D.** County staff and their engineering consultant met with the Division Engineer via video conference to discuss measuring devices, water record improvements and other matters related to APOD structures under the 2017CW3044 decree. **E.** In 2021, Applicant expended resources and incurred costs and expenses for materials, equipment

and personnel to resurface the County right-of-way where the LPC Florida Farmers Ditch POD is located. Further, water diverted from the APODs is part of an integrated water system used by the County Road & Bridge Department to supply water for road and bridge purposes and maintenance and improvements throughout La Plata County. Thus, work conducted on one supply point supports all points of diversion as an integrated water supply system operated by the County. The Applicant has demonstrated that water can and will be diverted or otherwise captured, possessed and controlled and that the rights can and will be completed with diligence within a reasonable period. 6. Claim to Make Absolute in Part: A. Date water first applied to beneficial use: December 2018. B. Amount: 0.49 cfs absolute and 0.26 cfs conditional for a total claim of 0.75 cfs, C. Uses: Municipal and Industrial, for County road and bridge purposes in La Plata County. D. Location of Use: La Plata County. See Exhibit 2 of the Application filed with the Court. E. Supporting evidence of diversion and application of beneficial use: See Exhibit 3 of the Application filed with the Court. 7. Map of Structures: See Exhibit 1 of the Application filed with the Court. 8. Name(s) and Addresses of Owners or Reputed Owners of Land: N/A. Applicant does not anticipate construction of any new diversion or storage structures or modifications to existing diversion or storage structures or existing storage pools. WHEREFORE, Applicant respectfully requests that the Court enter a decree adjudicating 0.49 cfs of water absolute and continue 0.26 cfs conditional and entering a finding of diligence for the water rights described herein. (7 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 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 November 30, 2024

/s/ Jason Poyer
Water Court Specialist