DISTRICT COURT, WATER DIVISION 7, COLORADO

AMENDED 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 December 2024, for each county affected.

2024CW12 La Plata County. Applicant: Lance Meador, 789 C.R. 121 Hesperus, CO 81326. Structure: Lantz Ditch. Legal Description: in the SE1/4 SW1/4, Section 2U, T34N, R12W, N.M.P.M, UTM Coordinates Zone 12, Northing 37*12.754', Easting 108*07.441'. Source: Runoff water, some of which may be irrigation water, La Plata River. App. Date: 5/2020. Amount: .36 cfs Conditional, .64 cfs Absolute. Uses: Irrigation and commercial. See application for further details. (7 pages including exhibits)

2024CW13 Archuleta County. Applicants: Monty R. Giles and Edna S. Marquez, PO Box 1842 Arboles, CO 81121. Structure: Edmont No 1. Legal Description: in the SE1/4 SE1/4, Section 18, T32N, R5W, N.M.P.M, UTM Coordinates Zone 13, Northing 4099194, Easting 284241. Source: On Channel unnamed trib. to Sawyer Arroya trib. to San Juan River. App. Date: 12/19/2024. Amount: .8 (acre feet) Conditional. Uses: Irrigation stock water fishery, storage, mult. refills. See application for further details. (8 pages including exhibits)

2024CW3042 Jason T. Ullmann, State Engineer and Director of the Colorado Division of Water Resources, 1313 Sherman Street, 8th Floor, Denver, Colorado 80203 {Andrew Nicewicz, Assistant Attorney General, Preston V. Hartman, Senior Assistant Attorney General, Emilie B. Polley, Assistant Attorney General, Attorneys for Colorado Division of Water Resources, 1300 Broadway, 10th Floor, Denver, Colorado 80203: (720) 508-6259 (Mr. Nicewicz), (720) 598-508-6257 (Mr. Hartman), (720) 508-6314 (Ms. Polley)}. The State Engineer respectfully requests that the Water Judge include notice of the proposed Rules in the resume of applications filed with the Water Clerk for Water Division 7 during the month of December 2024. In addition the State Engineer respectfully requests that the Water Judge approve the adoption of the Rules if no protests are filed within 60 days of the publication of the Rules in the counties in which the Rules apply or, in the alternative, if any protests are timely filed, hear and dispose of such protests as promptly as possible: Text of the Rules: **RULES AND REGULATIONS GOVERNING THE MEASUREMENT OF SURFACE WATER AND GROUNDWATER DIVERSIONS AND STORAGE, RELEASE, AND DELIVERY OF WATER LOCATED IN WATER DIVISION 7: ORDER OF THE STATE ENGINEER: IT IS ORDERED** that the following rules governing the measurement of surface water and Groundwater diversions and storage, release, and delivery of water located in Water Division 7 are adopted by the State Engineer. **Rule 1. Title.** The title of these rules and regulations is "Rules and Regulations Governing the Measurement of Surface Water and Groundwater Diversions and Storage, Release, and Delivery of Water Located in Water Division 7." In this document these rules and regulations may be referred to as "Rules." **Rule 2. Authority.** In order for the State Engineer and Division Engineer for Water Division 7 to obtain information needed for the administration, distribution, and regulation of the waters in Water Division 7, it is necessary to adopt rules governing the measurement of surface water and groundwater diversions and storage, release, and delivery of water located in Water Division 7. The State Engineer's authority to adopt these Rules is based on section 37-80-102(1)(g), C.R.S., which vests rulemaking authority for the Division of Water Resources in the State Engineer; section 37-92-501, C.R.S., which authorizes the State Engineer to adopt rules and regulations to assist in the performance of the administration, distribution, and regulation of the waters of the state in accordance with the constitution of the State of Colorado, the provisions of article 92 of title 37, C.R.S.,

(The Water Right Determination and Administration Act of 1969), and other applicable laws; section 37-92-502(5)(a), C.R.S., which authorizes the State Engineer to order any owner or user of a water right to install and maintain, at such owner's or user's expense, necessary meters, gages, or other measuring devices and to report at reasonable times to the appropriate Division Engineer the readings of such meters, gages, or other measuring devices; and section 37-92-502(5)(b), C.R.S., which authorizes the State Engineer to order any person or company supplying energy used to pump groundwater to provide, at reasonable times to the Division Engineer, records of energy used to pump groundwater. **Rule 3. Scope and Purpose of the Rules. 3.1 Scope.** These Rules apply to all surface water Diversions, Groundwater Diversions, and the storage, release, and delivery of surface water and Groundwater located within Water Division 7, as defined in section 37-92-201(1)(g), C.R.S., with the following exceptions: **3.1.1** Permitted or unregistered wells that operate pursuant to the provisions of section 37-92-602(1), C.R.S.; **3.1.2** Ponds used for the limited purposes of livestock watering, wildlife watering, fire protection, or any combination thereof that are not filled by a Diversion from a natural stream; **3.1.3** Head stabilization ponds that are part of the conveyance and application of water and do not Divert water independently of the Diversion under the Water Right, and do not store water for more than 72 hours; **3.1.4** Surface water Diversions, including springs, that are Diverted at a rate not exceeding 15 gallons per minute and are used for the limited purposes of domestic use in no more than three single-family dwellings, fire protection, watering of domestic animals, the irrigation of not over one acre of home gardens and lawns, livestock watering on farms and ranches, wildlife watering, or any combination thereof; **3.1.5** Erosion control dams, as described in section 37-87-122, C.R.S.; **3.1.6** The dewatering of geologic formations by the withdrawal of nontributary groundwater to facilitate or permit mining of minerals, as described in section 37-90-137(7), C.R.S.; and **3.1.7** A Diversion Structure that is declared to be an Inactive Diversion Structure in accordance with Rule 9. **3.2** Purpose The purpose of these Rules is to establish consistent and reliable standards to assist the State Engineer and Division Engineer in the administration, distribution, and regulation of water in Water Division 7. These Rules shall be liberally construed to carry out the purposes described in this Rule 3.2. Specifically, these Rules are intended to: 3.2**.1** Establish standards for the selection and installation of Measurement Methods and Diversion Structures or Other Structures for the purpose of controlling and measuring Diversions or measuring storage, releases, or deliveries of water. **3.2.2** Establish consistent and reliable minimum standards for the recording and reporting of data for water Diversions, the storage, release, and delivery of water, and the means by which the Division Engineer will receive such data. **3.2.3** Establish consistent and reliable standards for assessing compliance with the State Engineer's and Division Engineer's authority to implement and enforce the statutory requirement for installation of Measurement Methods and Headgates. **3.3** Nothing in these Rules is intended to or shall be interpreted to interfere with, constrain, or otherwise limit the right to appropriate water for beneficial use in accordance with Colorado law. These Rules do not relieve any Owner or Water User of any obligation to comply with the terms and conditions of any applicable water court decree, rule, permit, or order. **Rule 4. Definitions 4.1 Definitions**: Any term used in these Rules that is defined in articles 82, 87, 90, and 92 of title 37 of the Colorado Revised Statutes has the same meaning given therein unless otherwise stated in these Rules. **4.1.1** "Alternative Measurement Method" means a Measurement Method that does not meet the definition of a Measuring Device and is used to determine the Flow Rate, Total Volume, or the volume of water diverted, stored in a Reservoir, released from a Reservoir, or otherwise delivered for any purpose within the standards of accuracy identified in these Rules. **4.1.2** "Control Structure" means a structure consisting of durable synthetic or natural materials that has been placed with the intent to divert, capture, possess and control water in its natural course for an appropriator's intended and specified recreational in-channel diversion. **4.1.3** "Diversion" or "Divert" means removing water from its natural course or location, or controlling water in its natural course or location, by means of a Control Structure, ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure or device, as more fully defined in section 37-92-103(7), C.R.S. **4.1.4** "Diversion Structure" means a Control Structure, ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure or device designed to Divert water from its natural water course or location or control water in its natural course or location. **4.1.5** "Flow Rate" means instantaneous flow, usually expressed in gallons per minute ("gpm") or cubic feet per second ("cfs"). **4.1.6** "Groundwater"

means any water not visible on the surface of the ground under natural conditions, as defined in section 37-90-103(19), C.R.S. **4.1.7** "Headgate" means a structure sufficient to control the rate of Diversion of water at all ordinary stages, as more fully described in section 37-84-112(1), C.R.S. **4.1.8** "Inactive Diversion Structure" means a Diversion Structure for which a Water User files an affidavit, on a form prescribed by the State Engineer, with the Division Engineer declaring the Water User's intent to not use the Diversion Structure for any Diversion or water application purpose, as more fully described in Rule 9. **4.1.9** "Measuring Device" means a Measurement Method that is a permanently-installed device, such as a flume, weir, staff gage associated with a stage-storage curve, or totalizing flow meter, including a totalizing flow meter that may be removed in the winter when the structure is not in use, used to directly determine the Flow Rate, Total Volume, or volume of water diverted, stored in a Reservoir, released from a Reservoir, or delivered for any purpose within the standards of accuracy identified in these Rules. **4.1.10 "**Measurement Method" means a method used to determine the Flow Rate, Total Volume, or volume of water diverted, stored in a Reservoir, released from a Reservoir, or otherwise delivered for any purpose within the standards of accuracy identified in these Rules, and includes Measuring Devices and Alternative Measurement Methods. **4.1.11 "**Notice," "Notify," or "Notification" to the Division Engineer means submission of a written message to the Division Engineer by mail or email, or the submission of a completed form or other format prescribed by the State Engineer where specifically required by these Rules. **4.1.12** "On-Stream Reservoir" means a Reservoir that is located on a natural stream. **4.1.13** "Off-Stream Reservoir" means a Reservoir that is located such that a natural stream does not flow through the Reservoir and the Reservoir fills by diverting water from a natural stream by means of a ditch, canal, flume, bypass, pipeline, conduit, well, pump, or other structure or device, or is filled by spring water, stormwater runoff, precipitation, or return flows, including effluent. **4.1.14** "Other Structure" means a structure operated to release water from a Reservoir or operated either to return water to the natural stream or to deliver a measured amount of water for any purpose subject to administration, distribution, and regulation by the State Engineer or Division Engineer, including but not limited to a waste ditch or wasteway. **4.1.15** "Person" means an individual, a partnership, a corporation, a municipality, the State of Colorado, the United States, or any other legal entity, public or private, as defined in section 37-92-103(8), C.R.S. **4.1.16** "Qualified Tester" means a Person who is qualified to determine the accuracy of an installed Measuring Device or Alternative Measurement Method based upon their competence in the use of hydrographic measurement equipment, such as current meters and acoustic doppler velocity meters. **4.1.17** "Recording Device" means any device acceptable to the Water Commissioner or Division Engineer that is capable of recording the flow data or water level for a Diversion Structure or Other Structure. **4.1.18** "Reservoir" means a structure designed to impound and store water, or store and subsequently release water, for one or more beneficial uses. **4.1.19** "Total Volume" means the volume of water, usually expressed in acre-feet ("AF"), that is Diverted or that is stored in or released from a Reservoir over a specific period of time or is in storage in a Reservoir at a given point in time. **4.1.20** "Verification" or "Verified" means the testing performed by a Qualified Tester to verify the accuracy of a Measuring Device or an Alternative Measurement Method. **4.1.21** "Water Right" means a right to use in accordance with its priority a certain portion of the waters of the state by reason of the appropriation of the same, as defined in section 37-92-103(12), C.R.S. **4.1.22** "Water User," "User," or "Owner" means a Person who owns or uses a Diversion Structure, any Water Right decreed to a Diversion Structure, or any Other Structure. For the purposes of these Rules, "Water User," "User," and "Owner" may be used interchangeably. **4.2 Other Definitions.** All other terms used in these Rules that are not defined in articles 82, 87, 90, and 92 of title 37 of the Colorado Revised Statutes shall be given their usual, customary, and accepted meanings. All words of a technical or legal nature specific to the administration, distribution, and regulation of Water Rights in the State of Colorado shall be given the meaning that is generally accepted within that field. **Rule 5. Headgate Requirements.** All Diversions of surface water within the scope of these Rules shall have a Headgate, if necessary, to control the rate of Diversion. Headgates must allow the Water Commissioner, or Owner at the direction of the Water Commissioner, to accurately adjust the Diversion of water with reasonable effort and within a reasonable amount of time and to secure the Diversion Structure at the adjusted condition so as to prevent any unauthorized Diversion or adjustment. **Rule 6. Measurement Methods and Recording Requirements.** All Diversion Structures

within the scope of these Rules shall either: (1) be equipped with a Measuring Device or an Alternative Measurement Method that meets the requirements of Rule 6.1 and is approved by the Division Engineer as described in Rule 7; or (2) be declared an Inactive Diversion Structure as described in Rule 9. For any Other Structure, a Measuring Device or Alternative Measurement Method that meets the requirements of Rule 6.1 may be required by the Division Engineer and approved by the Division Engineer as described in Rule 7. All Measurement Methods must be resistant to tampering or other physical interference. **6.1 Measurement Method Functional Standards: 6.1.1** A Measuring Device or Alternative Measurement Method must measure Flow Rate, Total Volume, or other volume of water passing through a Diversion Structure or Other Structure, depending on the defining elements of a Diversion Structure's Water Right(s), the purposes for other Diversions by a Diversion Structure, or the purposes of any Other Structure. **6.1.2** For Diversion Structures or Other Structures that have or propose Flow Rates greater than 1.0 cfs, a Measuring Device or Alternative Measurement Method shall be designed to accurately measure flows to within plus or minus five percent throughout the normal operating range. **6.1.3** For Diversion Structures or Other Structures that have or propose Flow Rates greater than 0.25 cfs and less than or equal to 1.0 cfs, a Measuring Device or Alternative Measurement Method shall be designed to accurately measuring flows to within plus or minus 0.05 cfs throughout the normal operating range. **6.1.4** For Diversion Structures or Other Structures that have or propose Flow Rates less than or equal to 0.25 cfs, a Measuring Device or Alternative Measurement Method shall be designed to meet an accuracy standard approved by the Division Engineer throughout the normal operating range. **6.1.5** A Measuring Device or Alternative Measurement Method shall be located within reasonable proximity of the Diversion Structure or Other Structure, as determined by the Water Commissioner, to enable the Water Commissioner to observe the effect of any Headgate adjustments or other operational adjustments. **6.1.6** A Measuring Device or Alternative Measurement Method shall be properly installed, and, if applicable, calibrated to engineering specifications appropriate for that particular Measuring Device or Alternative Measurement Method. **6.1.7** A Measuring Device or Alternative Measurement Method shall be maintained by the User in a condition that provides accurate measurement throughout the normal operating range of Flow Rate or volume of water diverted, stored in a Reservoir, released from a Reservoir, or otherwise delivered for any purpose. **6.1.8** A Measuring Device or Alternative Measurement Method shall not be deemed complete and acceptable until such time that the proper rating table for the Measuring Device or Alternative Measurement Method, or stage-capacity table, as applicable, has been made available to the Water Commissioner, unless such rating table is for a standard flume, weir, or meter and is otherwise available to the Water Commissioner. Rating tables are not required for totalizing flow meters. **6.1.9** Off-Stream Reservoirs require two of the following, as approved by the Water Commissioner or Division Engineer: **6.1.9.1** A Measuring Device or Alternative Measurement Method for the point of Diversion of the structure used to deliver water to the Reservoir; **6.1.9.2** A Measuring Device or Alternative Measurement Method used to measure the volume of water in storage; or **6.1.9.3** A Measuring Device or Alternative Measurement Method used to measure releases. Calculating the change of storage is a sufficient Alternative Measurement Method for purposes of Rules 6.1.9.1 and 6.1.9.3 as long as deliveries to and releases from the Reservoir are not being made at the same time. **6.1.10** On-Stream Reservoirs require: **6.1.10.1** The installation of an outlet or other structure capable of releasing all out-of-priority inflows; **6.1.10.2** A Measuring Device or Alternative Measurement Method used to measure the volume of water in storage; and **6.1.10.3** A Measuring Device or Alternative Measurement Method used to measure releases from storage. The combination of 6.1.10.2 and 6.1.10.3, above, shall be considered sufficient by the Division Engineer to determine or calculate evaporation, inflows, and outflows. **6.2 Recording Device Functional Standard: 6.2.1** A Recording Device may be required for any Measuring Device or Alternative Measurement Methods pursuant to the terms and conditions of a water court decree, the terms and conditions of a well permit, or as may be reasonably required by the Division Engineer. **6.2.2** If a Recording Device is required, the Recording Device shall be a device acceptable to the Water Commissioner or Division Engineer that is capable of the accurate and continuous recording of Flow Rates in accordance with the standards set forth in Rule 6.1.2, 6.1.3, or 6.1.4 depending on the Flow Rate, at no greater than 15-minute intervals. **6.2.3** If a Recording Device is required, the Recording Device must include a means to verify that the Recording Device is properly calibrated. **6.2.4** If a Recording Device is

required, the Recording Device shall not be deemed complete and acceptable until the User provides access to the Water Commissioner and/or the Division Engineer to all data from such Recording Device. **6.3 Temporary Measurement Method:** If an accepted Measuring Device or Alternative Measurement Method is incapable of accurately measuring flows, the Division Engineer may allow another temporary Measurement Method until the Measuring Device or Alternative Measurement Method is repaired, replaced, or restored. **6.4 Measurement Method Verification: 6.4.1** If a Measuring Device is properly installed and maintained and has a standard rating table, an adjusted standard rating table or custom rating table accepted by the Division Engineer, or a stage-capacity table, as applicable, the Division Engineer shall presume that the Measuring Device is accurate, and no Verification will be required. **6.4.2** Notwithstanding Rule 6.4.1, the Division Engineer may rate or Verify any Measuring Device or Alternative Measurement Method at any time. **6.4.3** Alternative Measurement Methods shall be rated or Verified every four years beginning on the date the Alternative Measurement Method is approved by the Division Engineer. **6.4.4** All flow measuring equipment used by a Qualified Tester to Verify Measuring Devices or Alternative Measurement Methods must be calibrated according to the following standards: **6.4.4.1** All flow measuring equipment used by a Qualified Tester to Verify pressurized pipe flow meters must be calibrated every two years to be accurate within plus or minus two percent (2%) by a facility using National Institute of Standards (NIST) traceable standards. **6.4.4.2** Calibration of accuracy and maintenance of open channel flow measuring equipment, such as current meters and acoustic velocity meters, must be accomplished by a Qualified Tester or facility using USGS or appropriate manufacturer standards. **6.4.5** A report of the Verification testing shall be provided to the Division Engineer on a form developed by the State Engineer. **Rule 7. Approval of Measurement Method** To comply with these Rules, each Measurement Method must be approved by the Water Commissioner or Division Engineer. **7.1** It is the responsibility of the Water User to confirm the Water Commissioner's or Division Engineer's approval of the use of a pre-existing Measurement Method that was installed prior to the effective date of these Rules. When contacted by a Water User to confirm approval of a pre-existing Measurement Method, the Water Commissioner or Division Engineer will confirm with notice in writing, including via email, whether the pre-existing Measurement Method is approved or denied. **7.2** For the purpose of obtaining approval of the use of a Measurement Method, and in compliance with the timelines described in the phase in provisions of Rule 16, the Water User seeking to use a newly installed, reinstalled, or changed Measurement Method shall provide Notice to the Division Engineer or the Division Engineer's delegate that includes the following information: (1) Person's name, (2) Diversion Structure or Other Structure name, (3) decree case number (if applicable), (4) legal description (PLSS quarter-quarter, section, township and range or UTM coordinates) of the Diversion or Other Structure, (5) Measuring Device installed, (6) rating table for Measuring Device (if non-standard), and/or a stage-capacity table in the case of a Reservoir, and (7) the date of installation. **7.3** To obtain approval of a Measuring Device, the Water User must provide evidence that the Measuring Device is properly rated and properly installed, as described in Rule 6.1. **7.4** To obtain approval of an Alternative Measurement Method, the Water User must provide the basis for the use of an Alternative Measurement Method, including, but not limited to, any and all assumptions, field conditions, and calculations, to the satisfaction of the Division Engineer, as described in Rule 6.1.7, to ensure that the Division Engineer can accurately determine that the Alternative Measurement Method will operate according to the accuracy standards identified in these Rules. **Rule 8. Data Recording and Data Submission** The Division Engineer has the authority to require the Water User to record and report at reasonable times the data for Diversions by any Diversion Structure or for measurement for Other Structures subject to these Rules. Diversion data will be recorded by the Water Commissioner, Water User, or both as determined by the Division Engineer, in cooperation with the Water User. **Rule 9. Inactive Diversion Structures** Inactive Diversion Structures are excluded from these Rules provided that the Water User files an affidavit, on a form prescribed by the State Engineer, with the Division Engineer declaring the Water User's intent to not use the Diversion Structure for any Diversion or water application purpose. Once an Inactive Diversion Structure affidavit is filed with the Division Engineer, no further filings are required under these Rules unless the Water User wishes to change the Diversion Structure from inactive status to active status. When a Water User desires to change an Inactive Diversion Structure to active status, written

Notification from the Water User to the Division Engineer is required prior to activation. A Diversion Structure listed as inactive under this Rule 9 shall not be used until such Notification is given and the Diversion Structure and associated Measurement Method are determined by the Division Engineer to be in compliance with these Rules. **Rule 10. Noncompliance** Failure to comply with any of these Rules or a valid order of the Division Engineer to comply with these Rules may subject an Owner and/or User to court proceedings and payment of the state's costs, including reasonable attorney's fees, associated with enforcement of these Rules or a valid order of the Division Engineer to comply with these Rules pursuant to sections 37-92-502 and -503, C.R.S. Prior to filing any court action, the Division Engineer shall notify the Owner and, if a different Person, the User, if both are known by records maintained by the Division Engineer, of the violation in writing in the form of an order to comply, by certified mail and shall advise the Owner and/or User of the date by which the violation must be corrected to avoid court proceedings, which date shall be at least ten (10) calendar days following the date of receipt of the notice by the Owner and/or User or personal service of the notice on the Owner and/or User. The Division Engineer may also order the Water User to curtail all Diversions by a Diversion Structure until the Water User is in compliance with these Rules. **Rule 11. Variance** When the strict application of any provision of these Rules presents practical difficulties or may cause undue hardship, the Division Engineer may grant a variance for a specific instance or method of application under these Rules, and the Division Engineer may impose any additional terms and conditions to such variance as are necessary to ensure compliance under these Rules. Any request for a variance shall be made to the Division Engineer, in a format prescribed by the State Engineer, and shall state the basis for the requested variance and provide supporting documentation. If the Division Engineer finds the request justifiable, the Division Engineer may issue a written decision granting the variance and setting forth the terms and conditions on which the variance is granted. Variance requests are granted at the sole discretion of the Division Engineer. **Rule 12. Effect of Rules** Nothing in these Rules exempts Water Users from the requirements of any other laws, rules, permits, or water court decrees governing the use, Diversion, and administration, distribution, and regulation of surface water and Groundwater in Water Division 7, whether now existing or hereafter adopted or decreed. **Rule 13. Process to Appeal a Decision under these Rules** Any Person adversely affected or aggrieved by the State Engineer's or Division Engineer's application of the Rules to a particular Diversion Structure or Other Structure or approval or disapproval of a Measurement Method under these Rules may request administrative review of such determinations. Administrative review will be conducted in accordance with the adjudicatory and reconsideration procedures of the State Engineer's Procedural Rules (2 CCR 402-5), subject to judicial review of the final agency action under section 24-4-106 of the State Administrative Procedure Act, §§ 24-4-101 to 24-4-204, C.R.S. **Rule 14. Severability** If any Rule or part thereof is found to be invalid, the remaining Rules will remain in full force and effect, including any part thereof not found to be invalid. **Rule 15. Revisions** These Rules may be revised in accordance with applicable laws. **Rule 16. Phase In 16.1.** In order to allow Water Users the time necessary to come into compliance with these Rules, Water Users shall meet the following deadlines for installation of Measuring Devices and Headgates, approval and implementation of Alternative Measurement Methods, or declaring an Inactive Diversion Structure under Rule 9. **16.1.1** For the areas designated as "Priority Areas" in Appendix 1 to these Rules, the following deadlines apply: **16.1.1.1** For Diversion Structures with a capacity or total Water Rights greater than or equal to 5.0 cfs, the deadline shall be 12 months after the effective date of the Rules. **16.1.1.2** For Diversion Structures with a capacity or total Water Rights greater than or equal to 2.0 cfs and less than 5.0 cfs, the deadline shall be 18 months after the effective date of the Rules. **16.1.1.3** For Diversion Structures with a capacity or total Water Rights less than 2.0 cfs, the deadline shall be 24 months after the effective date of the Rules. **16.1.1.4** For Reservoirs with a capacity or total Water Rights greater than or equal to 5.0 AF, the deadline shall be 12 months after the effective date of the Rules. **16.1.1.5** For Reservoirs with a capacity or total Water Rights less than 5.0 AF, the deadline shall be 24 months after the effective date of the Rules. **16.1.2** For the areas not designated as "Priority Areas" in Appendix 1 to these Rules, the following deadlines apply: **16.1.2.1** For Diversion Structures with a capacity or total Water Rights greater than or equal to 5.0 cfs, the deadline shall be 36 months after the effective date of the Rules. **16.1.2.2** For Diversion Structures with a capacity or total Water Rights greater than or equal to 2.0 cfs and less than 5.0

cfs, the deadline shall be 42 months after the effective date of the Rules. **16.1.2.3** For Diversion Structures with a capacity or total Water Rights less than 2.0 cfs, the deadline shall be 48 months after the effective date of the Rules. **16.1.2.4** For Reservoirs with a capacity or total Water Rights greater than or equal to 5.0 AF, the deadline shall be 36 months after the effective date of the Rules. **16.1.2.5** For Reservoirs with a capacity or total Water Rights less than 5.0 AF, the deadline shall be 48 months after the effective date of the Rules. **16.2** Water Users are not in violation of Rules 5 or 6 during the applicable Phase In period if they meet the deadlines set forth in Rule 16.1, above. **16.3** Upon a showing of good cause by the Water User, the Division Engineer may extend the compliance deadlines of Rule 16.1 for one or more periods of time not exceeding one year each and may impose such terms and conditions as part of such extension as the Division Engineer deems reasonably necessary to ensure compliance with the requirements of the Rules. Good cause requires that the Water User demonstrate that it has been diligent in its efforts to comply with the requirements of these Rules, has made substantial progress in complying with the requirements of these Rules, and despite its diligent and good faith efforts has been unable to fully comply with the requirements of these Rules. The Water User must also provide an estimate of the amount of additional time required for it to fully comply with the Rules and such other information as the Division Engineer may reasonably require in order to evaluate a request for an extension of time. **Rule 17. Effective Date** These Rules shall become effective on June 1, 2025, in accordance with section 37-92-501, C.R.S., and will thereafter remain in effect until amended as provided by law. IT IS FURTHER ORDERED that any persons wishing to protest these Rules may do so in the manner provided in section 37-92-501, C.R.S. In the event that protests are filed with respect to these Rules, the Effective Date is the date on which all protests have been resolved, or June 1, 2025, whichever date is later. These rules and the State Engineer's Statement of Basis and Purpose are available at the office of the Water Clerk of Water Division 7, and at the office of the Division Engineer, Water Division No. 7, 160 Rockpoint Drive, Suite E, Durango, Colorado 81301, (970) 247-1845.

2024CW3043 Montezuma County, Application for Conditional Surface and Storage Water Rights. **1. Applicant**: The Alice D. Pierson and Rex R. Alford Revocable Trust dated 5/28/1996, c/o Southwest Water and Property Law; 679 E 2nd Ave, #10; Durango, CO 81301; (970) 422-5510; jkane@swpropertylaw.com. **2. Elysium Spring**. i. Location: in the NE1/4 NW1/4 Sec. 32, T32N, R13W, NMPM; X: 206666 Y: 4137467 UTM Zone 13. ii. Source: Spring and irrigation return flows tributary to the Mancos River. iii. Approp. date: Dec. 18, 2024. iv. Amount: 0.5 cfs, conditional. v.Use: Irrigation and storage in and filling of Elysium Pond. vi. Irrigated area: irrigation and supplemental irrigation, with Applicant's Willis Ditch water, of 44 acres on Applicant's. **3. Elysium Pond**. i. Location: NE1/4 NW1/4 Sec. 32, T32N, R13W, NMPM; X: 206705 Y: 4137476 UTM Zone 13. Approp. date: Dec. 18, 2024. iii. Source: Elysium Spring and irrigation return flows tributary to the Mancos River. iv. Filling rate: 0.5 cfs. v. Amount: 10 acre-feet with two refills, conditional. vi. Surface area at high water line: 2.5 acres. Active and dead storage capacity and length and height of dam TBD. vii. Use: irrigation, recreation, piscatorial, fire suppression, stock watering, incidental wildlife, and incidental evaporation. viii. Irrigated area: irrigation and supplemental irrigation, with Applicant's Willis Ditch water, of 44 acres on Applicant's property. ix. Remarks: Pond will be lined and constructed with an adjustable bottom-outlet structure. **4. Ownership**. Applicant is the owner of the land upon which these structures will be located. Application includes map of structure locations and irrigated area. (5 pages including exhibits)

2024CW3044 Archuleta County. **Application for Absolute Storage Water Right**. Applicant: Pagosa Landing LLC, c/o Christopher L. Geiger & Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Applicant requests an absolute water storage right for the Pagosa Landing Pond. The location of Pagosa Landing Pond is depicted on Exh. A, on file with the Water Ct. Legal Description: The dam center point of the reservoir is located SW1/4 NE1/4 of Sec. 16, T. 35 N., R. 2 W., N.M.P.M. Also described as UTM Zone 13, NAD83, Easting 317,343 m and Northing 4,127,044 m. Source: Surface flows, runoff, and precipitation in an unnamed tributary to Stollsteimer Creek, tributary to the Piedra River. Approp.: 9/25/2008. How Approp. was Initiated: Pagosa Landing Pond existed in its present location and size when the Mountain View Estates Minor Subdivision Plat was

recorded with the Archuleta Cty C&R on 9/25/2008, as Rec. No. 20807714. This recorded plat is constructive notice of the approp. and existence of Pagosa Landing Pond. Applicant purchased the property on which Pagosa Landing Pond is located on 3/8/2022. The existence of Pagosa Landing Pond on the property was a valued asset acquired in the purchase. Date of Beneficial Use: 9/25/2008. Uses: Irr., livestock, piscatorial, wildlife watering, rec., and incidental aesthetic use, with the right to fill and refill continuously in priority. Acres historically irrigated: 0 acres. Acres proposed to be irrigated: 10.3 acres. Legal description of acreage irrigated or to be irrigated: Parcel 1, Tops Mountain View Estates Minor Subdivision, according to the corrected plat recorded in the records of the Archuleta Cty C&R as Rec. No. 20807714 and located in the NW1/4 NE1/4, and NE1/4 NE1/4 of Sec. 16, T. 35 N., R. 2 W., N.M.P.M, as further depicted on Exh. B. Rate of Diversion for Filling Pond: 1.1 c.f.s. Amt.: 30.5 AF, with the right to fill and refill continuously in priority. Dead Storage: 30.5 AF. Surface Area: 5.34 surface acres. Characteristics of Dam: Height -10 ft, Length - 510 ft. Owner of land on which new or modified diversion or storage structure or storage pool is or will be located or upon which water is or will be stored: Applicant and Mountain Vista Townhome Association, Inc., 147 Wildwood Dr. #21, Pagosa Springs, CO 81147. (6 pages including exhibits)

2024CW3045 Dolores County - Dolores River; Homestake Little Cora LLC; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR GEOTHERMAL GROUNDWATER RIGHTS, STORAGE RIGHT, AND APPROVAL OF PLAN FOR AUGMENTATION; Name, address, and telephone number of Applicant: Homestake Little Cora LLC; 166 Alexander Overlook; Telluride, CO 81435; (970) 318-6987; Request for geothermal groundwater right: Name of well: Homestake Hot Spring Well; Location of structure: Easting: 232766, Northing: 4177067, UTM Zone 13N NAD 1983, in the SW¼ NW¼, Section 25, Township 40 North, Range 11 West of the New Mexico Principal Meridian; Source: Groundwater tributary to the Dolores River; Information regarding appropriation: Date of appropriation: On or before July 1, 1971; How appropriation was initiated: By construction of small hot spring pools and placing water to beneficial use; Amount: 30 g.p.m. conditional; Temperature of geothermal water right: 110 degrees Fahrenheit; Information regarding augmentation plan for the well: The Homestake Hot Spring Well will operate pursuant to the augmentation plan requested in this Application; Uses: nonconsumptive geothermal heating in heat exchange vault, recreational use in the Homestake Hot Spring Upper and Lower Pools, requested below; Request for storage right: Name of storage structure: Homestake Hot Spring Upper Pool; Location of structure: Easting: 232767, Northing: 4177068, UTM Zone 13N NAD 1983, in the SW¼ NW¼, Section 25, Township 40 North, Range 11 West of the New Mexico Principal Meridian; Filling source: Homestake Hot Spring Well; Information regarding appropriation: Date of appropriation: On or before July 1, 1971; How appropriation was initiated: By construction of pool and filling; Amount: 5,500 gallons (0.017 a.f.) with the right to fill and refill in priority (including when operating pursuant to the augmentation plan requested in this case), conditional; Surface area: 180 square feet; Information regarding augmentation plan for the well: Out-of-priority evaporative depletions from the Homestake Hot Spring Upper Pool will be augmented under the plan requested in this Application; Uses: Recreation; Request for storage right: Name of storage structure: Homestake Hot Spring Lower Pool; Location of structure: Easting 232778, Northing: 4177068, UTM Zone 13N NAD 1983, in the SW¼ NW¼, Section 25, Township 40 North, Range 11 West of the New Mexico Principal Meridian; Filling source: Homestake Hot Spring Well; Information regarding appropriation: Date of appropriation: On or before July 1, 1990; How appropriation was initiated: By construction of pool and filling; Amount: 4,800 gallons (0.015 a.f.) with the right to fill and refill in priority (including when operating pursuant to the augmentation plan requested in this case), conditional; Surface area: 160 square feet; Information regarding augmentation plan for the well: Out-of-priority evaporative depletions from the Homestake Hot Spring Lower Pool will be augmented under the plan requested in this Application; Uses: Recreation; Request for water storage right: Name of reservoir: Homestake Augmentation Pond, Hot Spring Enlargement; Note: The original storage right in the Homestake Augmentation Pond was decreed in conjunction with an augmentation plan in Case No. 2022CW3015. Applicant has determined that the pond has excess storage capacity and now requests approval to use a

portion of that excess capacity to support the augmentation plan requested in this case. The pond will not be physically enlarged; Location: Easting: 232648, Northing: 4177607, UTM Zone 13N NAD 1983, in the NE¼ NW¼, Section 25, Township 40 North, Range 11 West of the New Mexico Principal Meridian; Source: Diversions from the Dolores River made at the Homestake Pond Diversion, requested below; Information regarding appropriation: Date of appropriation: December 31, 2024; How appropriation was initiated: By filing the Application in this case; Amount: 0.34 a.f., conditional, a portion of the 1.25 a.f. decreed in Case No. 2022CW3015, with a right to fill and refill when in priority; Uses: Augmentation, piscatorial, recreation, wildlife watering directly from pond, fire protection; Surface area at high-water line: 0.25 acres; Height and length of dam: Less than 10 feet high and approximately 220 feet long; Request for approval of plan for augmentation: Summary: Applicant seeks to augment out-of-priority depletions from the Homestake Hot Spring Upper and Lower Pools with releases from on-site storage in the Homestake Augmentation Pond. Applicant will fill the Homestake Augmentation Pond in priority each spring as set forth in the augmentation plan in 2022CW3015 and will release water back to the Dolores River as necessary to offset out-of-priority depletions during times of a valid downstream call; Name of structures to be augmented: Homestake Hot Spring Upper and Lower Pools; Water right to be used for augmentation: Homestake Augmentation Pond, Hot Spring Enlargement; Statement of plan for augmentation: This augmentation plan will offset out-of-priority evaporative depletions from the Homestake Hot Spring Upper and Lower Pools, which will total 0.0228 a.f., annually. (8 pages including exhibits)

2024CW3046 LA PLATA COUNTY – APPLICATION FOR STORAGE, SPRING, AND GROUNDWATER RIGHTS – 1. Name, Address, Phone Number, and E-Mail Address of Applicants. Darren Tallman and Meredith Lyon, 180 Purple Sage Road Durango, Colorado 81301; Phone: (972) 742-5952; E-mail: darren_tallman@hotmail.com. Attorneys for Applicant: David F. Bower (#39405) and Cameron C. Frazier (#58048), Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 442-1900; Fax: 303-442-0191; E-mail: dfbower@j-rlaw.com and ccfrazier@j-rlaw.com. **2. Overview.** Applicants are the owners of a ~35-acre parcel legally described as Lot 2, Redtail Mountain Ranch, located north of Durango. By this application, Applicants claim an absolute water storage right for an existing excavated lined pond on Lot 2, along with absolute rights for a spring located on a neighboring property and a well located on Lot 2 that are both used to fill the pond. A map of Lot 2 and the subject structures is attached hereto as Figure 1. **3. Claim for Storage Right.** (a) Name of Storage Structure. Tallman-Lyon Pond. (b) Original Decree. n/a. (c) Location. NE1/4 NW1/4 of Section 29, Township 37 North, Range 8 West, N.M.P.M., at a point described as Zone 13, NAD83, Easting 254559, Northing 4148455. (d) Source. Unnamed drainage, tributary to the Animas River. (e) Appropriation Date. July 19, 2005. (f) Amount. 0.64 acre-feet, with the right to fill, refill, and run freshening flows. (g) Uses. Recreation, aesthetics, fish and wildlife habitat, irrigation of 1.13 acres, and fire protection of Lot 2, Redtail Mountain Ranch. The irrigated area is shown on Figure 1. (h) Surface Area of the High Water Line. 0.17 acre. **4. Claim for Spring Right.** (a) Name of Spring Structure. Aspen Spring [WDID 3001764]. (b) Original Decree. Case No. 06CW132, Water Division 7, dated August 26, 2010. (c) Location. NW1/4 NE1/4 of Section 29, Township 37 North, Range 8 West, N.M.P.M., at a point described as Zone 13, NAD83, Easting 255077, Northing 4148285. (d) Source. Unnamed drainage, tributary to the Animas River. (e) Appropriation Date. July 19, 2005. (f) Amount. 0.056 cfs (25 gpm). (g) Uses. Filling and refilling the Tallman-Lyon Pond for its recreation, aesthetic, fish and wildlife habitat, irrigation, and fire protection purposes. (h) Remarks. The use of the Aspen Spring claimed in this case is junior to the uses decreed in Case No. 06CW132 for Lot 3, Redtail Mountain Ranch. In the event of limited physical water availability from the spring, Applicant will curtail its use for the benefit of Lot 3. **5. Claim for Groundwater Right.** (a) Name of Well Structure. Tallman-Lyon Pond Well. (b) Original Decree. n/a. (c) Well Permit. A well permit is pending under Receipt No. 10039442. (d) Location. NE1/4 NW1/4 of Section 29, Township 37 North, Range 8 West, N.M.P.M., at a point described as Zone 13, NAD83, Easting 254632, Northing 4148460. (e) Source. Unnamed drainage, tributary to the Animas River. (f) Appropriation Date. July 19, 2005. (g) Amount. 0.033 cfs (15 gpm). (h) Uses. Filling and refilling the Tallman-Lyon Pond for its recreation, aesthetic, fish and wildlife habitat, irrigation, and fire protection purposes. The Tallman-Lyon

Pond Well may also be used directly to irrigate the 1.13 acres shown on Figure 1. (i) Depth. ~180 feet. **6. Other Remarks.** The appropriation date for the subject structures is based on the earliest date that the Tallman-Lyon Pond appears in aerial photographs. Applicants believe that the pond and other structures were constructed in 2004, and reserve the right to modify the appropriation date to be consistent with the date of actual construction if substantiated by supporting evidence. **7. Animas Service Area Water Right.** Applicants request that the Aspen Spring and Tallman-Lyon Pond Well rights claimed in this matter be recognized as part of the Animas Service Area Water Right decreed in Case No. 06CW127, Water Division 7, subject to approval of the "Notice of Intent to Make Absolute" application that was filed with the Southwestern Water Conservation District on December 18, 2024. Evaporative depletions from the Tallman-Lyon Pond and irrigation consumptive use to be included as part of the Animas Service Area Water Right are estimated below. Total demand may be satisfied from diversions of either the Aspen Spring and/or the Tallman-Lyon Pond Well. Monthly Irrigation CU (cfs), Pond Evaporation (cfs), and Total Depletion (cfs) amounts are as follows: Jan: 0.000000, 0.000096, 0.000096; Feb: 0.000000, 0.000347, 0.000347; Mar: 0.000000, 0.000627, 0.000627; Apr: 0.001462, 0.000928, 0.002390; May: 0.005879, 0.001302, 0.007181; Jun: 0.008600, 0.001595, 0.010195; Jul: 0.008121, 0.001663, 0.009785; Aug: 0.006082, 0.001350, 0.007431; Sep: 0.004879, 0.001119, 0.005998; Oct: 0.001800, 0.000771, 0.002571; Nov: 0.000000, 0.000405, 0.000405; and Dec: 0.000000, 0.000145, 0.000145. **8. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located.** No new or modified structures are claimed by this application. The Tallman-Lyon Pond and Tallman-Lyon Pond Well are on land owned by Applicants. The Aspen Spring and a portion of the pipeline connecting the Aspen Spring to the Tallman-Lyon Pond is on land owned by J&D Ultrareal Corporation, 1 Summerfield Pass, Franklin Lakes, New Jersey 07417. WHEREFORE, Applicant respectfully requests that the Court grant the claims as set forth above for (1) a water storage right for the Tallman-Lyon Pond, (2) a spring right for the Aspen Spring, and (3) a groundwater right for the Tallman-Lyon Pond Well. (6 pages including exhibit)

2024CW3047 Archuleta County. Application for a Conditional Surface Water Right and for Conditional Water Storage Rights. Applicant: Rough Diamond, LLC. 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. Ph: 970-403-1770. Email: amy@waterland-law.com. Structures: 1. *Eaklor Ditch – Rough Diamond Enlargement* (A) Points of Diversion - Eaklor Ditch: SE ¼ SW ¼ §3, T32N, R2E, NMPM. UTM: Zone 13 E: 346578 N: 4099995; Eaklor No. 1 Pumping Station: SE ¼ SW ¼ §3, T32N, R2E, NMPM. UTM: Zone 13 E: 346582 N: 4099995. (B) Source: Navajo River. (C) App Date: 12/31/2024. (D) Amt: 6 cfs conditional. (E). Uses: Stockwater, irrigation of up to 60 acres (including lawn and garden), and pond filing. All uses will occur on Applicant's property in T32, R2E, N.M.P.M. 2. *Trout Pond* (water storage right) (A) Location: §10, T32N, R2E, NMPM. UTM: Zone 13 N 4099482 E346323 (B) Sources: Eaklor Ditch- Rough Diamond Enlargement; Applicant's interest in the Eaklor Ditch, Applicant's interest in the Eaklor No. 1 Pumping Station; and all surface water, including, but not limited to springs, run off, and drainage flows tributary to and/or that accrue to the Trout Pond. (C) App. Date: 12/31/2024 (D) Amt: 25 acre-feet, Conditional (E) Surface Area: 4 acres Dam: The dam will not exceed 10 feet in height. (F) Uses: Stockwater, irrigation of up to 60 acres (including lawn and garden), wildlife, and fire protection. All uses will occur on Applicant's property. 3. *Elk Pond* (water storage right). (A) Location: §10, T32N, R2E, N.M.P.M. UTM: Zone 13 N 4099095 E 346511 (B) Sources: Eaklor Ditch- Rough Diamond Enlargement; Applicant's interest in the Eaklor Ditch; Applicant's interest in the Eaklor No. 1 Pumping Station; and all surface water, including, but not limited to springs, run off, and drainage flows tributary to and/or that accrue to the Elk Pond. (C) App Date: 12/31/24 (D) Amt: 10 acre-feet, Conditional (E) Surface Area: 2.25 acres. The dam will not exceed 10 feet in height. (F) Uses: Stockwater, irrigation of up to 60 acres (including lawn and garden), wildlife, and fire protection. All uses will occur on Applicant's property. 4. *House Pond* (water storage right) (A) Location: The dam for the House Pond will be in §10, T32N, R2E, NMPM (B) Sources: Eaklor Ditch- Rough Diamond Enlargement; Applicant's interest in the Eaklor Ditch; Applicant's interest in the Eaklor No. 1 Pumping Station; and all surface water, including, but not limited to springs, run off, and drainage flows tributary to and/or that accrue to the House Pond (C) App Date: 12/31/2024 (D)

Amt: 10 acre-feet, Conditional (E) Surface Area: 1.5 acres. The dam will not exceed 10 feet in height (F) Uses: Stockwater, irrigation of up to 60 acres (including lawn and garden), wildlife, and fire protection. All uses will occur on Applicant's property. Remarks. See Application for more information. (8 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 February 2025, 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.coloradojudicial.gov; Jason Poyer, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

/s/ Jason Poyer
Published: before January 31, 2025 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/.