

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 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)

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 SW¹/₄ NW¹/₄, 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 SW¹/₄ NW¹/₄, 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 SW¹/₄ NW¹/₄, 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 ccfrrazier@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)

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