

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 February 2025, for each county affected.

2025CW3002 Archuleta County. Application for a Conditional Surface Water Right and a Conditional Groundwater Right. Applicant: Olympus Real Estate Group, 223 Summer Glen Lane, New Braunfels, TX 78132. Please send all correspondence to Applicant's attorney, Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2nd Ave, Unit 11B, Durango, CO 81301. 970-403-1770. Email: amy@waterland-law.com. Structures: (1) Olympus Diversion (surface diversion of discharged water). Location: SW ¼ SW ¼ §13, T35N, R2W, NMPM, approximately 1263' from the S section line and 1736' from the West section line of §13. UTM: E: 321493; N 4126199 Zone 13. *Applicant reserves the right to modify or adjust the location described above to ensure that it can capture all water herein described as the sources for the Olympus Diversion. If the location of the source water changes, the point of diversion for Applicant's water right shall be changed accordingly. Sources: Groundwater tributary to the San Juan River; water diverted by the Town of Pagosa Springs (the "Town") under its PS-3 and PS- 5 water rights, and discharged after the Town has made beneficial use of said water for the purposes decreed in Case No. 81CW160; water diverted by the Town from the PS-3 and PS-5 water rights for beneficial use under the Town's decrees that is discharged without initial use by the Town; and all wastewater, return flows, and groundwater that is not consumed in accordance with the Town's decreed water rights for the PS-3 and PS-5 Wells. App Date: 2/4/2025. Amt: 500 gpm (Conditional), with the right to reuse and successively use said water to extinction. Uses: Geothermal heating of buildings, sidewalks, and other water sources; commercial; recreation; filling and refilling of pools and water features; snow melting; aesthetics; wetlands; and wildlife habitat. All uses will occur within the SW ¼ of §13 and the NW ¼ of §24, T35N, R2W, NMPM, on properties in which Applicant has a legal interest. Affected Landowner: The Town owns the land upon which the point of diversion is located. Thirty years ago, the Town authorized a predecessor of Applicant's affiliated entity to install infrastructure that directly connects to the Town's heat exchanger for the purpose of transporting the water claimed herein to the Springs Resort. Applicant intends to use the easement for the existing infrastructure to deliver water from the Town's heat exchanger to property owned by Applicant's affiliates. The Town's address is P.O. Box 1859, Pagosa Springs, CO 81147. (2) Olympus Well_(underground water right) Location: NE ¼ SW ¼ of § 13, T35N, R2W UTM: E 321647; N 4126257 Zone 13. The Olympus Well diverts from the point of diversion decreed to the PS-5 Well in Case No. 81CW160. Source: Groundwater tributary to the San Juan River. The Olympus Well will divert geothermal water from the point of diversion decreed to the PS-5 Well. App. Date: 2/4/2025. Amt: 500 gpm (Conditional), with the right to reuse and successively use said water to extinction. Uses: Geothermal heating of buildings, sidewalks, and other water sources; commercial; recreation; filling and refilling of pools and water features; snow melting; aesthetics; wetlands; and wildlife habitat. All uses will occur within the SW ¼ of §13 and the NW ¼ of §24, T35N, R2W, NMPM, on properties in which Applicant has a legal interest. Affected Landowner: The Town. Remarks: Applicant will obtain all required well permits prior to diverting water under the Olympus Well water right. See Application. (5 pages including exhibit)

2025CW3003 LA PLATA COUNTY, WATER DISTRICT NO. 30: **1) APPLICANT**: Adnan Arnaout and Marilyn Arnaout; **2) Attorneys**: Adam T. Reeves Maynes, Bradford, Shipp & Sheftel, LLP, 835 East 2nd Avenue, Suite 123, Durango, CO 81301; **3) Application to Make Absolute and for Finding of Reasonable Diligence**; **4) Structure**: Arnaout Pond; Date of original decree, December 7, 1998; Case no.

97CW75; Subsequent decrees, 04CW82; 11CW74; 18CW14; Appropriation Date: December 7, 1998; Location: SE1/4NE1/4, Section 3, T35N, R12W, NMPM; 750 feet from South, 250 feet from West; Source: Unnamed draws tributary to Cherry Creek and Starvation Creek, and via Lapp North reservoir #2, tributary to the La Plata River; Use: Irrigation and stockwater; Amount: 2.0 AF (1.3 AF already made absolute in Case No. 04CW82; **5) Work towards completion of project**: During the Diligence period, Applicants have spent in excess of \$15,000 excavating, lining and reconfiguring the outlet works of the Arnaout Pond; the foregoing described construction has expanded the pond to 1.6 AF, which has been filled in priority during the diligence period; the site cannot readily accommodate additional expansion of the pond to the contemplated 2.0 AF; **6) Applicants are the owners of the land upon which any new diversion or storage structure is or will be constructed.** (3 pages)

2025CW3004 La Plata County; Application for a Finding of Reasonable Diligence; 1. Applicant: Ourea Limited LLC, a Colorado Limited Liability Company 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. Structures: A. Petro Northwest Diversion Point: 1,860 feet from the East section line and 1,430 feet from the South section line, Section 11, Township 38 North, Range 9W N.M.P.M.; B. Petro South Diversion Point: 1,890 feet from the East section line and 760 feet from the South section line, Section 11, Township 38 North, Range 9 West, N.M.P.M.; C. Petro Northeast Diversion Point or Petro Northeast Highway 550 Diversion Point: either i) 1,520 feet from the East section line and 1,690 feet from the South section line, ("Northeast Diversion Point"); or ii) 1,480 feet from the East section line and 1,780 feet from the South section line, Section 11, Township 38 North, Range 9 West, N.M.P.M. ("Northeast Highway 550 Diversion Point"); D. Petro Pond No. 1: 1,700 feet West of the East section line and 1,600 feet North of the South section line, Section 11, Township 38 North, Range 9 West, N.M.P.M.; E. Petro Pond No. 2: 1,940 feet West of the East section line and 650 feet North of the South section line, Section 11, Township 38 North, Range 9 West, N.M.P.M.; F. Petro Collection System: consisting of up to four collection pipe systems at the described locations of the Northwest Diversion Point, South Diversion Point, and Northeast Diversion Point or Northeast Highway 550 Diversion Point. 3. Source of water: Unnamed springs, seeps, and surface flows, including run-off tributary to an unnamed side drainage to Elbert Creek, tributary to the Animas River; 4. Appropriation date: June 30, 1995; 5. Amount: A. Petro Northwest Diversion Point: up to 0.35 cfs, conditional; B. Petro South Diversion Point: up to 0.35 cfs, conditional; C. Petro Northeast Diversion Point/Petro Northeast Highway 550 Diversion Point: up to 0.25 cfs conditional from either the Northeast Diversion Point or the Northeast Highway 550 Diversion Point, not to exceed 0.35 cfs from both diversions; D. Petro Pond No. 1: 2.3 acre feet, conditional, and one refill each year of 2.3 acre feet, conditional; E. Petro Pond No. 2: 1.36 acre feet, conditional, and one refill each year of 1.36 acre feet, conditional; 6. Use: Stock water, fire protection, domestic, and irrigation of up to eight acres of pasture land on Applicant's property from the Hwy 550 right-of-way west up to the tree line in the SE ¼ Section 11, Township 38 North, Range 9 West, N.M.P.M. as depicted on Exhibit B; 7. Applicant is the owner of the land upon which these structures are located. See exhibits filed with application. (10 pages including exhibits)

2025CW3005 La Plata County, Application for Water Right and Approval of Plan of Augmentation in the Florida River Watershed. Applicant: Wilson R. Warmack, 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; 1) Structure: Warmack Well; i. Loc: La Plata County, SE ¼ SE ¼ Section 31, T35N, R8W, N.M.P.M.; ii. Source: Groundwater tributary to the Florida River; iii. Appropriation date: July 17, 1985; iv. Amt: 15 gallons per minute, absolute, total annual volume 0.826 acre feet per year; iv. Use: Domestic use inside up to three residences and irrigation incidental to domestic use; 2) Plan for Augmentation; i. Structure to be Augmented: Warmack Well; ii. Water right for augmentation: Florida River water stored in Lemon Reservoir, decrees in case nos. W-1689-77 through W-1695-77; iii. Location: Lemon Dam, Sections 17 & 20, T36N, R7W, N.M.P.M., beginning at a point on the right abutment, from whence the SW corner of Section 17, T36N, R7West, N.M.P.M., bears South 84°34' West, a distance of

1699.6 feet, thence South 63°22' East a distance of 1,360 feet on the end of the axis of the dam on the left abutment thereof; iv. Appropriation Dates: June 15, 1881 through June 2, 1940; v. Amount: 114 acre feet, absolute; vi. Use: irrigation and plans of augmentation; 3) Applicant is the owner of all lands upon which any existing or new diversion or structure is proposed. (7 pages including exhibits)

2025CW3006 La Plata County; Application for a Finding of Reasonable Diligence (prior case nos. 17CW3012; 10CW41; 91CW004); 1. Applicant: Mark Carnes and Martha Carnes 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. Structures: A. Helen's Ranch Wells: Up to two production wells located on Tract 1, 14039 CR 240 Durango, Colorado. Existing well is located in SE/4 NE/4 Section 30 T36N R7W, N.M.P.M. 2950 feet from the south section line and 100 feet from the east section line; B. Helen's Florida Diversion: In the NE/4 SE/4 Section 30 T36N R7W, N.M.P.M., 2227 feet from the north section line and 284 feet from the east section line; UTM: Zone 13 NAD 83 Easting: 263512, Nothing: 4138283; C. Church Pond: N/4 SE/4 Section 30 T36N R7W, N.M.P.M on Tract 1 Helens Ranch MES Project 90-92; 3. Source of water: Helen's Ranch Wells: Groundwater tributary to the Florida River; Helen's Florida River Diversion: Florida River; Church Pond: Florida River; 4. Appropriation date: Helen's Ranch Wells: June 21, 1995; Helen's Florida River Diversion: May 27, 2010; Church Pond: May 27, 2010; 5. Amount: Helen's Ranch Wells: 9 gpm (0.02 cfs) of which 2.5 gpm/260 gpd already is decreed as absolute; Helen's Florida River Diversion: 0.02 cfs, up to 0.959 acre feet annually; Church Pond: 0.223 acre feet; 6. Use: Helen's Ranch Wells: in-house use in up to 2 residences; irrigation of up to 15,150 square feet of lawn and garden; water for up to 4 stock animals; storage in 2,500 square feet of pond; fire protection; piscatorial; recreation; and aesthetics as incidental use; Helen's Florida River Diversion: May 27, 2010: irrigation of up to 15, 150 square feet of lawn and garden; filling and re-filling of Church Pond; livestock watering up to 4 head; Church Pond: incidental recreation and aesthetics; fire protection; piscatorial; stockwatering; augmentation; and irrigation; 7. Applicant seeks a finding of due diligence as to Helen's Ranch Wells and Helen's Florida River Diversion. Applicant wishes to abandon the Church Pond. Applicant is the owner of the land upon which these structures are located. (5 pages)

2025CW3007 APPLICATION FOR FINDING OF REASONALBE DILIGENCE FOR WATER RIGHTS OF APPLICANT TOWN OF IGNACIO In the Pine River or its Tributaries, IN LA PLATA COUNTY, prior case numbers 2012CW07, 04CW45, and 95CW91. 1. Applicant: Town of Ignacio, Colorado, a municipal corporation, PO Box 459, Ignacio, CO 81137, please send all pleadings to David Liberman, Esq., 1099 Main, Suite 312, Durango, Colorado 81301, 970-375-6265, davidlibermanlaw@gmail.com. **2. Name of structure:** Ignacio Intake Gallery, an intake gallery and surface diversion. **3. Date of Original Decree, Case No. and Court:** May 5, 1998, Case No. 95CW91, Division 7 Water Court, La Plata County, Colorado. **4. Subsequent decrees awarding findings of diligence:** Date of Decree: February 7, 2006, Case No.: 04CW45, Division 7 Water Court, La Plata County, Colorado; and Date of Decree February 13, 2019, Case No. 2012CW07, Division 7 Water Court, La Plata County, Colorado. **5. Legal description of location:** At the existing Ignacio Intake Gallery on the Pine River in the NW1/4 NW 1/4 of Section 34, T34N, R7W, N.M.P.M., being 1367 feet from the north section line and 650 feet from the west section line of said Section 34. GPS Location: Northing 4114800, Easting 268863, Zone 13 NAD 83. Please see attached map, Exhibit 1. **5. Source of water:** Pine River. **6. Appropriation Date:** September 9, 1992. **7. Amount:** 0.25 cfs Conditional (in addition to the 0.50 cfs Absolute previously decreed.) **8. Use:** Irrigation of lawns and gardens within the Town of Ignacio. **9. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** Pursuant to C.R.S. § 37-92-301(4)(a)(IV)(b), "The measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." Pursuant to C.R.S. § 37-

92-301(4)(a)(IV)(c) “Subject to the provisions of paragraph (b) of this subsection (4), neither current economic conditions beyond the control of the applicant which adversely affect the feasibility of perfecting a conditional water right or the proposed use of water from a conditional water right nor the fact that one or more governmental permits or approvals have not been obtained shall be considered sufficient to deny a diligence application, so long as other facts and circumstances which show diligence are present.” The Town of Ignacio operates a piped and pressurized non-potable water system within the Town to its residents. The water right described in this application is to be used to provide supplemental supply for that system and to otherwise provide for the irrigation of lawns and gardens within the Town, and to allow for the expansion of that system as the Town annexes additional area. The Town had historically used an existing diversion structure and pipeline for the delivery of water and the Town proposed the use of all or part of those existing facilities to complete the appropriation. Since the Town’s raw water line delivery structure for this water right crosses land held in Trust by the United States for the Southern Ute Indian Tribe (“Tribal Land”) and the Town must cross Tribal land, including two Tribal assignments, to access its Intake Gallery, the Town has worked to comply with Bureau of Indian Affairs requirements for obtaining easements across Tribal land. Provided the Tribe and the Town can reach a reasonable cost-sharing agreement, the Tribe may share the Town’s Intake Gallery and raw water line. The following actions have been undertaken in the effort to complete the appropriation described herein since the date of the last diligence decree for this water right: The Town had previously filed a Right of Way application form with the BIA and the Tribe requesting a conveyance of a right of way for the location and maintenance of a pipeline from the point of diversion to a point of use within the Town that has not yet been determined during this diligence period; The Town previously filed a Permit application with the BIA and the Tribe requesting the issuance of a permit to install utility facilities that has not yet been determined during this diligence period; The Town’s maintenance personnel conducted work to maintain the Town’s irrigation line and facilities and provide water for irrigation of lawn and garden within the Town of Ignacio, incurring labor and equipment costs; The Town Manager conducted meetings with BIA and Southern Ute Indian Tribe staff to negotiate the issuance of a right of way permit and a permit to construct the necessary diversion, delivery and access improvements; The Town has annexed additional land into the Town boundaries that may be developed, and that development will require supplemental diversions of water to provide for the supply of non-potable water in a manner consistent with the current system in Town. The Town has expended funds with its attorney in the filing of this application for finding of reasonable diligence; The Town has expended funds with its attorney to determine historical and present ownership status of the rights of way across Tribal Land, including making BIA and DOI FOIA requests, the review of documents provided in response thereto, and has conducted legal research and met with the Town Board of Trustees regarding the subject water and rights of way. A map, Exhibit 2, shows the general location of the Town of Ignacio, where the subject water would be used on lawn and garden within the exterior boundaries of the Town of Ignacio, Colorado through the Town’s raw irrigation water system.**10. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Southern Ute Indian Tribe, 14826 Highway 172, Ignacio, CO 81137 and also by e-mail to its water attorney, Adam Reeves at areeves@mbsslpl.com; Lillian Seibel, last known owner, 1360 C.R. 516, Ignacio, CO 81137; Superintendent, BIA, Southern Ute Agency, PO Box 315, Ignacio, CO 81137.**11. Remarks:** The water is to be used on platted lots and other properties within the Town of Ignacio, Colorado through the Town’s raw irrigation water system. **WHEREFORE**, the Applicant requests this Court enter a decree making a finding of reasonable diligence and continue this water right in full force and effect. (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 April 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)

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/s/ Jason Poyer
Water Court Specialist