

DISTRICT COURT, WATER DIVISION 7, COLORADO

WATER RESUME

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TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 7

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications filed in the Office of the Water Clerk during the month of June 2024, for each county affected.

**2024CW2** Montezuma County. Application to Make Absolute. Applicants: Douglas Logan Gafford and Janet Lynn Gafford, 18747 Road V, Lewis, CO 81327. Structure: Gafford (ditch) Prior Decrees: Case No. 2017CW3023. Legal Description: SW ¼ SE ¼ of Section 3, T37N, R17W, NMPM, being 517 feet from the South Section line and 1380 feet from the East Section line of Section 3. Source: Spill water from MVIC's U-Lateral Emanates from Dolores River. App. Date: May 25, 2017. Amt: 1.0 cfs. Uses: Irrigation of 80 acres (as shown on Exhibit A) and livestock. See Application. (27 pages including exhibits)

**2024CW3016** Montezuma County. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Applicant: Montezuma Water Company, P.O. Box 817, Dolores, CO 81323. Please direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC 679 E. 2<sup>nd</sup> Ave, #11B, Durango, CO 81301. 970-403-1770. [Amy@waterland-law.com](mailto:Amy@waterland-law.com). Description of Water Right: TOWN OF DOLORES DIVERSION HEADGATE ("subject water right"). Prior Decrees: Case No. W-1119-73, Case No. W-1119-77, Case No. 81CW135, Case No. 85CW121, Case No. 89CW68, Case No. 96CW100, Case No. 04CW14, Case No. 17CW3008. Legal Description of POD: On the North bank of the Dolores River from which point the E ¼ corner of Section 10, T37N, R15W, NMPM, bears N. 28°36'00"E. 1,838.2 ft. In Case No. 85CW27, the court decreed the Inlet Portal of the Dolores Tunnel as an alternate point of diversion for the subject water right. The Inlet Portal of the Dolores Tunnel was described as being on the South side of McPhee Reservoir from which point the SE corner of Section 7, T37N, R15W, NMPM, bears S.24°08'W., a distance of 2,055.0 ft. ("Dolores Inlet Portal"). The decreed location of the Dolores Inlet Portal was inundated when McPhee Reservoir was constructed. By a decree entered in Case No. 16CW3016, on December 29, 2016, this court affirmed the actual location of the Dolores Inlet Portal, which is located in the NE ¼ of the SE ¼ of Section 7, T37N, R15W, NMPM, being 1,868 ft from the South section line and 992 ft from the East section line of said Section 7. UTM: NAD83, Zone 12, N 4150641, E 717394. Source: Dolores River. App. Date: July 11, 1973. Amt: 3.0 cfs, Conditional. Uses: Domestic, municipal, industrial, and stock. 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. The subject water right is decreed as a component of MWC's integrated water supply system, which provides water to customers in Montezuma, Dolores, and San Miguel Counties. During the last diligence period, MWC spent approximately \$6.7 million on system infrastructure. These upgrades include new distribution mainlines, pressure reducing valves, hydrants and meters, and more than \$1.5 million on engineering for future growth. MWC is in the process of constructing a major expansion to its water treatment plant to increase the capacity to approximately two million gallons per day so it can successfully meet the demand of new growth in the area. This expansion represents a 50% increase in treatment capacity. The upgrade is valued at approximately \$22 million dollars and is expected to be completed in the fall of 2025. Since the last diligence filing, MWC has added 394 new taps and currently serves a population of 14,205 residents in Montezuma, Dolores, and San Miguel Counties. The MWC averages 65 new taps per year, with growth expected to continue to increase in the future. Names of Affected Landowners: (a)Original Point of Diversion: Edwin M. Wyman (b) Alternate Point of Diversion: United States Bureau of Reclamation. Remarks: See Application. (4 pages)

**2024CW3017** Application for Finding of Reasonable Diligence; 1. Applicant: Brian A. Gaddy Trust u/a/d March 2, 2023, Brian A. Gaddy, Trustee, c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 679 E. 2<sup>nd</sup> Ave. Unit 10, Durango, CO 81301; (970) 422-5510; kperdue@swpropertylaw.com. 2. Structure: Dave Spring; i. Location: At a point from which N1/4 corner of Section 27, T35N, R10W, N.M.P.M. bears N70°22'40"W, 1977.33 ft, La Plata County, Colorado; ii. Source of water: Non-tributary in the Animas River Watershed; iii. Appropriation date: August 11, 1976; iv. Amount: 0.10 cfs, Conditional; v. Use: Domestic & lawn irrigation; 3. Applicant is the owner of the land upon which these structures are located. See map filed with application. (7 pages including exhibits)

**2024CW3018** La Plata County. APPLICATION FOR A CONDITIONAL WATER RIGHT (SURFACE) AND A CONDITIONAL WATER STORAGE RIGHT. Applicants: Austin Riley, 1663 CR 324, Ignacio, CO 81137; Richard Prda, 444 CR 333, Ignacio, CO 81137. Direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2<sup>nd</sup> Ave. #11, Durango, CO 81301. 970-403-1770. [amy@waterland-law.com](mailto:amy@waterland-law.com). **1. SWEET HART ENLARGEMENT DITCH.** POD: SW ¼ NW ¼, S14, T33N, R7W, NMPM. UTM: Zone 13, NAD 83, N 4109854 E 270129. Source: Unnamed tributary to Spring Creek, tributary to the Pine River, and all surface water, 6 acres on real property located in the NE ¼ SW ¼ of S14, T33N wastewater, and return flows that accrue to the Sweet Hart Ditch and the Sweet Hart Enlargement Ditch. App Date: 6/27/2024. Amt: 0.8 cfs, Conditional. Uses: Irrigation, stockwater, and pond filling. **2. RILEY PONDS (water storage right).** Location: The Riley Ponds will consist of up to 2 ponds located in the NE ¼ SW ¼ of S14, T33N, R7W, NMPM. Source: Sweet Hart Enlargement Ditch. App Date: 6/27/2024. Amt: 2.0 AF, Conditional. Surface Area: Combined surface area will not exceed 0.05 acres. Dam(s): Will not exceed 10'. Capacity: Active capacity of 2.0 AF. Uses: Stock water, irrigation, and fire protection. **3. AFFECTED LANDOWNERS:** Co-Applicants; Mark Williams, 1259 CR 328, Ignacio, CO 81137; and Heather Riley and Greg Riley, P.O. Box 985, Ignacio, CO 81137. **4. REMARKS:** See Application for details. (6 pages including exhibits)

**2024CW3019** ARCHULETA COUNTY, WATER DISTRICT NO. 78: 1) Applicant: Kaav Panaakay, LLC 2) Attorney: Adam T. Reeves/Lindsey A. Ratcliff, Maynes, Bradford, Shipp & Sheftel, LLP, 835 East 2nd Avenue, Ste. 123, Durango, CO 81301; 3) Application for Conditional Surface, Underground, and Storage Water Rights and Plan for Augmentation; 4) Source for all Four Structures: Rito Blanco River; 5) (a) Structure 1: Applicant requests entry of a decree confirming the following conditional surface water rights: Powderkeg Pump Station: SW 1/4, SE 1/4, Section 17, T35N, R1E, N.M.P.M.; UTM Coordinates; Zone 13N, Easting 334,460.0, Northing 4,125,694.0 (NAD 83); Amount: 0.64 c.f.s., conditional; Uses: Irrigation, incidental wildlife, firefighting, piscatorial, stockwatering, and for storage, fill, refill, and replacement of evaporation in the Powderkeg Fish Pond and the Powderkeg Augmentation Pond (b) Structure 2: Applicant requests entry of a decree confirming the following conditional underground water rights: Powderkeg Wellfield: SE 1/4, SW 1/4, and SW 1/4, SE 1/4, Section 17, T35N, R1E, NMPM; Amount: Rate: 40 gpm.; Volume limit: 3.14 AF per year; Uses: Domestic and lawn and garden irrigation associated with eight lots, and stockwatering; (c) Structure 3: Applicant requests entry of a decree confirming the following conditional storage water rights: Powderkeg Augmentation Pond: SW 1/4, SW 1/4, Section 17, T35N, R1E, NMPM; UTM Zone 13N, Easting 333,807, Northing 4,125,825 (NAD83); Total capacity: 20AF, Active capacity: 18AF, Dam height: 10 feet; Surface area: 3.00 Acres; Uses: Augmentation, firefighting, incidental wildlife, and evaporation; (d) Structure 4: Powderkeg Fish Pond: SE 1/4, SE 1/4, Section 18, T35N, R1E, NMPM; UTM Zone 13N, Easting 333,428, Northing 4,125,949 (NAD 83); Amount: 18 AF dead storage; Dam height: 10 feet; Surface area: 3.0 acres; Uses: Piscatorial, firefighting, incidental wildlife, and evaporation; 5: Applicant requests entry of a decree approving the following Plan for Augmentation: (a) Name of structures to be augmented: Powderkeg Wellfield and Powderkeg Pump Station; (b) Statement of Plan for Augmentation: All out-of-priority depletions from the Powderkeg Wellfield and the Powderkeg Pump Station for their decreed uses will be replaced in time, location, and amount by releases from the Powderkeg Augmentation Pond to the Rito Blanco during periods of valid, senior calls entitled to such water. Accordingly, this Plan for Augmentation

will entitle the Applicant to use water from the Powderkeg Wellfield and the Powderkeg Pump Station year-round for their decreed uses, including when a call would otherwise curtail diversions; (c) Augmentation Plan, Hydrologic Analysis, and Assumptions: Out-of-priority depletions and augmentation release requirements are calculated based on conservative calculations of water demands for Applicant's current and planned future uses, and protective assumptions described as follows: Representative estimates of diversion demands from the Powderkeg Wellfield for domestic use and the Powderkeg Pump Station to replace the Powderkeg Fish Pond evaporations are tabulated by month in Exhibit B. Domestic demands are calculated in Column 1, based on eight tracts with one single family residence per tract, and daily water use assumed to be 350 gallons per day ("gpd") per tract. In Column 2, the Powderkeg Fish Pond evaporation demands are calculated for months during the irrigation season (March – October) by multiplying the surface water exposed (3.00 acres) by the monthly distribution of net evaporation as estimated by the State Engineer's monthly distribution guidelines for sites on-channel with elevation above 6,500 feet, and the annual net evaporation values from NOAA's Technical Report NWS 33 and nearby precipitation stations; The method for calculating the net stream depletion impacts to the Rito Blanco above the Echo Ditch Headgate is shown in Column 4 of Exhibit C1 by subtracting the lagged return flows from the Powderkeg Wellfield and Powderkeg Fish Pond demands (Columns 1 and 2, respectively). It is estimated that no return flows accrue to the Rito Blanco above Echo Ditch (Column 3). Therefore, Applicant will replace the full net stream depletions to the Rito Blanco that would accrue above the Echo Ditch Headgate (Column 6); The method for calculating the net stream depletion impacts to the Rito Blanco below the Echo Ditch Headgate is shown in Column 4 of Exhibit C2 by subtracting the lagged return flows from the Powderkeg Wellfield and Powderkeg Fish Pond demands (Columns 1 and 2, respectively). The lagged return flows are calculated using a Glover analysis (Column 3), and assuming 85% of the in-house uses return to the Rito Blanco below the Echo Ditch Headgate; Actual depletion impacts and augmentation release DATE FILED: June 28, 2024 1:52 PM FILING ID: 46096CB0EF43B CASE NUMBER: 2024CW3019 amounts will be calculated based on actual diversions and uses. The lagged return flows below the Rito Blanco will be confirmed or recalculated after the on-site wastewater systems for the eight lots are constructed. Delayed depletions associated with the Powderkeg Wellfield will be calculated after the wells are constructed; During call periods, the augmentation requirement amount, as calculated in Column 6 on Exhibits C1 and C2 based on the net stream depletions and the number of days each month that a potential call may occur on the Rito Blanco, will be released to the Rito Blanco from the Powderkeg Augmentation Pond through a pipeline to a point at or above the Powderkeg Pump Station. Due to the use of a pipe, the augmentation replacements would not have any associated transit losses. When a valid downstream senior call is not active, augmentation releases from the Powderkeg Augmentation Pond will not be required. 6. Operation of the Plan for Augmentation: A water right call has been placed on Rito Blanco five times since 2000. Applicant proposes this Plan for Augmentation designed to ensure the continuous diversion and use of water from the Powderkeg Wellfield and the Powderkeg Pump Station to the extent that there may be future calls by senior water rights. Applicant will divert from the Powderkeg Pump Station and fill the Powderkeg Augmentation Pond when water is available in priority. During periods of administration on Rito Blanco in response to a valid senior call, the following protocols shall apply: Monthly augmentation releases under this Plan for Augmentation shall be calculated as provided in Exhibits C1 and C2 for the pro rata portion of any month in which a senior call is active based on actual, measured diversions from the Powderkeg Wellfield and evaporation from the Powderkeg Fish Pond; The augmentation release amounts shall be released on a schedule determined by the Division Engineer. 7. Applicant is the owner of the land upon which all structures applied for herein are or will be constructed. (11 pages including exhibits)

**2024CW3020** Archuleta County. APPLICATION TO MAKE ABSOLUTE, ALTERNATIVELY FOR A FINDING OF REASONABLE DILIGENCE. Co-Applicants: EPR Springs, LLC, & Olympus SL1, LLC. Direct all correspondence to Bushong & Holleman PC, P. Fritz Holleman & Gunnar J. Paulsen, 1525 Spruce Street, Suite 200, Boulder, CO 80302. [fholleman@bh-lawyers.com](mailto:fholleman@bh-lawyers.com); [gpaulsen@bh-lawyers.com](mailto:gpaulsen@bh-lawyers.com) & Colorado Water & Land Law, LLC, Amy N. Huff, 679 E. 2nd Avenue, # 11B, Durango, CO 81301 [amy@waterland-law.com](mailto:amy@waterland-law.com). (970) 403-1770. Structure Name: PAGOSA HOT

SPRING. Original Decree: Case No. 82CW17, WD 7. Subsequent Decrees: Case Nos. 89CW8, 95CW32, 99CW32. POD: NE ¼ SE ¼ SW ¼ of § 13, T35N, R2W, NMPM. UTM Zone 13, E 321712, N 4126113. Source: Pagosa Hot Spring, tributary to the San Juan River. App. Dates: 6/ 1/1896, for 0.5 cfs; 2/26/1982, for 1.0 cfs. Amt: 1.5 cfs total. Uses: Heating of buildings and bath house with mineral baths. Claim to Make Conditional Water Rights Absolute: The Pagosa Hot Spring diverted a rate of 733.9 gpm (1.64 cfs) on June 28, 2024, during which time there was no call on the San Juan River. Attached as Exhibit B is the affidavit of Paul Bruss, P.E., which supports Co-Applicants' claim that the 0.5 cfs conditionally decreed to the Pagosa Hot Spring with a priority date of June 1, 1896 and the remaining 0.7 cfs conditionally decreed to the Pagosa Hot Spring with a priority date of February 26, 1982 has been made absolute. Claim for a Finding of Reasonable Diligence: If the Court finds that any portion of the priorities decreed to the Pagosa Hot Spring have not been made absolute, Co-Applicants request a finding that they have exercised reasonable diligence in the development of said water rights in the amounts and for the uses described above. During the last diligence period, EPR acquired interests in the Pagosa Hot Spring, as well as interests in the property served by the same. EPR engaged engineering and legal consultants to assist it in developing the Pagosa Hot Spring and developing plans to make the remaining conditional portions of the Pagosa Hot Spring absolute. Co-Applicants have engaged in planning to expand the resort property served by the Pagosa Hot Spring, for which the remaining conditional portion of the water right will be required. They have spent approximately \$7,000,000 on expansion efforts for The Springs Resort. Approximately \$1,000,000 of such expenditures were directly related to the water supply system for The Springs Resort. The Springs Resort is diligently working toward the envisioned build-out of the property and continues to put its water rights to beneficial use for the decreed purposes. The Pagosa Hot Spring is part of the integrated water supply system for The Springs Resort. Thus, in accordance with C.R.S. § 37-92-301(4)(b), activities supporting a finding of reasonable diligence on one portion of the system shall be considered to support a finding of reasonable diligence for all water rights related to the system. Affected Landowners: The Pagosa Hot Spring is on property owned by Co-Applicant, EPR, and use of the water occurs on EPR property and on property owned by Co-Applicant, Olympus SL1. Remarks: See Application. (9 pages including exhibits)

**2024CW3021** Archuleta County. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Co-Applicants: EPR Springs, LLC & Olympus SL1, LLC. Direct all correspondence to Bushong & Holleman PC, P. Fritz Holleman & Gunnar J. Paulsen, 1525 Spruce Street, Suite 200, Boulder, CO 80302. [fholleman@bh-lawyers.com](mailto:fholleman@bh-lawyers.com); [gpaulsen@bh-lawyers.com](mailto:gpaulsen@bh-lawyers.com) & Colorado Water & Land Law, LLC, Amy N. Huff, 679 E. 2nd Avenue, # 11B, Durango, CO 81301. [amy@waterland-law.com](mailto:amy@waterland-law.com). (970) 403-1770. Name of Structures: SPRINGS RESORT OVERFLOW; CREEK TUB OVERFLOW; BATH HOUSE STREAM OVERFLOW. Original Decree: Case No. 08CW84, WD 7. Subsequent Decree: Case No. 16CW3001. PODs: SPRINGS RESORT OVERFLOW: SE ¼ NE ¼ SW ¼, S13, T35N, R2W, NMPM, being 1341' from the S section line & 2448' from the W section line of said Section 13. UTM: N 4126218 E 321711 CREEK TUB OVERFLOW: SE ¼ NE ¼ SW ¼, S13, T35N, R2W, NMPM, being 1421' from the S section line and 2476' from the W section line of said S13. UTM: N 4126242 E 321720. BATH HOUSE STREAM OVERFLOW: SE ¼ NE ¼ SW ¼, S13, T35N, R2W, NMPM, being 1560' from the S section line and 2511 feet from the E section line of said S13. UTM: N 4126283 E 321782. In Case No. 16CW3001, the legal description for BATH HOUSE STREAM OVERFLOW was amended to reflect the actual location in the SE ¼ NE ¼ SW ¼, S13, T35N, R2W, NMPM, being 1546' from the S section line and 2511' from the W section line of said S13. UTM: N 4126280 E 321731. Sources: Overflow from the above structures whose sources of geothermal water are the Pagosa Hot Spring, Pagosa Springs Resort's Springs 2001-2003, and water from the Town of Pagosa Springs Well PS-5. App Date: 12/22/2008. Amts: SPRINGS RESORT OVERFLOW: 112 gpm (0.25 cfs) Conditional. CREEK TUB OVERFLOW: 112 gpm (0.25 cfs) Conditional. BATH HOUSE STREAM OVERFLOW: 112 gpm (0.25 cfs) Conditional Uses: Recreation and commercial uses including heating, soaking and heating ponds, bath houses, mineral baths, swimming pools, heating building in Pagosa Resort Complex, green house use, and laundry facility, and to maintain level of the "Great Spring" and reheating of wastewater outflow. Outline of what has been done toward to support a finding of diligence: During the last diligence period, EPR acquired the Springs Resort

Overflow, the Creek Tub Overflow, and the Bath House Stream Overflow, as well as interests in the property served by the same. Co-Applicants have engaged in planning to expand the resort property served by the Spring Resort Overflow, the Creek Tub Overflow, and the Bath House Stream Overflow. They have spent approximately \$7,000,000 on expansion efforts for The Springs Resort. Approximately \$1,000,000 of such expenditures were directly related to the water supply system for The Springs Resort. The Springs Resort Overflow, the Creek Tub Overflow, and the Bath House Stream Overflow are part of the integrated water supply system for The Springs Resort. In accordance with C.R.S. § 37-92-301(4)(b), activities supporting a finding of reasonable diligence on one portion of the system shall be considered to support a finding of reasonable diligence for all water rights related to the system. Affected Landowners: EPR owns the land on which the diversion structures at issue in this Application are located. Remarks: See Application. (6 pages)

**2024CW3022** Archuleta County. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Applicant: San Juan River Farms, LLC, 6 Hedge Lane Austin, TX 78746. Please direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2<sup>nd</sup> Ave, #11B, Durango, CO 81301 (970) 403-1770. [amy@waterland-law.com](mailto:amy@waterland-law.com). Structure Name: **AREI WELL POND** Original Decree: Case No. 06CW109, WD No. 7, Subsequent Decree: Case No. 16CW3030, WD No. 7. Legal Description: The center of the AREI Well Pond is located in the NE ¼ NW ¼ §8, T35N, R1W, NMPM, 436' south of the north section line and 1915' east of the west section line. UTM: E 324666, N 4128874, Zone 13, NAD 83. Source: Groundwater tributary to the San Juan River. App Date: 12/28/2006. Amt: 0.25 cfs, Conditional. Uses: Irrigation, recreation, fire protection, piscatorial, waterfall/feature, freshening flows, evaporation, and the filling and refilling of ponds for said uses. The combined rate of diversion from the AREI San Juan River Diversion and the AREI Well Pond will not exceed 0.25 cfs. Outline of what has been done toward completion of the appropriation: In 2023, San Juan River Farms, LLC, purchased the AREI San Juan River Diversion water right and the AREI Well Pond water right, and the real property on which said water rights are decreed for beneficial use. During the last diligence period, the AREI Well Pond was constructed. It receives inflows from both alluvial ground water from the San Juan River and the AREI San Juan River Diversion water right. The decree in Case No. 16CW3030 states that the AREI Well Pond will remain a conditional water right until a berm at the south property line is completed. Although both groundwater tributary to the San Juan River and surface diversions from the AREI San Juan River Diversion water right have been used to fill the AREI Well Pond in priority, the requirement to construct a berm, as imposed by in Case No. 16CW3030, has not been satisfied. For that reason, Applicant seeks a finding of reasonable diligence. Applicant desires to complete the appropriation for the AREI Well Pond as soon as possible and is inquiring about construction alternatives for the berm. Applicant intends to use the water rights decreed to the AREI San Juan River Diversion and the AREI Well Pond for the uses decreed to said water rights. The AREI Well Pond is part of Applicant's integrated water system, which includes the AREI San Juan River Diversion. Pursuant to C.R.S. § 37-92-301(4)(b), use of the AREI San Juan River Diversion shall be considered to support a finding of reasonable diligence for the AREI Well Pond. Affected Landowners: Applicant owns the real property on which the AREI Well Pond is located. Remarks: See Application for additional information. (4 pages)

**2024CW3023** Archuleta County. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Applicant: Olympus SL1, LLC, 1067 FM 306, Suite 408 New Braunfels, TX 78130. Please send all correspondence to Applicant's counsel, Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2<sup>nd</sup> Ave. #11B, Durango, CO 81301. [amy@waterland-law.com](mailto:amy@waterland-law.com) (970) 403-1770. Structure Names: PSRC SPRING 2000-1; PSRC SPRING 2000-2; PSRC SPRING 2000-3 ("PSRC Springs"). Original Decree: Case No. 00CW28, District Court, WD#7. Subsequent Decrees: Case No. 07CW12; Case No. 14CW3020. Points of Diversion: *PSRC SPRING 2000-1*: 1020' North of the South line of §13; 2169' East of the West line of §13; 886' North of the mid-line of Henry Footes Valentine Script; 331 feet East of the West line of Henry Footes Valentine Script in § 13, T35N, R2W, NMPM. *PSRC SPRING 2000-2*: 611' North of the South line of §13; 2026' East of the West line of §13; 477' North of the mid-line of Henry Footes Valentine

Script in §13, T35N, R2W, NMPM. *PSRC SPRING 2000-3*: 81' North of the South line of §13; 2033' East of the West line of §13; 53' of the mid-line of Henry Footes Valentine Script in §13, T35N, R2W, NMPM. Source: San Juan River. App Date: 3/13/2000. Amts: *PSRC SPRING 2000-1*: 150 g.p.m. (0.334 c.f.s.) (conditional) (106\* (degrees) *PSRC Spring 2000-2*: 100 g.p.m. (0.223 c.f.s.) (conditional) (103\* (degrees) *PSRC Spring 2000-3*: 40 g.p.m. (0.089 c.f.s.) (conditional) (90\* (degrees) Uses: Recreational, including soaking and heating pools, bath house, mineral bath, swimming pools and commercial buildings. Detailed outline of what has been done toward completion of the appropriation: During the last diligence period, Applicant engaged engineering consultants, attorneys, and construction professionals to improve The Springs Resort and expand its facilities. Applicant has been actively involved in the master planning for the 27 acres adjacent to the existing resort, which is where the PSRC SPRINGS are located, and where the water will be placed to beneficial use. Applicant's consultants have analyzed how to make the most efficient use of geothermal spring water from the PSRC SPRINGS. The geothermal water decreed to PSRC SPRINGS will be used to fill soaking pools, melt snow, and heat structures. The Springs Resort has completed the design of the first phase expansion ("Resort Expansion"), which will utilize the water decreed to the PSRC SPRINGS for their decreed purposes. This design utilizes geothermal collection infrastructure, which involves storage tanks, perforated piping, and pumps to transport the geothermal water to the pools and throughout The Springs Resort. The Resort Expansion has been under construction for approximately a year. The infrastructure described above has been installed to capture the geothermal water from the PSRC SPRINGS and place it to beneficial use according to the terms of the original decree. Applicant has spent approximately \$7,000,000 on improvements and on the Resort Expansion. Approximately \$1,000,000 of such expenditures were directly related to the water supply system. The portfolio of water rights decreed for use at The Springs Resort and the Resort Expansion will be placed to beneficial use in the near future. The PSRC SPRINGS are part of the integrated water supply system for The Springs Resort and the Resort Expansion. Pursuant to C.R.S. § 37-92-301(4)(b), activities supporting a finding of reasonable diligence on any portion of the water system for The Springs Resort shall be considered to support a finding of reasonable diligence for all water rights related to the system. Names and Addresses of Affected Landowners: Applicant owns the land on which the PSRC Springs are located and where said water rights will be placed to beneficial use. Remarks: See Application. (5 pages)

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 August 2024, to file with the Water Clerk, a verified Statement of Opposition, setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: \$192.00; Forms are available through the Office of the Water Clerk or on the Judicial web site at [www.courts.state.co.us](http://www.courts.state.co.us); Jason Poyer, Water Court Specialist, 1060 E. 2<sup>nd</sup> Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before July 31, 2024

/s/ Jason Poyer  
Water Court Specialist