

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 March 2025, for each county affected.

2024CW3029 Amended Application for Absolute and Conditional Surface and Storage Water Rights; 1. Applicant: Jon B. Bruss and Mozhdeh B. Bruss c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 679 E. 2nd Ave. Unit 10, Durango, CO 81301; (970) 422-5510; kperdue@swpropertylaw.com. 2. Structure: a. Bruss Pond 1 a/k/a West Bruss Dam 4B; i. In the NE/4 SE/4 of Section 19, Township 35 North, Range 1 West, N.M.P.M. UTM Coordinates: 13 S, 323669 m E, 4125012 m N (PLSS and UTM data from DWR map tool); ii. Source: Bruss Lot 7 Wastewater Diversion No. 1 via the Park Ditch in the amount of 0.25 cfs; iii. Appropriation date: July 1, 2018; iv. Amount: 1.17 acre feet, absolute; v. Use: Irrigation, livestock watering, storage, and fire suppression; vi. Irrigated Area: Four acres as shown on Exhibit A; vii. Surface Area: 8,237 sq. ft.; viii. Height of Dam: 10 ft.; ix. Length of Dam: 100 ft.; 2b. Bruss Lot 7 Wastewater Diversion No. 1; i. In the NW/4 SE/4 of Section 19, Township 35 North, Range 1 West, N.M.P.M. UTM Coordinates: 13 S, 323669 m E, 4125012 m N (PLSS and UTM data from DWR map tool); ii. Source: Wastewater from a terminal lateral of the Park Ditch; iii. Appropriation date: July 1, 2018; iv. Amount: 0.25 cfs, conditional; v. Use: Irrigation, livestock watering, fire suppression, and filling of Bruss Pond 1; vi. Irrigated Area: Four acres as shown on Exhibit A; 2c. Bruss Pond 2 a/k/a Central Bruss Dam 4B; i. In the SW/4 NW/4 of Section 20, Township 35 North, Range 1 West, N.M.P.M. UTM Coordinates: 13 S, 324112 m E, 4125106 m N (PLSS and UTM data from DWR map tool); ii. Source: Bruss Lot 6 Wastewater Diversion No. 2 via the Park Ditch in the amount of 0.25 cfs; iii. Appropriation date: July 1, 2018; iv. Amount: 0.74 acre feet, absolute; v. Use: Irrigation, livestock watering, storage, and fire suppression; vi. Irrigated Area: Five acres as shown on Exhibit A; vii. Surface Area: 4,877 sq. ft.; viii. Height of Dam: 10 ft.; ix. Length of Dam: 120 ft.; 2d. Bruss Lot 6 Wastewater Diversion No. 2; i. In the SW/4 NW/4 of Section 20, Township 35 North, Range 1 West, N.M.P.M. UTM Coordinates: 13 S, 324112 m E, 4125129 m N (PLSS and UTM data from DWR map tool); ii. Source: Wastewater from a terminal lateral of the Park Ditch; iii. Appropriation date: July 1, 2018; iv. Amount: 0.3 cfs, conditional; v. Use: Irrigation, livestock watering, fire suppression, and filling of Bruss Pond 2; vi. Irrigated Area: Five acres as shown on Exhibit A; 2e. Bruss Pond 3 a/k/a East Bruss Dam 4B; i. In the SW/4 NW/4 of Section 20, Township 35 North, Range 1 West, N.M.P.M. UTM Coordinates: 13 S 324359 m E, 4125157 m N (PLSS and UTM data from DWR map tool); ii. Source: Bruss Lot 5 Wastewater Diversion No. 3 via the Park Ditch in the amount of 0.75 cfs.; iii. Appropriation date: August 19, 2024; iv. Amount: 1.0 acre feet, conditional; v. Use: Irrigation, livestock watering, storage, and fire suppression; vi. Irrigated Area: Twelve acres as shown on Exhibit A; 2f. Bruss Lot 5 Wastewater Diversion No. 3; vii. Surface Area: 7,147 sq. ft.; viii. Height of Dam: 10 ft.; ix. Length of Dam: 200 ft.; 2f. Bruss Lot 5 Wastewater Diversion No. 3; i. In the SW/4 NW/4 of Section 20, Township 35 North, Range 1 West, N.M.P.M. UTM Coordinates: 13 S 324359 m E, 4125157 m N (PLSS and UTM data from DWR map tool); ii. Source: Wastewater from a terminal lateral of the Park Ditch; iii. Appropriation date: September 5, 2018; iv. Amount: 0.75 cfs, conditional; v. Use: Irrigation, livestock watering, fire suppression, and filling of Bruss Pond 3; vi. Irrigated Area: Twelve acres as shown on Exhibit A; 3. Applicant is the owner of the land upon which these structures are located. See map filed with application. (7 pages including exhibits)

2024CW3034 CONCERNING THE APPLICATION FOR WATER RIGHTS OF LA PLATA COUNTY IN THE FLORIDA RIVER AND ITS TRIBUTARIES, IN LA PLATA COUNTY,

COLORADO: AMENDED APPLICATION TO MAKE ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE. As set forth more fully below, this Amended Application to Make Absolute in Part and for a Finding of Reasonable Diligence (“Amended Application”) is being filed pursuant to Water Court Rule 4, to amend the original diligence application filed with the Court on October 29, 2024. While the original application referenced the exchange reach of the Salt Creek Exchange decreed by the Court and also evidenced water diversion from the three (3) PODs along the reach as part of the application for diligence of the conditional water rights granted in the 17CW3044 decree, the Amended Application is being filed provide clear notice that the Applicant seeks a finding of reasonable diligence with respect to not only its conditional surface rights, but also to the appropriative right of exchange approved in the Court’s 17CW3044 Decree and to provide more explicit details of the Salt Creek Exchange. 1. Name, mailing address, and telephone number of Applicant: Board of County Commissioners, La Plata County, 1101 East Second Avenue, Durango, CO 81301, 970-382-6200; with copies of pleadings to: Kathleen Moore, La Plata County Attorney’s Office, 1060 East 2nd Avenue, Suite 140, Durango, CO 81301, 970-382-8600, moore@lpcattorney.org. 2. Structures: A. Name(s) of Structure(s): LPC Florida Canal POD; LPC Florida Farmers Ditch POD; LPC Durango-A POD; LPC Ignacio-A POD; LPC Ignacio-B POD; LPC Bayfield-A POD; Salt Creek Exchange. B. Type of Structure(s): points of diversion. 3. Description of Water Right and Prior Decrees: A Date of Original Decree: October 30, 2018. B. Case No. and Court: 2017CW3044; District Court, Water Division No. 7. 4. Legal Description of Water Rights / Exchange Reach: A. APOD: The six (6) points of diversion, which operate as alternate points of diversion to each other (referred to herein as “PODs” or “APODs”), are listed below and shown on Exhibit 1 of the Application filed with the Court. *Diversion Point - Legal Description: (1) LPC Florida Canal POD – A point in the NE ¼ of the SW ¼ of Section 8 T35N, R8W, N.M.P.M. 1,342 feet from the south section line and 1,691 feet from the west section line of said section 8. UTM coordinates: Easting: 254346.5 Northing: 4133181.2 (NAD 83, Zone 13); (2) LPC Florida Farmers Ditch POD – A point in the SW ¼ of the SW ¼ of Section 18 T35N, R8W N.M.P.M. 281 feet from the south section line and 1,119 feet from the west section line of said section 18. UTM coordinates Easting: 252522.6 Northing: 4131273.7 (NAD 83, Zone 13); (3) LPC Durango-A POD – A point in the NE ¼ of the SW ¼ of Section 20 T36N, R7W, N.M.P.M. 1,592 feet from the south section line and 1,494 feet from the west section line of said section 20. UTM coordinates Easting: 264104.1 Northing: 4139428.9 (NAD 83, Zone 13); (4) LPC Ignacio-A POD – A point in the NE ¼ of the SW ¼ of Section 32 T34N, R8W, N.M.P.M. 1,652 feet from the south section line and 1,844 feet from the west section line of said section 32. UTM coordinates: Easting: 256297.7 Northing: 4114451.6 (NAD 83, Zone 13); (5) LPC Ignacio-B POD – A point in the NW ¼ of the SW ¼ of Section 1 T33N, R9W, N.M.P.M. 1,744 feet from the south section line and 11 feet from the west section line of said section 1. UTM coordinates: Easting: 252469.5 Northing: 4112954.6 (NAD 83, Zone 13); (6) LPC Bayfield-A POD - A point in the NW ¼ of the NE ¼ of Section 15U T34N, R8W, Ute P.M. 936 feet from the north section line and 1,344 feet from the east section line of said section 15U. UTM coordinates: Easting: 260339.7 Northing: 4120018.3 (NAD 83, Zone 13). B. Exchange: Further, with respect to the Salt Creek Exchange between the LPC Bayfield-A POD on Salt Creek and the confluence of the Salt Creek with the Florida River, the upstream and downstream terminuses are described as follows: i. Upstream Terminus: The upstream terminus of the exchange is the POD at LPC Bayfield-A, as described above. ii. Downstream Terminus: The downstream terminus of the exchange is the confluence of Salt Creek with the Florida River located in the NE ¼ of the SE ¼ of Section 2, Township 33 N, Range 9W of the N.M.P.M. Generally, a point located 1740 feet from the south section line and 45 feet from the east section line of said Section 2. UTM coordinates Easting 252452.6 Northing 4112953.6 (NAD 83, Zone 13). C. Source for Conditional Surface Water Rights: Florida River and Salt Creek and their tributaries. D. Replacement Source for Exchange: Florida River water stored in Lemon Reservoir. To protect senior water rights, Applicant has entered into a long-term water service agreement for releases from Lemon Dam for up to 5.0 acre-feet of water per year to replace Applicant’s out-of-priority diversions. E. Appropriation Date: December 7, 2017. F. Amount: 0.75 cfs conditional (maximum combined diversion rate from LPC Florida Canal POD, LPC Florida Farmers Ditch POD, LPC Durango-A POD, LPC Ignacio-A POD, LPC Ignacio-B, and LPC Bayfield-A POD). This is also the max rate of the exchange. G. Uses: Municipal and Industrial, for County*

road and bridge purposes in La Plata County. See Exhibit 2 of the Application filed with the Court. 5. Outline of Work Performed or Actions Taken Toward Completion of Appropriation and Application of Water to Beneficial Use as Conditionally Decreed: During the diligence period, Applicant has completed the following tasks: A. Diverted water by means of truck mounted pump from the APODs for municipal and industrial uses of the Road & Bridge Department. Colorado Decision Support System records, on file with the Colorado Division of Water Resources confirm that Applicant has applied 0.49 cfs to beneficial use. See Exhibit 3 of the Application filed with the Court. B. Maintained its Water Carriage Agreement with the Florida Consolidated Ditch Company to access and use haul points related to the LPC Florida Canal POD and the LPC Florida Farmers Ditch POD. C. Maintained its Third-Party Agreement for Purchase of Florida Project Storage Water for Long-Term Water Service with the Florida Water Conservancy District, as approved by the United States Bureau of Reclamation, to replace out-of-priority diversions with releases from Lemon Dam, as part of the plan for augmentation decreed in Case No. 2017CW3044. D. County staff and their engineering consultant met with the Division Engineer via video conference to discuss measuring devices, water record improvements and other matters related to APOD structures under the 2017CW3044 decree. E. In 2021, Applicant expended resources and incurred costs and expenses for materials, equipment and personnel to resurface the County right-of-way where the LPC Florida Farmers Ditch POD is located. Further, water diverted from the APODs is part of an integrated water system used by the County Road & Bridge Department to supply water for road and bridge purposes and maintenance and improvements throughout La Plata County. Thus, work conducted on one supply point supports all points of diversion as an integrated water supply system operated by the County, per C.R.S. § 37-92-301(4)(b). The Applicant has demonstrated that water can and will be diverted or otherwise captured, possessed and controlled and that the rights can and will be completed with diligence within a reasonable period. 6. Claim to Make Conditional Surface Water Rights Absolute in Part: A. Date water first applied to beneficial use: December 2018. B. Amount: 0.49 cfs absolute and 0.26 cfs conditional for a total claim of 0.75 cfs, C. Uses: Municipal and Industrial, for County road and bridge purposes in La Plata County. D. Location of Use: La Plata County. See Exhibit 2 of the Application filed with the Court. E. Supporting evidence of diversion and application of beneficial use: See Exhibit 3 of the Application filed with the Court. 7. Map of Structures: See Exhibit 1 of the Application filed with the Court. 8. Name(s) and Addresses of Owners or Reputed Owners of Land: N/A. Applicant does not anticipate construction of any new diversion or storage structures or modifications to existing diversion or storage structures or existing storage pools. WHEREFORE, Applicant respectfully requests that the Court enter a decree (1) adjudicating 0.49 cfs of surface water rights and the exchange right involving the Salt Creek Exchange absolute and continuing 0.26 cfs conditional, and (2) finding diligence for the water rights described herein, including the right of exchange to Salt Creek, for another six (6) year period. (8 pages including exhibits)

2025CW1 La Plata County. Applicants: Steve Rieke and Peggy Rieke, 1003 CR 333 Ignacio, CO 81137. Structure: Rieke No. 1 Ditch. Legal Description: In the SW1/4 SW1/4, Section 19, T33N, R6W, N.M.P.M., 1,290 feet from the South section line and 1,288 feet from the West section line of said Section 19, UTM coordinates, Easting: 273669, Northing: 4107421 (NAD 83, Zone 13). Source: Natural and return flows of Unnamed Tributary to Devil's Creek to Spring Creek to Pine River. App. Date: 3/6/25. Amount: 0.66 cfs Conditional. Uses: Irrigation; Structure: Rieke No. 2 Ditch. Legal Description: In the SE1/4 SW1/4, Section 19, T33N, R6W, N.M.P.M., 863 feet from the South section line and 2,585 feet from the West section line of said Section 19, UTM coordinates: Easting: 274063 Northing: 4107278 (NAD 83, Zone 13). Source: Natural and return flows of Unnamed Tributary to Devil's Creek to Spring Creek to Pine River. App. Date: 3/6/25. Amount: 0.66 cfs Conditional. Uses: Irrigation. See application for further details. (12 pages including exhibits)

2025CW2 Archuleta County. Applicant: Navajo River Ranch Ditch Company, c/o Phil Faubert, President, 1924 South Utica Avenue, Ste. 1018 Tulsa, OK 74104. Prior Decrees: Case No. 05CW11, 12CW4, 18CW19. Structure: Enterprise Ditch (Klondike Supplemental Diversion). Legal Description: Section 6, T32N, R2W, N.M.P.M., UTM Coordinates, Easting: 341523.4, Northing:

4100131.7 (NAD 83, Zone 13), Navajo River Ranch Subdivision. Source: Navajo River. App. Date: 4/30/05. Amount: 1.0 cfs. Uses: Irrigation and pond filling for irrigation and stock watering purposes. See application for further details. (9 pages including exhibits)

2025CW3 La Plata County. Applicants: Chris Burgess and Kathy Burgess, 1313 CR 300 Durango, CO 81303. Prior Decree: Case No. 18CW11. Structure: Burgess Ditch. Legal Description: In the NE1/4 NW1/4, Section 36, T34N, R7W, N.M.P.M., being 194 feet from the North section line and 1,497 feet from the West section line of said Section 36, UTM coordinates, Easting: 272362.9, Northing: 4115048.6 (NAD 83, Zone 13). Source: Tributary to Ute Creek, Tributary to the Pine (Los Pinos) River. App. Date: 6/1/18. Amount: 0.5 cfs Conditional. Uses: Irrigation of 16 acres and stock water (see attached map 1). Claim to make absolute; Date water applied to beneficial use: Beginning June 7, 2020, then year thereafter when overflow available. Amount: 0.4 cfs Absolute. Uses: Irrigation and stock water. See application for further details. (7 pages including exhibits)

2025CW3008 **LA PLATA COUNTY: 1) Applicant:** Redmesa Reservoir and Ditch Company; **2) Attorney:** Adam T. Reeves, Maynes, Bradford, Shipp & Sheftel, LLP, 835 East Second Avenue, Durango, CO 81301; **3) Type of Application:** Application to Make Absolute or for a Finding of Reasonable Diligence for Red Mesa Ward Reservoir (Enlargement); A. Original Decree: i. CA 807C; ii. Date: March 21, 1966 (June 23, 1915); iii. Court: District Court, La Plata County; iv. Appropriation Date: April 30, 1905 (Priority 65-1); B. Legal Description: The dam across Hay Gulch is located on portions of each quarter of Section 22 and the N1/2NW1/4 of Section 27, all in T34N, R12W, N.M.P.M.; C. Name and Capacity of Ditch Leading to Reservoir: Supply Ditch; Carrying capacity: 120 c.f.s.; Point of diversion ("POD") located on the west bank of the La Plata River, whence the northwest corner of Section 26, T34N, R12W, N.M.P.M., bears North 52°56' West, a distance of 945.3 feet, from the POD to point where it enters Reservoir; D. Source: La Plata River and Hay Gulch, tributary to La Plata River; E. Decreed Uses: Irrigation: 4,410 acres under the Joseph Freed, Revival and Warren-Vosburgh Ditches, described as follows: (a) Joseph Freed Ditch decreed in Case Nos. 807B and 807C: POD - Hay Gulch, at a point whence the Northeast corner of Section 33, T34N, R12W, N.M.P.M. bears North 45° 48' East 1660 feet, thence generally Southerly and empties into said river, thence down said stream, as a carrier, to a second headgate on the East bank of said river located at a point whence the Northeast corner of the SE1/4NE1/4, Section 33, T34N, R12W, N.M.P.M. bears North 69° 37' East 860 feet, from POD ditch course is Southerly; (b) Revival Ditch decreed in Case Nos. 807, 807B and 807C: POD - east bank of the La Plata River, whence the quarter corner between Section 4, T33N, and Section 33, T34N, of R12W, N.M.P.M., bears South 73° 57' East 967 feet, from which intake it is thence South 70° 59' West 300 feet, thence South 36° 57' West 317 feet to the headgate; said headgate being situated at a point whence the above-mentioned quarter stone bears North 87° 8' East 1,401 feet. From the headgate said ditch runs in a general southerly course; (c) Warren-Vosburgh Ditch decreed in case No. 807B: POD - left bank of the La Plata River, whence the West quarter corner of Section 4, T33N, R12W, N.M.P.M. bears South 33° 23' West 1,289 feet, from POD ditch runs generally Southwesterly; 2. Non-Irrigation: Domestic, municipal, industrial, recreation, fish and wildlife, flood control and other beneficial uses; F. Enlargement Amount: 2,898.28 AF, Conditional; [Note: Also decreed for 1,176 AF, Absolute, with same appropriation date as in the Original Decree]; 3. Between Mar 2019 and March 2025, the following activities took place toward completion of the appropriation herein, at the stated costs: A. Spillway Repairs – Cost: \$17,550; B. Legal Fees – Cost: \$13,865; C. Engineering Consultant Feasibility Study – Cost: \$119,876; D. Pre-design Engineering for Reservoir Repair and Expansion – Cost: \$217,900. Applicant is the owner of the land upon which any new diversion or storage structure is or will be constructed. (4 pages)

2025CW3009 (18CW3031, 10CW26, 03CW75, 96CW92, 89CW95) DISTRICT COURT, WATER DIVISION SEVEN, STATE OF COLORADO, La Plata County Courthouse, 1060 East Second Ave., Suite 106, Durango, CO 81301, (970) 247-2304. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: SAN JUAN RIVER RANCH ASSOCIATION, INC., IN ARCHULETA COUNTY,

COLORADO. APPLICATION TO MAKE PORTION OF WATER RIGHT ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE.

1. Name, Address, Telephone Number, and Email
Address of Applicant: San Juan River Ranch Association, Inc. (“Applicant”), c/o David Nordstrom, President, P.O. Box 4279, Pagosa Springs, CO 81147, Telephone: (319) 360-1440, Email: dvnordy@gmail.com Direct All Pleadings to: Bushong & Holleman PC, Steven J. Bushong, Cassidy L. Woodard, 1966 13th Street, Suite 270, Boulder, CO 80302, Email: sbushong@BH-lawyers.com; cwoodard@BH-lawyers.com

2. Name of Structure: O’Bannon Ditch.

3. Description of Conditional Water Right:

3.1. Original Decree: Case No. 89CW95 in the District Court, Water Division 7, Colorado (the “Water Court”) entered on November 30, 1990,

3.2. Subsequent Diligence Decrees: Decrees making findings of reasonable diligence or making portions absolute were entered in Water Court Case Nos. 96CW92 entered on August 19, 1997, 03CW75 entered on March 25, 2004, 10CW26 entered on September 28, 2012, and 18CW3031 entered on March 12, 2019,

3.3. Legal Description: On the south bank of the San Juan River, whence the West 1/4 corner of Section 13, T. 36 N., R. 1 W., N.M.P.M., bears North 16° 19’ West, 999.6 feet. *See Exhibit A*,

3.4. Source: San Juan River,

3.5. Appropriation Date: September 24, 1986,

3.6. Amounts and Uses: 5.0 cubic feet per second (“cfs”) absolute for recreation, piscatorial, and livestock watering, and 5.0 cfs conditional for domestic, fire protection, commercial, retail, industrial, municipal, irrigation, and augmentation,

3.7. Remarks: By decree entered in Civil Action No. 73-308(D) in the District Court in and for Archuleta County, dated December 19, 1968, the O’Bannon Ditch was decreed 5.0 cfs for irrigation and domestic purposes with an appropriation date of June 1, 1942 (“Senior O’Bannon Ditch Right”), with the same point of diversion described above at Paragraph 3.3. Applicant owns 2.667 cfs (Prior decrees make references to Applicant owning either 2.667 cfs or 2.67 cfs of the Senior O’Bannon Ditch Right.) of the Senior O’Bannon Ditch Right of which 0.22 cfs was changed to the SJRR Well #1 by the decree entered in Water Court Case No. 03CW33 on September 15, 2004. The remaining 2.447 cfs of the Senior O’Bannon Ditch Right is still diverted at the O’Bannon Ditch. The O’Bannon Ditch is also the filling structure for the Turkey Creek Ranch Reservoir Nos. 1 and 2 (the “Reservoirs”), which were adjudicated by decree entered in Water Court Case No. 88CW16 on December 9, 1988.

4. Request to Make Absolute: Applicant requests that the Water Court make the O’Bannon Ditch water right described in Paragraph 3 above absolute for 5.0 cfs for irrigation use. Per diversion records for irrigation use from Colorado Decision Support System (“CDSS”), from June 7, 2023, to August 2, 2023, Applicant diverted water at the O’Bannon Ditch at a rate of 10.6 cfs. Consistent with the holding of the Water Court in Case No. 10CW26, which requires that diversions first be contributed to the Senior O’Bannon Ditch Right, after subtracting the 2.447 cfs diverted for irrigation under the Senior O’Bannon Ditch Right, Applicant diverted 8.153 cfs for irrigation, which is in excess of the 5.0 cfs remaining conditional decreed to the O’Bannon Ditch. Additionally, per CDSS’s Structure Call Analysis, the O’Bannon Ditch water right described in Paragraph 3 above was out of priority zero percent of the time between June 7, 2023, to August 2, 2023. Thus, Applicant diverted water under free river conditions at 5.0 cfs for irrigation use and is entitled to make such water right absolute.

5. Request for Finding of Reasonable Diligence: For all remaining conditional portions of the O’Bannon Ditch water right described above that are not made absolute as requested in Paragraph 4, Applicant requests a finding that it has exercised reasonable diligence in the development of the remaining conditional uses and that said conditional uses continue in full force and effect in their full decreed amounts.

6. Diligence Activities: As confirmed in Case No. 10CW26, Applicant’s various water rights and related infrastructure are part of an integrated water supply system for the development of the San Juan River Ranch. The O’Bannon Ditch is an integral part of that system. As such, work done on any component of the system advances the whole. During the diligence period, Applicant has performed the following activities that demonstrate it has exercised reasonable diligence in the development of the remaining conditional uses decreed to the O’Bannon Ditch:

6.1. Applicant spent approximately \$4,000 on ditch maintenance on the O’Bannon Ditch, including maintaining vegetation and removing debris from the ditch,

6.2. Applicant spent approximately \$8,000 on stocking its ponds with fish and other tasks necessary to maintain healthy fish habitats, including feeding fish, repairing aerators, and removing weed build-up along the pond banks. The O’Bannon Ditch is used as a filling structure for the Reservoirs,

6.3. Applicant invested significant resources into maintaining its water treatment plant. Between 2021 and 2023, Applicant

engineered and installed a new system of filtering water from its SJRR Well #1 through the water treatment plant for delivery of water to its members. In total, this project cost an estimated \$185,000, including engineering design, installation costs, and costs for the new filters and related equipment. Applicant's water treatment plant is routinely inspected to ensure that it remains in proper working order with any repairs necessary being promptly remedied. Inspections and repairs totaled over \$29,000 during the diligence period, 6.4. A new home within the San Juan River Ranch is under construction. It is anticipated to be completed in Summer 2025. It is also estimated that an additional home will begin construction in 2025 or 2026. Both homes will be connected to Applicant's water system, increasing the demand for water, 6.5. Applicant conducted routine water quality monitoring during the diligence period, which involved monthly sampling at four different locations within Applicant's water system. The total cost expended on water quality monitoring was approximately \$27,000., 6.6. Applicant has participated as an opposer in two applications in Water Court and one application in the District Court in and for Water Division No. 3, State of Colorado, to ensure that other water users do not cause injury to Applicant's water rights. 7. Land Ownership: Although the O'Bannon Ditch is neither a new nor modified structure, the headgate and a portion of the ditch are located on lands owned by Ken Zeiler with a mailing address of 610 Hanover Lane, Irving, Texas 75062. WHEREFORE, Applicant respectfully requests that the court enter an order (1) granting Applicant's request to make the O'Bannon Ditch water right absolute for 5.0 cfs for irrigation use as described in Paragraph 5 above; (2) to the extent any portion of the O'Bannon Ditch water right is not made absolute, then granting Applicant's request for a finding of reasonable diligence for the remaining conditional uses in their full decreed amounts and continuing said conditional water rights in full force and effect; and (3) granting such other and further relief as deemed appropriate. (6 pages including exhibit)

2025CW3010 (18CW3031, 10CW26, 03CW75, 96CW92, 89CW95), DISTRICT COURT, WATER DIVISION SEVEN, STATE OF COLORADO, La Plata County, Courthouse, 1060 East Second Ave., Suite 106, Durango, CO 81301, (970) 247-2304, IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: SAN JUAN RIVER RANCH ASSOCIATION, INC., IN ARCHULETA COUNTY, COLORADO. **APPLICATION TO MAKE PORTION OF WATER RIGHT ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name, Address, Telephone Number, and Email Address of Applicant: San Juan River Ranch Association, Inc. ("Applicant"), c/o David Nordstrom, President, P.O. Box 4279, Pagosa Springs, CO 81147, Telephone: (319) 360-1440, Email: dvnordy@gmail.com Direct All Pleadings to: Bushong & Holleman PC, Steven J. Bushong, Cassidy L. Woodard, 1966 13th Street, Suite 270, Boulder, CO 80302, Email: sbushong@BH-lawyers.com; cwoodard@BH-lawyers.com 2. Names of Structures: 2.1. Nordstrom Pond; and 2.2. SJRR Well #1. 3. Descriptions of Conditional Water Right: 3.1. Nordstrom Pond: 3.1.1. Original Decree: Case No. 03CW33, District Court in and for Water Division No. 7, State of Colorado (the "Water Court"), dated September 15, 2004 (the "03CW33 Decree"), 3.1.2. Subsequent Diligence Decrees: Decrees making findings of reasonable diligence were entered in Water Court Case Nos. 10CW64, dated September 27, 2012 (the "10CW64 Decree"), and 18CW3033, dated March 12, 2019 (the "18CW3033 Decree"). *See Exhibit A*, 3.1.3. Legal Description: Nordstrom Pond is located in Section 24, T. 36 N., R. 1 W., at a point approximately 2,326 feet south of the north line of said Section 24 and 402 feet east of the west line of said Section 24, 3.1.4. Source: Nordstrom Pond is an on-stream reservoir that captures and stores natural runoff from Coal Mine Draw, tributary to the San Juan River, 3.1.5. Appropriation Date: October 2002, 3.1.6. Amount: 2 acre-feet, conditional, 3.1.7. Uses: piscatorial, recreation, and maintenance of the water level in Nordstrom Pond and its related water features for the enjoyment of the lot owner, 3.1.8. Reservoir Data: 3.1.8.1. Surface Area of High Water Line: 0.25 surface acres, 3.1.8.2. Maximum Height of Dam: 9.0 feet, 3.1.8.3. Length of Dam: 100 feet, 3.1.8.4. Total Capacity of Reservoir: 2.0 acre-feet, 3.1.9. Remarks: Nordstrom Pond was decreed to have associated water features consisting of a modified stream channel with pools and drop structures. When said channel is not naturally flowing with water, a pump may be used to circulate water from the Pond through the channel, 3.2. SJRR Well #1: 3.2.1. Original Decree: the 03CW33 Decree, 3.2.2. Subsequent Diligence Decrees: Decrees making findings of reasonable diligence or making portions absolute were entered in the 10CW64 Decree and the 18CW3033 Decree, 3.2.3. Legal

Description: SJRR Well #1 is a culvert well located at the SE1/4 SE1/4, Section 14, T. 36 N., R. 1 W., N.M.P.M., at a point approximately 350 feet from the south section line and 1,075 feet from the east section line. See Exhibit A, 3.2.4. Source: groundwater tributary to the San Juan River, 3.2.5. Appropriation Date: August 5, 2022, 3.2.6. Amount: 0.22 cubic feet per second (“cfs”) (100 gallons per minute) of which 0.03 cfs (15 gpm) is now absolute for all decreed uses and 0.19 cfs (85 gpm) remains conditional, 3.2.7. Uses: domestic, irrigation, and livestock uses (including horses). The SJRR Well #1 may also be used to supplement flows through the Nordstrom Pond and the Vickerstaff Pond (another pond from the 03CW33 Decree and now absolute) and related water features and replace evaporation, wherein the water will be put to beneficial uses described above in Paragraph 3.1.7 for both Nordstrom Pond and Vickerstaff Pond. Irrigation will occur on the lots located within the San Juan River Ranch and identified in **Exhibit B** attached hereto, 3.3. Remarks: The Nordstrom Pond and SJRR Well #1 are the subject of an augmentation plan and a change of water rights to the SJRR Well #1, as more specifically described in the 03CW33 Decree. 4. Request to Make Absolute: In 2021, Applicant installed a new pump on SJRR Well #1 with a capacity of 45 gpm. Applicant now utilizes the new pump to withdraw water from the SJRR Well #1 at its full capacity to fill the water tank that feeds Applicant’s water treatment plant, which is subsequently used for all decreed uses. Therefore, Applicant requests an additional 30 gpm of the SJRR Well #1 be made absolute for all decreed uses, for a total of 45 gpm absolute for all decreed uses. 5. Request for Finding of Reasonable Diligence: For all remaining conditional portions of the SJRR Well #1 that are not made absolute as requested in Paragraph 4, and for the Nordstrom Pond, Applicant requests findings that it has exercised reasonable diligence in the development of the remaining conditional amounts and uses and that said conditional amounts and uses continue in full force and effect. 6. Diligence Activities: As confirmed in Case No. 10CW64, Applicant’s various water rights and related infrastructure are part of an integrated water supply system for the development of the San Juan River Ranch. The SJRR Well #1 and Nordstrom Pond are integral parts of that system. As such, work done on any component of the system advances the whole. During the diligence period, Applicant has performed the following activities that demonstrate it has exercised reasonable diligence in the development of the remaining conditional water rights decreed to the SJRR Well #1 and the Nordstrom Pond: 6.1. Applicant invested significant resources into maintaining its water treatment plant. Between 2021 and 2023, Applicant engineered and installed a new system of filtering water from its SJRR Well #1 through the water treatment plant for delivery of water to its members. In total, this project cost an estimated \$185,000, including engineering design, installation costs, and costs for the new filters and related equipment. Applicant’s water treatment plant is routinely inspected to ensure that it remains in proper working order with any repairs necessary being promptly remedied. Inspections and repairs totaled over \$29,000 during the diligence period. Applicant also installed a new and bigger pump on the SJRR Well #1, 6.2. A new home within the San Juan River Ranch is under construction. It is anticipated to be completed in Summer 2025. It is also estimated that an additional home will begin construction in 2025 or 2026. Both homes will be connected to Applicant’s water system, increasing the demand for water, 6.3. Applicant conducted routine water quality monitoring during the diligence period, which involved monthly sampling at four different locations within Applicant’s water system. The total cost expended on water quality monitoring was approximately \$27,000., 6.4. Applicant spent approximately \$4,000 on ditch maintenance on the O’Bannon Ditch, including maintaining vegetation and removing debris from the ditch, 6.5. Applicant spent approximately \$8,000 on stocking its ponds with fish and other tasks necessary to maintain healthy fish habitats, including feeding fish, repairing aerators, and removing weed build-up along the pond banks. The O’Bannon Ditch is used as a filling structure for the Reservoirs, 6.6. Applicant has participated as an opposer in two applications in Water Court and one application in the District Court in and for Water Division No. 3, State of Colorado, to ensure that other water users do not cause injury to Applicant’s water rights. 7. Land Ownership: 7.1. Nordstrom Pond: Although it has not been constructed, the Nordstrom Pond is to be located on lands owned by The David and Anne Nordstrom Family Trust, 659 Valhalla Place, Pagosa Springs, CO 81147, 7.2. SJRR Well #1: The SJRR Well #1 is located on lands owned by San Juan River Ranch Partners LLC, P.O. Box 824, Pagosa Springs, CO 81147. WHEREFORE, Applicant respectfully requests that the court enter an order (1) granting Applicant’s request to make the SJRR Well #1 absolute in part as described in Paragraph 4 above;

(2) granting Applicant's request for findings of reasonable diligence for the remaining conditional amounts and uses of the SJRR Well #1 not made absolute herein and for the Nordstrom Pond, continuing said conditional water rights in full force and effect; and (3) granting such other and further relief as deemed appropriate. (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 May 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 April 30, 2025

/s/ Jason Poyer
Water Court Specialist