

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 July 2025, for each county affected.

2025CW6 La Plata County. Applicants: Zane M. Bilgrav and Mary Josephine Bilgrav, 44000 Highway 550 North, Durango, CO 81301 and Robert P. Bilgrav and Joyce E. Bilgrav, c/o Big Rock Creek Camp 18101 Paradise Drive, Valyermo, CA 93563. Structure: Lechner Spring No. 1. Original Decree: 87CW79. Subsequent Decrees: 96CW55, 03CW63, 12CW25. Legal Description: In the NW1/4, NE1/4 of Section 23, T38N, R9W, N.M.P.M., Being 1,300 feet from the North section line and 1,300 feet from the East section line of said Section 23. Source: Spring area in the Elbert Creek drainage, tributary to the Animas River. Date of Appropriation: 06/01/1945. Amount/Use: 0.09 CFS, Conditional for incidental irrigation, stock watering, and domestic use. Application for Finding of Reasonable Diligence. See Application for further details. (7 pages including exhibits)

2025CW7 Archuleta County. Applicants: Denver D. McCabe and Anna D. McCabe, 331 CR 700, Pagosa Springs, CO 81147. Structure: Crawfish Hole (pump). Legal Description: In the NW1/4, SW1/4 of Section 16, T34N, R3W, N.M.P.M., UTM coordinates: Easting 303264, Northing 4121788. Source: Stollsteimer Creek tributary to the Piedra River. Date of Appropriation: 06/27/2025. Amount: 112 (gpm), Conditional. Use: irrigation, stock water. Application for Conditional Water Rights (Surface). See Application for further details. (5 pages including exhibit)

2025CW8 La Plata County. Applicant: Kenneth Scott Peña, 668 County Rd. 513, Ignacio, CO 81137. Structure: Peña Pump (pump). Legal Description: In the SW1/4, NW1/4 of Section 22, T34N, R8W, N.M.P.M., Being 1,828 feet from the North section line and 265 feet from the West section line of said Section 22, UTM coordinates: Easting 259164, Northing 4118162. Source: Unnamed tributary to Salt Creek: Tributary to Florida River. Date of Appropriation: 07/17/2025. Amount: .038 cfs, Absolute. Use: Irrigation of 3 acres. Application for Absolute Water Rights (Surface). See Application for further details. (6 pages including exhibits)

2025CW9 Montezuma County. Applicants: Victor Duran and Tracine M. Duran, 20393 Road S, Cortez, CO 81321. Structure: Duran Ditch No. 3 (ditch). Original Decree: 05CW46. Subsequent Decrees: 12CW507, 19CW1. Legal Description: In the NE1/4, SE1/4, NE1/4 of Section 15, T37N, R17W, N.M.P.M., Being 1,387 feet from the North section line and 203 feet from the East section line of said Section 15, GPS Location: Northing 4153142, Easting 172602, Zone 13 N, NAD 83. Source: Dawson Draw, tributary to the Yellow Jacket Canyon. Date of Appropriation: 09/06/1999. Amount: 1.7 c.f.s., conditional. Use: Irrigation of 73 acres, domestic (house), stock, fire protection, and storage for said uses. Application for Finding of Reasonable Diligence. See Application for further details. (11 pages including exhibits)

2025CW3021 **ARCHULETA COUNTY, WATER DISTRICT NO. 78: 1) APPLICANT:** LKM LTD, c/o Gregory King, 1709 River Oak Road, Abilene, TX 79605; **2) Attorneys:** Adam T. Reeves, Maynes, Bradford, Shipp & Sheftel, LLP, 835 East 2nd Avenue, Suite 123, Durango, CO 81301; **3) Application for Finding of Reasonable Diligence;** **4) Structures:: i** BSR Spring No. 1 Located in the NE 1/4 NW 1/4 of Section 29, T35N, Range 1 West, N.M.P.M., at a point 610 feet from the North Section line and 1885 feet from the West Section line of said Section 29, with UTM coordinates of E324654, N4 1

24009; **ii.** BSR Spring No. 2 Located in the NE 1/4 NW 1/4 of Section 29, T35N, R1W, N.M.P.M., at a point 890 feet from the North Section line and 1510 feet from the West Section line of said Section 29, with UTM coordinates of E324539, N4123926; **iii.** BSR Spring No. 3. Located in the NW 1/4 NW 1/4 of Section 29, T35N, R1W, N.M.P.M., at a point 1215 feet from the North Section line and 1140 feet from the West Section line of said Section 29, with UTM coordinates of E324426, N4123829; **iv.** BSR Spring No. 4 Located in the SE 1/4 NW 1/4 of Section 29, T35N, R1W, N.M.P.M., at a point 1600 feet from the North Section line and 1445 feet from the West Section line of said Section 29, with UTM coordinates of E324521, N4123709; **v.** BSR Spring No. 5 Located in the SE 1/4 NW 1/4 of Section 29, T35N, R1W, N.M.P.M., at a point 1865 feet from the North Section line and 1630 feet from the West Section line of said Section 29, with UTM coordinates of E324579, N4123629; **vi.** BSR Spring No. 6 Located in the SE 1/4 NW 1/4 of Section 29, T35N, R1W, N.M.P.M., at a point 2240 feet from the North Section line and 1890 feet from the West Section line of said Section 29, with UTM coordinates of E324656, N4123509; **vii.** BSR Spring No. 7 Located in the SE 1/4 NE 1/4 of Section 30, T35N, R1W, N.M.P.M., at a point 2555 feet from the North Section line and 15 feet from the East Section line of said Section 30, with UTM coordinates of E324064, N4123425; **viii.** BSR Spring No. 8 Located in the NW 1/4 NW 1/4 of Section 29, T35N, R1W, N.M.P.M., at a point 15 feet from the North Section line and 525 feet from the West Section line of said Section 29, with UTM coordinates of E324245, N4124199; **ix.** BSR Spring No. 9 Located in the SE 1/4 NW 1/4 of Section 29, T35N, R1W, N.M.P.M., at a point 2385 feet from the North Section line and 2095 feet from the West Section line of said Section 29, with UTM coordinates of E324713, N4123466; **x.** BSR Spring No. 10 Located in the NW 1/4 NE 1/4 of Section 30, T35N, R1W, N.M.P.M., at a point 1125 feet from the North Section line and 1285 feet from the East Section line of said Section 30, with UTM coordinates of E323686, N4123891; **SOURCE:** Springs, seeps and other surface and near-surface water tributary to Mill Creek, tributary to the San Juan River; **APPROPRIATION DATE:** November 5, 2004; **AMOUNT:** i. BSR Spring No. 1 - 0.1 cfs (conditional); ii. BSR Spring No. 2 - 0.25 cfs (conditional); iii. BSR Spring No. 3 - 0.2 cfs (conditional); iv. BSR Spring No. 4 - 0.3 cfs (conditional); v. BSR Spring No. 5 - 0.25 cfs (conditional); vi. BSR Spring No. 6 - 0.1 cfs (conditional); vii. BSR Spring No. 7 - 0.25 cfs (conditional); viii. BSR Spring No. 8 - 0.15 cfs (conditional); ix. BSR Spring No. 9 - 0.1 cfs (conditional); x. BSR Spring No. 10 - 0.5 cfs (conditional). By prior decree of 04CW96 entered April 20, 2006 the Court awarded absolute uses to Spring No. 3 for stock water, storage, piscatorial, and irrigation for 0.2 cfs. All other uses associated with Spring No. 3, and the remainder of the claimed 0.4 cfs for stock water, piscatorial and irrigation are conditional. With respect to Spring No. 5, the Court awarded an absolute right for domestic use of 0.25 cfs. All other uses associated with Spring No. 5 remain conditional in the amount of 0.25 cfs, are "associated" uses for all the Springs, including Spring Nos. 3 and 5, are set forth in paragraph F of 04CW96. **USE:** Irrigation, stockwater (including horses), domestic, piscatorial, recreation, freshening flows for the replacement of evaporation and for piscatorial, commercial, fire protection, augmentation, exchange, storage for the claimed beneficial uses listed above, and maintenance of water levels in storage for aesthetic purposes associated with a planned development. All beneficial uses are associated with an existing ranch and planned development located in Sections 20, 21, 28, 29 and 30, T35N, R1W, of the N.M.P.M., in Archuleta County, Colorado. Irrigation use will include lawns, gardens, pastures, golf course and other irrigation uses on said property. Irrigation use with the Springs decreed herein is limited to 144 acres based upon a duty of water of 1 cfs per 60 acres, unless a different duty of water acceptable to the Division Engineer is established at the time the rights are made absolute. As denoted on the map (04CW96), some of the lands to be irrigated also receive water from other sources and the Springs will be a supplemental irrigation supply for those lands. **5) Diligence Activities:** Between 2018, and 2025, the following activities took place toward completion of the appropriation identified herein: Applicant has spent \$60,000.00 cleaning and improving the existing pond, which receives water from the Springs in order to improve the flexibility and utility of the water rights identified herein. **6) Name and address of owner 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:** All land is owned by Applicant. (4 pages)

2025CW3022

La Plata County, Application for Absolute and Conditional Water Rights. Applicants: Benjamin Jason and Holly Nagler Jason, 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: A. Jason Diversion A; i. Loc: SE/4 SE/4 Section 21, Township 34 North, Range 9 West, N.M.P.M.; ii. Source: Irrigation wastewater/tailwater diverted from the Florida River through the Reservoir Ditch; iii. Appropriation dates: May 15, 2024 (absolute) and July 31, 2025 (conditional); iv. Amt: 0.175 cfs, absolute; 0.1 cfs, conditional; v. Use: Absolute: Irrigation of approximately 6 acres, Conditional: Irrigation of up to 3.5 additional acres; stock watering; pond filling; freshening flows; piscatorial; recreation; aesthetic; hydropower; domestic; commercial; and landscaping; B. Jason Diversion B; i. Loc: SE/4 SE/4 Section 21, Township 34 North, Range 9 West, N.M.P.M.; ii. Source: Irrigation wastewater/tailwater diverted from the Florida River through the Kelly II Ditch; iii. Appropriation dates: May 26, 2024 (absolute) and July 31, 2025 (conditional); iv. Amt: 0.03 cfs, Absolute; 0.045 cfs, Conditional; v. Use: Absolute: Irrigation of approximately one (1) acre, Conditional: Irrigation of up to 1.5 additional acres; stock watering; pond filling; freshening flows; piscatorial; recreation; aesthetic; hydropower; domestic; commercial; and landscaping; C. Jason Diversion C; i. Loc: NE/4 SW/4 Section 21, Township 34 North, Range 9 West, N.M.P.M.; ii. Source: Irrigation wastewater/tailwater diverted from the Florida River through the Reservoir Ditch; iii. Appropriation dates: June 16, 2017 (absolute) and July 31, 2025 (conditional); iv. Amt: 0.15 cfs, Absolute, 0.05 cfs, Conditional; v. Use: Absolute: Irrigation and supplemental irrigation of approximately 5 acres, Conditional: Irrigation of up to 1.5 additional acres; stock watering; pond filling; freshening flows; piscatorial; recreation; aesthetic; hydropower; domestic; commercial; and landscaping; D. Jason Diversion D; i. Loc: SE/4 SE/4 Section 21, Township 34 North, Range 9 West, N.M.P.M.; ii. Source: Irrigation wastewater/tailwater diverted from the Florida River through the Kelly II Ditch and/or the Reservoir Ditch; iii. Appropriation date: July 31, 2025; iv. Amt: 0.15 cfs, Conditional; v. Use: Irrigation of approximately five (5) acres as shown on Exhibit D; stock watering; pond filling; freshening flows; piscatorial; recreation; aesthetic; hydropower; domestic; commercial; and landscaping; E. Jason Ponds; i. Loc: NE/4 SW/4 and/or the SE/4 SE/4 Section 21, Township 34 North, Range 9 West, N.M.P.M.; ii. Source: Irrigation wastewater/tailwater diverted from the Florida River through the Kelly II Ditch and/or the Reservoir Ditch; iii. Appropriation date: July 31, 2025; iv. Amt: 100 acre feet, Conditional; v. Use: Storage; stock watering; piscatorial; recreation; aesthetic; hydropower; domestic; and landscaping; 2) Applicants are the owners of all lands on which any new or existing structure will be or is located. (10 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 September 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 August 31, 2025

/s/ Jason Poyer
Water Court Specialist