

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 December 2025, for each county affected.

**2025CW15**                      **La Plata County.** Amended Application to Make Absolute, Applicants: Christian Champagne and Kathryn Pepinsky, 115 Alamo Drive, Durango, CO 81301. Structure: Champagne Pump (irrigation pump). Prior Decrees: 06CW127, 13CW3034, 22CW3010. Legal Description: The Animas Service Area is defined in the Original Decree as any point of diversion within the Animas River Basin (which includes the Animas River and all of its tributaries) upstream of a point on the Animas River that is located as follows: in the SW1/4 SW1/4 of Section 29, Township 35 North, Range 9 West, of the N.M.P.M., 1250 feet from the South Section Line and 720 feet from the West Section Line of said Section 29, La Plata County, Colorado. Source: Ground water and surface water in the Junction Creek tributary to the Animas River. Date of Appropriation: February 22, 2006. Amount: Between 20–40 CFS per year. Uses: Year round depletions associated with beneficial uses of water diverted from the Animas River and its tributaries in the Animas Service Area from non-exempt wells and service diversions for irrigation; supplemental irrigation; wetlands and wetlands irrigation; domestic and municipal use; pond, reservoir, water feature and other evaporation; industrial and manufacturing use; power: geothermal; commercial use; gravel and other mining; stock and wildlife watering; firefighting; recreation; snow and ice making piscatorial; recharge; augmentation; and exchange. During diligence period, Pursuant to the requirements of the Original Decree, Applicant filed a notice of intent (“NOI”) to develop an increment of the ASA Water Right to La Plata County (“County”) and the Southwestern Water Conservancy District (“SWCD”). The NOI was assigned #54 and was approved by SWCD on May 5, 2025, and the County on May 12, 2025. The NOI was amended on November 11, 2025 to reflect a reduction in the irrigation acreage (down from .22 to .13) and approved by all parties as of November 19, 2025; it is attached hereto as Amended Exhibit 1. Pursuant to paragraph 6(e) of the Original Decree, the submission of the NOI entitled Applicant to divert water under the priority of the ASA Water Right to perfect this increment thereof. The Applicant has done so and has put the diverted water to beneficial use beginning on April 1 2025 through October 31, 2025 for the irrigation of turf lawn and trees for the residential property located at 115 Alamo Drive, Durango, CO 81301. The Applicant has attached a USGS map marking the location of the proposed area to be irrigated as Exhibit 2. See Application for further details. (19 pages including exhibits)

**2025CW3036**                      San Juan County, Colorado Water Conservation Board (“CWCB”), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10<sup>th</sup> Floor, Denver, Colorado 80203. Telephone: (720) 508-6282. Email: jen.mele@coag.gov APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE **1. Name & Address of Applicant:** Colorado Water Conservation Board (“CWCB”), 1313 Sherman Street, Suite 718 Denver, CO 80203, (303) 866-3441 Please direct communications regarding this case to the attorney listed in the caption. **2. Name of water right:** Burrows Creek Instream Flow Water Right. **3. Legal Description:** The Burrows Creek Instream Flow Water Right is located in the natural stream channel of Burrows Creek from its headwaters to the confluence with the North Fork of the Animas River, a distance of approximately 1.33 miles. A map depicting the approximate location of the Burrows Creek Instream Flow Water Right reach is attached as **Exhibit 1. A. Upstream Terminus:** headwaters in the vicinity of: 1. UTM: Northing: 4202521.48; Easting: 272039.55 (NAD 1983 Zone

13 North) 2. Lat/Long: Latitude 37° 56' 30.14" N; Longitude 107° 35' 39.00" W B. Downstream Terminus: confluence with the North Fork of the Animas River at: 1. UTM: Northing: 4202911.50; Easting: 273751.78 (NAD 1983 Zone 13 North) 2. Lat/Long: Latitude 37° 56' 44.32" N; Longitude 107° 34' 29.37" W C. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). 4. **Source:** Burrows Creek, tributary to North Fork Animas River, tributary to Animas River. 5. A. Date of initiation of appropriation: March 19, 2025 B. How appropriation was initiated: Appropriation and beneficial use occurred on March 19, 2025, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. C. Date applied to beneficial use: March 19, 2025 6. **Amount of water claimed in cubic feet per second, cfs:** Instream flow of 0.19 (11/01 - 03/31), 1.3 (04/01 - 04/30), 3.75 (05/01 - 06/15), 1.6 (06/16 - 07/15), 0.58 (07/16 - 10/31), absolute. 7. **Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. 8. **Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. See *Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. 9. **Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) & (4) and 37-92-103(3), (4) & (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on July 17, 2025, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Burrows Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights. (7 pages including exhibit)

**2025CW3037** Archuleta County Application for Conditional Underground Water Rights and Conditional Storage Water Rights. A. Applicant: Lucky K Holdings, LLC, a Florida limited liability company 11643 CR 600 Pagosa Springs, CO 81147 Telephone: (561) 747-7300 c/o Wayne F. Forman and Jack A. Wold-McGimsey at Brownstein Hyatt Farber Schreck, LLP 675 15th Street, Suite 2900 Denver, Colorado 80202 Telephone: (303) 223-1100 B. New Conditional Underground Water Right. 1. Lucky K Gallery Well: a. Legal Description: SW 1/4 NW 1/4 Section 2, Township 36.0 N., Range 2.5 W., New Mexico P.M.; UTM Zone 13, NAD83, 4139975m N, 310172m E; Archuleta County, Colorado. See Figures 1 and 2. b. Source: Groundwater tributary to Spring Creek, tributary to O'Neal Creek, tributary to the Piedra River. c. Surface Area of Exposed Groundwater: 0.0 acres. d. Maximum Pumping Rate: 25 gallons per minute (gpm), or 0.0557 cubic feet per second (cfs). e. Appropriation Date: March 25, 2025. (1) How appropriation initiated: By the formation of an intent to appropriate, submitting notice of a change of ownership for the well permit (permit #84928-F), preparation of an engineering report, and filing the Application in this matter. (2) Date water applied to beneficial use: N/A. f. Uses: To fill and successively refill Spring Pond, domestic, irrigation, recreation, piscatorial, firefighting, wildlife enhancement, and stock watering. g. Irrigated Area Description: Approximately 5 acres in portions of the SW 1/4 NW 1/4 Section 2, Township 36.0 N., Range 2.5 W. New Mexico P.M.; UTM Zone 13, NAD83; Archuleta County, Colorado. See Figure 2. Approximately 2.1 of the 5.0 acres of the area irrigated by the Lucky K Gallery Well are also irrigated by the Spring Creek Reservoir. See Decree CA 73-308D, issued December 19, 1968, Priority No. 1968-48, Archuleta County District Court (detailing location and associated water rights of the Spring Creek Reservoir). C. New Conditional Storage Water Rights. 1. Spring Pond: a. Legal Description: SW 1/4 NW 1/4 Section 2 Township 36.0 N., Range 2.5 W., New Mexico P.M.; UTM Zone 13, NAD83, 4140051m N, 310174m E; Archuleta County, Colorado. See Figures 1 and 2. b. Surface Area: 0.75 acres. c. Total Capacity: The estimated total capacity is 7.0 acre-feet.

(1) Active Capacity: 2.05 acre-feet. (2) Dead Storage: 4.95 acre-feet. d. Type: Unlined, on-channel. e. Dam length: Approximately 200 feet. f. Dam height: Approximately 5 feet. g. Amount Claimed: 7.0 acre-feet per year, conditional, subject to as-built storage capacity. h. Source: Spring Creek, tributary to O'Neal Creek, tributary to the Piedra River, including tributary groundwater via the Lucky K Gallery Well and natural surface inflow. i. Appropriation Date: June 11, 2025. (1) How appropriation initiated: By the formation of an intent to appropriate, filing the notice of intent to construct a non-jurisdictional water impoundment structure, developing engineering plans to construct the pond, and filing the Application in this matter. (2) Date water applied to beneficial use: N/A. j. Uses: Storage, irrigation, domestic, recreation, piscatorial, firefighting, wildlife enhancement, stock watering, and aesthetic. k. Irrigated Area Description: Approximately 11 acres in portions of the NW 1/4 NW 1/4; SW 1/4 NW 1/4 Section 2 Township 36.0 N Range 2.5 W New Mexico P.M.; UTM Zone 13, NAD83; Archuleta County, Colorado. See Figure 2. All of the 11 acres irrigated by the Spring Pond are also irrigated by the Spring Creek Reservoir. 2. East Pond: a. Legal Description: NW 1/4 SW 1/4 Section 2 Township 36.0 N Range 2.5 W New Mexico P.M.; UTM Zone 13, NAD83, 4139699m N, 310246m E; Archuleta County, Colorado. See Figures 1 and 2. b. Surface Area: 0.77 acres. c. Total Capacity: The estimated total capacity is 3.3 acre-feet. (1) Active Capacity: 3.09 acre-feet. (2) Dead Storage: 0.21 acre-feet. d. Type: Unlined, on-channel. e. Dam length: Approximately 150 feet. f. Dam height: Approximately 9 feet. g. Amount Claimed: 3.3 acre-feet per year, conditional, subject to as-built storage capacity. h. Source: Spring Creek, tributary to O'Neal Creek, tributary to the Piedra River. i. Appropriation Date: June 11, 2025. (1) How appropriation initiated: By the formation of an intent to appropriate, filing the notice of intent to construct a non-jurisdictional water impoundment structure, developing engineering plans to construct the pond, and filing the Application in this matter. (2) Date water applied to beneficial use: N/A. j. Uses: Storage, irrigation, stock watering, augmentation, and wildlife. k. Irrigated Area Description: Approximately 25 acres in portions of the NW 1/4 NW 1/4; SW 1/4 NW 1/4; NW 1/4 SW 1/4 Section 2 Township 36.0 N Range 2.5 W New Mexico P.M.; UTM Zone 13, NAD83; Archuleta County, Colorado. See Figure 2. All of the 25 acres irrigated by the East Pond are also irrigated by the Spring Creek Reservoir. D. Prayers For Relief. 1. Applicant requests a decree granting the new conditional underground water right and new conditional storage water rights described in Sections B and C of this Application. For any conditional water rights requested by this Application that are put to beneficial use during the pendency of this Application, Applicant seeks a decree awarding absolute water rights for those structures. 2. Applicant further requests such additional relief as the Court deems necessary and appropriate to further the purposes of the rights requested herein. (8 pages including exhibits)

**2025CW3038** La Plata County. Application for Finding of Reasonable Diligence. Applicant: Town of Bayfield, Colorado, a Colorado Municipality (the "Town") c/o John Waters Town Manager, P.O. Box 80 Bayfield, CO 81122, (970) 884-9544, Email: jwaters@bayfieldgov.org. Direct all pleadings to Applicants counsel: Michael A. Kopp and Lucas O'Brien, 1120 Lincoln St., Suite 1600, Denver, Colorado 80203, (303)861-1963, Email: mkopp@troutlaw.com, lobrien@troutlaw.com. 2. Name of structures: Bayfield Pine River Pump Station. 3. Description of conditional water rights: A. Date of original decree: May 13, 2005, District Court, Water Division No. 7, Case No. 03CW122. B. Legal description of point of diversion: At a point on the East bank of the Los Pinos River, whence the Southeast corner of said Section 2, Township 34 North, Range 7 West, N.M.P.M., bears South 49° 56' 32" East, a distance of 4824.03 feet, and whence the Center ¼ corner of said Section 2, Township 34 North, Range 7 West, N.M.P.M. bears South 67° 44' 00" East, a distance of 1199.81 feet. Also described as GPS Location: Northing 4125193, Easting 268559, Zone 13, NAD 83 datum. The point of diversion for the Bayfield Pine River Pump Station is shown on the attached Exhibit A. C. Source of water: Pine River. D. Date of Appropriation: September 1, 1997. E. Use: Municipal, domestic, industrial, commercial, irrigation, firefighting and evaporation from Town owned ponds and reservoirs. F. Amount: 4.0 cfs, Conditional. G. Subsequent decrees: Case Nos. 19CW3017, December 20, 2019; 11CW27, May 9, 2013. In both cases, the Water Court ruled that the Town had exercised reasonable diligence toward completion of the appropriation for the Bayfield Pine River Pump Station conditional water right, and the court continued the conditional water right in full force and effect. 4. Detailed outline of work performed and expenditures made toward completion of the appropriation during the diligence period: A.

During the diligence period, the Town obtained a water court decree in Case No. 15CW3017 for a change of water right, exchange rights, alternate points of diversion, and an augmentation plan for the future decreed use of the Town's water rights, including specifically the Bayfield Pine River Pump Station. B. The Town engaged Wright Water Engineers ("WWE") to help it develop a Drought Management Plan. The Plan provides a framework for assessing the severity of drought conditions, developing long-term drought mitigation strategies, instituting short-term water supply and demand-management strategies, monitoring the effectiveness of drought response strategies to achieve water savings goals. C. The Town and WWE have reviewed numerous annexation and development requests for future water demands and water supply, including calculation of fees for future use of the Bayfield River Pump Station. D. Working with WWE, the Town developed a tool for water supply impact calculations and water supply development fee analysis, including future development fees for use of the Bayfield Pump Station water right. E. During the diligence period, the Town engaged Plummer Inc., to update its Water Master Plan. This update assists the Town in identifying and prioritizing capital improvement projects required to meet the water system's current and future demands. F. The Town completed a Development Impact Review to summarize the predicted impacts of new developments on its potable water pumping and storage capacity. G. The Town expended a total of approximately \$75,000 on legal and/or engineering fees in connection with the due diligence activities referenced in paragraphs A through F. H. The Town operated and maintained the Bayfield Pump Station and other water treatment, storage and distribution infrastructure to supply the Town with water pursuant to the Town's water rights, at a cost of approximately \$2,500,000. I. During the diligence period, the Town reviewed the Division 7 Water Court resume and filed or prosecuted statements of opposition to protect its water rights on the Pine River. 5. Claim for finding of reasonable diligence: Applicant seeks a finding that it has exercised reasonable diligence toward development of the conditional water right for all decreed beneficial uses, and a decree continuing the conditional water right in full force and effect for another six-year diligence period. 6. Integrated System: The Bayfield Pine River Pump Station is a feature of the Town's integrated water supply system. Work on one feature of the Town's integrated system shall be considered in finding that the Town has exercised reasonable diligence in the development of water rights for all features of the entire system. C.R.S. § 37-92-301(4)(b). 7. Name and address of owners of the land upon which structure is located: Wilmer Family Trust, P.O. Box 1066, Bayfield, CO 81122. (4 pages including exhibit)

**2025CW3039** Montezuma County, Application for Change of Water Rights. Applicant: Sherry Baxstrom f/k/a Sherry Payne, Joshua Baxstrom, Logan Baxstrom, Samuel Baxstrom, Mason Baxstrom, Charles B. Smith and Amy A. Grogan, 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: Frank Ditch; i. Loc: NW ¼, SE ¼, SW ¼, Section 28, T36N, R13W, N.M.P.M. (as described in case no. 96CW22); ii. Source: Mancos River; iii. Appropriation date: May 15, 1883; iv. Amt: 1.4 cfs, absolute; iv. Use: Irrigation; 2) Notice shall be delivered to the owner(s) of all lands upon which any existing or new diversion or structure is proposed. (11 pages including exhibits)

**2025CW3040** La Plata County, Water District 30: 1) Applicant: Aqua Terra, LLC, c/o Jeff Kane, Southwest Water and Property Law LLC, 679 E 2<sup>nd</sup> Ave Unit 10, Durango, CO 81301; (970) 422-5510; jkane@swpropertylaw.com; 2) Structure: Aqua Terra Enlargement of Lewis Pipeline, as decreed in Case No 18CW3049; 3) Location: west bank Animas R in the NE 1/4 NE1/4 NW1/4 of Section 8U, T34N, R9W, NMPM; UTM E 247031.8 N 4122175; 4) Source: Animas River; 5) Priority: Adj: Dec. 26, 2018; Approp: Apr. 1, 2002; 6) Amount: 0.25 cfs (0.12 cfs absolute and 0.13 cfs conditional); 7) Uses: supplemental irrigation of 13 acres (0.12 cfs absolute for 5.5 acres) and commercial uses including filling and refilling water features and water storage facilities for irrigation and commercial purposes, and for aesthetic, piscatorial, and recreation purposes associated with the commercial uses; 8) Perfection and Diligence: a) installed new pump in 2021 (~\$5,000); b) installed flow meter in 2018 (~\$3,000); c) beginning in 2021, Applicant has diverted up to 112 gpm (0.25 cfs) under this right through the Lewis Pipeline and used it for each decreed use, incl suppl irrigation of 13 acres. Applicant requests a decree confirming that the remaining conditional portion of the

above-described water right is absolute or, alternatively, a finding of reasonable diligence. *See* Application for details and map of irrigated area. (5 pages including exhibit)

THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of February 2026, 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](http://www.coloradojudicial.gov); Jason Poyer, Water Court Specialist, 1060 E. 2<sup>nd</sup> Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before January 31, 2026  
/s/ Jason Poyer  
Water Court Specialist

### **SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST**

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSPs") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP Notification List is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing and leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80-124(10)(a)(II)(E), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP and/or Produced Nontributary Groundwater Notification Lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.