

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 September 2023, for each county affected.

2023CW3036 Application to Make Absolute in Whole or in Part or in the Alternative for a Finding of Reasonable Diligence, La Plata County. **1.** Applicant: Lawrence R. Oby, c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 10 Town Plaza, No. 422, Durango, CO 81301, (970) 422-5510, kperdue@swpropertylaw.com. **2.** Structure: A. Susan's Pump. i. Loc: SE ¼, NW ¼, Section 7, Township 34 North, Range 13W, being 289 feet from the North line and 1883 feet from the East line of Said Section 7. UTM Coordinates: Northing 4124733, Easting 205010, Zone 13.; ii. Appropriation date: September 29, 1997; iii. Source: Weber Creek, Tributary to the Mancos River; iv. Amount: 0.3 cfs; v. Use: Irrigation of 10 acres; domestic for one household; fire protection; B. Susan's Pump. i. Loc: SE ¼, NW ¼, Section 7, Township 34 North, Range 13W, being 289 feet from the North line and 1883 feet from the East line of Said Section 7. UTM Coordinates: Northing 4124733, Easting 205010, Zone 13.; ii. Appropriation date: July 30 2009; iii. Source: Weber Creek, Tributary to the Mancos River; iv. Amount: 0.3 cfs; v. Use: Hydro-power generation; C. Pierce Arrow Ranch Pipeline #1. i. Loc: SE ¼, SE ¼, Section 6, Township 34 North, Range 13W, being 151 feet from the South line and 380 feet from the East line of said Section 7. UTM Coordinates: Northing 4124949, Easting 205476, Zone 13; ii. Appropriation date: July 30, 2009; iii. Source: Weber Creek, Tributary to the Mancos River; iv. Amount: 0.6 cfs; v. Use: Irrigation of 25 acres as described on maps of case 09CW43; livestock; hydro-power generation; and fire protection. **3.** Applicant applied irrigation water to portions of the 10 acres irrigable under Susan's Pump and the 25 acres irrigable under Pierce Arrow Ranch Pipeline #1, delivered some of the 0.3 cfs diverted at Susan's Pump to a holding tank for irrigation around Applicant's residence, and maintained and repaired irrigation equipment to apply both diversions including a portable flow meter, flumes, valves, ditches, hand lay pipe and a "big gun." Water diverted at Susan's Pump has been used for fire suppression on Weber Mountain. Applicant installed and activated a hydroelectric turbine and associated equipment that generates domestic electricity using 0.3 cfs diverted at Susan's Pump and 0.2 cfs diverted at Pierce Arrow Ranch Pipeline #1. **4.** Applicant is the owner of the land upon which all structures applied for herein are located. (13 pages including exhibits)

2023CW3038 PURGATORY METROPOLITAN DISTRICT, PO Box 2501, Durango, CO 81302. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. Application for Finding of Reasonable Diligence in LA PLATA COUNTY. Name of Structures: Purgatory Water and Sanitation District Well #5, Permit #28887-F. Prior Decree Information: Originally decreed June 30, 1986, in Case No. 1985CW77, District Court, Water Division 7, for the following: Well #5: 0.333 c.f.s or 150 g.p.m. (240 acre-feet per year) absolute, plus 0.117 c.f.s. or 50 g.p.m. (80 acre-feet per year) conditional. Diligence was found and the conditional rights continued in Case Nos. 2003CW74, 2010CW40, 2016CW3042, all in District Court, Water Division 7. Source of Water: Fractured Hermosa Formation, hydrologically connected with Purgatory Creek, tributary to Cascade Creek, tributary to the Animas River. Dates of Appropriation: August 1, 1984. Conditional Amount: 0.117 c.f.s. or 50 g.p.m (80 acre-feet per year). Locations of Structure: Located in the NE¼SE¼ of Section 23, Township 39 North, Range 9 West of the NMPM, approximately 1873 feet from the South Section Line and 1122 feet from the East Section Line. Uses: Municipal uses, including domestic, irrigation, fire protection, commercial, livestock watering, industrial, recreation, artificial snowmaking, sewage treatment, and augmentation. This Application for Finding of Reasonable Diligence is filed pursuant to the Water

Right Determination and Administration Act of 1969, C.R.S. § 37-92-302. During this diligence period, in continuing the development of the conditional water rights, Purgatory has been engaged in the legal defense and protection of the water rights, has been diligent in the continued use and development of the water rights, including expenditures for legal, engineering, construction and maintenance work, and has made a steady application of effort to complete the appropriations in a reasonably expedient and efficient manner. These activities include, but are not limited to, the following: Purgatory has continued in the use, development, and maintenance of its overall unified water supply system, of which the subject conditional rights are a part, including maintenance and engineering work on Purgatory's municipal water system. Purgatory adjudicated the right to use an additional well (Purgatory Well No. 6) in Purgatory's unified water supply system in Case No. 13CW3039, decreed July 23, 2015. The decree designates Well No. 6 as an alternate point of diversion for both the absolute amounts and conditional amounts for Well #5. Well #6 was constructed in 2019. Purgatory has continued to use, repair, and maintain Well #5, including a full well rebuild in 2017. As a component of a unified water supply system of wells, storage, transmission, and distribution facilities owned and operated by applicant. Engineering, well servicing, repairs, and related system costs during the relevant diligence period from September 2017 to September 2023 total \$140,469.12. Purgatory has incurred additional expenses for legal, consulting, and engineering work. The work and above expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. Purgatory owns all the land on which the structures for the water rights are located. Purgatory requests that this Court enter a decree finding that it has exercised reasonable diligence in the development of the remaining conditional water rights, continuing the conditional water rights for another diligence period, and for such other and further relief as the Court deems just and proper in the premises. (4 pages)

2023CW3039 APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE IN PART, Applicant: Anthony Karakas, by his attorney: Nancy Agro, LLC, nancy@nancyagro.com, 970-749-8621; Original Case Number: 15 CW 3033 , Park Ditch Waste Water System, Legal description of point of diversion: In the NE/4, SW/4, NE/4 Section 18, Township 35 North, Range 1 West, NMPM, being 1,742 feet from North Section line and 1,374 feet from East Section line of said Section 18. UTM coordinates: N4126882, E323682 (NAD 83 Zone 13), Source: Runoff and return flow from irrigation by the Park Ditch, tributary to San Juan River., Amount: 1.0 c.f.s., Use: Irrigation of 4 acres of wetlands and 10 acres additional lands including lawn and gardens, landscaping and water features; recreation; fish; fire protection. Mountain Crossings Spring Diversion, Legal description of point of diversion: In the NE/4 SW/4 NE/4, Section 18, Township 35 North, Range 1 West, 1,739 feet from North Section line and 1,321 feet from East Section line of said Section 18. UTM Coordinates: N4126880, E323682 (NAD 83, Zone 13), Source: Groundwater tributary to the San Juan River, Amount claimed: 1 c.f.s., Uses: Irrigation of 4 acres of wetlands and 10 acres additional lands including lawn and gardens, landscaping and water features; recreation; fish; fire protection. Irrigated Land for both water rights: In the S/2 NE/4 and N/2 SE/4 Section 18, Township 35 North, Range 1 W NMPM, Archuleta County, Colorado. These two water rights are part of an integrated system for supplement irrigation of Applicant's property. Pursuant to C.R.S. 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one features of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. Applicant has placed 1.0 c.f.s. of the Park Ditch Waste Water Diversion to beneficial use in irrigating Applicant's land and can be made absolute. A pipe has been installed in the Mountain Crossings Spring Diversion; however, the water has not yet been used for irrigation of the land. Mountain Civil conducted a site visit and created a plan for the Mountain Crossings Springs Diversion infrastructure. Applicant expended approximately \$1,000 to Mountain Civil for this work. This water right should remain conditional. (3 pages)

2023CW3040 Archuleta County, San Juan River. AMENDED APPLICATION FOR CONDITIONAL WATER RIGHTS. Applicants: Christopher & Heather Pickard, 608 Huron Road Southeast, Rio Rancho, NM 87124. Please send all correspondence to Applicants' counsel, Amy N. Huff,

Colorado Water & Land Law, LLC, 679 E. 2nd Ave, Ste11B, Durango, CO 81301 (970) 403-1770. (1) Structure Name: PARK WASTE DITCH (ditch) Point of Diversion: In the SW ¼ SW ¼ Section 28, Township 36N, Range 18W, NMPM. UTM: Zone 13 - E 326079 N 4132285 Source: San Juan River and its tributaries (as diverted through the Park Ditch WDID # 2900686), wastewater from the Park Ditch, runoff, diffuse water, springs, and all water carried in the Park Ditch and/or its laterals to the point of diversion described in Section 2.1.A. and shown on Exhibit A. App Date: September 26, 2023. Amount: 5 cfs, Conditional, with the right to use and reuse said water to extinction. Uses: Irrigation, supplemental irrigation, stockwater, domestic, piscatorial, industrial, replacement, and pond filling. All uses will occur within Applicants' property located in Sections 28, 29, & 32, Township 26, R1W, NMPM (5040 East Highway 160, Pagosa Springs, CO 81147) See Exhibit B – Place of Use & Irrigated Lands). Approximately 70 acres shown on Exhibit B can be irrigated. Applicants seek the right to use and reuse the water decreed to the Park Waste Ditch water right to extinction. (2) Structure Name: PICKARD POND* (storage) Location: Up to three (3) ponds will be located on Applicants' property in Sections 28, 29, & 32, Township 26, R1W, NMPM (5040 East Highway 160, Pagosa Springs, CO 81147), as shown on Exhibit B. Applicants will provide the precise locations for the pond(s) once they are constructed. Source: Park Waste Ditch, as claimed in Section 2.1, above. App Date: September 26, 2023. Amount: 40 acre-feet, Conditional (total for up to three ponds) Surface Area at High Water Line: 5.5 acres (total for up to three ponds) Vertical Height of Dam: less than 10 feet (for all ponds) Total Capacity of Reservoir(s): 40 acre-feet, all of which is active capacity (for up to three ponds) Uses: Irrigation, supplemental irrigation, stockwater, domestic, piscatorial, industrial, and replacement. All uses will occur within Applicants' property located in Sections 28, 29, & 32, Township 26, R1W, NMPM (5040 East Highway 160, Pagosa Springs, CO 81147) See Exhibit B – Place of Use & Irrigated Lands). Approximately 70 acres shown on Exhibit B can be irrigated. (3) Remarks: The Park Waste Ditch water right and the Pickard Pond water storage right are part of an integrated water supply system for Applicants' property, which includes the water rights decreed in Case No. 16CW3059, District Court, Water Division No. 7. In subsequent diligence proceedings, work on any one component of Applicants' supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of Applicants' entire water supply system. C.R.S. § 37-92-301(4)(b). Applicants may use the San Juan River to convey the water diverted under the Park Waste Ditch water right to Applicants' property and water storage rights on west side of the San Juan River. Applicants will measure inflows and diversions, and account for transit losses, as required by the Division Engineer. *If any of the ponds constructed under the Pickard Pond(s) water right intercept ground water, Applicants claim ground water rights and also claim ground water as a source for the Pickard Pond water right and, if necessary, will replace out of priority evaporative depletions from the surface of the Pickard Ponds (4) Affected Landowner: Applicants own the land on which any new diversion or storage structure will be constructed. (6 pages including exhibits)

2023CW3041 Archuleta County, San Juan River. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Applicants, Christopher and Heather Pickard. Please direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2nd Ave, Ste11B, Durango, CO 81301 (970) 403-1770. **GALLERY WELL NORTH** Prior Decrees: Cases No. 2008CW78 & 2016CW3059, District, Court, Water Division No. 7. Location: In the NW ¼ SW ¼ SW ¼ of Section 28, T 36N, R 1W, NMPM, being 1268 feet from the South section line and 512 feet from the West section line of said Section 28 UTM: Easting 325901.07, Northing 4132513.01 Zone 13 Address: 5040A E. US HWY 160, Pagosa Springs, Colorado 81147 Source: San Juan River App Date: 11/19/2008. Amt & Uses: 0.33 cfs has been decreed absolute for stock, irrigation of 10 acres, and fire protection. 0.33 cfs remains conditional for storage and replacement of evaporation losses. **NORTH POND** Prior Decrees: Cases No. 2008CW78 & Case No. 2016CW3059, District, Court, Water Division No. 7 Location: In the NW ¼ SW ¼ SW ¼ of S 28, T36N, R 1W, NMPM, being 856 feet from the South section line and 582 feet from the West section line of said Section 28. UTM: Easting 325919.89, Northing 4132387.08 Zone 13. Address: 5040A E. US HWY 160, Pagosa Springs, Colorado 81147 Source: San Juan River App Date: 11/19/2008 Amt: 15 AF, Conditional Use: Stock, irrigation of 10 acres, fire protection, and domestic.

GALLERY WELL SOUTH Prior Decrees: Cases No. 2008CW78 & Case No. 2016CW3059, District, Court, Water Division No. 7. Location: In the SW ¼ NE ¼ NE ¼ of S32, T 36N, R 1W, NMPM, being 772 feet from the North section line and 854 feet from the East section line of said Section 32. UTM: Easting 325471.88, Northing 4131898.98 Zone 13 Address: 5040A E. US HWY 160, Pagosa Springs, Colorado 81147 Source: San Juan River App Date: 11/19/2008 Amount & Use: .33 cfs has been decreed absolute for irrigation of 10 acres, stock, and fire protection. 0.33 cfs remains conditional for irrigation of 8 acres, stock, and fire protection. **SOUTH POND** Prior Decrees: Cases No. 2008CW78 & Case No. 2016CW3059, District, Court, Water Division No. 7 Location: In the NE ¼ SE ¼ NE ¼ of S32, T36N, R1W, NMPM, being 1761 feet from the North section line and 593 feet from the East section line of said Section 32 UTM: Easting 325544.65, Northing 4131596.24 Zone 13 Address: 5040A E. US HWY 160, Pagosa Springs, Colorado 81147 Source: San Juan River App Date:11/19/2008 Amt:30 AF, Conditional Use: Stock, irrigation of 18 acres, fire protection, and domestic Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: During the last diligence period, Applicants' predecessors continuously diverted water decreed to the Gallery Well North and Gallery Well South water rights and applied the same to beneficial use. On August 7, 2023, Applicants purchased the water rights at issue in this Application and the real property on which said water rights were decreed for use, and on which they have been applied to beneficial use. Applicants intend to proceed with full development of the Gallery Well North, the North Pond, the Gallery Well South, and the South Pond. Applicants are investigating engineering alternatives for the best means to beneficially use their water rights and decreed conditional water rights. The records maintained by the Colorado Division of Water Resources confirm use of the Gallery Well North and Gallery Well South water rights. Attached as Exhibit A-1 and Exhibit A-2 are the diversion records for the Galley Well North and Gallery Well South water rights, respectively. The water rights in this Application are part of an integrated system for Applicants' ranch and therefore work on one feature shall be considered in finding that reasonable diligence has been shown in the development of water rights for the entire system. C.R.S. § 37-92-301(4)(b). Here, the diversion and application of the water decreed to the Gallery Well North and the Gallery Well South water rights to beneficial use, as shown on the diversion records attached as Exhibit A-1 and Exhibit A-2, are specific actions that demonstrate an application of steady effort to complete the conditional appropriations in a reasonably expedient and efficient manner under all the facts and circumstances. Affected landowners. Applicants own the land on which the diversion and storage structures will be located. See Application. (16 pages including exhibits)

2023CW3042 **La Plata County, Water District No. 30: 1) Applicant:** Painter Ranch Property Owners Association, Inc., c/o Steve Miller, President, 600 Painter Ranch Trail, Durango, CO 81301; **2) Attorney:** Geoffrey M. Craig, The Craig Law Firm P.C., 128 Riverview Drive, Durango, CO 81301; **3) Name of Structures:** Painter Ranch POD #1, AP POD #1A, POD #2, AP POD #3, AP POD #4, AP POD #6, POD #7, AP POD #8; Painter Ranch Ponds 1 and 2; Additional Painter Ranch Ponds; **4) Type of Application:** Application to make absolute and for a finding of reasonable diligence; **5) Drainage Basin:** Animas River Basin; **6) Locations:** All structures, including new PODs described below, will be located on Painter Ranch in Section 19, T37N, R8W, NMPM; and Section 24, T37N, R9W, NMPM. Structures are more specifically described in the application; **7) Type of Uses:** PODs: irrigation, stockwatering, domestic, recreation, landscaping, aesthetics, flow through water features, and filling and refilling of ponds for the aforementioned uses; Ponds: irrigation, stockwatering, aesthetics, recreation, landscaping, and piscatorial; **8) Quantities and Appropriation Dates:** PODs: a combined total of 6 cfs conditional, with date of July 29, 2005; Pond 1: 1.96 acre-feet conditional, with date of April 30, 2002; Pond 2: 4.42 acre-feet conditional, with date of April 24, 2002; Additional Ponds: a total of 25 acre-feet conditional, with date of July 29, 2005. All ponds include right to fill and refill; **9) Summary of Activities to Develop Conditional Water Rights:** Painter Ranch owners have developed three diversion points with a total diversion rate of 0.52 cfs, and used the water for irrigation, recreation, landscaping, incidental aesthetics, flow through water features, wildlife watering, piscatorial use, and filling and refilling of ponds for these

uses. Owners have developed, filled and refilled Pond 1 and 2 to the decreed capacities set forth above, and have developed, filled and refilled other ponds and water features with total volume of approximately 0.74 acre-feet. Ponds are used for irrigation, wildlife watering, incidental aesthetics, recreation, landscaping and piscatorial use. Other owners have built homes and landscaping and will be using the water rights in the future. Applicant's owners have performed other work as described in the Application, and spent significant funds on water development; **10) Landowners:** All structures are located on parcels in Painter Ranch, the owners of which are represented by Applicant in this case; **11) Additional Information:** Applicant requests that the Court enter a decree making the above-described water rights absolute that have been developed, finding that Applicant has been diligent in developing its remaining conditional rights, and extending Applicant's remaining conditional rights for an additional six year due diligence period. See application for more details. (14 pages including exhibits)

2023CW3043 DISTRICT COURT, WATER DIVISION 7, COLORADO, 1060 E. 2nd Avenue, Suite 106, Durango, CO 81301-5157, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY OF DURANGO, IN LA PLATA COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, address, e-mail address and telephone number of applicant: City of Durango, c/o Allison W. Baker, P.E., Public Works Director, 105 S. Camino del Rio, Durango, Colorado 81301, E-mail: Allison.Baker@durangogov.org 970-375-5000. 2. Names of structures: Animas Pumping Station and Force Main; Westside Pumping Station; Memorial Park Pump Station. 3. Description of conditional water rights: A. Original decree: March 21, 1966, Civil Action No. W-1751-B, District Court in and for La Plata County. Of the 50 cfs decreed to the Animas Pumping Station and Force Main in Civil Action No. 1751-B, 6 cfs was decreed as absolute and 44 cfs was decreed as conditional, B. Subsequent decrees: Of the 44 cfs conditionally decreed in Civil Action No. W-1751-B, 2.0 cfs were transferred to the Westside Pumping Station in Case No. W-1197-74, District Court, Water Division 7, by decree dated November 27, 1974, and 1.0 cfs was transferred to the Memorial Park Pump Station in Case No. W-1451-76, District Court, Water Division 7, by decree dated October 6, 1976, leaving 41 cfs conditional decreed to the Animas Pumping Station and Force Main. Decrees approving alternate points of diversion for the Animas Pumping Station and Force Main were entered in Case No. 95CW057, District Court, Water Division 7, on May 10, 1996, and in Case No. 99CW050, District Court, Water Division 7 on December 28, 2000. Decrees making absolute portions of the 41 cfs conditional water right remaining at the Animas Pumping Station and Force Main were entered in Case No. 83CW34, District Court, Water Division 7, on April 28, 1986 (1.2969 cfs made absolute), in Case No. 88CW33, District Court, Water Division 7, on April 13, 1989 (1.0613 cfs made absolute) and in Case No. 01CW99, District Court, Water Division 7, on December 17, 2002 (12.59 cfs made absolute), leaving 26.0518 cfs conditional. A decree making absolute a portion of the 2.0 cfs conditional water right transferred to the Westside Pumping Station was entered in Case No. 83CW34, District Court, Water Division 7, on April 28, 1986 (1.4482 cfs made absolute), leaving 0.5518 cfs conditional. A decree making absolute a portion of the 1.0 cfs conditional water right transferred to the Memorial Park Pump Station was entered in Case No. 83CW34, District Court, Water Division 7, on April 28, 1986 (0.6127 cfs made absolute), leaving 0.3873 cfs conditional. Decrees finding reasonable diligence for the subject conditional water rights were entered in Case Nos. W-85 on October 20, 1970, W-559 on September 25, 1972, W-559-76 on October 6, 1976, W-1197-76 on October 6, 1976, 80CW123 on December 5, 1980, 80CW125 on December 5, 1980, 80CW124 on May 6, 1981, 83CW34 on April 28, 1986, 84CW43 on May 30, 1986, 88CW33 on April 13, 1989, 95CW23 on December 29, 1995, 01CW99 on December 17, 2003, 09CW74 on April 29, 2011, and 17CW3019 on September 22, 2017, all District Court, Water Division 7, C. Location: (1) Animas Pumping Station and Force Main (29th Street Pump Station): At a point on the east bank of the Animas River, whence the southeast corner of Section 17, T35N, R9W, N.M.P.M., bears south 40°41' east, 1597.0 feet, Alternate points of diversion: a. Animas City Park Pump Station: At a point on the Animas River located south 8°00' west, a distance of 1,600 feet from the northeast corner of Section 17, T35N, R9W, N.M.P.M., b. Escalante Middle School Pump Station: At a point on the Animas River located south 37°40'42" west, a distance of 250 feet from the northeast corner of Section 8, T34N, R9W, N.M.P.M., c. Gateway Park Pump Station: At a point on the Animas River

located south 57°23' east, a distance of 2,330 feet from the northwest corner of Section 32, T35N, R9W, N.M.P.M., d. Memorial Park I and II Pump Station: At a point on the Animas River located north 37°30' west, a distance of 1800 feet from the southeast corner of Section 17, T35N, R9W, N.M.P.M., e. Riverfront Park Pump Station: At a point on the Animas River located south 86°15' east, a distance of 520 feet from the northwest corner of Section 29, T35N, R9W, N.M.P.M., f. Roosa Park Pump Station: At a point on the Animas River located north 57°00' east, a distance of 1,110 feet from the southwest corner of Section 20, T35N, R9W, N.M.P.M., g. Rotary Park Pump Station: At a point on the Animas River located north 62°00'42" east, a distance of 2,550 feet from the southwest corner of Section 20, T35N, R9W, N.M.P.M., h. Gateway Pump Station and Pipeline (Santa Rita Pump Station and Pipeline): At a point on the Animas River located north 63°47'12" east, a distance of 1,027 feet from the southwest corner of Section 29, T35N, R9W, N.M.P.M., (2) Westside Pumping Station: At a point on the Animas River from whence the northwest corner of Section 29, T35N, R9W, N.M.P.M., bears north 66°20' west, 348.0 feet, (3) Memorial Park Pump Station (Rank Park Pump Station): At a point on the Animas River from whence the northwest corner of the NE1/4 SE1/4 of Section 20, T35N, R9W, N.M.P.M., bears south 21°53' east, 750.0 feet, D. Source: Animas River, E. Appropriation date: February 3, 1883, F. Amount: (1) Animas Pumping Station and Force Main: 20.9482 absolute; 26.0518 cfs CONDITIONAL, (2) Westside Pumping Station: 1.4482 cfs absolute; 0.5518 cfs CONDITIONAL, (3) Memorial Park Pump Station (Rank Park Pump Station): 0.6127 cfs absolute; 0.3873 cfs CONDITIONAL, G. Use: Domestic, municipal, and industrial. 4. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: The subject conditional water rights are an integral part of the overall water supply system for the City of Durango. During the diligence period, the City has engaged in the following efforts to develop its water and wastewater systems, at the approximate costs indicated: Studies and Planning Efforts: During the diligence period, the City hired Wood Environment & Infrastructure Solutions, Inc. to assist in the development of the February 2020 Municipal Drought Management Plan, which is available on the City's website. The City spent approximately \$47,930 on the Drought Management Plan. The City also hired SEH Engineering to assist in the development of the September 2021 Water System Master Plan, which is available on the City's website. The City spent approximately \$95,640 on the Water System Master Plan, Improvements to Pump Stations: During the diligence period, the City operated pumping facilities to supply the treated water needs to the community and a portion of the raw water needs for irrigation of the City's parks, Hillcrest Golf Course and Fort Lewis College, Growth and System Expansion: Water: The population of the City of Durango has increased during the diligence period from 18,101 to 19,223., The City has made substantial investments in its water facilities and infrastructure during the diligence period. The City appropriated funds for, and completed or, at the time of filing the application, was actively pursuing completion of, improvements (in addition to those previously mentioned) to its water system including: Valve Replacements throughout the City to replace broken or failing valves in the City (\$105,000); Water Storage Tank Cleaning/Refurbishing (\$300,000); 9th St Waterline Replacement (\$946,117); Water Information Management System database deployment (\$52,500); College Mesa Water Treatment Plant Solar Array Installation (\$500,000); Lake Nighthorse to CMWTP Raw Water Supply Design (\$1,500,000); SCADA Cybersecurity Improvements (\$67,500); Pre-Oxidation at Santa Rita Pump Station (\$110,000); and Valve Exercising Trailer (\$105,000), Wastewater: Santa Rita Treatment Facility Waterline Replacement (\$150,000); Santa Rita Treatment Facility Operator Workstation Remodel (\$160,000); Santa Rita Primary Clarifier Liner Replacement (\$270,000); SCADA Cybersecurity Improvements (\$52,700); Upper Ramada Lift Station Replacement (\$225,000); Bodo 3 Lift Station Replacement (\$110,000); Manhole Lining and Rehabilitation (\$215,336); N College Rehabilitation (\$497,170), The City has also participated as an objector in numerous Water Court cases during the diligence period to protect the subject water rights from injury and incurred substantial legal and engineering fees in those cases. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion structure or storage structure, or modification to an 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: Applicant, City of Durango. WHEREFORE, Applicant, the City of Durango, requests the Court to enter a decree finding that the City has exercised reasonable diligence in the development of the remaining conditional water rights for the Animas Pumping Station and Force Main, Westside Pumping Station and Memorial Park Pump Station, and continuing the remaining conditional water rights in full force and effect for an additional diligence period. (7 pages)

2023CW3044 DISTRICT COURT, WATER DIVISION 7, COLORADO 1060 E. 2nd Avenue, Suite 106, Durango, CO 81301-5157, 970-385-6189, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY OF DURANGO, IN LA PLATA COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, address, e-mail address and telephone number of applicant: City of Durango, c/o Allison W. Baker, P.E., Public Works Director, 105 S. Camino del Rio, Durango, Colorado 81301, E-mail: Allison.Baker@durangogov.org 970-375-5000 2. Names of structures: Bodo Pipeline and Ditch No. 2.; South Durango Pumping Plant and Pipeline. 3. Description of conditional water rights: A. Original decree: March 21, 1966, Civil Action No. W 1751 B, District Court in and for La Plata County, B. Subsequent Decrees: A decree approving an alternate point of diversion was entered in Case No. 99CW050, District Court, Water Division 7, on December 28, 2000. Decrees finding reasonable diligence were most recently entered in Case No. 95CW34 on December 22, 1995, in Case No. 01CW100 on January 24, 2003, in Case No. 09CW7 on April 29, 2011, and on September 22, 2017, in Case No. 17CW3020, all District Court, Water Division 7, C. Location: (1) Bodo Pipeline and Ditch No. 2: At a point on the west bank of the Animas River, whence the south quarter corner of Section 32, T34½N, R9W, N.M.P.M., bears south 10°12' west, 3,391.25 feet, Alternate point of diversion at Gateway Pump Station and Pipeline (Santa Rita Pump Station and Pipeline): At a point on the Animas River located north 63°47'12" east, a distance of 1,027 feet from the southwest corner of Section 29, T35N, R9W, N.M.P.M., (2) South Durango Pumping Plant and Pipeline: At a point on the right bank of the Animas River, whence the southwest corner of Section 29, T35N, R9W, N.M.P.M., bears south 81°50' west, 582 feet, Alternate point of diversion at Gateway Pump Station and Pipeline (Santa Rita Pump Station and Pipeline): At a point on the Animas River located north 63°47'12" east, a distance of 1,027 feet from the southwest corner of Section 29, T35N, R9W, N.M.P.M., D. Source: Animas River, E. Appropriation date: (1) Bodo Pipeline and Ditch No. 2: June 1, 1945, (2) South Durango Pumping Plant and Pipeline: September 8, 1964, F. Amount: (1) Bodo Pipeline and Ditch No. 2: 2.75 cfs CONDITIONAL, (2) South Durango Pumping Plant and Pipeline: 4.2 cfs CONDITIONAL, G. Use: (1) Bodo Pipeline and Ditch No. 2: residential, industrial, and commercial, (2) South Durango Pumping Plant and Pipeline: municipal, industrial, domestic, and recreational. 4. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: The subject conditional water rights are an integral part of the overall water supply system for the City of Durango. During the diligence period, the City has continued to supply water to the South Durango Water District, from which the City acquired the subject water rights in 1993, and has engaged in the following efforts to develop its water and wastewater systems, at the approximate costs indicated: Studies and Planning Efforts: During the diligence period the City hired Wood Environment & Infrastructure Solutions, Inc. to assist in the development of the February 2020 Municipal Drought Management Plan, which is available on the City's website. The City spent approximately \$47,930 on the Drought Management Plan. The City also hired SEH Engineering to assist in the development of the September 2021 Water System Master Plan, which is available on the City's website. The City spent approximately \$95,640 on the Water System Master Plan, Improvements to Pump Stations: During the diligence period, the City operated pumping facilities to supply the treated water needs to the community and a portion of the raw water needs for irrigation of the City's parks, Hillcrest Golf Course and Fort Lewis College, Growth and System Expansion: Water: The population of the City of Durango has increased during the diligence period from 18,101 to 19,223., The City has made substantial investments in its water facilities and infrastructure during the diligence period. The City appropriated funds for, and completed or, at the time of filing the application, was actively pursuing completion of, improvements (in addition to those previously mentioned) to its water system including: Valve Replacements throughout the City to replace broken or failing valves in the City

(\$105,000); Water Storage Tank Cleaning/ Refurbishing (\$300,000); 9th St Waterline Replacement (\$946,117); Water Information Management System database deployment (\$52,500); College Mesa Water Treatment Plant Solar Array Installation (\$500,000); Lake Nighthorse to CMWTP Raw Water Supply Design (\$1,500,000); SCADA Cybersecurity Improvements (\$67,500); Pre-Oxidation at Santa Rita Pump Station (\$110,000); and Valve Exercising Trailer (\$105,000), Wastewater: Santa Rita Treatment Facility Waterline Replacement (\$150,000); Santa Rita Treatment Facility Operator Workstation Remodel (\$160,000); Santa Rita Primary Clarifier Liner Replacement (\$270,000); SCADA Cybersecurity Improvements (\$52,700); Upper Ramada Lift Station Replacement (\$225,000); Bodo 3 Lift Station Replacement (\$110,000); Manhole Lining and Rehabilitation (\$215,336); and N. College Rehabilitation (\$497,170), The City has also participated as an objector in Water Court cases during the diligence period to protect the subject water rights from injury. The City spent more than \$1,000 in such cases during the diligence period. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion structure or storage structure, or modification to an 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: Applicant, City of Durango. WHEREFORE, Applicant, City of Durango, requests the Court to enter a decree finding that it has exercised reasonable diligence in the development of the subject conditional water rights and continuing those conditional water rights in full force and effect for an additional diligence period. (6 pages)

2023CW3045 (Prior Case No. 16CW3034) Bootjack Ranch, LLC 12500 East Highway 160 Pagosa Springs, CO 81147 (970) 264-7280, through counsel Wayne F. Forman, #14082 Courtney M. Shephard, #47668 BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15th Street, Suite 2900 Denver, CO 80202 Phone: (303) 223-1100 E-mail:wforman@bhfs.com; cshephard@bhfs.com APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE PARTIALLY ABSOLUTE In Mineral County. 1.Name, Mailing Address, and Telephone Number of Applicant. Bootjack Ranch, LLC 12500 East Highway 160 Pagosa Springs, CO 81147 (970) 264-7280 2.Claims for Reasonable Diligence. a. WGA Pond. i. Date of Original Decree: September 12, 2017, Case No. 16CW3034. ii. Legal Description: The center of the operating dam creating WGA Pond is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 36 North, Range 1 West, N.M.P.M., 468 feet from the south section line and 377 feet from the east section line of said Section 12, Archuleta County, Colorado. UTM Coordinates: NAD83, Zone 13N, Meters, UTM X: 332212, UTM Y: 4136983. *See* Figure 1. iii. Source: East Fork via the W.B. Turner Alternate Pumpsite No. 2 Enlargement. iv. Appropriation Date: August 13, 2016. v. Description: 1. Area: 1.0 acre. 2. Active Volume: 0.0 acre-feet. 3. Dead Storage: 9.0 acre-feet. 4. Average Depth: 9 feet. 5. Dam Length: 445 feet. 6. Dam Height: Less than 10 feet. 7. The WGA Pond will be lined and will not intercept ground water. vi. Amount: 9.0 acre-feet, conditional, with the right to fill and refill in priority to keep the lake full throughout the year. vii. Fill Rate: 4.0 c.f.s. viii. Uses: Irrigation (1.6 acres supplemental to the senior W.B. Turner Alternate Pumpsite No.2 and Langworthy Ditch water rights), piscatorial, recreation, firefighting. b. Bootjack South Augmentation Pond. i. Date of Original Decree: September 12, 2017, Case No. 16CW3034. ii. Legal Description: The Bootjack South Augmentation Pond is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 36 North, Range 1 West, N.M.P.M., 88 feet from the south section line and 978 feet from the east section line of said Section 12, Archuleta County, Colorado. UTM Coordinates: NAD83, Zone 13N, Meters, UTM X: 332026, UTM Y: 4136869. *See* Figure 1. iii. Source: East Fork via the W.B. Turner Alternate Pumpsite No. 2 Enlargement. iv. Appropriation Date: August 31, 2016. v. Description: 1. Area: 2.0 acres. 2. Active Capacity: 16.0 acre-feet. 3. Dead Storage: 0.0 acre-feet. 4. Average Depth: 8 feet. 5. Dam Length: 450 feet. 6. Dam Height: Less than 10 feet. 7. The Bootjack South Pond will be lined and will not intercept ground water. vi. Amount: 16.0 acre-feet, conditional, with the right to fill and refill in priority to keep the pond full throughout the year. vii. Fill Rate: 4.0 c.f.s., by pipeline from Pumpsite No. 2. viii. Uses: Augmentation, firefighting. c. W.B. Turner Alternate Pumpsite No. 2 Enlargement (“Turner Enlargement No. 2”). i. Date of Original Decree: September 12, 2017, Case No. 16CW3034. The original W.B. Turner Pumpsite was decreed in Case No. D-308 (December 19, 1968) as Priority No. 1968-133 for 4.0 c.f.s., absolute, for irrigation, domestic, and

stock purposes with a priority date of July 24, 1954. ii. Legal Description: The diversion point is located on the south (east) bank of the East Fork of the San Juan River in the SE¹/₄SE¹/₄, Section 12, Township 36 North, Range 1 West, N.M.P.M., 1,017 feet from the south section line and 1,257 feet from the east section line of said Section 12, Archuleta County, Colorado. UTM Coordinates: NAD83, Zone 13N, Meters, UTM X: 331948, UTM Y: 4137153. *See* Figure 1. iii. Source: East Fork. iv. Appropriation Date: August 31, 2016. v. Amounts and Uses: 1. 1.78 c.f.s., absolute, to fill and refill the BFR Pond (decreed in Case No. 16CW3034). 2. 2.22 c.f.s., conditional, to fill and refill the BFR Pond and firefighting. 3. 4.0 c.f.s., conditional, to fill and refill the WGA Pond and Bootjack South Augmentation Pond, and firefighting. 3. Activities During the Diligence Period. Pursuant to C.R.S. § 37-92-301(4)(b), “[t]he measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” The above-described rights originally decreed in Case No. 16CW3034 are part of the Bootjack Ranch water system that now provides, and in the future will provide, water for Bootjack Ranch. These rights comprise an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). Since August 2017, Bootjack Ranch has diligently prosecuted its water rights, including the activities and expenditures described below. a. Construction & Water System Development Activities. Bootjack Ranch spent more than \$1,000,000 on improvements to its water system including the subject conditional water rights. These activities included but were not limited to: i. Installing pumping equipment and associated plumbing and electrical connections for W.B. Turner Pump Nos. 1 and 2, including installing variable frequency drives (VFDs); ii. Installing a pipeline from W.B. Turner Pump No. 1 to irrigated pasture field; iii. Installing a pipeline from W.B. Turner Pump No. 2 to the Langworthy Ditch to fill and refresh the BFR Pond and irrigate the pasture; iv. Installing irrigation pipelines and electrical pumps to irrigate around the BFR Pond; and v. Digging test pits at the WGA Pond to assess site conditions. b. Engineering & Water Consulting Activities. Bootjack Ranch spent more than \$346,000 in engineering and consulting work by SGM, Inc. to defend and perfect the subject conditional water rights as well as other rights in the system, and to appropriate new water rights for its integrated system of water rights. This work included, but was not limited to: i. Multiple site visits to Bootjack Ranch to document flow rates, irrigated area, and beneficial use of the Phillipps Ditch Oxbow Enlargement, Wolf Creek Village Well, Well WS-1, Well WS-5, Front Gate Well, Phillipps Ditch – Brown Enlargement, Dermody Pump, W.B. Turner Pump Nos. 1 and 2, and the Brown Spring; ii. Technical support and research to correct the point of diversion for the Phillipps Ditch headgate in Case No. 17CW3009; iii. Technical support in protecting Bootjack Ranch’s integrated system of water rights by filing statements of opposition in Case Nos. 17CW3014, 17CW3030, 17CW3041, 21CW3029, 21CW3014, 22CW3049, and 22CW3050; iv. Technical support for the applications in Case Nos. 22CW3034 and 22CW3044 for findings of reasonable diligence and to make conditional water rights absolute for certain water rights within the Bootjack Ranch water system; v. Technical support for the application Case No. 22CW3049 for a new conditional and absolute direct flow surface water right and a new water storage right within the Bootjack Ranch Water System; vi. Compiling Bootjack Ranch’s well diversion records and annual submittal to the Division 7 Office of the Colorado Division of Water Resources; and vii. Completing preliminary designs of the WGA Pond and a field survey to check elevations and stake the top of the water surface. c. Water Counsel Actions. Bootjack Ranch spent more than \$250,000 in legal fees to defend its decreed water rights and to appropriate new water rights for its integrated system of water rights. This work included, but was not limited to: i. Filing applications in Case Nos. 22CW3034 and 22CW3044 for findings of reasonable diligence and to make conditional water rights absolute for certain water rights within the Bootjack Ranch water system; ii. Filing an application in Case No. 22CW3049 for a new conditional and absolute direct flow surface water right and a new water storage right within the Bootjack Ranch Water System; and iii. Protecting Bootjack Ranch’s integrated system of water rights by filing statements of opposition and participating in Case Nos. 17CW3014, 17CW3030, 17CW3041, 21CW3029, 21CW3014, 22CW3049, and 22CW3050. 4. Claim to Make Partially Absolute. a. Turner Enlargement No. 2. i. Date Water Was Applied to Beneficial Use: August 2019. ii. Amount:

0.44 cfs (198 g.p.m.) absolute, in addition to the 1.78 c.f.s. decreed absolute in Case No. 16CW3034. iii. Use: Fill and refill the BFR Pond and firefighting. iv. Place of Use: BFR Pond. WHEREFORE, Bootjack Ranch requests that the Court enter a decree: A. Pursuant to C.R.S. § 37-92-103(4)(a), making an additional 0.44 c.f.s. of the Turner Enlargement No. 2 water right absolute for the beneficial uses of filling and refilling the BFR Pond and firefighting. To the extent the Court denies this claim to make a portion of the water right absolute, Bootjack Ranch requests that the Court to find that Bootjack Ranch has been reasonably diligent in finalizing the entire appropriation and continue it in full force and effect. B. Finding that the Bootjack Ranch has been reasonably diligent in finalizing the following appropriations and continuing the rights in full force and effect: i. WGA Pond: 9 acre-feet, conditional, with the right to fill and refill in priority to keep the lake full throughout the year, for the beneficial uses of irrigation (1.6 acres supplemental to the senior W.B. Turner Alternate Pumpsite No. 2 and Langworthy Ditch water rights), piscatorial, recreation, and firefighting. ii. Bootjack South Augmentation Pond: 16 acre-feet, conditional, with the right to fill and refill in priority to keep the pond full throughout the year for the beneficial uses of augmentation and firefighting. iii. Turner Enlargement No. 2: i. 1.78 c.f.s., conditional, for the beneficial uses of filling and refilling BFR Pond and firefighting. ii. 4.0 c.f.s., conditional, for the beneficial uses of filling and refilling the WGA Pond and Bootjack South Augmentation Pond, and firefighting. C. Granting such other relief as the Court deems just and proper. (9 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 November 2023, 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; Jason Poyer, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before October 31, 2023

/s/ Jason Poyer
Water Court Specialist