

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 April 2026, for each county affected.

**2026CW3005** La Plata County, Application for Water Right and Approval of Plan for Augmentation. Applicant: Deanne R. Adamson, c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 679 E. 2nd Ave. Unit 10, Durango, CO 81301; (970) 422-5510; kpedue@swpropertylaw.com; 1) Structure: Adamson Well; i. Loc: La Plata County, SW ¼ NE ¼ S 34, T 35N, R 8W, NMPM; 1239 Long Hollow Circle Durango, CO 81301; ii. Source: Groundwater tributary to the Florida River; iii. Appropriation date: October 7, 1993 for uses proposed absolute; February 26, 2026 for uses proposed conditional; iv. Amt: 15 gallons per minute, total annual volume withdrawn not to exceed 0.837 acre feet per year or 1,050 gallons per day, whichever is less; iv. Uses: Absolute: fire protection and domestic use (including domestic animal watering) inside one (1) residence; and irrigation of up to 0.07 acres (3,000 square feet); Conditional: domestic use (including domestic animal watering) inside one (1) additional residence and watering of up to eight (8) head of livestock; 2) Plan for Augmentation; i. Structure to be Augmented: Adamson Well; ii. Water right for augmentation: Applicant has entered into a Reservation Agreement with the Florida Water Conservancy District to reserve water for augmentation purposes; iii. Location: The axis of the Lemon Dam is located in Sections 17 and 20, Township 36 North, Range 7 West, N.M.P.M., beginning at a point on the right abutment, from whence the Southwest corner of Section 17, Township 36 North, Range 7 West, N.M.P.M., bears South 84°34' West, a distance of 1699.6 feet, thence South 63°22' East a distance of 1,360 feet on the end of the axis of the dam on the left abutment thereof; iv. Appropriation Dates: June 15, 1881 through June 2, 1940; v. Amount: 114 acre feet, absolute; vi. Use: irrigation and plans of augmentation; 3) Applicant is the owner of all lands upon which any existing or new diversion or storage structures will be located. (17 pages including exhibits)

**2026CW3006** La Plata County, Application for Water Right and Approval of Plan for Augmentation in the Florida River Watershed. Applicants: Max Campbell Howard and Eleah Kim Howard, 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: Howard Well No. 1; i. Loc: NE ¼ NE ¼ Section 7, T34N, R8W, N.M.P.M.; UTM Coordinates: 253303 E, 4124633 N, Zone 13 Source: Well Permit no. 337112 and Well Construction Report La Plata County Parcel no. 567307100155; ii. Source: Groundwater tributary to the Florida River; iii. Appropriation date: January 18, 2025; iv. Amt: (Conditional) 25 gallons per minute, total annual volume not to exceed 2.639 acre feet per year for both Howard Well Nos. 1 and 2; iv. Use: domestic use inside six (6) residences; irrigation of 9,000 square feet of lawn and garden (1,500 square feet per residence); watering of twenty-four (24) head of livestock (four head per residence), with all uses shared between Howard Well Nos. 1 and 2; 2) Structure: Howard Well No. 2; i. Loc: NE ¼, NE ¼ Section 7, T34N, R8W, N.M.P.M.; UTM Coordinates 253190 E, 4124646 N, Zone 13 Source: GPS analysis by Wright Water Engineers, Inc., La Plata County Parcel no. 567307100155; ii. Source: Groundwater tributary to the Florida River; iii. Appropriation date: October 30, 2025; iv. Amt: (Conditional) 25 gallons per minute, total annual volume not to exceed 2.639 acre feet per year for both Howard Well Nos. 1 and 2; iv. Use: domestic use inside six (6) residences; irrigation of 9,000 square feet of lawn and garden (1,500 square feet per residence); watering of twenty-four (24) head of livestock (four head per residence), with all uses shared between Howard Well Nos 1 and 2; 3) Plan for Augmentation; i. Structures to be Augmented: Howard Well No. 1 and Howard Well No. 2; ii. Water right for augmentation: Applicants have entered into a Reservation Agreement with the Florida Water Conservancy District to

reserve 1.0 acre feet water per year for augmentation purposes; iii. Location: Axis of the Lemon Dam is located in Sections 17 and 20, T36N, R7W, N.M.P.M., beginning at a point on the right abutment, from whence the SW corner of Section 17, T36N, R7W, N.M.P.M., bears South 84°34' West, a distance of 1699.6 feet, thence South 63°22' East a distance of 1,360 feet on the end of the axis of the dam on the left abutment thereof; v. Amount: 114 acre feet, absolute; vi. Amount to be included in this plan for augmentation: 0.936 acre feet per year; vii. Use: irrigation and plans for augmentation; 3) Applicant is the owner of all lands upon which any existing or new diversion or structure is proposed. (16 pages including exhibits)

**2026CW3007**

La Plata County, APPLICATION FOR CHANGE OF WATER RIGHT AND NEW WATER RIGHTS. **1. Name and address of Applicant:** Gilleland Enterprises, LLC and C & J Gravel Products, Inc. ("Applicant"), c/o John Gilleland, 27661 Highway 160, Durango, CO 81301. **Direct All Pleadings to:** Michael W. Daugherty, and Lindsey A. Ratcliff, Somach Simmons & Dunn, P.C., 1155 Canyon Blvd, Suite 110, Boulder, Colorado 80302, (303) 449-2834. **2. Summary of Application:** The Applicant, a family-owned Durango, Colorado business, has supplied aggregate materials such as gravel, road base, sand, landscape rock, and ready-mix concrete to residential and commercial projects for over forty years. Applicant owns 0.20 cubic feet per second ("cfs"), absolute, decreed to the Montoya Ditch that is decreed to irrigate up to two acres. The Montoya Ditch AP is decreed as an alternate point of diversion. By this Application for Change of Water Rights and New Water Rights (the "Application"), Applicant seeks to add industrial, commercial, and augmentation as additional decreed uses of the Montoya Ditch water right (described in paragraph 3). The Applicant also seeks to decree absolute and conditional junior surface water rights for industrial, commercial, and augmentation uses that can be used year-round and can be diverted from the Montoya Ditch alternate point of diversion (described in paragraph 4). Lastly, Applicant seeks to decree absolute and conditional storage water rights for three existing ponds (described in paragraph 5). **3. Decreed water right for which change is sought and structures associated with the decreed water right:** **3.1. Structure:** Montoya Ditch (WDID: 3001335). **3.1.1. Decrees:** Case No. W-79CW29, entered February 14, 1980, District Court in and for Water Division No. 7 ("Water Court"); Case No. 87CW28, entered December 15, 1987, by the Water Court to add the alternate point of diversion described in paragraph 3.1.3. **3.1.2. Decreed point of diversion:** At a point 2,300.0 feet ("ft.") from East section line and 670.0 ft. from the North section line of Section 10, T34N, R9W, N.M.P.M., Wilson Gulch, Animas River at UTM NAD83 Zone 13 coordinates: 248008.6 m E, 4123903.8 m N ("Montoya Ditch POD"). **3.1.3. Decreed alternate point of diversion:** **3.1.3.1. Montoya Ditch AP (WDID: 3001642):** Downstream from the point of diversion described in paragraph 3.1.2, approximately 1/4 mile at a point 2,100.0 ft. East and 1,300.0 ft. South of the NW corner of Section 10, T34N, R9W, N.M.P.M at UTM NAD83 Zone 13 coordinates: 247751.8 m E, 4123794.6 m N ("Montoya Ditch APOD"). **3.1.4. Decreed source:** Wilson Gulch, tributary to Animas River. **3.1.5. Appropriation date:** July 20, 1944. **3.1.6. Decreed amount:** The total amount diverted from the Montoya Ditch POD or pumped from the Montoya Ditch APOD, separate or combined, does not exceed 0.20 cfs, absolute. **3.1.7. Decreed use:** Irrigation of 2 acres. **3.1.8. Total decreed rate of diversion that Applicant intends to change:** The total amount diverted from the Montoya Ditch POD or pumped from the Montoya Ditch APOD, separate or in combination, not to exceed 0.20 cfs. **3.2. Detailed description of proposed change:** **3.2.1. Change in type of use:** In addition to the existing decreed use of the Montoya Ditch water right described in paragraph 3.1.7, Applicant seeks water court approval to add augmentation, industrial, and commercial uses associated with producing and supplying aggregate materials such as gravel, roadbase, sand, landscape rock, and redi-mix concrete for residential and commercial projects, including gravel pit mining, dust suppression, process water for manufacturing, storage in C&J Ponds 1, 2, and 3 described in paragraph 5, and replacing associated evaporative losses. The use of the changed water right will be limited to the irrigation season as it was historically used. The changed historical consumptive use will be fully consumable to the extent all historical irrigation return flow obligations have been satisfied. Annual diversion records of the Montoya Ditch water right are attached as **Exhibit A**. The locations of the Montoya Ditch POD, Montoya Ditch APOD, historical use of the Montoya Ditch water right, and proposed place of use of the changed water

right are depicted in the map attached as **Exhibit B**. Applicant will use the changed water within the vicinity of the gravel operation as it expands. **3.3. Terms and conditions for the change of water right:** Applicant shall propose for inclusion into the decree terms and conditions necessary to prevent injury to decreed water rights, including: **3.3.1. Historical use:** Applicant seeks to quantify the historical use of the Montoya Ditch water right over a representative study period in accordance with § 37-92-305(3)(d), C.R.S., that includes wet, dry, and average years. **3.3.2. Maintenance of historical return flows:** Applicant intends to maintain the pattern of return flows associated with the historical use of the Montoya Ditch water right as diverted at the Montoya Ditch POD and Montoya Ditch APOD. The Applicant will maintain historical return flows by ensuring that any future use of the Montoya Ditch water right remains consistent with its historical exercise, such that water will continue to be available in Wilson Gulch at the same times, locations, and in the same amounts, subject to the terms and conditions of the decree requested by this Application. **3.3.3. Measurement and administration:** Applicant will be responsible for the costs associated with any infrastructure reasonably determined to be necessary by the State and Division Engineers to measure and administer water available for the changed uses, including the cost to construct, maintain, and operate any measuring devices. **4. Description of new surface water right to be adjudicated:** **4.1. Structure:** Montoya Ditch Enlargement. **4.1.1. Locations of points of diversion:** Montoya Ditch APOD, as described in paragraph 3.1.3.1. **4.1.2. Source:** Wilson Gulch, tributary to Animas River. **4.1.3. Appropriation date:** September 30, 2019. **4.1.4. How appropriation was initiated:** Construction of a weir and pumpstation on Wilson Gulch. Applicant began diverting from Montoya Ditch Enlargement to fill trucks and ponds for the industrial and commercial uses described in paragraph 4.1.7. **4.1.5. Date water applied to beneficial use:** September 30, 2019. **4.1.6. Amount claimed:** 0.67 cfs (300 gallons per minute (“gpm”)), absolute for all uses, except augmentation, which is conditional. **4.1.6.1. Annual volume:** 30.0 acre-feet (“AF”), absolute for all uses, except augmentation, which is conditional. **4.1.7. Uses:** Augmentation, industrial, and commercial uses associated with producing and supplying aggregate materials such as gravel, roadbase, sand, landscape rock, and redi-mix concrete for residential and commercial projects, including gravel pit mining, dust suppression, process water for manufacturing, filling, refilling and storing in C&J Ponds 1, 2, and 3 described in paragraph 5, and replacing associated evaporative losses. The Montoya Ditch Enlargement will be used within the vicinity of the gravel operation as it expands. Locations of uses are depicted in the map attached as **Exhibit B**. **5. Description of new storage water rights to be adjudicated:** **5.1. Structure:** C&J Pond 1. **5.1.1. Location of structure:** Center point of the pond is located in the NE1/4, NW1/4, Section 10, Township 34 North, Range 9 West, N.M.P.M. at UTM NAD83 Zone 13 coordinates: 247537 m E, 4123971 m N. **5.1.2. Source:** Wilson Gulch, tributary to Animas River, via the Montoya Ditch APOD and Montoya Ditch Enlargement. The location of the Montoya Ditch APOD is described in paragraph 3.1.3.1. **5.1.3. Appropriation date:** September 30, 2019. **5.1.4. How appropriation was initiated:** Construction and filling of pond for the industrial and commercial uses described in paragraph 5.1.7. **5.1.5. Date water applied to beneficial use:** September 30, 2019. **5.1.6. Amount claimed:** 1.85 AF, absolute for all uses, except augmentation, which is conditional. **5.1.7. Uses:** Augmentation, industrial, and commercial uses associated with producing and supplying aggregate materials such as gravel, roadbase, sand, landscape rock, and redi-mix concrete for residential and commercial projects, including gravel pit mining, dust suppression, and process water for manufacturing. **5.1.8. Surface area of high-water line:** 0.23 acres. **5.1.8.1. Pond depth:** 15.0 ft. **5.1.9. Total capacity:** 1.85 AF. **5.1.9.1. Active capacity:** 0.0 AF. **5.1.9.2. Dead storage:** 1.85 AF. **5.2. Structure:** C&J Pond 2. **5.2.1. Location of structure:** Center point of the pond is located in the NE1/4, NW1/4, Section 10, Township 34 North, Range 9 West, N.M.P.M. at UTM NAD83 Zone 13 coordinates: 247528 m E, 4124012 m N. **5.2.2. Source:** Wilson Gulch, tributary to Animas River, via the Montoya Ditch APOD and Montoya Ditch Enlargement. The location of the Montoya Ditch APOD is described in paragraph 3.1.3.1. **5.2.3. Appropriation date:** September 30, 2019. **5.2.4. How appropriation was initiated:** Construction and filling of pond for the industrial and commercial uses described in paragraph 5.2.7. **5.2.5. Date water applied to beneficial use:** September 30, 2019. **5.2.6. Amount claimed:** 0.96 AF, absolute for all uses, except augmentation, which is conditional. **5.2.7. Uses:** Augmentation, industrial, and commercial uses associated with producing and supplying aggregate materials such as gravel, roadbase, sand, landscape rock, and redi-mix concrete for residential and

commercial projects, including gravel pit mining, dust suppression, and process water for manufacturing. **5.2.8. Surface area of high-water line:** 0.12 acres. **5.2.8.1. Pond depth:** 15.0 ft. **5.2.9. Total capacity:** 0.96 AF. **5.2.9.1. Active capacity:** 0.0 AF. **5.2.9.2. Dead storage:** 0.96 AF. **5.3. Structure:** C&J Pond 3. **5.3.1. Location of structure:** Center point of the pond is located in the NE1/4, NW1/4, Section 10, Township 34 North, Range 9 West, N.M.P.M. at UTM NAD83 Zone 13 coordinates: 247485 m E, 4124016 m N. **5.3.2. Source:** Wilson Gulch, tributary to Animas River, via the Montoya Ditch APOD and Montoya Ditch Enlargement. The location of the Montoya Ditch APOD is described in paragraph 3.1.3.1. **5.3.3. Appropriation date:** September 30, 2019. **5.3.4. How appropriation was initiated:** Construction and filling of pond for the industrial and commercial uses described in paragraph 5.3.7. **5.3.5. Date water applied to beneficial use:** September 30, 2019. **5.3.6. Amount claimed:** 0.64 AF, absolute for all uses, except augmentation, which is conditional. **5.3.7. Uses:** Augmentation, industrial, and commercial uses associated with producing and supplying aggregate materials such as gravel, roadbase, sand, landscape rock, and redi-mix concrete for residential and commercial projects, including gravel pit mining, dust suppression, and process water for manufacturing. **5.3.8. Surface area of high-water line:** 0.08 acres. **5.3.8.1. Pond depth:** 15.0 ft. **5.3.9. Total capacity:** 0.64 AF. **5.3.9.1. Active capacity:** 0.0 AF. **5.3.9.2. Dead storage:** 0.64 AF. **5.4.** The C&J Ponds 1, 2, and 3 will be used within the vicinity of the gravel operation as it expands. The locations of C&J Ponds 1, 2, and 3 and the proposed place of use are depicted in the map attached as **Exhibit B.** **6. Names and addresses of owners of land on which structures are located:** **6.1. Montoya Ditch POD:** Colorado Department of Transportation, 3803 North Main Avenue, Suite 206, Durango, Colorado. **6.2. Montoya Ditch APOD:** Applicant. **6.3. C&J Ponds 1, 2, and 3:** Applicant. **WHEREFORE,** Applicant requests that the Water Court enter a decree granting (1) the proposed change to Applicant's Montoya Ditch water right, as described in paragraph 3; (2) the proposed surface water rights, as described in paragraph 4; (3) the proposed storage water rights, as described in paragraph 5; (4) the award as absolute of any portions of the conditional water rights requested in this Application that are put to beneficial use during the pendency of this case; and (5) such additional relief as the Water Court deems appropriate. (11 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 June 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)

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/s/ Jason Poyer  
Water Court Specialist