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 June, 2008, for each county affected.

08CW28 **LA PLATA COUNTY, LA PLATA WATER DISTRICT NO. 33 Applicant:** Name, Address, Telephone Number: Richard and Jill Hurworth, 6835 County Road 307, Ignacio, Colorado 81137, 799-0994. 2. **Attorney:** James C. Anesi, 2023 Main Avenue, Durango, Colorado 81301; (970) 247-8720. 3. **Structure or Plan:** Hurworth Ditch. 4. **Type of Application:** Water Right, Surface. 5. **Drainage Basin:** Salt Creek, Florida River Basin, La Plata County, Colorado. 6. **Location:** SE1/4 of the NE1/4 of Section 6, Township 30N, Range 8W, NMPM (Northing 4113741 Easting 12S0254988). 7. **Type of Use:** irrigation of 60 acres, piscatorial, fire fighting, recreation and stock watering. 8. **Type of Structure:** Hurworth Ditch, submersible pump. 9. **Quantity:** .67 cfs. 10. **Additional Information:** The Applicant will install a 4 inch submersible pump in Salt Creek and pump water to the 60 acre parcel for irrigation, piscatorial, fire fighting, recreation, and stock watering uses. Amended Application for Water Rights (Surface) (2 pages)

08CW34 Susan Dees, 24000 Road L, Cortez, CO 81321: **Terry Ditch**; Montezuma County; Date of original decree, 4/29/02; Case No. 01CW25 (92CW16); NW1/4NW1/4, Section 22, T36N, R16W, NMPM; 550 feet from North, 500 feet from West; Unnamed draw, tributary to Hartman Draw, tributary to McElmo Creek; Appropriation date, 3/24/92; .05 cfs; Date applied to beneficial use, May 1998; Irrigation of pasture; Description of where water is applied to beneficial use, Tract N2NW4, Section 22, T36N, R16W, NMPM; Work performed towards completion of project outlined in detail in application. Application to Make Absolute (2 pages)

08CW35 Ben Gallegos, 15241 CR 500, Pagosa Springs, CO 81147: **Ben Gallegos Pump Site**; Archuleta County; SW1/4NW1/4, Section 22, T33N, R2W, NMPM; 1815 feet from South, 987 feet from West; Northing 4106469, Easting 316797; San Juan River; Date of initiation of appropriation, June 1998; Appropriation was initiated by pumping from river; Date water applied to beneficial use, June 1998; .33 cfs; Irrigation and livestock; Number of acres historically irrigated, 4; Proposed to be irrigated, 4; Non-irrigation, 25 head of cattle. Application for Water Rights (Surface) (3 pages)

08CW36 Jerry L. Dalla, PO Box 698, Durango, CO 81302: **Dalla Spring Pond #1**; NE1/4NW1/4SW1/4, Section 23, T35N, R9W, NMPM; 2561 feet from South, 839 feet from West; .01 cfs Absolute for stock; .01 cfs Conditional for irrigation of two acres around Dalla Reservoir #1; piscatorial and recreation; **Dalla Spring Pond #2**; NE1/4NW1/4SW1/4, Section 23, T35N, R9W, NMPM; 2376 feet from South, 944 feet from West; .01 cfs Absolute for stock; **Dalla Spring Pond #3**; NW1/4NW1/4SW1/4, Section 23, T35N, R9W, NMPM; 2365 feet from South, 370 feet from West; .01 cfs Absolute for stock; .01 cfs Conditional for irrigation of two acres around Dalla Reservoir #2; piscatorial and recreation; **Dalla Reservoir #1**; NW1/4NW1/4SW1/4, Section 23, T35N, R9W, NMPM; 2471 feet from South, 460 feet from West; .80 acre feet Absolute for stock (conditional for supplemental irrigation of two acres around Dalla Reservoir #1, piscatorial and recreation); **Dalla Reservoir #2**; NW1/4NW1/4SW1/4, Section 23, T35N, R9W, NMPM; 2438 feet from South, 201 feet from West; .50 acre feet Absolute for stock (conditional for supplemental irrigation of two acres around Dalla Reservoir

#2, piscatorial and recreation); **Dalla Reservoir #3**; NW1/4NE1/4SE1/4, Section 22, T35N, R9W, NMPM; 2206 feet from South, 667 feet from East; .20 acre feet Absolute for stock; **Dalla Reservoir #4**; NE1/4SE1/4SW1/4, Section 22, T35N, R9W, NMPM; 1067 feet from South, 2341 feet from West; .75 acre feet Absolute for stock; **Dalla Reservoir #5**; SW1/4SW1/4SE1/4, Section 22, T35N, R9W, NMPM; 1058 feet from South, 2248 feet from East; .10 acre feet Absolute for stock; **Dalla Reservoir #6**; NW1/4SW1/4SE1/4, Section 22, T35N, R9W, NMPM; 1114 feet from South, 2353 feet from East; .08 acre feet Absolute for stock; All structures located in La Plata County; Source for all structures is unnamed tributary to the Animas River; Date of initiation of appropriation, 6/11/08; Appropriation was initiated by construction and use of water, applied for permits; Date water applied to beneficial use, 6/11/08. See Exhibit A attached to application for details. Application for Water Rights (5 pages)

08CW37 (93CW26) (87CW41) (01CW04)
County 17, Stream 001, Water District No.71
1. Name, address, telephone number of applicant

Town of Dove Creek
P.O. Box 508
Dove Creek, CO 81324
(970) 677 -2255

2. Name, address, telephone number of attorney

James Hatter
Hatter & Green, P .C.
P.O. Box 1466
Cortez, CO 81321
(970) 565-6362

3. Name of structure: DOVE CREEK-DOLORES RIVER WATER SUPPLY DEVELOPMENT -SOUTH WELL.
4. Type of application: groundwater well
5. Drainage basin: groundwater and Dolores River basin
6. Location: in the *NE1/4NW1/4NW1/4* Of Section 26, T41N, R18W, N.M.P.M., 300 ft. from the North section line and 1060.0 ft. from the West section line.
7. Type of Use: Municipal and commercial use in an integrated water system for the Town of Dove Creek.
8. Type of structure: groundwater well
9. Quantity: 1.08 cfs, of which 0.21 cfs remains conditional and 0.87 cfs was made absolute. (4 pages)

08CW 38 LA PLATA COUNTY, LA PLATA WATER DISTRICT NO. 33
Applicant: Cugnini Land and Cattle Co., c/o P. L. Cugnini, 677 E. Third Ave., Durango, CO., 81301, 970-247-2300; **Attorney:** James C. Anesi, 2023 Main Avenue, Durango, Colorado 81301; (970) 247-8720; **Structure or Plan:** Gravel Pit Ditch and Gravel Pit Pond; **Type of Application:** Water Right, Surface Spring; **Drainage Basin:** Florida River, La Plata County, Colorado; **Location:** Gravel Pit Ditch: Northing 4115827 Easting 251657; Gravel Pit Pond: Northing 4115827 Easting 251657; The point of diversion is located on the East bank of Salt Creek approximately 2,227 feet East of the North Section line, and 330 feet North of the South Section Line, in Section 26, Township 34 North, Range 9 West, NMPM; **Type of Use:** irrigation of approximately 120 acre feet and livestock watering; **Type of Structure:** Gravel Pit Ditch and Gravel Pit Pond; **Quantity:** Gravel Pit Ditch: 3 cfs conditional; Gravel Pit Pond: 3.2 acre feet conditional. (3 pages)

08CW39 LA PLATA COUNTY, LA PLATA WATER DISTRICT NO. 33

1. **Applicant:** Paula Romeo, 3623 Elkhorn Mountain Road, Durango, CO. 81301, (970) 946-4927. 2. **Attorney:** James C. Anesi, 2023 Main Avenue, Durango, Colorado 81301; (970) 247-8720. 3. **Structure or Plan:** Water Rights, Surface Spring. 4. **Type of Application:** Water Right, Surface Spring. 5. **Drainage Basin:** Animas River, La Plata County, Colorado. 6. **Location:** Romeo Spring No. 12 is located approximately 2,904 feet North of the South line and 1,584 feet West of the East line of Section 20, Township 37 North, Range 8 West, NMPM, La Plata County, Colorado. (Lot 12 of Redtail Mountain Ranch.) Northing 4149352 Easting 255206. 7. **Type of Use:** To irrigate approximately 2 acres located on Lot 12 of Redtail Mountain Ranch Subdivision and livestock watering. 8. **Type of Structure:** Surface Spring. 9. **Quantity:** 10 gallons per minute. 10. **Additional Information:** None. (3 pages)

08 CW 40, La Plata County, Water District No. 7
1. Name, address, and home telephone number of applicant: Don L. Gosney, PO Box 256, Bayfield, CO 81122, 970-884-2651; **Attorney**: Floyd L. Smith, 48 CR 250, Suite 5, Durango, CO 81301; **2. Name of ditch**: Robert Morrison Ditch Enlargement ID 3100547; **3. Legal description of each point of diversion:** 774 Feet from South and 2644 Feet from East Section Lines of SW1/4 of the SE1/4, Section11, Township 34 N Range 7 W, N.M.P.M., La Plata County, **Street Address:** 1015 US Highway 160B, Bayfield CO 81122; **Optional Additional Description:** Northing 4122867 Easting 268835 Zone 13**; Were points averaged?** Yes; **4. Source:** Pine River; **5.A. Date of initiation of appropriation**: July 16, 2007; **5.B. How appropriation was initiated:** commenced planning and development of sprinkler system; **5.C. Date water applied to beneficial use:** N/A; **6. Amount claimed:** 0.78 cfs Conditional; **7. Use or proposed use:** Irrigate 66.1 acres; **A. If irrigation, Number of acres historically irrigated** 0; **proposed to be irrigated** 66.1; **Legal description of acreage:** E/2NE/4 Section 10 and W/2NW/4 Section 11, T33N, R8W, N.M.P.M., Parcel #595310100031; **8.Name(s) and address(es) of owner(s) or reputed owner(s) 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:** None; **Remarks:** None (3 pages)

08CW41 Author H. & Maureen K. Charette, 2628 County Rd. 330, Ignacio, CO 81137: **Charette Ditch and Charette Alternate Point**; La Plata County; SE1/4NE1/4, Section 4, T32N, R6W, NMPM; Unnamed arroyo tributary to Sambrito Creek, San Juan River; Date of initiation of appropriation, April 1, 2006; Appropriation was initiated by construction of ditch and field inspection by Water Commissioner; Date applied to beneficial use, April 1, 2006; 0.2 cfs, 0.1 Conditional, 0.1 Absolute; Irrigation of 17 acres of land and incidental stock use; Number of acres historically irrigated, 8; Proposed to be irrigated, 9 additional; See application for more details. Application for Water Rights (Surface) (5 pages)

08CW42 Chris Blatter, PO Box 1305, Palisade, CO 81526: **Last Chance Cistern**; San Juan County; SE1/4SE1/4, Section 18, T42N, R7W, NMPM; 735 feet from South, 572 feet from East; Last Chance Diversion; SE1/4SE1/4, Section 18, T42N, R7W, NMPM; 735 feet from South, 572 feet from East; Unnamed tributary draining to Prospect Gulch, Cement Creek and to Animas River; Date of appropriation, 5/23/08; Appropriation was initiated by consultation with Water Commissioner; 0.0075 (2400 gal) af Conditional; Rate of diversion for filling reservoir, maximum 10 cfs Conditional; Non-irrigation, domestic use for cabin, capture of snowmelt and rainwater for diversion into cistern; Surface area of high water line, 0.001 acres; Total capacity of reservoir in acre feet, 0.0075; Active capacity, .0075 af. Application for Water Storage Right (5 pages)

08CW43 Lu Ann Baker, 15478 CR 700, Pagosa Springs, CO 81147: Archuleta; **Lu Ann Pump**; NW1/4SE1/4, Section 5, T32N, R3W, NMPM; 2292 feet from South, 2298 feet from East, Northing 4102179, Easting 304548; .50 cfs Absolute; **Lu Ann AP**; NW1/4SE1/4, Section 5, T32N, R3W, NMPM; 1830 feet from South, 2204 feet from East; Northing 4102036, Easting 304572; .50 cfs Absolute; Cat Creek and San Juan River; Date of initiation of appropriation, May 1988; Appropriation was initiated by pumping and irrigating; Date applied to beneficial use, May 1988; Irrigation and stockwater; Number of

acres historically irrigated, 20; Proposed to be irrigated, 20. Application for Water Rights (Surface) (6 pages)

08CW44 LA PLATA COUNTY, LA PLATA WATER DISTRICT NO. 33
1. **Applicant:** Energen Resources Corporation, 2010 Afton Place, Farmington, NM 87401 505-324-4165. 2. **Attorney:** James C. Anesi, 2023 Main Avenue, Durango, Colorado 81301; (970) 247-8720. 3. **Structure or Plan:** Energen Ditch and Energen Pump. 4. **Type of Application:** Water Right, Surface. 5. **Drainage Basin:** San Juan River, Archuleta County, Colorado. 6. **Location:** NE1/4 SW1/4 of Section 18, Township 32North, Range 3 West, NMPM. 7. **Type of Use:** irrigation of 20 acres, fire fighting and stock watering. 8. **Type of Structure:** Ditch and Pump. 9. **Quantity:** .50 cfs conditional. 10. **Additional Information:** The head gate is the former location of the Chavez No. 2; said ditch was apparently destroyed by flooding of the San Juan River, and the new point of diversion for Chavez Ditch No. 2 has been relocated. The current head gate is in existence, and capable of transporting water to the place where a former pump was placed in the ditch by the prior owners and irrigated 20 acres. (4 pages)

08CW45; MONTEZUMA COUNTY: **1) Applicant:** James and Martha Lawrence, 17031 County Road J, Cortez, CO 81321; **2) Attorney:** Janice C. Sheftel, Maynes, Bradford, Shipps & Sheftel, LLP, P.O. Box 2717, Durango, CO 81302; **3) Type:** Change of Point of Diversion ("POD"); **4) Structure for which Change of POD Requested from previous Decree:** Trail Canyon Ditch; **5) Source:** Trail Canyon, tributary to the McElmo Creek water from an old Truelson, Humphrey and Eaton properties and that of others south and east of Montezuma Valley Irrigation Company canal in this locality; and seep water from former Hal Dobbins property; a. Date Entered: April 20, 1971, in Case No. W-252, b. Decreed POD **6) Location:** At the confluence of two forks (East and West Forks) of Trail Canyon in the SE1/4NE1/4SW1/4 of Section 11, T36N, RI7W, N.M.P.M., whence the SW corner of Section 1, T36N, R17W, N.M.P.M. bears N 40° 37' E, 4,690 feet, as shown on the map attached to application. The decree also states "seep water from W1/2NW1/4 of Section 26, T36N, R17W, N.M.P.M." c. Amount: 2.5 cfs (2.0 cfs waste water and 0.5 cfs seep water), of which Applicants own 0.5 cfs of the waste water and 0.125 cfs of seep water; **7)** Decreed Use: Irrigation and domestic; Appropriation (historic) Date: December 31, 1897; Change POD of 0.5 cfs of waste water and 0.125 cfs of seep water to the "Lower Headgate", at a point in the NE1/4NE1/4 of Section 34, T36N, R17W, N.M.P.M., where there is a division box for measuring diversions. **8)**. Name and address of owner of land on which structures are located: Lower Headgate- David B. and Patricia A. Temple, 18501 Road J, Cortez, Colorado, 81321, (970) 564-8400. (4 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of August, 2008, to file with the Water Clerk, in quadruplicate, 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: $158.00; Forms are available through the Office of the Water Clerk or on the Judicial site at www.courts.state.co.us; Danene M. Etz, Clerk of the Water Court, 1060 E. 2nd Ave., Room 106, Durango, CO 81301-5157; 970-247-2304, Ext. 6181)

Published: before July 31, 2008

Original Signature on file
Danene M. Etz, Water Clerk