

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 2020, for each county affected.

**20CW27** William Ogle, 10088 Tamarind Rd., Sugarloaf Key, FL 33042: **General Logan Diversion Pipe**; San Juan County; Date of original decree, 4/24/08; Case no., 07CW62; Subsequent decrees, 11/18/14, case no., 14CW13; NE1/4SE1/4NE1/4, Section 15, T41N, R7W, NMPM; 1528 feet from North, 622 feet from East; Blair Gulch, tributary to Animas River; Appropriation date, 8/20/07; 0.033 cfs Conditional; Domestic use; Work towards completion of project outlined in application. Application for Finding of Reasonable Diligence (5 pages)

**20CW3050** Application for Surface Water Right, Applicant, Pine River Bayfield Ditch Company, P.O. Box 945 Bayfield, CO 81122, by its attorney Nancy Agro, 700 Main Avenue, Suite K, Durango, CO 81301, Structure: Pine River-Bayfield Ditch Company Wastewater Diversion; Point of Diversion: Pine River Bayfield Ditch Company Headgate, Northwest Quarter of the Southeast Quarter of Section 12, Township 34 North, Range 7 West NMPM, UTM Zone 13 Nad 83: X: 270780.55086, Y: 4123371.03198; Source: Waste Water from Los Pinos Irrigating Ditch Company and Schroder Irrigating Ditch Company, in the Pine River, or its Tributaries; Amount claimed: 14 cfs, Absolute; Uses: Irrigation of 1,917.20 acres, stock water and filling of stock ponds. The Los Pinos and Schroder Irrigating Ditches end at the Pine River-Bayfield Irrigating Ditch headgate at the point of diversion set forth in Paragraph 3 above (POD), and any water in those ditches remaining at the POD enters the Pine River-Bayfield Irrigating Ditch including but not limited to wastewater from irrigation by the Los Pinos Shareholders, stormwater, and any water not otherwise diverted from those ditches above the POD. (4 pages including exhibit)

**20CW3051 La Plata County.** Application to Make Absolute. Applicant, Paula Romeo, submits this application through her counsel Amy N. Huff, Colorado Water & Land Law, LLC, please direct all correspondence to Amy N. Huff, 679 E. 2<sup>nd</sup> Avenue, Ste 11B, Durango, Colorado. 81301. 970-403-1770. [amy@waterland-law.com](mailto:amy@waterland-law.com). **1. Structure: ROMEO SPRING NO. 2** (a). Prior Decrees: Cases No. 02CW14 & 08CW39, District Court WD 7 (b). POD: In the SE ¼, NE ¼, SW ¼, S 20, T37N, R8W, NMPM, 1388' from the S section line and 2471' from the West section line (c) Source: Unnamed tributary, tributary to the Animas River (d) App Date: 2/28/2002 (e) Amt: 0.02 cfs, Conditional (f) Use: Stock watering, irrigation, and piscatorial use (g) Detailed outline of what has been done toward completing the appropriation. The Romeo Spring No. 2 is part of an integrated system comprised of several features that together provide water to Applicant's ranch. Since filing the prior diligence application, Applicant has applied the water conditionally decreed to the Romeo Spring No. 2 to beneficial use. Applicant's beneficial use of the Romeo Spring No. 2 water right has occurred since 2009. Applicant has applied 0.02 cfs to both irrigation and the watering of stock. The Division of Water Resource's diversion records confirm Applicant's beneficial use of this water right. **2. Structure: ROMEO SPRING NO. 12** (a) Prior Decrees: Cases No. 02CW14 & 08CW39, District Court WD 7 (b) POD: In the NE ¼, NW ¼, SE ¼, Section 20, T37N, R8W, NMPM, being 2458' from the South section line and 1371' from the East section line (c) Source: Unnamed tributary, tributary to the Animas River (d) App Date: 6/19/2008 (e) Amount: 0.0222 cfs (10 gpm), Conditional (f) Use: Irrigation of 2.0 acres and the watering of livestock (g) Detailed outline of what has been done toward completing the appropriation. During the last diligence period, Applicant installed structures to divert, convey, and

beneficially use the water conditionally decreed to the Romeo Spring No. The Romeo Spring No. 12 water right has been used to irrigate 2 acres and to provide water for livestock. Water decreed to the Romeo Spring No. 12 was beneficially used in 2018, 2019, and 2020. **3. Affected Landowner:** Applicant owns the land where all structures are located and where the water will be beneficially used. **4. Remarks:** See Application. (6 pages including exhibits)

**20CW3052** Application for Absolute and Conditional Surface and Underground Water Rights, Conditional Storage Rights, and Plan for Augmentation. **1. Applicant:** Advanced Genetics, LLC; c/o Jeffrey M. Kane, Southwest Water and Property Law LLC; 10 Town Plaza, No. 422; Durango, CO 81301; (970) 426-5480; jkane@swpropertylaw.com. **2. Synopsis:** Applicant owns 41.76 acres used for research and indoor and outdoor cultivation of medical-grade hemp using precise and efficient irrigation practices (“Applicant’s Property”) and requests confirmation of absolute and conditional direct diversion, underground, and storage water rights and a plan for augmentation for water diversions on Applicant’s Property. Applicant requests an appropriation date for each water right of July 31, 2020, the date of a hydrological analysis and formation of intent to appropriate this water right. The surface water rights would be used to supplement existing outdoor irrigation, in conjunction with Applicant’s shares in the Thompson-Epperson Ditch and Pine River Irrigation District, and to expand the outdoor area irrigated for hemp. The underground water rights would be used for year-round indoor irrigation and related commercial and industrial uses. The plan for augmentation would prevent injury to senior water rights from Applicant’s use of the underground water rights, should they be subject to administration, by prescribing releases to Dry Creek of water stored in priority in a new pond on Applicant’s Property to replace all depletions accruing to Dry Creek in time, location, and amount. **3. Surface Water Rights:** **A. Structure: A.G. Dry Creek Diversion.** i. Loc.: SW/4 SE/4, Sec. 8, T. 34N, R7W, N.M.P.M.; UTM Zone 13N 264110.8 E 4122951.5 N (NAD 83). ii. Source: Dry Creek, tributary to Los Pinos River. iii. Priority: July 31, 2020. iv. Amount: 1.0 cfs, conditional. v. Use: irrigation, industrial, commercial, and storage in and filling of A.G. Pond, for uses in 5(A)(ix). vi. Irrigated area: supplemental irrigation of 10.8 acres and irrigation of proposed areas of 2.4 acres and 11.5 acres as shown on Ex. A attached to Application. **B. Structure: A.G. Spring.** i. Loc: SE/4 SW/4, Sec. 8, T. 34N, R7W, N.M.P.M.; UTM 13N 264056.8 E 4123173.2 N. ii. Source: spring on Applicant’s land, tributary to Dry Creek, tributary to Los Pinos River. iii. Priority: July 31, 2020. iv. Amount: 0.15 cfs, conditional. v. Use: irrigation, industrial, commercial, and storage in and filling of A.G. Pond, for uses in 5(A)(ix). vi. Irrigated area: supplemental irrigation of 10.8 acres and irrigation of proposed areas of 2.4 acres and 11.5 acres as shown on Ex. A. **C. Name of structure: A.G. Draw Diversion.** i. Loc: SE/4 SW/4, Sec. 8, T. 34N, R7W, N.M.P.M.; UTM 13N 264046.0 E 4122859.2 N. ii. Source: native runoff and irrigation return flows in intermittent draw on Applicant’s Property tributary to Dry Creek, tributary to Los Pinos River. iii. Priority: July 31, 2020. iv. Amount: 1.0 cfs, conditional. v. Use: irrigation, industrial, commercial, and storage in and filling of A.G. Pond, for uses 5(A)(ix). vi. Irrigated area: supplemental irrigation of 10.8 acres and irrigation of proposed areas of 2.4 acres and 11.5 acres as shown on Ex. A. **4. Underground Water Rights:** **A. Name of structure: A.G. Well Field.** i. Loc: locations within Applicant’s Property as defined above and shown on Ex. A as deemed necessary by Applicant (A.G. Well Field includes one existing well at UTM 264313.9 E 4122815.0 N, 13N; Permit No. 313037). ii. Source: groundwater tributary to Dry Creek, tributary to Los Pinos River. iii. Depth: the depth of individual wells that will constitute A.G. Well Field will depend on conditions found when installing. iv. Priority: July 31, 2020. v. Amount: total combined diversion rate of up to 50 gpm, conditional with total annual diversions not to exceed 19.1 acre-feet. vi. Use: year-round indoor irrigation of 33,000 square feet inside 8 existing and proposed greenhouses shown on Ex. A, commercial, and industrial. **5. Storage Water Rights:** **A. Name of structure: A.G. Pond.** i. Legal description of outlet location: SW/2 SE/4, Sec. 8, T. 34N, R7W, N.M.P.M.; UTM 13N 264203.3 E 4122906.7 N. ii. Source: A.G. Dry Creek Diversion, A.G. Spring, and A.G. Draw Diversion, all from or tributary to Dry Creek on Applicant’s Property, tributary to Los Pinos River. iii. Priority: July 31, 2020. iv. Surface area: 1.34 acres. v. Depth: average of up to 6.3 feet. vi. Capacity: 8.5 acre-feet. vii. Amount Claimed: 8.5 acre-feet with one refill, conditional. viii. Filling rate: 2.15 cfs. ix. Use: outdoor

and year-round indoor irrigation, industrial, commercial, firefighting, aesthetic, piscatorial, augmentation, incidental wildlife, and incidental evaporation. x. Irrigated area: (a) supplemental irrigation of 10.8 acres and irrigation of proposed areas of 2.4 acres and 11.5 acres as shown on Ex. A and (b) year-round indoor irrigation of 33,000 square feet inside 8 existing and proposed greenhouses shown on Ex. A. xi. Remarks: A.G. Pond will be located off-channel from Dry Creek, will be lined, and will have an adjustable bottom-outlet structure. **6. Plan for Augmentation:** A. Name of structure to be augmented: A.G. Well Field. B. Statement of Plan: All out-of-priority depletions from the A.G. Well Field for indoor irrigation, commercial, and industrial uses will be replaced in time, location, and amount by releases to Dry Creek from A.G. Pond during periods of a valid, senior call. C. Analysis and Assumptions: Out-of-priority depletions and augmentation release requirements are calculated based on conservative calculations of water demands for Applicant's current and planned future uses and protective assumptions described detailed in Tables 1 and 2 filed with Application as Ex. B. Estimates of diversion demands for indoor irrigation, evaporative coolers, and employee uses are adjusted to incorporate a 70% efficiency for reverse osmosis treatment. Delayed depletion impacts to Dry Creek from A.G. Well Field are calculated based on a Glover analysis offset by return flows from outdoor irrigation, reverse osmosis treatment, and employee uses. For a dry year, based on 2018 where a call was active for 169 days for portions of May through October, this results in a total annual augmentation requirement for depletions from A.G. Well Field of 2.90 acre-feet. Actual depletion impacts and augmentation release amounts will be calculated based on actual diversions and uses, including confirmation or recalculation of lagged depletions based on A.G. Well Field well locations and locations of irrigation. The outlet for A.G. Pond will be adjacent to Dry Creek allowing for precise, measured augmentation releases. During call periods, the amount of the A.G. Well Field augmentation requirement will be released to Dry Creek. D. Operation: Applicant will fill A.G. Pond when water is available in priority. During periods of administration of Dry Creek in response to a valid senior call, the following protocols shall apply: i. Monthly augmentation releases under this Plan for Augmentation shall be calculated as provided in Tables 1 and 2 for the pro rata portion of any month in which a senior call is active based on actual, measured diversions from A.G. Well Field. ii. Augmentation release amounts shall be released on a schedule determined by the Division Engineer. **7. Ownership:** Applicant is the owner of the land upon which all structures applied for herein are or will be constructed. Applicant requests entry of a decree (a) confirming the above-described water rights, (b) awarding as absolute any portions of the conditional water rights requested herein that are put to beneficial use during the pendency of this case, (c) approving the above-described Plan for Augmentation, and (d) any additional proper relief. *See* Application, including exhibits, for additional details (12 pages including exhibits).

**20CW3053 ARCHULETA COUNTY. APPLICATION FOR A SIMPLE CHANGE IN SURFACE POINT OF DIVERSION.** Applicants: Dale Watson and David Watson, 30301 US Hwy 160, Bayfield, CO 81122. Please direct all correspondence to Amy N. Huff, Colorado Water & Land Law, LLC, 679 E. 2<sup>nd</sup> Ave, Unit 11B, Durango, CO 81301 (970) 403-1770; [amy@waterland-law.com](mailto:amy@waterland-law.com) **(1) Structure Name:** Norman Wright Ditch **(a) Prior Decree:** Water Div. 7 - Case # 97CW44, entered 4/8/1998 **(b) Decreed POD:** On the left bank of the creek located 1800' West and 2200' North of the SE corner of Section 18, T35N, R5W, NMPM. **(c) Source:** Little Beaver Creek, tributary to Beaver Creek, Pine River Drainage **(d) App Date:** 5/31/1968 **(e) Amt:** 1.0 cfs Absolute **(f) Uses:** irrigation of 80 acres. **(g) Description of Change:** Applicants seek to change the point diversion for the Norman Wright Ditch to a point approximately 1422 feet downstream from the decreed point of diversion on Little Beaver Creek. Applicants' use and place of use for the Norman Wright Ditch water right will remain the same. There are no intervening water rights or inflows between the originally decreed point and the point sought herein. The change meets the requirements for a simple change in surface diversion. **(h) New POD:** SE ¼ NW ¼ S18, T35N, R5W, 2154' from the North Section line and 2256' from the West Section line, NMPM **(2)** See Application for additional information. (8 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 February 2021, 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](http://www.courts.state.co.us); Danene M. Etz, Water Court Specialist, 1060 E. 2<sup>nd</sup> Ave., Room 106, Durango, CO 81301; 970-385-6181)



Published: before January 31, 2020

Danene M. Etz, Water Court Specialist

## **SUBSTITUTE WATER SUPPLY PLAN 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 ("SWSP") 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-leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

This notice is an invitation to be included on the SWSP notification list. To receive this information by e-mail, provide your name, e-mail address, daytime telephone number, and the water divisions of interest. If you prefer to be noticed by first-class mail, specify that preference and provide your mailing address. Submit the information to: Substitute Water Supply Plan Notification List (c/o Laura Kalafus, Program Assistant), Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, Colorado 80203, Phone: (303) 866-3581, or e-mail to: [Laura.kalafus@state.co.us](mailto:Laura.kalafus@state.co.us), or sign up at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information regarding Substitute Water Supply Plans is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

## **PRODUCED NONTRIBUTARY GROUND WATER NOTIFICATION LIST**

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.

To receive this information, provide your name, daytime telephone number, the water division(s) of interest, and mailing address for first-class mail service. You may elect to receive this information by e-mail. If you would like to elect electronic service, please provide your name, daytime telephone number, water division(s) of interest, and e-mail address. Submit the information to: Produced Nontributary Ground Water Notification List (c/o Laura Kalafus, Program Assistant), Colorado Division of Water Resources, 1313 Sherman Street, Room 818, Denver, Colorado 80203, Phone: (303) 866-3581, or e-mail to: [Laura.kalafus@state.co.us](mailto:Laura.kalafus@state.co.us), or sign up at: <https://dwr.colorado.gov/public-information/notification-lists>.

Any additional information regarding the Produced Nontributary Ground Water Rules can be found on the Division of Water Resources website at: <https://dwr.colorado.gov/>.