

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 March, 2019, for each county affected.

**19CW5** Curtis John Harper, 202 Rockridge Drive, Durango, CO 81301: Pine River; La Plata County; **Judith Reservoir** and **Judith Reservoir Feeder Ditch**; Both structures: Date of original decree, 3/21/13; Case no., 12CW53; **Judith Reservoir**: NE1/4SW1/4SW1/4, Section 23, T35N, R6W, NMPM, being 1310 feet from South section line, 1209 feet from West section line, Northing 4129185, Easting 278177; Beaver Creek, tributary of Pine River via Judith Ditch; Appropriation date, 9/24/12; 1.0 AF Reservoir Feeder Ditch; Irrigation of 2 acres and piscatorial; Date water applied to beneficial use, Summers 2014, 2015, 2016; 1.0 AF; Irrigation; **Judith Reservoir Feeder Ditch**: NW1/4SE1/4SW1/4, Section 23, T35N, R6W, NMPM; 914 feet from South, 1537 feet from West; Northing 4129064, Easting 278272; Beaver Creek, tributary of Pine River; Appropriation date, 9/24/12; 0.1 cfs; Irrigation of 2 acres and piscatorial, storage in Judith Reservoir; Date water applied to beneficial use, Summers 2014, 2015, 2016; 0.10 cfs; Irrigation, storage in Judith Reservoir; Work towards completion of project outlined in application. Amended Application to Make Absolute in Whole or in Part (12 pages)

**19CW6** Louis & Paula Vallejos, PO Box 401, Cortez, CO 81321: Hartman Draw and McElmo Creek, Montezuma County; **Vallejos Pump**; Date of original decree, 4/5/13; Case no., 12CW514; SE1/4SE1/4SW1/4, Section 11, T36N, R16W, NMPM; 451 feet from South, 2302 feet from West; Unnamed tributary to Hartman Draw, tributary to McElmo Creek; Appropriation date, 5/25/12; 0.03 cfs; Irrigation of 0.6 acres of yard; Date water applied to beneficial use, 6/25/12; .03 cfs, Irrigation of yard; Easting 182767, Northing 4143833; Remarks, I would like to make this water right absolute in whole but if the courts deny absolute status, I wish to continue due diligence; Work towards completion of project outlined in application. Application to Make Absolute in Whole or in Part (14 pages)

**19CW3003 CONCERNING THE APPLICATION FOR WATER RIGHTS OF BOARD OF COUNTY COMMISSIONERS, LA PLATA COUNTY IN THE ANIMAS RIVER AND ITS TRIBUTARIES, IN LA PLATA COUNTY; AMENDED APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** As set forth more fully below, this Amended Application for Finding of Reasonable Diligence is being filed, pursuant to Water Court Rule 4, to amend the original diligence application filed with the Court on January 30, 2019, regarding a necessary correction to the recitation of the amount of water decreed to alternate points of diversion, to conform to the amount originally decreed in Case No. 03CW38. It will also correct a few typographical errors and provide corrected information about the Applicant's infiltration gallery. **1. APPLICANT:** Board of County Commissioners, La Plata County, 1101 East Second Avenue, Durango, CO 81301, (970) 382-6200. Please address all correspondence to: Kathleen L. Moore, La Plata County Attorney's Office, 1060 East 2nd Avenue, Suite 140, Durango, CO 81301, (970) 382-8600, moore@lpcattorney.org. **2. NAME OF STRUCTURE(S):** Fairgrounds Irrigation Pump; Type: Other (See description of the seven (7) decreed points of diversion in 4B below). **3. REASON FOR AMENDED APPLICATION:** As further described below in Section 4B, in Case No. 03CW38, the Court decreed five alternate points of diversion. However, in Case No. 10CW72, the names of the structures were changed in error. Further, based in part on the Consultation Report filed by the Division Engineer in Case No. 10CW72, the amounts decreed to the five additional points of diversion was also altered in error as part of the 2010 diligence decree. The Application for

Finding of Reasonable Diligence filed with this Court on January 30, 2019, corrected the names of the structures but mistakenly carried over the amounts erroneously included in the 2010 diligence decree. This Amended Application is being filed to request correction of the amounts decreed in conformance with the decree issued in Case No. 03CW38. Specifically, paragraphs 5 and 15c of the 03CW38 decree allocated 1.32 cfs of water for use at five alternative points of diversion; provided, that no more than three water trucks (each with a maximum pump rate of 0.44 cfs) may simultaneously divert water from any combination of one or more of the alternate points of diversion. The 03CW38 decree thus permitted diversion of up to 1.32 cft from each of the five alternate points of diversion and did not limit any one point of diversion to 0.44 cfs, as incorrectly stated in the 2010 diligence decree. The Amended Application will also correct a few typographical errors and remove incorrect information about the Application's infiltration gallery. The original Application incorrectly listed a well with a 20' depth in Section 3G; however, no well was ultimately drilled as part of the infiltration gallery. **4. DESCRIBE CONDITIONAL WATER RIGHT (AS TO EACH STRUCTURE) INCLUDING THE FOLLOWING INFORMATION FROM THE DECREE:** **A. Date of Original Decree:** April 28, 1986; Case No. 84CW258; Court: District Court, Water Division 7; Amount of Water: 2.0 cfs. **B. Subsequent decrees (case No. and date of decree):** **i.** The Fairgrounds Irrigation Pump water right was originally decreed in 84CW258 for three points of diversion on the Animas River. These points were abandoned, however, and a new point of diversion was decreed in Case No. 87CW2, at a point on the West bank of the Animas River near the La Plata County Fairgrounds identified below ("Fairgrounds Irrigation Pump" or "Fairgrounds point of diversion"); **ii.** In Case No. 90CW35, the Court approved the County's application for a finding of reasonable diligence with regard to the entire Fairgrounds Irrigation Pump 2.0 cfs conditional water right; **iii.** The Court, in Case No. 95CW97 decreed a second and alternate point of diversion for 0.38 cfs of the 2.0 cfs Fairgrounds Irrigation Pump water right at a point on the West bank of the Animas River near Rank Park ("Fairgrounds Ballpark Pump" or "Ball Fields point of diversion" or "Rank Park point of diversion"); **iv.** In Case No. 96CW116, the Court entered a finding of reasonable diligence for the entire 2.0 cfs conditional water right; **v.** In Case No. 03CW38, the Court decreed the following five additional alternate points of diversion: (1) Trimble Lane County Road ("CR") 252 point of diversion; (2) Animas River Bridge County Road ("CR") 213 point of diversion; (3) La Plata County Road and Bridge Shop point of diversion; (4) Gun Club at Animas River point of diversion; and (5) Animas River Bridge Highway ("Hwy") 550 point of diversion. The aforementioned decree specified that water may be diverted by means of truck mounted pumps at any combination of one or more of the five additional alternate points of diversion; however, no more than three water trucks may divert simultaneously and, in the aggregate, the total rate of diversion at the five alternate points cannot exceed 1.32 cfs. Further, the decree limited the total rate of diversion at both the Fairgrounds Irrigation Pump and Fairgrounds Ballpark Pump points of diversion to no more 0.68 cfs; **vi.** In Case No. 03CW81, the Court continued the entire 2.0 cfs conditional water right for another six-year diligence period; **vii.** On January 31, 2013, in Case No. 10CW72, the Court made the water right for the Animas River Bridge Hwy 550 point of diversion (aka "County Divr Hwy 550 Bridge") absolute for 0.44 cfs for dust control purposes, and otherwise continued the rest of the of the 2.0 cfs conditional water right (i.e., 1.56 cfs conditional water right) for another six-year diligence period. However, the names of the structures were changed in error and the amounts decreed were erroneously limited from the amounts decreed in the 03CW38 case. **C. Legal description:** All points of diversion are in La Plata County, Colorado. See *Attachment A* of the Application filed with the Court and legal descriptions below: *Diversion Point - Legal Description:* (1) Fairgrounds Irrigation Pump (Fairgrounds point of diversion) – West side of the Animas River whence the NE corner of Section 20, T35N, R9W, N.M.P.M. bears N 50° 16' E, a distance of 1,570.0, feet more or less, Animas River; (2) Fairgrounds Ballpark Pump (Rank Park point of diversion) – N 64° 30' E, a distance of 1,160 feet from the center of Section 20, Township 35 North, Range 9 West, N.M.P.M.; (3) Trimble Lane County Road 252 – A point on the West bank of the Animas River in Section 15, T36N, R9W, N.M.P.M., 2,040 feet from the South line and 1,510 feet from the East line of said Section 15; (4) Proposed Animas River Bridge County Road 213 – A point on the West bank of the Animas River in Section 9, T34N, R9W, N.M.P.M., 1,990 feet from the North line and 1,590 feet

from the West line of said Section 9; (5) La Plata County Road and Bridge Shop – A point on the East bank of the Animas River in Section 9, T34N, R9W, N.M.P.M., 2,100 feet from the North line and 2,270 feet from the West line of said Section 9; (6) Gun Club at Animas River – A point on the West bank of the Animas River in Section 5, T34N, R9W, N.M.P.M., 990 feet from the South line and 600 feet from the East line of said Section 5; (7) Animas River Bridge Highway 550 (County Divr Hwy 550 Bridge) – A point on the East bank of the Animas River in Section 5, T34N, R9W, N.M.P.M., 2,470 feet from the North line and 640 feet from the East line of said Section 5. **D. Source of water:** Animas River. **E. Appropriation Date:** November 1, 1984; **Amount:** 2.0 cfs total. **Absolute:** i. Animas River Bridge Hwy 550 APOD: 0.44 cfs absolute (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs); **Conditional:** ii. Fairgrounds Irrigation Pump/Fairgrounds point of diversion: 0.68 cfs conditional; iii. Fairground Ballpark Pump: 0.38 cfs conditional (the combined diversion from the Fairgrounds Irrigation Pump and the Fairgrounds Ballpark Pump may not exceed 0.68 cfs); iv. Trimble Lane CR 252 APOD: 1.32 cfs conditional (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs); v. Animas River Bridge CR 213 APOD: 1.32 cfs conditional (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs); vi. La Plata County Road & Bridge Shop APOD: 1.32 cfs conditional (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs); vii. Gun Club at Animas River APOD: 1.32 cfs conditional (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs); viii. Animas River Bridge Hwy 550 APOD: 0.44 cfs absolute; 0.88 remains conditional (the combined diversion from the Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD may not exceed 1.32 cfs). **F. Use:** i. Fairgrounds Irrigation Pump and Ballfield Irrigation Pump points of diversion: irrigation, dust control and stock watering purposes; ii. Trimble Lane CR 252 APOD, Animas River Bridge CR 213 APOD, La Plata County Road & Bridge Shop APOD, Gun Club at Animas River APOD, and Animas River Bridge Hwy 550 APOD: dust control only. **G. Depth:** Well near Fairgrounds Irrigation Pump point of diversion is 100' deep. **5. 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:** **A.** During the diligence period, Applicant diverted water by means of truck mounted pump from the Animas River Bridge Highway 550 alternate point of diversion for dust control purposes in conjunction with County road maintenance. Specially, the applicant pumped 48 loads of water in 2018, with each truck equaling approximately 3,000 gallons. Thereby, Applicant diverted approximately 0.44 acre-feet of water at a maximum rate of 0.44 cfs. **B.** In 2012, Applicant completed construction of a vertical infiltration gallery and associated pumping system near the La Plata County Road and Bridge Shop alternate point of diversion, at a cost of approximately \$23,562.55. Since completion of the gallery and water intake pipeline, Applicant has expended approximately \$250 to \$500 per year on maintenance to the gallery. Additionally, water has been withdrawn from the gallery for the past several years for dust control use. The following numbers are approximate: 98,099 gallons were pumped from November 1, 2013 through October 31, 2014; 275,500 gallons were pumped from November 1, 2014 through October 31, 2015; 101,800 gallons were pumped from November 1, 2015 to October 31, 2016; 325,000 gallons were pumped from November 1, 2016 through October 31, 2017; and 279,000 gallons were pumped from November 1, 2017 through October 31, 2018. **C.** During the diligence period, Applicant has continued to evaluate how to build a raw water system or otherwise use the tributary well drilled within 100 feet of

the Animas River near the Fairgrounds Irrigation Pump point of diversion. Currently, due to the lower than expected production level of the well, staff is looking at the cost of pumping water into a 10,000 gallon storage tank once or twice a week, which can then be used to fill County water truck(s) to maintain the Fairgrounds and water baseball fields and stock. Initial estimates of the cost of the tank and new pump necessary to operate the proposed system is approximately \$12,000.00. Staff has also continued to evaluate ways to use the Fairgrounds Ballpark Pump point of diversion in the future. **D.** Further, the County is exploring partnerships with third-parties for use of water from the Fairgrounds Irrigation Pump and Fairgrounds Ballpark Pump points of diversion. **E.** In 2010, Applicant awarded a contract to Bikis Water Consultants, LLC, for completion of a master water plan for the County, to assess the Applicant's then-current water interests (adjudicated water rights, wells, leases, ditch shares, etc.). Bikis completed a La Plata County Water Master Plan in 2011 for a cost of approximately \$20,519.00. During the diligence period, staff and elected officials have used the Master Plan to plan for and develop water uses throughout La Plata County, including irrigation of the fairgrounds and ballfields, as well as dust control and road construction and maintenance and other activities. **F.** Applicant's legal counsel reviewed Water Court resumes each month to advise the Applicant on the need to file statements of opposition to protect the subject water rights. See *Attachment B* to the Application filed with the Court for location of proposed area to be irrigated. **6. CLAIM TO MAKE ABSOLUTE IN WHOLE OR IN PART:** N/A. **7. NAMES(S) AND ADDRESS(ES) OF OWNER(S) OR REPUTED OWNERS 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:** *Diversion Point – Name/Address of Land Owner:* (1) Fairgrounds Irrigation Pump (Fairgrounds point of diversion) – Applicant (see address listed above); City of Durango, 949 E. 2nd Avenue, Durango, CO 81301; (2) Fairgrounds Ballpark Pump (Rank Park point of diversion) – Durango & Silverton Narrow Gauge Railroad, 479 Main Avenue, Durango, CO 81301; (3) Trimble Lane County Road 252 – Four Corners Materials, Inc., P.O. Box 16, Farmington, NM 87499; (4) Proposed Animas River Bridge County Road 213 – City of Durango, 949 E. 2nd Avenue, Durango, CO 81301; (5) La Plata County Road and Bridge Shop – Applicant (see address listed above); City of Durango, 949 E. 2nd Avenue, Durango, CO 81301; State of Colorado Department of Transportation, 4201 E. Arkansas Avenue, Denver, Colorado 80222; (6) Gun Club at Animas River – Applicant (see address listed above); (7) Animas River Bridge Highway 550 (County Divr Hwy 550 Bridge) – State of Colorado Department of Transportation, 4201 E. Arkansas Avenue, Denver, Colorado 80222. **8. REMARKS OR ANY OTHER PERTINENT INFORMATION:** N/A. **WHEREFORE,** Applicant respectfully request a ruling and decree of the Court granting the claims made herein. (10 pages)

**19CW3012** CONCERNING THE APPLICATION FOR WATER RIGHTS AND PLAN OF AUGMENTATION OF SHERI LIGTENBERG AND JULIE WINKELMAN, TRUSTEES OF THE LIGTENBERG-WINKELMAN TRUST DATED 5-4-94, IN THE FLORIDA RIVER WATER SHED, Applicants: Sheri Ligtenberg/Julie Winkelman, Trustees, 2877 C.R. 234, Durango, CO 81303, c/o Nancy Agro, 700 Main Ave, Suite K, Durango, CO 81301, (970) 422-2024, [nancy@nancyagro.com](mailto:nancy@nancyagro.com); New Groundwater rights: Ligtenberg/Winkelman Wells #1 and #2 to be located within the boundary of the Property described below. Current well permit number is 248662 which is permitted for up to three houses on one parcel. The well permit will be modified to serve two lots, or a second well permit will be acquired for a well on the second lot prior to making the water right absolute. Legal Description. Well #1 is located in the NW/4 SE/4 Section 25, Township 35 North, Range 9 West, NMPM, 1830 feet from the South Section Line and 1800 feet from the East Section Line. Well #2, if drilled, will be located on Applicant's property. The location of said well will be provided upon making this water right absolute. Legal description of Applicant's Property: A tract of land located in the N/2 SE/4 and N/2 SW/4 Section 25 Township 35, Range 9 West, 2877 C.R. 234, Durango, CO 81301; Source: groundwater tributary to Florida River Basin, Amount claimed: 15 gpm, Absolute as to the existing well, and conditional for

second well. Use: residential use for 2 houses on two lots, and up to 28,250 square feet of landscaping between the two lots; Number of acres irrigated: Less than 1 acre on the property. Plan of Augmentation: Depletions: In-house use would use up to 350 gallons per day per home for two homes, for a diversion amount of 0.78 Acre Feet (AF) per year acre feet annually. Return flows from septic are assumed at 85%. Landscaping use will divert up to 1.57 AF annually with irrigation efficiency assumed as 80%. Total lagged depletions to be augmented for these uses are 1.37 AF per year. Additional stream loss of 0.625% per mile from Lemon Dam for 13.75 miles is .12 AF per year. The total depletion will not exceed 1.5 AF per year. Water demand may vary as between uses so long as the total depletions for those uses, using the assumption set forth herein do not exceed 1.5 AF per year; Source of Water for Augmentation: Florida River water stored in Lemon Reservoir. Upon completion of this Decree, Applicant will enter into one or two long term water service agreements for releases from Lemon Dam for a total of 1.5 AF of water per year to replace Applicant's out of priority depletions. Upon subdivision of Applicant's parcel into two lots, the releases may be allocated between two Water Service Contracts, one for each lot so long as Applicant's out of priority depletions for the uses proposed herein will not exceed 1.5 AF per year; The water rights decreed to the Florida Water Conservancy District for use in plans of augmentation is Case Numbers W 1689 77 through W 1695 77 as amended in 1994 for use of 114 acre feet of storage water to be used for augmentation. Legal description: The axis of the dam is located in Section 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 1,699.6 feet, thence South 63° 22' East a distance of 1,320 feet to a point on the end of the axis of the dam and rock fill structure. (7 pages)

**19CW3013 (05CW87) SAN JUAN COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE 1. Name, mailing address, email address and telephone number of the Applicant:** Town of Silverton, Colorado (the "Town"), c/o John Sites, Public Works Director, P.O. Box 250, Silverton, CO 81433, (970) 946-6839, [jsites@silverton.co.us](mailto:jsites@silverton.co.us); **Attorneys for Applicant:** Peggy E. Montano and Michael A. Kopp of Trout Raley, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, telephone: (303) 861-1963; E-Mail: [pmontano@troutlaw.com](mailto:pmontano@troutlaw.com) and [mkopp@troutlaw.com](mailto:mkopp@troutlaw.com) and Paul D. Kosnik of Eggleston Kosnik LLC, 556 Main Avenue, Durango, Colorado 81301-5439; telephone: (970) 403-1580; E-mail: [pkosnik@e-klaw.com](mailto:pkosnik@e-klaw.com). **2. Name of structures:** Silverton Expansion Diversion. **3. Description of conditional water rights:** A. Date of original decree: March 11, 2013, District Court, Water Division No. 7, Case No. 05CW87. B. Legal description of point of diversion: On the Town's street right-of-way under the 14th Street bridge over the Animas River, more particularly described as follows: W1/4 NE1/4, Section 17, T41N, R7W, N.M.P.M.; 2,150' west of the East Section line and 2,700' north of the South Section line of Section 17 (North 37° 48.668', West 107° 39.548'). C. Source of water: Animas River D. Date of Appropriation: 2000. E. Use: Municipal, including but not limited to, residential domestic (household use, lawn and garden watering and domestic animal watering), commercial, industrial, manufacturing, piscatorial, fire protection and irrigation of Town facilities, including, but not limited to, Town Parks and ball fields. F. Amount: 5.2 cfs, Conditional with a volumetric limitation of 805 acre feet annually. **4. Detailed outline of work performed and expenditures made toward completion of the appropriation during the diligence period:** A. During the diligence period extensive maintenance and planning related to water rights at the Silverton Expansion Diversion were undertaken by the Town of Silverton. Usage of the conditional water right has recently been studied and could be used to supplement the regular water sources as a result of drought, a growing population, increased tourism, and effects of the Gold King Mine remediation project. B. In 2016 and 2017 the Town conducted a grant matched Infrastructure Study which focused on water and wastewater infrastructure and a utility rate study. The project cost was \$50,000, of which the Town paid 50%. Among many other items studied, source water issues, water treatment and storage were addressed. C. As a result of the findings of the Infrastructure Study, the Town received funding for and is planning an additional study to focus on source water issues. This Study will focus on development of all of Silverton's current water rights, including the Silverton Expansion Diversion, and will look at augmentation options,

potential development of new sources, rehabilitation of existing diversions and development of raw water storage. As of March 2019, \$25,000 of this \$50,000 project has been funded by the Colorado Water Conservation Board, \$12,500 is being funded by the Southwestern Water Conservation District, and \$12,500 is being funded by the Town. D. In 2018 the town Public Works Department hauled and deposited approximately 100 cubic yards of large rip-rap boulders along the abutments of the 14th Street Bridge at the location of the Diversion. The material was sourced locally at no cost but labor and equipment costs were estimated at over \$10,000. In addition, guardrails along the bridge were repaired in 2018 and miscellaneous earthwork between the roadway and the abutments was conducted. The ongoing maintenance of the bridge infrastructure is critical to future implementation of the Diversion. E. In 2018 the Town of Silverton initiated a project to discern the feasibility of growth at Kendall Mountain, a municipal park and ski area. The \$25,000 project was funded equally by the Town and the Colorado Division of Local Affairs. SE Group, a consultant with extensive experience in ski area feasibility, was hired to undertake the work. A major point of the study was the need for snowmaking. The report cited a possible increase in Town visitors of over 100,000 people per year with full expansion of the ski area, which would have a major effect on municipal water demand. F. An ordinance passed by Town of Silverton in 2014 (Ordinance 2014-1) opened a portion of its city streets to off highway vehicles so tourism is expected to increase as the Town becomes better known as a destination for off highway vehicles. G. The Gold King Mine remediation project north of Silverton has impacted the Town of Silverton's population with the installation of a full time water treatment plant. The operation also brings in transient water users in the form of consultants, construction workers, truck drivers and so on. H. The extreme drought and fires of 2018 severely impacted the need for the Town to undertake a water security study and pointed out the vulnerability of the current water supply. I. In 2018 the Town adopted Ordinance No. 2018-09, which allows the Town to curtail water use during droughts for conservation and to manage water demands. **5. Claim for finding of reasonable diligence:** A. Applicant seeks a finding of reasonable diligence for the conditional right of 5.2 cfs, with a volumetric limitation of 805 acre feet annually, as decreed in Case No. 05CW87. B. The Silverton Expansion Diversion is part of the Town's integrated water system. 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 feature of the system constitutes reasonable diligence in the development of water rights for all features of the system. **6. Name and address of owners or reputed owners of the land upon which any new diversion storage structure will be constructed or upon which water is or will be stored:** Applicant. (5 pages)

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 May, 2019, 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 April 30, 2019

Danene M. Etz, Water Court Specialist