

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 August 2025, for each county affected.

**2025CW10** La Plata County. Applicants: Kenneth R Downey and Sandra K. Downey, PO Box 3087, Durango, CO 81302. Structure: Treasure Pump. Original Decree: 12CW512. Subsequent Decrees: 19CW3. Legal Description: NE1/4SW1/4NW1/4, Section 6, T33N, R8W, NMPM, being 1550 feet from the North section line and 1110 feet from the West section line of said Section 6, GPS location Northing 4113506, Easting 254404, UTM NAD 83, Zone 13N. Source: Salt Creek. Date of Appropriation: 6/1/12. Amount: .75 CFS. Use: Irrigation of 30 acres and livestock watering. If claim to make absolute: Date water applied to beneficial use: 5/15/22, Amount: .35 CFS, Use: Irrigation of 14 acres, and livestock use. Application to Make Absolute. See Application for further details. (13 pages including exhibits)

**2025CW3023** Archuleta County, Application for Finding of Reasonable Diligence. **1. Applicant:** John S. Mancuso and Jane M. Mancuso, c/o Jeffrey M. Kane, Southwest Water and Property Law LLC, (970 422-5510, jkane@swpropertylaw.com. **2. Prior decrees:** case nos. 12CW26 and 12CW27 (Mar. 29, 2013) and 19CW3004 (Aug. 6, 2019). **3. Structures:** **A. Camp Snowball Diversion 4** (filling right): a. Location: NW/4 NE/4 NW/4 Sec. 31, T36N, R1W, NMPM, being 429 feet from the north section line and 1,780 feet from the west section line of said Section 31. GPS Northing 4132058, Easting 323142, Zone 13 UTM NAD 83. b. Source: Unnamed tributary to Fourmile Creek, tributary to San Juan River. c. Appropriation date: July 30, 2012. d. Amount and Use: 0.19 cfs, Conditional for filling and storage in Camp Snowball Pond and up to 1.13 acre-feet per year for piscatorial, stock water, and re-filling of Camp Snowball Pond to offset evaporative losses. **B. Camp Snowball Pond (Storage).** a. Location: NW/4 NE/4 NW/4 Sec. 31, T36N, R1W, NMPM, being 549 feet from the north section line and 1,794 feet from the west section line of said Section 31. GPS Northing 4132021, Easting 323155, Zone 13 UTM NAD 83. b. Source: Unnamed tributary to Fourmile Creek, tributary to San Juan River. c. Appropriation date: July 30, 2012. d. Amount: 1.0 acre-foot, Conditional for first fill and 1.13 acre-feet for re-filling to replace evaporation. e. Use: piscatorial, stock, irrigation of 1.96 acres in conjunction with Camp Snowball Diversion 4. f. Specifications: i. Surface area: 0.34 acres; ii. Max dam height: 6.0 feet; iii. Dam length: 150 feet; iv. Capacity: 1.0 acre-foot, all dead storage. **4. Diligence activities:** A. Applicant purchased property and water rights in 2020 and has continued to divert and use water from Camp Snowball Diversion 1, 2, 3, and 4 and spent substantial amounts improving the property. B. In 2025, Applicant spoke an excavation contractor about building the pond and is looking at building it in 2026. C. In 2025, Applicant retained legal counsel for advice regarding demonstrating reasonable diligence and perfecting the water rights described herein at a cost to date of approximately \$2,000. **5.** Applicant is the owner of the land upon which each of the above structures is located. **6.** The above water-rights structures are each a feature of an integrated system to irrigate, restore, and use Applicant's ranch lands as contemplated by C.R.S. § 37-92-301(4)(b). See map filed with Application. (6 pages including exhibits)

**2025CW3024** (17CW3031) (07CW104) – LA PLATA COUNTY – APPLICATION TO MAKE WATER RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE – Applicant, Pine River Industrial, Inc. ("Applicant"), by and through undersigned counsel, respectfully submits this Application to Make Water Rights Absolute in Part and for a Finding of Reasonable Diligence, and as grounds therefore, states as follows: 1. Name and Address of Applicant.

Pine River Industrial, Inc., c/o Ellis Longfellow and Andrew McCoy, 9291 CR 521, Bayfield, Colorado 81122. Copies of all pleadings to: Stephen C. Larson and Cameron C. Frazier, Johnson & Repucci LLP, 850 West South Boulder Road, Suite 100, Louisville, Colorado 80027. 2. **Original and Subsequent Decrees.** By decree entered on September 9, 2011, in Case No. 07CW104, Water Division 7, the Gosney Gravel Pit No. 1 and Gosney Gravel Pit No. 2 (collectively, the “Gosney Gravel Pits”) were each decreed absolute in the amount of 0.40 cfs for industrial, including gravel pit purposes, mining, dust suppression, concrete production, evaporation and washing uses, as well as conditional for augmentation and replacement of evaporation. [The Gosney Gravel Pits are part of a plan for augmentation decreed in Case No. 03CW065, Water Division 7. This Application does not seek to amend or otherwise affect the final decree in Case No. 03CW065.] The decree in Case No. 07CW104 also decreed conditional water storage rights for Bayfield Pond No. 1 and Bayfield Pond No. 2 (collectively, the “Bayfield Ponds”) in the amount of 170 acre-feet and 90 acre-feet, respectively. The decree dated August 21, 2019, in Case No. 17CW3031, Water Division 7, found reasonable diligence towards the development of the Gosney Gravel Pits and the Bayfield Ponds and continued said water rights through August of 2025. 3. **Names and Descriptions of Conditional Water Rights.** (a) Gosney Gravel Pit No. 1 [WDID 3103805]. This well has been issued Well Permit No. 77713-F, in conjunction with Gosney Gravel Pit No. 2. (i) Legal Description. In the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 14U, Township 34 North, Range 7 West, of the N.M.P.M. being 1,982.2 feet from the North Section line and 563.89 feet from the West Section line of said Section 14U, La Plata County, Colorado. A map showing the location of the Gosney Gravel Pit No. 1 is attached hereto as **Exhibit A.** (ii) Source. Groundwater tributary to the Pine River. (iii) Appropriation Date. March 10, 1992. (iv) Amount. 0.40 cfs, conditional. (v) Uses. Augmentation and replacement of evaporation pursuant to the decree in Case No. 07CW104. (b) Gosney Gravel Pit No. 2 [WDID 3103845]. In conjunction with Gosney Gravel Pit No. 1, this well has been issued Well Permit No. 77713-F. (i) Legal Description. In the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 14U, Township 34 North, Range 7 West, of the N.M.P.M. being 1,086.46 feet from the North Section line and 814.39 feet from the West Section line of said Section 14U, La Plata County, Colorado. A map showing the location of Gosney Gravel Pit No. 2 is attached hereto as **Exhibit A.** (ii) Source. Groundwater tributary to the Pine River. (iii) Appropriation Date. March 10, 1992. (iv) Amount. 0.40 cfs, conditional. (v) Uses. Augmentation and replacement of evaporation pursuant to the decree in Case No. 07CW104. 4. **Names and Descriptions of Conditional Storage Water Rights.** (a) Bayfield Pond No. 1 (once Gosney Gravel Pit No. 1 is lined and filled). (i) Legal Description. In the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 14U, Township 34 North, Range 7 West, of the N.M.P.M. being 1,982.2 feet from the North Section line and 563.89 feet from the West Section line of said Section 14U, La Plata County, Colorado. A map showing the location of the subject structures is attached hereto as **Exhibit A.** (ii) Source. Unnamed tributary of the Pine River through Gosney Alternate Pump Station. (iii) Appropriation Date. December 31, 2007. (iv) Amount. 170 acre-feet, conditional, with the right to fill and refill. Bayfield Pond No. 1 will be a lined structure and will not intercept groundwater. (v) Surface Area. 18.39 acres, conditional. The combined total surface area claimed for the Bayfield Ponds is 28.39 acres. Applicant reserves the right to modify the surface acreage for each pond, so long as the combined surface area does not exceed 28.39 acres. (vi) Dam Height/Length. Bayfield Pond No. 1 will be an excavated structure with no dam, but will be equipped with an outlet structure to accommodate releases. (vii) Capacity. 170 acre-feet, consisting of 170 acre-feet active storage and 0 acre-feet dead storage. (viii) Legal Description of Points of Diversion. (1) the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 11, Township 34 North, Range 7 West, N.M.P.M., 2,500 feet from the East Section line and 625 feet from the South Section line and (2) the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 15U, Township 34 North, Range 7 West, N.M.P.M., 750 feet from the East Section line and 1,500 feet from the South Section line. A map showing the location of the points of diversion is attached hereto as **Exhibit A.** (ix) Rate of Fill. Up to 1.0 cfs. (x) Uses. Augmentation and replacement of depletions, domestic, irrigation, commercial, industrial, recreational, fire protection, fish and wildlife habitat. Recreational, fish and incidental wildlife uses shall all occur at the high water line of the reservoir. (b) Bayfield Pond No. 2 (once Gosney Gravel Pit No. 2 is lined and filled). (i) Legal Description. In the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 14U, Township 34 North, Range 7 West,

of the N.M.P.M. being 1,086.46 feet from the North Section line and 814.39 feet from the West Section line of said Section 14U, La Plata County, Colorado. A map showing the location of Bayfield Pond No. 2 is attached hereto as **Exhibit A**. (ii) Source. Unnamed tributary of the Pine River through Gosney Alternate Pump Station. (iii) Appropriation Date. December 31, 2007. (iv) Amount. 90 acre-feet, conditional, with the right to fill and refill. Bayfield Pond No. 2 will be a lined structure and will not intercept any groundwater. (v) Surface Area. 10.0 acres, conditional. The combined total surface area claimed for the Bayfield Ponds is 28.39 acres. Applicant reserves the right to modify the surface acreage for each pond, so long as the combined surface area does not exceed 28.39 acres. (vi) Dam Height/Length. Bayfield Pond No. 2 will be an excavated structure with no dam, but will be equipped with an outlet structure to accommodate releases. (vii) Capacity. 90 acre-feet, consisting of 90 acre-feet active storage and 0 acre-feet dead storage. (viii) Legal Description of Points of Diversion. (1) the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 11, Township 34 North, Range 7 West, N.M.P.M., 2,500 feet from the East Section line and 625 feet from the South Section line and (2) the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 15U, Township 34 North, Range 7 West, N.M.P.M., 750 feet from the East Section line and 1,500 feet from the South Section line. A map showing the location of the points of diversion is attached hereto as **Exhibit A**. (ix) Rate of Fill. Up to 1.0 cfs. (x) Uses. Augmentation and replacement of depletions, domestic, irrigation, commercial, industrial, recreational, fire protection, fish and wildlife habitat. Recreational, fish and wildlife uses shall all occur at the high water line of the reservoir. 5. **Claim to Water Rights Absolute in Part**. Applicant seeks by this application to decree certain conditional portions of the Gosney Gravel Pits absolute, as set forth below. (a) Gosney Gravel Pit No. 1. (i) Description. The Gosney Gravel Pit No. 1 is described in Section 3(a) above. (ii) Amount to Make Absolute. 0.13 cfs out of 0.40 cfs. (iii) Uses to Make Absolute. Augmentation and replacement of evaporation pursuant to Case No. 07CW104. (iv) First Beneficial Use. July 10, 2025. Water was first used for augmentation and replacement of evaporative depletions. (v) Date of Appropriation. March 10, 1992. (vi) Remarks. An engineering memo prepared by Applicant's water consultant, N. Jordan Dimick, P.E. of SGM, Inc. ("SGM"), supporting this claim is attached hereto as **Exhibit B**. As shown in Applicant's accounting, a total of 0.13 cfs out of 0.40 cfs of the Gosney Gravel Pit No. 1 water right was used for augmentation and replacement of evaporative depletions beginning on July 10, 2025. In Section 6 below, Applicant seeks a finding of reasonable diligence with respect to the remaining 0.27 cfs conditional portion of this water right for which absolute rights are not sought. 6. **Claim for Finding of Reasonable Diligence**. Applicant seeks to continue as conditional the remaining 0.27 cfs portion of Gosney Water Pit No. 1 not sought to be made absolute by this Application; Gosney Gravel Pit No. 2 set forth in Section 3(b) above; and the water storage rights for the Bayfield Pond Nos. 1 and 2 as set forth above in Section 4. During the subject diligence period, the following activities have been performed to put the subject water rights to beneficial use: (a) Applicant used and maintained Gosney Gravel Pit No. 1 and its associated structures, such as the channel on the north side of the property, the headgate to divert and deliver water to Gosney Gravel Pit No. 1 and the headgate to release water directly into the Pine River. These same structures will become Bayfield Pond No. 1 and Bayfield Pond No. 2 once they are lined and filled. (b) Applicant coordinated with DWR staff to facilitate augmentation of, and diversions into Gosney Gravel Pit No. 1. (c) Applicant engaged SGM as water resources consultants who provided services in conjunction with evaluating the Applicant's conditional water rights and infrastructure systems, and who performed a field investigation regarding the same. Applicant incurred several thousand dollars for such services during the diligence period. (d) During the diligence period, Applicant evaluated business proposals that would involve use of the conditional water rights. (e) Throughout the diligence period, Applicant's counsel, as well as counsel for Applicant's predecessor-in-interest, monitored all water court filings in Water Division 7 as necessary to protect Applicant's water rights. (f) Applicant's predecessor-in-interest conducted testing of water levels in the Gosney Gravel Pit No. 1 and nearby piezometers to determine if a hydrologic connection between the water in the Gosney Gravel Pit No. 1 and the Pine River existed in light of potentially including claims of lining Gosney Gravel Pit No. 1 in this Application. (g) Applicant also incurred several thousand dollars in legal fees by engaging legal counsel to coordinate with SGM regarding SGM's evaluations of the subject conditional water right and

the preparation of this application. An itemization of the expenditures incurred by Applicant during the subject diligence period can be provided upon request. 7. **Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located, Including any Modification to the Storage Pool.** All of the structures are located on land owned by Applicant. WHEREFORE, for all of the foregoing reasons, Applicant respectfully requests that the Water Court enter a decree finding: A. The Gosney Gravel Pit No. 1 has been made absolute in the amount of 0.13 cfs for the uses of augmentation and replacement of evaporative depletions; B. Applicant has been reasonably diligent in its efforts to develop the remaining portions and uses of the Gosney Gravel Pit No. 1 water right and the Gosney Gravel Pit No. 2 water right which have not yet been made absolute based upon the activities set forth in this application. The remaining 0.27 cfs portion of the Gosney Gravel Pit No.1 and the entire 0.40 cfs of the Gosney Gravel Pit No. 2 are continued as conditional rights for the uses set forth in the original decrees, for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute in their entirety; and C. Applicant has been reasonably diligent in its efforts to develop the Bayfield Pond Nos. 1 and 2, which have not yet been made absolute based upon the activities set forth in this Application and that said water rights are continued as conditional for the amounts and uses set forth in Sections 4 above for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute in their entirety. (14 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 October 2025, 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