

IN THE DISTRICT COURT IN AND FOR WATER DIVISION NO. 4

STATE OF COLORADO

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER  
DIVISION NO. 4

Pursuant to C.R.S. 37-92-302, as amended, you are notified that the following is a resume of all applications filed in the Water Court during the month of January 2026.

The names, address of applicant, source of water, description of water right or conditional water right involved, and description of the ruling sought are as follows:

**The water right claimed by this application may affect in priority any water right 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.**

**Case No. 25CW3044 DELTA COUNTY.** 1. Applicant: Kevin M. Conlon and Erin K. Conlon, 8022 2200 Rd, Delta, CO 81416-8398. kconlon@skybeam.com, (303) 517-8981. Please direct all correspondence concerning this Application to: David L. Kueter, Esq., and Kent Holsinger, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, CO 80202, (303)722-2828, dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com.  
**AMENDED APPLICATION FOR ABSOLUTE WATER RIGHTS (SURFACE) IN THE GUNNISON RIVER OR ITS TRIBUTARIES IN DELTA COUNTY, COLORADO** 2. Name of structure: Conlon Pump and Pipeline. 3. Location of Structure A. Legal Description: Delta County, NW1/4 of the NW1/4, Section 7, Township 15 S, Range 94 W, 6th Principal Meridian. B. Point of diversion: 1. Location information in UTM format: UTM coordinates Easting 243712; Northing 42295010, Zone 13; Street Address: 8022 2200 Rd, Delta, CO 81416-8398; Source of UTM: Hand-held GPS. See Exhibit A. 4. Source: Peach Valley Arroyo, tributary to the Gunnison River. 5. A. Date of appropriation: August 8, 2025. B. How appropriation was initiated: By pumping of water and placing it to beneficial use. C. Date water applied to beneficial use: August 8, 2025. 6. Amount claimed: 2.5 cfs absolute. 7. List All Uses or Proposed Uses: Irrigation, stock watering. A. If irrigation, complete the following: Number of acres historically irrigated: 50.0 acres. Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right? Yes, the water will supplement water delivered from the Uncompahgre Valley Water Users Association. Legal description of irrigated acreage: SW1/4 SW1/4 Section 6 and NW1/4 NW1/4 Section 7, Township 15 South, Range 94 W, 6th Principal Meridian. See Exhibit A. B. If non-irrigation, describe purpose fully. Stock watering of livestock on the above property. 8. Name and address of owner or reputed owner of the land upon which any new or existing 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: Applicants. (Application is 4 pages with 1 page of exhibits) **DELTA COUNTY.**

**CASE NO. 25CW3079 DELTA COUNTY – GUNNISON RIVER OR ITS TRIBUTARIES**

BSG Land Holdings, LLC c/o Kevin L. Patrick and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030; APPLICATION FOR WATER RIGHTS, CHANGE OF WATER RIGHTS, AND APPROVAL FOR PLAN FOR AUGMENTATION. **First Claim:** BSG Pump and Pipeline. Legal: Easting 751940.7; Northing 4292958.8; Zone 12; Street address: 6454 Graff Road, Delta, CO 81416; Source of UTMs: located from aerial map; Accuracy of location displayed on GPS device: Accurate to within 20 feet. Source: Gunnison River, and thence the Colorado River. Appropriation date: January 27, 2025. How appropriation was initiated: Field inspection, digital recording, location, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount claimed: 5.0 cfs, conditional. Proposed uses: Direct application for domestic, municipal, recreation, industrial, commercial, fire protection, irrigation, and the filling of storage for the subsequent uses of piscatorial, recreation, industrial, commercial, dust suppression, augmentation and exchange. The municipal use is claimed and will be made absolute only in the event a governmental entity such as a special district or the City of Delta operates this water right. Names and addresses of the owners of the land upon which the structure is located: Applicant. Remarks: This water right is a component of an integrated water supply plan involving each of the water rights described in this application. **Second Claim:** Darter & Hangsted Ditch, BSG Enlargement. Legal: The Darter & Hangsted Ditch is decreed to divert on the West Bank of the Uncompahgre River at a point whence the NE Corner of Sec. 23, Township 15 S., Range 96 W. of the 6th P.M., bears N. 12° East 1,000 feet. UTM coordinates: Easting 753738.8; Northing 4292070.4; Zone 12; Address: 6454 Graff Road, Delta, CO 81416; Source of UTMs: location based on DWR location of Darter & Haugsted Ditch which is located by GPS per DWR; Accuracy of location displayed on GPS device: accurate to within 50 feet. Source: Uncompahgre River, a tributary of the Gunnison River, and thence the Colorado River. Appropriation date: January 27, 2025. How appropriation was initiated: Field inspection, digital recording, location, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount claimed: 11.45 cfs, conditional. Proposed uses: Direct application for domestic, municipal, recreation, industrial, commercial, fire protection, irrigation, and the filling of storage for the subsequent uses of piscatorial, recreation, industrial, commercial, dust suppression, augmentation and exchange. The municipal use is claimed and will be made absolute only in the event a governmental entity such as a special district or the City of Delta operates this water right. Names and addresses of the owners of the land upon which the structure is located: John Messano, 6026 Graff Road, Delta, CO 81416. Remarks: This water right is a component of an integrated water supply plan involving each of the water rights described in this application. **Third Claim:** BSG Well Field. Legal: A well field bounded by Delta County Parcel Nos. 34571420029, 345714100001, and 345714200003 within in the NE ¼ and NW ¼ of the SW ¼; NE ¼ and NW ¼ of the SE ¼; the NE ¼; and the NW ¼ of Section 14, Township 15 South, Range 96 West of the 6<sup>th</sup> Principal Meridian consisting of 275.5 acres. Source: Groundwater tributary to the Gunnison River, and thence the Colorado River. Appropriation date: January 27, 2025. How appropriation was initiated: Field inspection, digital recording, location, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount claimed: 550 g.p.m (1.22cfs), conditional, cumulatively between all wells within the well field. Proposed

uses: Domestic, municipal, industrial, commercial, fire protection, irrigation, and the filling of storage for the subsequent uses of piscatorial, recreation, industrial, commercial, dust suppression, augmentation and exchange. The municipal use is claimed and will be made absolute only in the event a governmental entity such as a special district or the City of Delta operates this water right. Applicant owns the land upon which the structure is located. Remarks: This water right is a component of an integrated water supply plan involving each of the water rights described in this application. **Fourth Claim:** Darter & Hangsted Ditch; George W. Moody Ditch. Previous Decrees: Darter & Hangsted: Civil Action No. 4573, with an adjudication date of December 4, 1941, and an appropriation date of February 16, 1926 for 4.2 cfs. Applicant is the owner of the entire 4.2 cfs in this water right (hereinafter "D&H water right"). Historic use: The irrigation of 168 acres. George W. Moody: Civil Action No. 4573, with an adjudication date of December 4, 1941, and an appropriation date of April 15, 1891, for 7.25 cfs. Applicant is the owner of the entire 7.25 cfs in this water right (hereinafter "GWM water right"). Historic use: The irrigation of 26.4 acres. Source: As to both water rights: Uncompahgre River, tributary to the Gunnison River and thence the Colorado River. Proposed Change: Generally, the Applicant seeks to change the type of use, place of use, and point of diversions of 4.2 cfs of the D&H water right and 0.7 cfs of the GWM water right as follows: To divert the water rights at the alternate point of diversion locations of the structures (BSG Pump and Pipeline) (Darter & Hangsted); To change the place of use to include all land located within the legal description attached as Exhibit A; and to change the use to add the beneficial uses of domestic, municipal, commercial, industrial, recreation, fish and wildlife propagation, wetlands, augmentation and exchange, and the filling of storage in the BSG Pond System described in the Sixth Claim hereof. The D&H water right was historically used for the irrigation of 168 acres of mixed crop depicted in Figure 2. The GWM water right was historically used for the irrigation of 26.3 acres of mixed crop depicted in Figure 2. The name and address of the landowner where the D&H and GWM water rights are diverted is John Messano 6026 Graff Road, Delta, CO 81416. Applicant owns the land where the water has been, is and will be put to beneficial use. **Fifth Claim:** BSG Gravel Pit Wells Legal: A well field bounded by Delta County Parcel Nos. 34571420029, 345714100001, and 345714200003 within in the NE  $\frac{1}{4}$  and NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; NE  $\frac{1}{4}$  and NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ ; the NE  $\frac{1}{4}$ ; and the NW  $\frac{1}{4}$  of Section 14, Township 15 South, Range 96 West of the 6<sup>th</sup> Principal Meridian consisting of 275.5 acres. Source: Groundwater tributary to the Gunnison River, and thence the Colorado River. Appropriation date: January 27, 2025. How appropriation was initiated: Field inspection, digital recording, location, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount claimed: 1.8 cfs, conditional, cumulatively between all wells within the well field. Proposed uses: The use water is for the processing, washing, and exporting of sand, gravel, and rock in conjunction with sand and gravel operations. During the post mining phase, to the extent the wells are not lined as described in the Sixth Claim, below, the water will be used for recreation and fish and wildlife propagation. Applicant owns the land upon which the structure is located. Remarks: Applicant will engage in sand, gravel, and rock mining which may expose groundwater on a temporary basis until the structures are either reclaimed or lined as storage structures pursuant to the Sixth Claim described below. This water right is a component of an integrated water supply plan involving each of the water rights described

in this application. **Sixth Claim:** BSG Pond System. Location: The pond is located in the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 14, Township 15 South, Range 96 West of the 6th Principal Meridian at a point described by the following UTM Coordinates (Zone 12N): 752601.2 Easting, 4293308.8 Northing. Source: Uncompahgre River via deliveries from the Darter & Hangsted Ditch and/or the BSG Pump and Pipeline described herein. Details: Date of appropriation: January 27, 2025. How appropriation was initiated: Field inspection, digital recording, location, and formulation of intent to apply water to beneficial use. Date water applied to beneficial use: N/A. Amount Claimed: 550 AF Uses: Irrigation, recreation, fire protection, fish and wildlife propagation, augmentation and exchange. If irrigation: Number of acres to be irrigated: 50 acres. Location of irrigation: Within Delta County Parcel Nos. 34571420029, 345714100001, and 345714200003 in Section 14, Township 15 South, Range 96 West of the 6th Principal Meridian. Applicant owns the land upon which structure will be located and where water will be used. Remarks: One or more interconnected ponds formed by the lining of gravel pit wells as described in the Fifth Claim, above will be constructed. Once the ponds are lined to the satisfaction of the Division of Water Resources, the well permits secured for the structures will be abandoned and the structure(s) will operate under the water right applied for herein. This water right is a component of an integrated water supply plan involving each of the water rights described in this application. **Seventh Claim:** Augmented structures: BSG Pump and Pipeline, described more fully in the First Claim, above. Darter & Hangsted Ditch, BSG Enlargement, described more fully in the Second Claim, above. BSG Well Field, described more fully in the Third Claim, above. BSG Gravel Pit Wells, described more fully in the Fifth Claim, above. BSG Pond System, described more fully in the Sixth Claim, above. Names of structures used for augmentation. Applicant's consumptive use associated with the D&H water right decreed. Legal (Delta County): Source: Uncompahgre River. Amounts: 4.2 cfs. Uses: Irrigation. Applicant's consumptive use associated with the GWM water right. Legal description (Delta County): Source: Uncompahgre River. Amount: 7.25 cfs. Uses: Irrigation. BSG Pond System described in the Sixth Claim, above. Contract Water. Applicant is a party to Contract No. Contract No. 25-WC-40-1025, U.S. Bureau of Reclamation Contract for 55.0 acre feet, for augmentation and replacement purposes, described as follows: Blue Mesa Reservoir. Date of original decrees, subsequent decrees, and decreed amounts: Blue Mesa Reservoir was originally decree for 939,204 acre-feet, conditional, in CA 6981, with an adjudication date of March 3, 1960 and an appropriation date of November 13, 1957, under Priority No. 447. Thereafter, 1,551 acre-feet decreed to the Crystal Reservoir Priority 445 water rights was transferred to Blue Mesa Reservoir and an additional 122,702 acre-feet decreed to the Crystal Reservoir under Priority No. 445 was transferred to Blue Mesa Reservoir in CA10045, as a refill water right. The total now allowed to be stored in Blue Mesa Reservoir is 1,063,057 acre-feet. Type of water right: Storage right. Current decreed legal description: The current decreed legal description is described as an initial survey point located at a point on the right abutment of the dam being the intersection of the center line of the axis of the dam and the center line of the outlet water tunnel, whence the SW corner of Section 31, Township 49 North, Range 4 West, N.M.P.M. bears North  $78^{\circ}36'44''$  West a distance of 3,207.07 feet. Source: Gunnison River and its tributaries. Appropriation date: As described above. Amount: As described above. Uses: Domestic, municipal, industrial, power, flood control, piscatorial, wildlife

protection and preservation, recreation, irrigation, and stock use. Addition of Contract Water. Applicant may increase the contract storage water from Blue Mesa Reservoir to an amount over 55.0 acre feet by entering into an additional contract with the Bureau of Reclamation. Applicant may add additional Blue Mesa Reservoir contract water to its replacement water under this plan without the necessity of amending this plan or filing a supplemental plan under the adaptive approach of this plan for augmentation. Statement of plan for augmentation covering all applicable matters pursuant to C.R.S. § 37-92-103(9), 302(1)(2) and 305(8). Background. Applicant is engaged in the business of mining, processing and sale of rock, gravel, and concrete on the Property. Once mining is complete, Applicant intends to convert the land to a mixed use development described more fully below. Description of water uses. Industrial, commercial, evaporation, dust suppression in conjunction with mineral operations. Post Mining Operations: Mixed use residential, domestic, municipal, commercial, industrial and evaporation. Return flows: Industrial, Commercial, Evaporation, Dust Suppression in Conjunction with Mineral Operations: Return flows will be relatively immediate to the groundwater table. Post Mining Operations: Mixed Use Residential, Domestic, Municipal, commercial, Industrial and Evaporation: Return flows will be at the point of discharge for the City of Delta wastewater treatment plant if served by the City. Land ownership: The structures subject to this augmentation plan are located on or are planned to be located on lands described in the above claims. Beneficial water uses will be made upon property leased, owned, or otherwise controlled by Applicants. MINING PHASE: During the mining phase, water use will consist of dust control, evaporation from open water surfaces, wet rock extraction with offsite transport, and the manufacturing of concrete. Dust control use is estimated to be 2.67 af/acre annually per the monthly schedule. The water requirement for dust control was determined using the gross evaporation rate from the "TR-33" of 45 inches per year. It was assumed that dust control is performed on two acres at any given time and dust control is provided to a reasonable level if water is being applied at a rate equal to the gross evaporation rate for a given month. It was also assumed that dust control would only be applied on work days and there will approximately 260 working days per year (52 weeks with 5 days per week). Dust control requirement (assuming 2 acres of controlled surface at a given time) totals 5.34 AF annually or approximately 6,700 gallons per day (gpd). Gravel, road base, and wet base extraction and transport are estimated at the rates described in the schedule on file with the court as Attachment 6, Table 1B. It is estimated that up to 500,000 tons of material will be mined per year. Of the 30 feet mined, the top 4 feet is assumed to be overburden or top soil, the next 4 feet is assumed to be unsaturated gravel and sand, and the final 22 feet are assumed to be saturated gravel and sand. Therefore, 73% of the mined material by volume is expected to be saturated. The amount of water lost with the removal of mined material (V) has been calculated based on the table in Section 18 of the SWSP Guidance and the equation set forth in the Application. Assumptions were made that 80% (rounding up 73%) of the mined material is not washed and is designated as "material mined below the groundwater table, but in a dewatered state." 2% by weight of this mined material below the groundwater table will be accounted for as depletions to the Gunnison River (mined material above the groundwater table is assumed to have no depletions to the river). It was also assumed that the 500,000 tons will be mined annually with operation at full capacity from January to September, three-quarters capacity in October, and half capacity in November through December. The

annual retained moisture is estimated at 12.01 AF. Applicant will account for retained moisture on an accounting sheet. Per Section 19 of the SWSP Guidance, the water consumption by the mining operation includes the water removed from the stream system by the first fill of the gravel pit and is equal to the volume previously occupied by the removed sand and gravel below the groundwater table. The equation used to calculate the volume is set forth in the Application. Using the formula, the anticipated annual volume of the first fill will be approximately 84.63 AF annually. Because this gravel pit is “mined in the wet”, the first fill is assumed to occur immediately and is accounted for in month after the excavation of material (i.e. depletions are lagged a month). Evaporation from open water surfaces from the Pit Wells described in the Fifth Claim, is estimated at the rate of 3.30 af/acre annually. Gross evaporation (free water surfaces) was determined to be 45-inches annual based upon annual evaporation isopleths in NOAA Technical Report NWS 33 (“TR-33”). The gross evaporation was distributed by month using the monthly percentages published by the State Engineering Office for lakes below 6500 feet mean sea level. In accordance with C.R.S. § 37-80-120(5) and Guideline 2019-1, the monthly gross evaporation from the exposed groundwater surface related to sand and gravel pining ponds may be reduced by the amount of historical natural depletion caused by natural vegetative cover of the area that will be permanently replaced by an open water surface. Net evaporation (39.6-inches annually) was calculated as gross evaporation (45-inches annually) minus the effective precipitation (5.4-inches annually). Because water will be withdrawn from exposed groundwater, the gravel pit will operate like a well and lagged depletions need to be considered in order to determine the proper timing, location and quantity of replacement water. A Glover analysis is used to determine the Unit Response Function (URF) to lag the depletions. Based on nearby well completion logs, it is expected that at a depth of 30 feet, the gravel pit will be pulling water from unconsolidated river deposits of gravel and sand. Values of hydraulic conductivity for sandy gravels range from 1,000 to 10,000 gpd per square foot (gpd/ft<sup>2</sup>) and hydraulic conductivity was assumed to be 2,117 gpd/ft<sup>2</sup> (Freeze and Cherry, 1979). Transmissivity was calculated to be 46,574 gpd/ft based on the hydraulic conductivity and a saturated thickness of 22 feet (30 foot deep well with groundwater found at 8 feet bgs). The specific yield was found to be 0.19, which is consistent with values for alluvial aquifers. For the Glover Analysis, a “No-flow boundary” (which models the maximum deficit to the Gunnison River) was assumed with the distance from the center of the pit to the nearest point on the Gunnison River (“X”) equal to 2,493 feet and the distance to the no-flow boundary located on the south side of the pit (“W”) equal to 4,095 feet. Figure 6, on file with the court, shows how the lagging factors will be applied to the monthly depletions to determine the monthly lagged depletions occurring in each month. POST-MINING PHASE: Because the exact mix of post-mining uses is not known, diversion and replacement of consumptive uses will be governed by an Equivalent Unit formula and table of anticipated uses which is on file with the court. Lawn, garden and open space irrigation use: Application rate: 3.97 af/acre with an assumed efficiency of 80% resulting in a consumptive use rate of 3.17 af/acre. Open water surfaces will have an assumed evaporation rate of 3.30 af/acre. Post mining uses will be reassessed annually on or before March 1<sup>st</sup> of each year and provided to the Colorado Division of Water Resources. Replacement of depletions during the post-mining phase will occur by an adaptive accounting whereby the EQR ratings of all demand to be serviced in the next ensuing

water year shall be provided on or before October 1 of each year for the following year.

**PLAN OPERATION:** The Applicant's senior irrigation water rights, described in the Fourth Claim will be removed from irrigation in whole or in part. These water rights have historically been used to irrigate 194.4 acres of mixed crop. Diversion records for the years 1998 through 2017 were used to determine that diversion rates were 15.6 acre feet per acre of historically irrigated land (20-year average). For each acre of land removed from irrigation, it is assumed that 2.60 acre-feet of water historically consumptively used will be available for replacement purposes. On or before March 1<sup>st</sup> in each year, Applicant will provide the Division Engineer for Water Division No. 4 with a notice of the acreage to be removed from irrigation on or before March 1<sup>st</sup> for that growing season identifying the number and location of such acres. The removal of land from irrigation will have a delayed irrigation return flow effect on the Gunnison River. At times when insufficient historic consumptive use credits are not available from the removal of historically irrigated land, Applicant will replace depletions from Blue Mesa Reservoir releases.

**Landowner Information:** The persons/entities that own the land upon which the structures subject to this application are located are (BSG Pump & Pipeline, BSG Well Field, BSG Gravel Pit Wells, and BSG Pond System): Applicant; (Darter & Hangsted Ditch, George W. Moody Ditch): John Messano, 6026 Graff Rd. Delta, CO 81416; (Blue Mesa Reservoir) US Bureau of Reclamation, 455 W. Gunnison Ave. Grand Junction, CO 81501. Integrated Application. This plan for augmentation applied for in this case is a component part of an integrated water supply system, including all the water rights decreed in the following list: BSG Pump & Pipeline described in Claim 1; Darter & Hangsted Ditch, BSG Enlargement described in Claim 2; BSG Well Field described in Claim 3; BSG Gravel Pit Wells described in Claim 5; and BSG Pond System described in Claim 6. Maps and supporting documentation are on file with the court. **DELTA COUNTY.**

**Case No. 25CW17** Applicant James Hutchings 16668 Bull Mesa Road Cedaredge Co 81413. Application for Absolute Surface Water Right. Young's Pipeline – Easting 243267 Northing 4309303. Source: Happy Hollow Gulch, tributary to Tongue Creek, tributary to Gunnison River. Appropriation Date: May 15, 1983. Amount claimed: 0.15 cfs for irrigation of approx. 3 acres of lawn, gardens and landscaping. Application for Absolute Water Storage Right. Young's Reservoir – Easting 243239 Northing 4309260. Source: Happy Hollow Gulch, tributary to Tongue Creek, tributary to Gunnison River. Appropriation Date: May 15, 1983. Amount claimed 0.75 af for stock water, wildlife and fire protection uses. **DELTA COUNTY.**

**Case No. 25CW24** Applicant Fred E Ferganchick 17249 Red Tail Rd Eckert CO 81418. Application for Absolute Surface Water Right: Hecoma Spring – SW1/4SW1/4 Section 23 T13S R95W 6<sup>th</sup>. UTM 240866 Easting 4310393 Northing. Source: Hecoma Draw to George Creek to Tongue Creek to Gunnison River. Appropriation Date: 1923. Amount claimed: 15 gpm for domestic. **DELTA COUNTY.**

**Case No. 26CW1 (Ref No. 19CW40, 13CW53, 06CW217)** Applicant Robin Kauffman 38634 Stucker Mesa Hotchkiss, CO 81419. Application for Finding of Reasonable Diligence. Sovanda Spring – NE1/4SW1/4SW1/4 Section 2 T14S R92W 6<sup>th</sup>. Source:

Sovanda Spring, Gunnison River. Date of appropriation: November 18, 2006. Amount claimed: 0.25 cfs for irrigation of 10 acres and stock water. The application on file with the Water Court contains an outline of the work performed during the diligence period. **DELTA COUNTY.**

**Case No. 26CW2 (Ref No. 19CW36, 13CW60)** Applicant Joseph W West and Cynthia A West 16089 CR 25 Gunnison CO 81230. Application to Make Absolute. Rockin JC Spring No 2 – NE1/4SE1/4NW1/4 Section 8 T48N R4W NMPM. Easting 0294956M Northing 4256008M. Source: Pine Creek, Gunnison River. Date of appropriation: April 1 2013. Amount claimed: .04 cfs for domestic use in one single family dwelling and irrigation of 69 acres. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

**Case No. 26CW3 (Ref No. 19CW35, 13CW19, 06CW80)** Applicant Allen L Schroeder and Patricia L Schroeder 8941 6400 Rd Montrose Co 81401. Application for Finding of Reasonable Diligence. North Schroeder Pond – SW1/4SE1/4SW1/4 Section 29 T50N R9W NMPM. Source: Loutsenhizer Arroyo, Uncompahgre River. Date of appropriation: January 19, 2007. Amount claimed: 25 af for stock and wildlife uses. South Schroeder Pond – SW1/4SW1/4NE1/4 Section 32 T50N R9W NMPM. Source: Loutsenhizer Arroyo, Uncompahgre River. Date of appropriation: January 19, 2007. Amount claimed: 20 af for stock and wildlife uses. The application on file with the Water Court contains an outline of the work performed during the diligence period. **MONTROSE COUNTY.**

**Case No. 26CW4** Applicant Larry R Jensen and Michelle A Jensen 3497 Stearman Ln Crawford CO 81415. Application for Absolute Water Storage Right. Larry Lake Reservoir – SE1/4SW1/4 Section 27 T15S R92W 6<sup>th</sup>. Source: Larry Lake Reservoir Dam, Gunnison River. Date of appropriation: July 1, 1993. Amount claimed: 10af for irrigation and stock water. **DELTA COUNTY.**

**Case No. 26CW3000 (Ref No. 19CW3067, 13CW56, 06CW209, 00CW73)**  
**APPLICATION FOR FINDING OF REASONABLE DILIGENCE OF JIM WHITELEY IN THE UNCOMPAHGRE RIVER IN OURAY COUNTY. 1. Name, mailing address, email address, and telephone number of applicant:** Jim Whiteley, 3157 XL Spur, Grand Junction, CO 81503; jaservice@bresnan.net; (970) 230-0891. Please direct all correspondence to Applicant's counsel: Lee H. Johnson and Beth Ann Parsons, Carlson, Hammond & Paddock, L.L.C., 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203- 4539; Phone: (303) 861-9000; Fax: (303) 861-9026; Email: ljohnson@chp-law.com, baparsons@chp-law.com. **2. Names of structures: Duckett Pump Station and Degraw Pond. 3. Description of conditional water rights. A. Duckett Pump Station.** i. Date of original decree: November 27, 2000, Case No. 00CW73, District Court, Water Division No. 4. ii. Subsequent decrees awarding findings of diligence: June 12, 2007, Case No. 06CW209, District Court, Water Division No. 4; September 10, 2013, Case No. 13CW56, District Court, Water Division No. 4; January 14, 2020, Case No. 19CW3067. iii. Legal description as decreed in Case No. 00CW73: The Duckett Pump Station is located 1,300 feet west of the east section line and 1,100 feet south of the north section line, in the SW1/4 NE1/4 NE1/4, Section 5, Township 46 North, Range 8 West,



N.M.P.M. iv. Source of water: Uncompahgre River. v. Appropriation date: May 31, 2000. vi. Amount: 0.38 c.f.s. (conditional). vii. Use: Stock water and irrigation. B. Degraw Pond. i. Date of original decree: November 27, 2000, Case No. 00CW73, District Court, Water Division No. 4. ii. Subsequent decrees awarding findings of diligence: June 12, 2007, Case No. 06CW209, District Court, Water Division No. 4; September 10, 2013, Case No. 13CW56, District Court, Water Division No. 4; January 14, 2020, Case No. 19CW3067. iii. Legal description as decreed in Case No. 00CW73: The Degraw Pond is located in the SW1/4 NE1/4 NE1/4, Section 5, Township 46 North, Range 8 West, N.M.P.M., 1,200 feet west of the east section line and 750 feet south of the north section line. iv. Source of water: Uncompahgre River. v. Appropriation date: May 31, 2000. vi. Amount: 0.1 acre feet (conditional). vii. Use: Stock water and irrigation. A map showing the general location of the Duckett Pump Station and Degraw Pond is attached to this Application as Exhibit A.

**4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use.** A. During the prior diligence period and on March 8, 2019, TyGr Estate, LLC conveyed the conditional water rights and structures described in this Application to Applicant Jim Whiteley. Thereafter, on August 27, 2019, Applicant filed a Notice of Change of Ownership of Conditional Water Right and Entry of Appearance in Case No. 13CW56, District Court, Water Division No. 4, the then most recent case in which the court entered a finding of reasonable diligence in the development of the conditional water rights for the Duckett Pump Station and Degraw Pond. Applicant subsequently filed a diligence application in Case No. 19CW3067 on September 23, 2019, and successfully obtained entry of a diligence decree on January 14, 2020. Since that time, Applicant has continued to diligently pursue the conditional water rights for the Duckett Pump Station and Degraw Pond and fully intends to develop these rights in their entirety. B. During the current diligence period, Applicant has continued the evaluation process related to the existing infrastructure and initiated repairs and improvements necessary to begin diverting water pursuant to the conditional water rights. As of this filing, a portion of the necessary repairs and improvements have been completed, including ongoing pump maintenance and evaluating potential replacement needs. Costs associated with these activities were incurred during the diligence period. C. During the diligence period, Applicant has obtained estimates on repair and replacement of sections of the distribution line from the Duckett Pump Station to the irrigated lands and improvements to Degraw Pond. This work has not been completed at this time, but costs associated with these efforts were incurred during the diligence period.

**5. Water applied to beneficial use:** N/A **6. Names 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.** Applicant Jim Whiteley is the owner of the land on which the above-described structures are located. Accordingly, additional notice requirements by certified or registered mail, as set forth in §37-92-302(2)(b), C.R.S., do not apply in this instance. **WHEREFORE**, Applicant respectfully requests the Court to enter its decree and ruling finding reasonable diligence as to the conditional water rights originally decreed in Case No. 00CW273, and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence in this matter. Applicant further requests that any diligence activities undertaken after the date of filing of this application and prior

to entry of a decree herein be considered as diligence in the development of the conditional water rights for purposes of the next diligence period, and that any decree entered herein not preclude the Applicant from relying upon such activities to assist in demonstration of reasonable diligence in the next diligence period. The application on file with the Water Court contains an outline of the work performed during the diligence period. **OURAY COUNTY.**

**Case No. 26CW3001 (Ref No. 19CW3055, 12CW135, 98CW247)** Application for Finding of Reasonable Diligence. Town of Mountain Village, c/o Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; www.balcombgreen.com. Applicant requests this Ct. enter a finding of reasonable diligence for the Telco Well No. 3/5 A8, First Enlgmt. ("SWR"). Claim for Finding of Reasonable Diligence. Telco Well No. 3/5 A8, First Enlgmt.. Case No. 98CW247, Dist. Ct. Water Div. 4, entered November 21, 2006. Case No. 12CW135, entered August 5, 2013, and Case No. 19CW3055, entered January 14, 2020, Dist. Ct. Water Div. 4. Located in the SW 1/4 NE 1/4, Sec. 9, T. 42 N., R. 9 W., N.M.P.M., at a point 1,359 ft. from the N. Line and 2,439 ft. from the W. Line. Also described as UTM Zone 13N, E.ing 247857 meters, N.ing 4200786 meters. Well Permit No.: 76912-F. Source: Groundwater tributary to Vance Creek, tributary to the San Miguel River. Approp. Date: June 12, 1998. Amt: 100 gallons per minute ("g.p.m.") (0.22 c.f.s. ("c.f.s.")), of which 59 g.p.m. (0.13 c.f.s.) confirmed abs. in Case No. 12CW135, and 41 g.p.m. (0.09 c.f.s.) remains cond.. Place of Use: The Town of Mountain Village's service area for Skyfield at the W. Meadows Development shown on Figure 1. Uses: Muni., Dom., Irr., fire protection, and stockwatering. Integrated System: The Ct. previously found the SWR is part of Applicant's integrated water supply system serving its service area in Case No. 98CW247. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Owner of Land Upon Which the SWR is Located: Applicant. WHEREFORE, Applicant requests the Ct. enter a Decree (1) finding that it has exercised reasonable diligence in the development of the SWR; (2) continuing the cond. SWR in full force and effect for an additional six years; and (3) for such other relief as the Ct. deems proper. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

**Case No. 26CW3002 (Ref No. 19CW3052, 10CW136, 04CW16, 97CW68)** Gunnison County - Gunnison River; Mt. Crested Butte Water and Sanitation District; c/o John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name and address of Applicant: Mt. Crested Butte Water and Sanitation District, P.O. Box 5740, Mt. Crested Butte, CO 81225-5740, (970) 349-7575; Request for finding of diligence: Name of structure: East River Water Source Addition, First Supplement ("First Supplement"); Description of conditional water right: Date of original decree: 1990CW147 on May 29, 1991; Subsequent decrees awarding diligence: 1997CW68 on February 12, 1998; 2004CW16 on October 18, 2004; 2010CW136 on August 27, 2013; 2019CW3052 on January 14, 2020; Legal description: NW/4, SE/4 of Section 13, Township 13 South, Range 86 West, of the Sixth Principal Meridian, Gunnison County, at a point 2,130 feet from the east section line and 1,720 feet from the south section line. That location can

also be described as UTM Zone 13N, 330855.0 m E, 4309965.0 m N.; Source: East River, tributary to the Gunnison River; Appropriation date: December 28, 1979; Amount: 2.5 c.f.s. (the First Supplement was originally decreed for 3.0 c.f.s., but the court cancelled 0.5 c.f.s. in Case No. 2010CW136); Use: All municipal uses, including domestic, lawn irrigation, commercial, industrial, fire protection, and snow making; Outline of what has been done toward application of water to beneficial use: Applicant is a special district that provides potable water and sanitation services to the Town of Mt. Crested Butte and surrounding area. The First Supplement is a necessary component of a larger integrated water system designed to address the future growth in water demand within Applicant's service area. Applicant has taken the following actions towards placing the First Supplement to beneficial use during the last diligence cycle: Applicant's 2014 Master Plan projected that its existing average day demand would increase by 45% at buildout. To meet this projected increase, Applicant took steps to increase the production of the East River Pump Station and the Water Treatment Plant beyond its 2020 capacity of 1.55 c.f.s. In 2021, Applicant reconstructed the East River Pump Station building and installed three new pumps, as well as 2,900 linear feet of raw water line. This work increased the pumping rate of the East River Pump Station to 2.3 c.f.s. After allocating those diversions to Applicant's absolute senior water rights already decreed to the East River Pump Station, operating at that expanded pumping rate would require the use of 0.7 c.f.s. of the subject conditional water right in the First Supplement. When Applicant reconstructed the East River Pump Station building, it included a wet well and space for a fourth vertical turbine pump, which would expand the total pumping capacity to 3.1 c.f.s. Operating at that pumping rate would require utilizing 1.5 c.f.s. of the First Supplement water right. Additionally, the Water Treatment Plant was upgraded to increase the capacity to 3.1 c.f.s. with the ability to add an additional skid to reach 3.87 c.f.s. The total cost to increase the capacity of the East River Pump Station and Water Treatment Plant, including design and construction, exceeded \$22,100,000. In 2024, Applicant retained LRE Water to update its Water Resource Master Plan to assess both legal and physical water supplies based on current buildout and at full buildout. (5 pages) The application on file with the Water Court contains an outline of the work performed during the diligence period.

**GUNNISON COUNTY.**

**Case no. 26CW3003 (Ref No. 19CW3059, 12CW140, 06CW16, 99CW26) SAN MIGUEL COUNTY, APPLICATION FOR A FINDING OF REASONABLE DILIGENCE**

1. Name and address of Applicant: Gantert-Toledano Revocable Trust c/o Kurtis Gantert and Gabrielle Toledano 4600 Fall Creek Road Placerville, CO 81430 *Copies of all pleadings to: Michael Daugherty Somach Simmons & Dunn, P.C. 1155 Canyon Boulevard, Suite 110 Boulder, CO 80302*

2. Description of conditional water right: a. Name: Sanctuary Ranch Hydro (WDID: 6001869) b. Prior decrees: This conditional water right was originally decreed in Case No. 99CW26 by the District Court, Water Division 4, State of Colorado ("Water Court") on February 16, 2000. Subsequent decrees finding reasonable diligence were entered by the Water Court in Case Nos. 06CW16, 12CW140, and 19CW3059. c. Location: At a point within the SE1/4 SE1/4 NE1/4 of Section 2, Township 42 North, Range 11 West, N.M.P.M., at a point 2640 feet from the south section line and 200 feet from the east section line (NAD83, Zone 13 Converted, Easting 0232810m, Northing 4202667m). d. Source: Fall Creek, tributary to the San Miguel River. e. Amount:

3.0 cubic feet per second, conditional. f. Appropriation date: January 25, 1999. g. Use: Hydropower. **Exhibit A** is a general location map for the Sanctuary Ranch Hydro water right. 3. Request for a finding of reasonable diligence on remaining conditional water rights: Applicant purchased an off-grid cabin in 2024 that this conditional hydropower right is intended to serve. There is an existing Hidden Creek Hydro right that has been made absolute and supplies power to the property, but its output is limited, particularly in dry years. Accordingly, this conditional water right serves as an important alternative that Applicant desires to develop in the near future. Applicant has already made efforts to investigate the best way to develop this conditional water right and incorporate it into the property's hydropower system, and Applicant intends to continue these activities and develop the hydropower right and related structures on the property for use in the cabin and on the property. Development of this conditional water right is feasible, and there is no intent to abandon it. The diligence conducted thus far by Applicant since purchasing the property and acquiring the subject water right evidences the Applicant's intent to develop this conditional water right. Specifically, the Applicant has engaged in the following diligence activities during the diligence period related to the conditional Sanctuary Ranch Hydro water right: a. In August 2024, Applicant purchased this conditional water right along with the property upon which this water right is located, and where the water right's beneficial use will occur. b. Applicant retained water counsel to perform due diligence on this conditional water right as well as other water rights associated with the property prior to purchase, and to prepare and file this application for a finding of reasonable diligence. c. Applicant retained a renewable energy consulting and contracting firm to replace a solar battery installation and repair a hydroelectric turbine that will be used to power and operate infrastructure associated with this conditional water right and Applicant's integrated system. WHEREFORE, Applicant respectfully requests the Water Court enter a decree finding that Applicant has exercised reasonable diligence with respect to the Sanctuary Ranch Hydro conditional water right and that continues that water right in full force and effect for an additional period, and such other and further relief as the Water Court deems just and proper. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

**Case No. 26CW3004 (Ref No. 19CW3057, 19CW3056, 12CW6, 10CW197, 04CW178, 97CW240) APPLICATION FOR A FINDING OF REASONABLE DILIGENCE, IN OURAY COUNTY** 1. Name and address of Applicant: Divide Golf, LLC ("Divide") 105 North Badger Trail Ridgway, Colorado 81432 *Copies of all pleadings to*: Kristin H. Moseley Michael W. Daugherty Lindsey A. Ratcliff Somach Simmons & Dunn, P.C. 1155 Canyon Blvd, Suite 110 Boulder, Colorado 80302 2. Names of structures: 2.1. Fairway Pines Reservoir, aka FP Reservoir; 2.2. Scott's Ditch; and 2.3. Fairway Pines Ditch. 3. Description of conditional water rights: 3.1. Fairway Pines Reservoir (WDID: 6803836): 3.1.1. Decrees: Fairway Pines Reservoir was decreed by the District Court in and for Water Division No. 4, State of Colorado (the "Water Court") on October 26, 1998 in Case No. 97CW240. A subsequent finding of reasonable diligence was granted in Water Court Case No. 04CW178 on January 12, 2006. In Water Court Case No. 12CW6, dated August 6, 2013 ("12CW6 Decree"), a portion of the Fairway Pines Reservoir was made absolute in the amounts of 6.76 acre-feet ("AF") for the irrigation of

the golf course and greenbelt amenities and 13.06 AF for recreation, piscatorial, and fire protection purposes. A finding of reasonable diligence was made on the remaining conditional amounts. In Water Court Consolidated Case Nos. 19CW3056 and 19CW3057, dated January 28, 2020 ("19CW3056/3057 Decree"), an additional 33.0 AF was made absolute for all decreed purposes, and a finding of reasonable diligence was made on 41.48 AF, conditional, for all decreed uses. 3.1.2. Location: In Water Court Case No. 10CW197, decreed on August 6, 2013 ("10CW197 Decree"), the location of Fairway Pines Reservoir was changed to reflect its "as-built" location. The changed location of the center point of the dam that forms the Fairway Pines Reservoir is in the SW1/4 of the SW1/4 of Section 30, Township 46 North, Range 8 West of the N.M.P.M., at a point 1,302 feet from the South line and 1,699 feet from the West line of said Section 30. This location is alternatively described in UTM (NAD83 Zone 13 North) coordinates as 0255445 E, 4232412 N. The changed location is approximately 670 feet from the originally decreed location. 3.1.3. Source: The following decreed sources for filling the Fairway Pines Reservoir: 3.1.3.1. Mike Cuddigan Ditch, Priority No. 39, in the amount of 0.625 cubic feet per second (c.f.s.), changed to an alternate point of diversion through the Loghill Pumping Plant and a change of use from irrigation only to irrigation and municipal, including: industrial, residential, commercial, recreation, fish culture, and storage purposes, pursuant to a change decree entered by the Water Court in Case No. W-1358 on May 23, 1974, with an appropriation date of June 1, 1879. 3.1.3.2. Hyde-Sneva Ditch, Priority No. 42, in the amount of 0.125 c.f.s., changed to an alternate point of diversion through the Loghill Pumping Plant and a change of use from irrigation only to irrigation and municipal, including: industrial, residential, commercial, recreation, fish culture, and storage purposes, pursuant to a change decree entered by the Water Court in Case No. W-1357 on May 23, 1974 ("W-1357 Decree"), with an appropriation date of October 10, 1880. 3.1.3.3. Hyde-Sneva Ditch, Priority No. 100, in the amount of 0.625 c.f.s., changed to an alternate point of diversion through the Loghill Pumping Plant and a change of use from irrigation only to irrigation and municipal, including: industrial, residential, commercial, recreation, fish culture, and storage purposes, pursuant to the W-1357 Decree, with an appropriation date of May 1, 1886. 3.1.3.4. Loghill Pumping Plant, decreed by the Water Court in Case No. 93CW66 on December 2, 1997, in the amount of 0.66 c.f.s., absolute, and 1.21 c.f.s. conditional, whose source is Dallas Creek, with an appropriation date of March 17, 1971, for municipal, industrial, residential, commercial, recreation, and fish culture purposes. 3.1.3.5. Golf Course Ditch, decreed by the Water Court in Case No. 85CW188 on March 30, 1987, in the amount of 3.5 c.f.s. conditional, whose source is Fisher Creek, with an appropriation date of July 23, 1985, for irrigation and storage purposes. 3.1.3.6. Scott's Ditch, decreed in the 10CW197 Decree, in the amount of 1 c.f.s., conditional, whose source is an unnamed tributary to the Uncompahgre River, with an appropriation date of December 31, 2010, for irrigation, filling of Fairway Pines Reservoir, recreation, piscatorial, and fire protection. 3.1.3.7. Fairway Pines Ditch, decreed in the 10CW197 Decree, in the amount of 0.75 c.f.s., conditional, whose source is an unnamed tributary to the Uncompahgre River, with an appropriation date of December 31, 2010, for irrigation, filling of Fairway Pines Reservoir, recreation, piscatorial, and fire protection. 3.1.3.8. FP Wells, decreed in Water Court Case No. 92CW178 on April 13, 1994 ("92CW178 Decree"), for irrigation, golf course pond maintenance, and fire protection uses with an

April 14, 1992, appropriation date. In the 10CW197 Decree, the FP Wells were decreed for filling and refilling the Fairway Pines Reservoir on a year-round basis with a December 30, 2010, appropriation date. The source for all FP Wells is groundwater from the Dakota/Burro Canyon Aquifer, which is tributary to Fisher Creek and the Uncompahgre River. All FP Wells can be used to irrigate an area up to approximately 60 acres generally located within the Divide Ranch Boundary shown on **Exhibit A**. The total cumulative flow rate decreed to the FP Wells is 755 g.p.m. of which 235.5 g.p.m. has been made absolute. The decreed average withdrawal is 168 AF per year. Applicant's annual withdrawal may exceed the average withdrawal of 168 AF per year as long as the total volume of water withdrawn does not exceed the product of the number of years since April 13, 1994, times the allowed average annual amount of withdrawal of 168 AF as that amount may be adjusted pursuant to the terms of the 98CW178 Decree.

<b>Well Name</b>	<b>Location</b> (unless indicated otherwise, all located within Township 46 North, Range 9 West of N.M.P.M)	<b>Amount Absolute</b>	<b>Amount Conditional</b>	<b>Current Well Permit No.</b>
FP Well No. 1 (WDID: 6805063)	2,000 feet from the South section line and 350 feet from the East section line of Section 36 (NE1/4 SE1/4 Section 36, Ouray County)	16.5 g.p.m. (0.037 c.f.s.)	58.5 g.p.m. (0.130 c.f.s.)	75473-F
FP Well No. 2 (WDID: 6805064)	625 feet from the South section line and 1,225 feet from the East section line of Section 25 (SE1/4 SE1/4 Section 25, Ouray County)	61 g.p.m. (0.136 c.f.s.)	19 g.p.m. (0.042 c.f.s.)	75474-F
FP Well No. 3A (WDID: 6805076)	In the NW1/4 of the NW1/4 of Section 31, Township 46 North, Range 8 West, of the N.M.P.M., 634 feet from North section line and 1,010 feet from the West section line of said Section 31. According to the Division Engineer's PLSS locator system, the location is at a	5 g.p.m. (0.011 c.f.s.)	N/A	75475-F

	point in the NW1/4 of the NW1/4 of Section 31, 550 feet from the North section line and 991 feet from the West section line of said Section 31.			
FP Well No. 4 (WDID: 6805065)	960 feet from the North section line and 360 feet from the East section line of Section 36 (NE1/4 NE1/4 Section 36, Ouray County)	29 g.p.m. (0.065 c.f.s.)	46 g.p.m. (0.102 c.f.s.)	75476-F
FP Well No. 5A (WDID: 6805077)	Within the Fairway Pines Well Field in the NW1/4 of the NW1/4 of Section 31, Township 46 North, Range 8 West of the N.M.P.M., 1,140 feet from the North section line and 544 feet from the West section line of said Section 31. According to the Division Engineer's PLSS locator system, the location is within 200 feet of the previously decreed location and is at a point in the NW1/4 of the NW1/4 of Section 31, at a point 1,086 feet from the North section line and 525 feet from the West section line of said Section 31.	10 g.p.m. (0.022 c.f.s.)	N/A	75477-F
FP Well No. 6 (WDID: 6805066)	1,250 feet from the South section line and 1,240 feet from the East section line of Section 25 (SE1/4	27 g.p.m. (0.060 c.f.s.)	48 g.p.m. (0.107 c.f.s.)	75478-F

	SE1/4 Section 25, Ouray County)			
FP Well No. 7 (WDID: 6805070)	Within the Fairway Pines Well Field in the 92CW178 Decree.	15 g.p.m. (0.03 c.f.s.)	60 g.p.m. (0.134 c.f.s.)	75479-F
FP Well No. 8 (WDID: 6805071)	Within the Fairway Pines Well Field in the 92CW178 Decree.	15 g.p.m. (0.03 c.f.s.)	60 g.p.m. (0.134 c.f.s.)	75480-F
FP Well No. 9 (WDID: 6805072)	Within the Fairway Pines Well Field in the 92CW178 Decree.	15 g.p.m. (0.03 c.f.s.)	60 g.p.m. (0.134 c.f.s.)	75481-F
FP Well No. 10 (WDID: 6805073)	Within the Fairway Pines Well Field in the 92CW178 Decree.	15 g.p.m. (0.03 c.f.s.)	60 g.p.m. (0.134 c.f.s.)	75482-F
FP Well No. 11 (WDID: 6805074)	Within the Fairway Pines Well Field in the 92CW178 Decree.	15 g.p.m. (0.03 c.f.s.)	60 g.p.m. (0.134 c.f.s.)	75483-F
FP Well No. 12 (WDID: 6805075)	Within the Fairway Pines Well Field in the 92CW178 Decree.	12 g.p.m. (0.03 c.f.s.)	63 g.p.m. (0.140 c.f.s.)	75484-F

3.1.4. Amount: 33.0 AF, absolute, for all decreed purposes; 41.48 AF, conditional, for all decreed purposes. The Fairway Pines Reservoir has the right to fill and refill up to the total capacity when in priority. 3.1.5. Appropriation date: December 29, 1997. 3.1.6. Uses: Irrigation of golf course and associated greenbelt amenities, recreation, piscatorial, fire protection, augmentation, and exchange. 3.1.7. Maximum height of dam: 15.0 feet. 3.1.8. Length of dam: 600 feet. 3.1.9. Total capacity: 74.48 AF. 3.1.10. Dead storage: 7.84 AF. 3.2. Scott's Ditch (WDID: 6801499): 3.2.1. Decrees: 10CW197 Decree; 19CW3056/3057 Decree. 3.2.2. Location: Located in the SW1/4 of the NW1/4 of Section 31, Township 46 North, Range 8 West of the N.M.P.M. at a point 2,036 feet from the North line and 294 feet from the West line of said Section 31. This location is alternatively described in UTM (NAD83 Zone 13 North) coordinates as 0254985 E, 4231403 N. 3.2.3. Source: Unnamed tributary to Uncompahgre River. 3.2.4. Amount: 1 c.f.s., conditional. 3.2.5. Appropriation date: December 31, 2010. 3.2.6. Uses: irrigation, filling Fairway Pines Reservoir, recreation, piscatorial, and fire protection. 3.3. Fairway Pines Ditch (WDID: 6801500): 3.3.1. Decrees: 10CW197 Decree; 19CW3056/3057 Decree. 3.3.2. Location: Located in the SW1/4 of the SW1/4 of Section 30, Township 46 North, Range 8 West of the N.M.P.M. at a point 646 feet from the South line and 868 feet from the West line of said Section 30. This location is alternatively described in UTM (NAD83 Zone 13 North) coordinates as 0255185 E, 4232216 N. 3.3.3. Source: Unnamed tributary to Uncompahgre River. 3.3.4. Amount: 0.75 c.f.s., conditional. 3.3.5. Appropriation date: December 31, 2010. 3.3.6. Uses: irrigation, filling Fairway Pines Reservoir, recreation, piscatorial, and fire protection. 3.4. Remarks: 3.4.1. A general location map depicting the locations of the Fairway Pines Reservoir, Scott's Ditch, and Fairway Pines Ditch is attached as **Exhibit A**. 4. Request for finding of Integrated Water Supply System: "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been



shown in the development of water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). The water rights described in paragraphs 3.1, 3.2, and 3.3 are part of an integrated water system for Applicant’s property. 5. Request for a finding of reasonable diligence on remaining conditional water rights: Applicant owns and operates the Divide Ranch and Club, a golf course and events center located northwest of Ridgway. Maintaining a reliable and efficient supply of water is critical for irrigation of the greenways and hosting events year-round. Fairway Pines Reservoir, Scott’s Ditch, and Fairway Pines Ditch are essential components of Applicant’s integrated water system. For the remaining conditional portions of the Fairway Pines Reservoir, Scott’s Ditch, and Fairway Pines Ditch as described in paragraphs 3.1, 3.2, and 3.3, Applicant has diligently maintained the water rights, and can and will perfect them for beneficial uses pursuant to the standards set forth in C.R.S. §§ 37-92-301(4) and 37-92-305(9)(b) and associated caselaw. In support of its claim for findings of reasonable diligence, Applicant has engaged in numerous activities during the diligence period that demonstrate diligence toward the application of Fairway Pines Reservoir, Scott’s Ditch, and Fairway Pines Ditch water rights to their decreed beneficial uses. Applicant has incurred significant costs and expenditures during the diligence period to operate, maintain, upgrade, and expand its water facilities, as well as to acquire, maintain, and protect the water rights that make up the integrated system. Applicant’s specific diligence activities during the diligence period include the following: 5.1. Applicant constructed the Fairway Pines Estates Owners Association Pumping Plant, which involved extensive trenching, installation of piping, and construction of a pump station on Dallas Creek. Construction was completed in August 2021. 5.2. During the diligence period, Applicant has expended \$58,500 on electric bills to the San Miguel Power Association. 5.3. During the diligence period, Applicant has expended more than \$796,800 on construction and maintenance, as well as legal, engineering, and other consulting services, to construct and manage the Divide Ranch and Club water projects. 5.4. Applicant is working toward a Water Delivery Agreement with the Fairway Pines Sanitation District (“District”) to improve and construct infrastructure that will make operation of the Fairway Pines Wastewater Works domestic wastewater treatment plant (“Plant”) and Divide Ranch and Club more efficient. The District delivers treated wastewater effluent from the Plant to ponds located on Applicant’s property for subsequent irrigation of the golf course. This includes the District’s work in December 2025 to line ponds on Applicant’s property to comply the District Pines Sanitation District expended \$104,910. 5.5. In 2021, in Case No. 21CW3017, Applicant made absolute in part and otherwise obtained findings of reasonable diligence for the following water rights: the Fairway Pines Estates Owners Pond 1, the Fairway Pines Estate Owners Pond 2, the FP Golf Course Pond No. 2, the FP Golf Course Pond No. 3, the FP Golf Course Pond No. 4, the Fairway Pines Estates Owners Association Pumping Plant, the Fairway Pines Reservoir (Estate Owners Enlargement). 5.6. In 2022, the Applicant filed for and the Court granted reasonable diligence in the development of FP Well Nos. 1, 2, 3A, 4, 5A, 6, and 7 through 16 in Case No. 22CW3006. 5.7. In 2023, the Applicant filed for and the Court granted reasonable diligence in the development of the FP Golf Course Pond No. 1 and FP Golf Course Pond No. 5 in Case No. 23CW3037. 5.8. On June 19, 2024, Applicant renewed an agreement with Tri-County Water Conservancy District to use water from the Dallas Creek Project pursuant to a 20-year contract. This water will be used to offset depletions to the Uncompahgre River caused by pumping

from the Fairway Pines Estate Owners Well Nos. 1 and 2. Applicant paid a total of \$22,905 for augmentation water during the diligence period. In 2025, the Applicant expended \$22,909 for the same expenses. 5.9. On November 3, 2025, in Case No. 25CW3013, Applicant made absolute in part and otherwise obtained findings of reasonable diligence for the Fairway Pines Estate Owners Well No. 1 and Fairway Pines Estate Owners Well No. 2. 5.10. In December 2025, the Applicant completed construction of the Fairway Pines Estate Owners Pond 1, which is now being filled by the Fairway Pines Estate Owners Well No. 1 and Fairway Pines Estate Owners Well No. 2. 5.11. The Applicant performed ongoing monitoring of water rights filings of other appropriators in Water Division No. 4 to protect the conditional water rights described in paragraphs 3.1, 3.2, and 3.3. 6. Names and addresses of owners of land upon which the subject water rights are or will be located: Applicant. WHEREFORE, the Applicant respectfully requests the Water Court enter a decree finding that: (i) the Applicant has exercised reasonable diligence for the conditional water rights described in paragraphs 3.1, 3.2, and 3.3; and (ii) such other and further relief as the Water Court deems just and proper. The application on file with the Water Court contains an outline of the work performed during the diligence period. **OURAY COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of March 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 a Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit of certificate of such service shall be filed with the Water Clerk, as prescribed by C.R.C.P. Rule 5. (Filing fee: \$192.00; Forms may be obtained from the Water Clerk's Office or on our website at [Division 4 | Colorado Judicial Branch](#)) This publication can be viewed in its entirety on the state court website at: [Division 4 | Colorado Judicial Branch](#).) JODI HANSON, Water Clerk, Water Division 4, 1200 N. Grand Ave., Bin A, Montrose, CO 81401