

## DIVISION 5 WATER COURT- JANUARY 2026 RESUME

(This publication can be viewed in its entirety on the Colorado State Judicial website at: [www.coloradojudicial.gov](http://www.coloradojudicial.gov)).

**1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2026. *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.***

**26CW3000 PITKIN COUNTY – ROARING FORK RIVER OR ITS TRIBUTARIES.** Holland LLC, c/o Paul L. Noto and John M. Sittler, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. **First Claim:** Resnick Augmentation Pond. Original decree: May 15, 2000, Case No. 99CW104. The Court issued an amended decree on May 7, 2001. Subsequent diligence decrees: January 15, 2007, Case No. 06CW89; July 28, 2013, Case No. 13CW08; January 19, 2000, Case No. 19CW3075. Legal: NW ¼ SW ¼ of Section 32, Township 8 S., Range 87 W. of the 6th P.M., at a point approximately 1,762 feet from the south section line and 978 feet from the west section line (Pitkin County). The centerline of the reservoir dam intersects Buffalo Creek at a point whence the SW corner of Section 32 bears south 33°52'18" W. a distance of 2,053.47 feet. Source: Buffalo Creek, tributary to West Sopris Creek, tributary to Sopris Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: January 20, 1999. Amount: 7.0 acre-feet, conditional (all active capacity). Uses: Augmentation, irrigation, aesthetic, piscatorial, fire protection, and livestock watering. A detailed outline of the work performed towards completion of the appropriation is included in the application. The Resnick Augmentation Pond is a component part of an integrated water supply project for Applicant's property that includes all water rights that are the subject of this application and all water rights decreed in Case No. 99CW104, Division 5 Water Court. **Second Claim:** Resnick Lot A Pump. Original decree: May 15, 2000, Case No. 99CW104, Division 5 Water Court. The court issued an amended decree on May 7, 2001. Subsequent diligence decrees: January 15, 2007, Case No. 06CW89; July 28, 2013, Case No. 13CW08; January 19, 2020, Case No. 19CW3075, all Division 5 Water Court. Legal: NW ¼ SW ¼ of Section 32, Township 8 S., Range 87 W. of the 6th P.M., at a point approximately 1,737 feet from the south section line and 1,112 feet from the west section line (Pitkin County). The point of diversion is on the west side of the Resnick Augmentation Pond at a point whence the SW corner of Section 32 bears south 30°08'23" W. a distance of 2,009.31 feet. Source: Buffalo Creek, tributary to West Sopris Creek, tributary to Sopris Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: January 20, 1999. Amount: 0.1 c.f.s., conditional. Uses: Irrigation, fire protection, and livestock watering. Claim for finding of reasonable diligence: A detailed outline of the work done towards completing the appropriation is included in the application. The Resnick Lot A Pump is a component part of an integrated water supply project for Applicant's property that includes all water rights that are the subject of this application and all water rights decreed in Case No. 99CW104, Division 5 Water Court. **Third Claim:** Resnick Lot A Well. Original decree: May 15, 2000, Case No. 99CW104, Division 5 Water Court. The court issued an amended decree on May 7, 2001. Subsequent diligence decrees: January 15, 2007, Case No. 06CW89; July 28, 2013, Case No. 13CW08; January 19, 2000, Case No. 19CW3075, all Division 5 Water Court. Legal: The well is located within a well field with boundaries no further than 100 feet from Buffalo Creek and entirely within Resnick Subdivision Lot A in the NW ¼ SW ¼ of Section 32, Township 8 S., Range 87 W. of the 6th P.M. (Pitkin County). The well field is described more specifically as beginning at a point on the lot line between Resnick Subdivision Lots A and B whence the SW corner of Section 32 bears south 36°58'48" W. a distance of 1998.70 feet, thence bearing north 90° W. 232.21 feet along said lot line, thence north 25°02'46" E. 742.05 feet, thence south 0°05'34" W. 527.94 feet along the east lot line of Lot A, thence south 29°14'37" W. 165.55 feet to the point of beginning. Source: Groundwater tributary to Buffalo Creek, tributary to West Sopris Creek, tributary to Sopris Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: January 20, 1999. Amount: 0.1 c.f.s. (45 g.p.m.; 3.0 acre-feet per year), conditional. Uses: Domestic, irrigation, fire protection, and livestock watering. Depth: Approximately 95 feet. Claim for finding of reasonable diligence: a detailed outline of the work done towards completion of the appropriation is included in the application. Remark: The Resnick Lot A Well is a component part of an integrated water supply project for Applicant's property that includes all water rights that are the subject of this application and all water rights decreed in Case No. 99CW104, Division 5 Water Court. Maps and supporting documentation are on file with the court.

**YOU ARE HEREBY 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 this application should not be granted or why it should be granted 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) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2026. *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.***

**26CW3001 (18CW3103, 14CW3047, 09CW97, 97CW305), SUMMIT COUNTY.** Division: 5. 1. Name and Address of Applicant: Vidler Water Company, Inc. ("Vidler"), 3480 GS Richards Blvd., Suite 101, Carson City, NV 89703, (775) 885-5000. Direct all pleadings to: Glenn E. Porzak, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Structures: A series of groundwater wells or infiltration galleries that divert groundwater tributary to the Blue River and its tributaries, as follows: A. Upper Blue River Wells: i. Blue River from its headwaters in the vicinity of Lat: 39°21'30" North, Long. 106°03'30" West downstream to the confluence with Dillon Reservoir in the SE¼ of Section 31, Township 5 South, Range 77 West, of the 6th P.M. ii. Spruce Creek from the headwaters at the natural lake at Lat. 39°53'53" North, Long. 106°24'53" West downstream to the confluence with the Blue

River at Lat. 39°26'32" North, Long. 106°02'13" West. iii. Monte Cristo Creek from its headwaters in the vicinity of Lat. 39°23'00" North, Long. 106°08'00" West downstream to its confluence with the Blue River at Lat. 39°23'13" North, Long. 106°03'08" West. B. Swan River Wells: i. South Fork Swan River from its headwaters in the vicinity of Lat. 39°27'35" North, Long. 105°54'51" West downstream to the confluence with the Middle Fork Swan River at Lat. 39°29'48" North, Long. 105°56'42" West. ii. Middle Fork Swan River from the headwaters in the NW¼ NW¼ of Section 23, Township 6 South, Range 76 West of the 6<sup>th</sup> P.M. downstream to the confluence with the North Fork Swan River at Lat. 39°30'46" North, Long. 105°56'48" West. iii. North Fork Swan River from the headwaters in the vicinity of Lat. 39°33'00" North, Long. 105°53'32" West downstream to the confluence with the Middle Fork Swan River at Lat. 39°30'46" North, Long. 105°56'48" West. iv. Swan River from the confluence with Middle and North Forks Swan River at Lat. 39°30'46" North, Long. 105°56'48" West downstream to the confluence with the Blue River at Lat. 39°32'17" North, Long. 106°02'15" West. C. Lower Blue River Wells: from the outlet of Dillon Reservoir in the SE¼ NE¼ of Section 13, Township 5 South, Range 78 West of the 6<sup>th</sup> P.M. to the inlet of Green Mountain Reservoir in the SE¼ NW¼ of Section 34, Township 2 South, Range 79 West of the 6<sup>th</sup> P.M. 3. Description of conditional exchange: A. Decree: Judgement and Decree, Case No. 97CW305 entered on August 18, 2003, by the District Court in and for Water Division No. 5 ("Water Court"). Findings of reasonable diligence and to make absolute portions of the subject exchange were made in Case Nos. 09CW97, 14CW3047 and 18CW3103. B. Source: Groundwater and surface water tributary to the Blue River and its tributaries. C. Priority Date: October 25, 1988. D. Amount: A total of 123.647 consumptive acre-feet per year, at a rate of exchange of up to 1.0 cfs (449 gpm), conditional. 94.24 (out of the 123.647) consumptive acre-feet can be augmented above Dillon Reservoir. E. Exchange reaches: i. Upper termini: the headwaters of the Blue and Swan Rivers and their tributaries, as described in paragraph 2 above are the upper termini of the conditional exchange. The portion of the exchange being made absolute has the following upper termini: a. Swan River: a point on the Swan River adjacent to a well permitted as no. 63566, located in the SW¼ SE¼ of Section 24, Township 6 South, Range 77 West of the 6<sup>th</sup> P.M. a distance of 500 feet from the south section line and 2,400 feet from the east section line. b. Upper Blue River: a point on the upper Blue River adjacent to a well permitted as no. 67340, located in the NW¼ NE¼ of Section 12, Township 8 South, Range 78 West of the 6<sup>th</sup> P.M. a distance of 1,200 feet from the north section line and 1,790 feet from the east section line. ii. Downstream termini: the original headgate locations of the Valaer Ditch and the Columbus Ditch, as follows: a. Valaer Ditch headgate: a point in the SW¼ NE¼ of Section 13, Township 5 South, Range 78 West of the 6<sup>th</sup> P.M., at a point located by UTM coordinates as northing (UTM y) 4386263 and easting (UTM x) 408446.3 pursuant to the Division Engineer's published structure summary report. b. Columbus Ditch headgate: a point in the SW ¼ NW ¼ SW ¼ of Section 8, Township 4 South, Range 78 West of the 6<sup>th</sup> P.M., at a point located at UTM coordinates as northing (UTM y) 4396813 and easting (UTM x) 400721 pursuant to the Division Engineer's published structure summary report. Maps indicating the areas covered by the subject plan for augmentation and exchange, and throughout which the subject wells and storage facilities are located, are attached hereto as Exhibit A. 4. Water Rights Made Absolute: By the present application, Vidler seeks to make absolute a total of an additional 26.904 consumptive acre feet at a rate of 0.03719 cfs (16.679 gpm) of the subject exchange for the 161 wells located above Dillon Reservoir that were placed to beneficial use. These wells by permit and exchange reach are described on the attached Exhibits B and C. The wells and pond located below Dillon Reservoir and augmented by the Vidler water rights are described on the attached Exhibit D. The date that the subject exchanges were made absolute is the date of the filing of this application. There have been no calls on the upper Blue River and/or Swan River during this diligence period to prevent the operation of the subject plan for augmentation and exchange, and/or the operation of the exchange is permitted pursuant to the Summit County Agreement. 5. Detailed outline of the diligence work done to complete the project and apply water to beneficial use: During the requisite diligence period, Vidler has undertaken the following specific activities that demonstrate diligence with regard to the portions of the subject conditional exchange not made absolute: A. During the subject diligence period, Vidler engaged in marketing and sales activities, including without limitation producing and distributing marketing materials at a cost of \$4,266.84, and selling the amounts of water indicated on the attached Exhibits B and C. B. Vidler personnel have processed applications from well owners and owners of water storage rights for participation in the subject plan of augmentation and exchange, consisting of 360 hours of time spent on such applications at a total cost of more than \$43,200.00. C. Vidler has spent money on postage and express delivery costs associated with managing the subject plan for augmentation and exchange in the amount of \$1,566.83. D. Vidler has spent in excess of \$72,032.00 in legal, engineering, and miscellaneous project fees and expenses associated with the subject plan for augmentation and exchange. 6. Remarks: By virtue of the Water Court decree in Case No. 09CW97, a total of 4.864 consumptive acre feet at a rate of 0.0067 cfs of the conditional exchange was previously made absolute in Reaches 5 through 8, and the remainder was continued in full force and effect as a conditional exchange. By virtue of the Water Court decree in Case No. 14CW3047, an additional 5.505 consumptive acre feet at a rate of 0.0079 cfs (3.55 gpm) of the subject exchange was made absolute. By virtue of the Water Court decree in Case No. 18CW3103, an additional 4.301 consumptive acre feet at a rate of 0.005945 cfs was made absolute. As a result, a total amount of 18.971 consumptive acre feet at a cumulative rate of 0.020545 cfs has previously been made absolute. 7. Owners of land: The United States of America, Department of Agriculture, U.S. Forest Service, P.O. Box 1648, Silverthorne, CO. 80498 is the owner of the land constituting the upper termini of the conditional exchange in the headwaters of the Blue River and the Swan River and is the owner of the land upon which the Columbus Ditch headgate is located. Denver Water, 1600 W. 12<sup>th</sup> Ave., Denver, CO. 80204 is the owner of the land upon which the Valaer Ditch headgate is located. WHEREFORE, Vidler requests entry of a decree determining that the water rights described in paragraph 4 above have been made absolute, and that Vidler has demonstrated reasonable diligence with respect to the remainder of the subject conditional exchange that is not made absolute in this case. In the event that the Court determines that the water rights described in paragraph 4 have not been made absolute. Vidler requests a finding of reasonable diligence be entered for the entirety of the remaining conditional water rights.

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**26CW3002 GRAND COUNTY.** Mountain Park Concrete, Inc., c/o Frank Docheff, P.O. Box 856, Granby, CO 80446, (970) 218-3555. Applicant is represented by Katie Randall and Kent Whitmer, JVAM PLLC, P.O. Box 878, Glenwood Springs, CO 81602, (970) 922-2122. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Underground Water Rights: Name of Structure: Mountain Park Concrete Well. Source: Ground water tributary to the Fraser River, tributary to the Colorado River. Well Location: Grand County, Colorado, in a tract of land commonly known as Block 4, Granby West Business Park, located in the NW ¼ of the SW ¼ of Section 31, Township 2 North, Range 76 West of the 6th P.M. at a point approximately 2,906 feet south of the north section line and 1,100 feet east of the west section line. Depth: 18 feet. Uses: Batching of concrete and incidental uses, such as washing chutes, mixer trucks, and equipment; and irrigation of 0.05 acres of landscaping. Amount: 10 gallons per minute ("g.p.m."), annual diversion limited to 10 acre-feet. Appropriation Date: January 26, 2000 (4 af/yr, absolute); June 29, 2007 (6 af/yr, conditional). Prior Decrees: August 4, 2003, Case No. 02CW130; March 31, 2009, Case No. 07CW233; May 25, 2009, Case No. 07CW124; January 1, 2020, Case No. 19CW3093, all in Water Court Division No. 5. Appropriative Right of Exchange: Exchange Reach: Upstream Terminus: the point where depletions from the Mountain Park Concrete Well reach the Fraser River, estimated to be located in the SW ¼ of the SW ¼ of Section 31, Township 2 North, Range 76 West of the 6th P.M., at a point approximately 370 feet north of the south section line and 540 feet east of the west section line. Downstream Terminus: the confluence of Muddy Creek and the Colorado River, located in the NW ¼ of the NE ¼ of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point approximately 180 feet south of the north section line and 1,990 feet west of the east section line. Rate of Exchange: Not to exceed 10 g.p.m., for a maximum volume of 10 af/yr. Appropriation Date: June 29, 2007. Augmentation Sources: Granby Reservoir or Wolford Mountain Reservoir, as detailed in the Application and prior decrees. Additional Information: The original decree at Case No. 02CW130 and the decree at 07CW124 set forth additional terms and conditions that continue to be in effect for the water rights of this application. The Application and attached exhibits contain a detailed outline of the work performed during the diligence period (20 pages).

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**26CW3003 GRAND COUNTY.** 12 County Road 667, LLC, William Mueller, Manager, 410 Dewey Ave., Boulder, CO 80304, (720) 982-3476. Applicant is represented by Katie Randall and Kent Whitmer, JVAM PLLC, P.O. Box 878, Glenwood Springs, CO 81602, (970) 922-2122. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Prior Decrees: July 27, 2013 (12CW109); January 1, 2020, (19CW3073); both in Water Court Division No. 5. Underground Water Rights: Name of Structure: Cairns Well No. 1. Source: Groundwater tributary to North Inlet, tributary to Grand Lake, tributary to the Colorado River. Legal Description: Grand County, Colorado, SW1/4NW1/4, Section 4, Township 3 North, Range 75 West, 6th P.M. Distance from Section lines: 3,800 feet from South Section line and 1,100 feet from West Section line. Street Address: 12 County Road 667, Grand Lake, CO 80447. Subdivision: Parcel B Cairns Ranch Outright Exemption, Reception No. 2003-003642, Grand County, Colorado. Depth: 37 feet. Use: In-house use domestic for fishing lodge, caretaker unit and 1000 square feet lawn and garden irrigation. Amount: 15 gallons per minute ("g.p.m."), conditional, annual diversion limited to 1.170 acre-feet. Appropriation Date: April 11, 2012. Conditional Appropriative Right of Exchange: Rate of Exchange: Annual calculated depletions of 0.6 af/yr, which represents a continuous flow rate of about 0.002 c.f.s. with a maximum rate of exchange of 0.127 acre-foot per month. Appropriation Date: April 11, 2012. Exchange Reach: Upstream Terminus: North Inlet, which is located in Section 4, Township 3 North, Range 75 West of the 6th P.M., 3,800 feet from the South Section line and 1,100 feet from the West Section line. Downstream Terminus: Colorado River and Muddy Creek Confluence, which is located in Section 19, Township 1 North, Range 80 West of the 6th P.M., 81 feet from the North Section line and 1963 feet from the East Section line. Augmentation Sources: Granby Reservoir or Wolford Mountain Reservoir, as detailed in the Application and prior decrees. Additional Information: The original decree at Case No. 12CW109 sets forth additional terms and conditions that continue to

be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (21 pages).

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**26CW3005 EAGLE CTY. Application for Findings of Reasonable Diligence and to Confirm Absolute.** Applicant: Kathy Hagan, and BDR, LLC, a Colorado limited liability company c/o Sara M. Dunn & Blake C. Peterson, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; balcombgreen.com. Applicants request this Ct. find they have exercised reasonable diligence in the development of the Irons Well No. 2, and Irons Pond No. 2 cond. water rights, herein referred to as the "SWRs." Applicants also request this Ct. confirm the Irons Well No. 2 as abs. See Exhibit A for a map depicting the SWRs locations on file with the Water Ct. First Claim for Findings of Reasonable Diligence. Name of Water Right: Irons Well No. 2. Decree Inf.: Original Decree: 96CW358-B, on 4/20/1998, Dist. Ct., Water Div. No. 5. Subsequent Findings of Reasonable Diligence: The Dist. Ct., Water Div. 5, entered findings of reasonable diligence in the development of the Irons Well No. 2 in 04CW58 and 04CW64 (consolidated), on 5/1/2006; 12CW98, on 3/17/2014; and 19CW3058, on 1/1/2020. Legal Description: NW1/4 SE1/4, Sec. 27, T. 4 S., R. 83 W. of the 6th P.M., being 2,740 ft. from the N. sec. line and 2,520 ft. from the E. sec. line. **Source:** Ground water tributary to Travis Creek, tributary to Eagle River, tributary to the CO River. Approp. Date: 9/27/1996. Amt.: 15 gallons per minute ("g.p.m."), cond., not to exceed 0.75 acre-feet ("AF") annually. Uses: Dom., fire protection, and irr. of up to 5,500 square ft. of lawn and gardens. Depth: 235 feet. Name of Structure: Irons Pond No. 2. Decree Inf.: Original Decree: 96CW358-B, on 4/20/1998, Dist. Ct., Water Div. No. 5. Subsequent Findings of Reasonable Diligence: The Dist. Ct., Water Div. 5, entered findings of reasonable diligence in the development of the Irons Pond No. 2 in 04CW58 and 04CW64 (consolidated), on 5/1/2006; 12CW98, on 3/17/2014; and 19CW3058, on 1/1/2020. Legal Description: SW1/4 NE1/4, Sec. 27, T. 4 S., R. 83 W. of the 6th P.M., being 2,600 ft. from the N. sec. line and 2,300 ft. from the E. sec. line. Source: Natural surface drainage tributary to Travis Creek, tributary to the Eagle River, tributary to the CO River. Approp.

Date: 9/27/1996. Amt.: 1.6 AF, cond., all active storage. Uses: Aug., aesthetic, pisc., fire protection, and irr. of up to 7,000 square ft. of lawn and gardens. Pond Characteristics: The surface area will not exceed 0.22 acres, and the dam will be approx. 7 ft. high and 110 ft. long. Remarks: The SWRs are governed by the plan for aug. decreed in 96CW358-B and amended in 13CW3103. The SWRs are administered according to an Agreement for the Operation and Administration of the Iron Oaks Sub Div. Lots 1, 2, and 3 Water System (see paragraph 28.A. of the decree in 13CW3103). The Agreement outlines the responsible parties for compliance with the terms and conditions for use of the SWRs and for all accounting obligations under the amended plan for augmentation. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Names of owners of the land upon which the SWRs are located: Applicants. Second Claim to Confirm Absolute Water Right. Summary of Claim: Applicants request the Ct. confirm the Irons Well No. 2 as abs. by Applicant's application to beneficial use. Name of Water Right: Irons Well No. 2, as described above in paragraph 3. Date of Beneficial Use: 9/1/2025. Amt. Claimed Abs.: 15 g.p.m. Amt. Remaining Conditional: 0 g.p.m. Uses: As described in paragraph 3.7. Description of Beneficial Use: On 9/1/2025, Hagan began residing in the primary residence located on the Property that is served by the Irons Well No. 2 upon receiving a certificate of occupancy from Eagle Cty. on 6/24/2025. A copy of the certificate is attached as Exhibit B. Hagan used the well that day for its decreed uses. Photos of the irrigated grass and landscaping are attached as Exhibit C. Applicants also have a fire suppression water tank attached to the well for fire protection purposes. The well diverted water for these beneficial uses at a rate of 15 g.p.m., as supported by the pump test report attached as Exhibit D. A recent meter reading for the well showing water diverted for these purposes is attached as Exhibit E. (6 pages of original application, Exhs. A-E)

**YOU ARE HEREBY 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 this application should not be granted or why it should be granted 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) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2026. *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.***

**26CW3006 GARFIELD COUNTY, ROARING FORK RIVER.** Application for Findings of Reasonable Diligence. Richard D. Connor, c/o Mark E. Hamilton, Esq. and Samantha L. Ogden, Esq., Holland & Hart LLP, 600 E. Main St., Suite 104, Aspen, CO, 81611, 970-925-3476, [mehamilton@hollandhart.com](mailto:mehamilton@hollandhart.com), [sogden@hollandhart.com](mailto:sogden@hollandhart.com). Name of structure: Marquis/Wallbank Well No. 4. Decree information: Original decree: Water Div. No. 5, 87CW100, 11/2/1987. Subsequent decrees: 91CW174, 99CW29, 05CW165, 12CW63, and 19CW3052. Location: SE¼ NE¼ of Sec. 23, T. 7 S., R. 88 W. of the 6<sup>th</sup> P.M., at a point whence the E. ¼ Corner of said Sec. 23 bears South 66°00' E. a distance of 1,010 feet, in Garfield County, Colorado. This location is also described as being at a point approximately 2,220 feet from the N. sec. line and 950 feet from the E. sec. line of Sec. 23, T. 7 S., R. 88 W., 6th P.M. A map of the location is included in the Application. Source: Groundwater tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: April 9, 1987. Amount: 10.0 g.p.m., absolute; 5.0 g.p.m., conditional. Uses: domestic and irrigation. Well Permit No.: 33586-F. Depth: 260 feet. A detailed outline of activity during the diligence period is included in the Application. The subject water right is located upon Applicant's property. (4 pages)

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**8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2026. *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.***

**26CW3007 MESA COUNTY. Application for Surface Water Rights.** Applicants: Ciaran and Holly Loomis, 422 34¼ Road, Palisade, CO 81526. Please direct all pleadings to: Chris D. Cummins, W. James Tilton, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste 250, Colorado Springs, CO, 80921 (719) 471-1212. Name of Structure: Hober Seepage Spring. (Previously decreed in Division 5 Water Court case W-2957, abandoned in 21CW3151). Legal Description of Point of Diversion: A naturally occurring spring located in the SE¼ SW¼ of Section 18, Township 1 South, Range 2 East of the Ute Meridian. The approximate location of the springs is shown on the attached Exhibit A. Source: Natural underground spring, tributary to Sink Creek, tributary to the Colorado River. Date of Initiation of Appropriation: June 15, 1975. Amount Claimed: 0.025 c.f.s. absolute; 0.025 c.f.s. conditional. Use or Proposed Uses: All of the spring water will be used for stock watering and for irrigation of up to 3.5 acres of Applicants' property, as has historically occurred. Name of Structure: Ralph's Spring. Legal Description of Point of Diversion: A naturally occurring spring located in the NE¼ SW¼ of Section 18, Township 1 South, Range 2 East of the Ute Principal Meridian, located approximately 1,368 feet from the south section line and 3,530 feet from the east section line of said Section 18, marked on

**Exhibit A. Source:** Unnamed draw, tributary to Sink Creek, tributary to the Colorado River. **Date of Initiation of Appropriation:** March 27, 2013. **Amount Claimed:** 0.011 c.f.s., conditional. **Use or Proposed Uses:** All of the spring water will be used for stock watering and for irrigation of up to approximately 4 acres of Applicants' property located in portions of S½ NE¼ SW¼ and the N½ SE¼ SW¼ of Section 18, Township 1 South, Range 2 East of the Ute Principal Meridian.

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**9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF JANUARY 2026. *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.***

**26CW3008 GRAND CTY. Application for Findings of Reasonable Diligence and to Confirm Absolute, In Part.** Applicants: M&C Walker Enterprise, LLC and Timberline Ministries, Inc., c/o Sara M. Dunn & J. Drew Hancherick, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; balcombgreen.com. Applicants request a finding of reasonable diligence in the development of the cond. water rights for the High Mountain Lodge Well No. 1, High Mountain Lodge Spring No. 1, High Mountain Lodge Infiltration Gallery No. 1, and High Mountain Lodge Pond No. 1 ("SWRs") and to confirm the High Mountain Lodge Well No. 1 has been made abs. First Claim for Findings of Reasonable Diligence. Prior Decrees: The SWRs were originally decreed in 99CW47, Dist. Ct., Water Div. 5 on 8/7/2000, and decrees finding reasonable diligence were entered in 10CW85, Dist. Ct., Water Div. 5 on 10/2/2012, and 18CW3143, on 1/19/2020. **High Mountain Lodge Well No. 1**, a ground water right. Legal Description: SW1/4 NW1/4 of Sec. 23, T. 1 S. , R. 76 W. of the 6<sup>th</sup> P.M., at a point whence the NW corner of said Sec. 23 bears N. 14 deg. 55' W. a distance of 1,975 ft., more or less. Otherwise described as 3,400 ft. From the S. sec. line and 4,700 ft. From the E. sec. line of said Sec. 23. See Exhibit A for a map depicting the Well's location on file with the Water Ct. Source: Groundwater tributary to Spring Branch Creek, tributary to Crooked Creek, tributary to the Fraser River, tributary to the CO River. Depth: 100 ft. Approp. Date: 3/24/1998. Amt.: 15 g.p.m. (0.033 c.f.s.), cond. Uses: Dom., comm., livestock watering, rec. and fire protection. Remarks: This well operates under State Engineer's Well Permit No. 60753-F and pursuant to the Applicants' plan for aug. decreed in 99CW47. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: M&C Walker Enterprise, LLC. **High Mountain Lodge Spring No. 1**, a surface water right. Legal Description: SE1/4 NE1/4 of Sec. 22, T. 1 S. , R. 76 W. of the 6<sup>th</sup> P.M., at a point whence the NE Corner of said Sec. 22 bears N. 01 deg. 30' and E. a distance of 1,445 feet, more or less; being 3,800 ft. from the S. sec. line and 100 ft. from the E. sec. line of said Sec. 22. Source: Spring tributary to Crooked Creek, tributary to the Fraser River, tributary to the CO River. Approp. Date: 3/24/1998. Amt.: 30 g.p.m. (0.067 c.f.s.), cond. Uses: Dom., comm., livestock watering, rec., pisc., and fire protection, together with the right to store water in the High Mountain Lodge Pond No. 1 for such purposes or for aug. purposes and to continuously flow through said pond for rec., pisc. and aesthetic purposes. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: The 2013 Bradley E. Reger Revocable Trust. **High Mountain Lodge Infiltration Gallery No. 1**, a surface water right. Legal Description: Located on the S. bank of the Crooked Creek in the NW1/4 NW1/4 of Sec. 23, T. 1 S. , R. 76 W. of the 6<sup>th</sup> P.M., at a point whence the NW Corner of said Sec. 23 bears N. 00 deg. 45' W. a distance of 585 ft. more or less; being 4,700 ft. from the S. sec. line and 5,100 ft. from the E. sec. line of said Sec. 23. See Exhibit A. Source: Crooked Creek, tributary to Fraser River, tributary to the CO River. Approp. Date: 3/24/1998. Amt.: 65 g.p.m. (0.15 c.f.s.), cond. Uses: Dom., comm., livestock watering, rec., pisc., and fire protection, together with the right to store water in the High Mountain Lodge Pond No. 1 for such purposes or for aug. purposes and to continuously flow through said pond for rec., pisc. and aesthetic purposes. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: Timberline Ministries Inc. **High Mountain Lodge Pond No. 1**, a storage water right. Legal Description: E1/2 NE1/4 of Sec. 22 and W1/2 NW1/4 of Sec. 23, T. 1 S. , R. 76 W. of the 6<sup>th</sup> P.M. The W. end of the dam will be at a point whence the NE corner of said Sec. 22 bears N. 01 deg. 30' E. a distance of 875 feet, more or less; being 4,400 ft. from the S. sec. line and 100 ft. from the E. sec. line of Sec. 22. See Exhibit A. Approp. Date: 3/24/1998. Source: The off-channel reservoir is filled by the High Mountain Lodge Spring No. 1 and High Mountain Lodge Infiltration Gallery No. 1, as described above, both are tributary to Crooked Creek, tributary to Fraser River, tributary to the CO River. Amt.: 30 acre-feet, cond., rate of diversion for filling the reservoir is 0.212 c.f.s. Uses: Dom., comm., livestock watering, rec., pisc., aesthetic, and fire protection, by direct use or by aug. or replacement. Inf. regarding dam: Surface area of high water line: 3 acres. Maximum height of dam: 10 ft. Length of dam: approx. 250 ft. Active capacity: 8 acre-feet. Dead storage: 22 acre-feet. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: Timberline Ministries Inc. Integrated System: As stated in paragraph 14 of the decree in 99CW47, the SWRs are part of an integrated water supply for Applicants' properties. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Second Claim: Confirm Water Rights Abs. Name of Structure: **High Mountain Lodge Well No. 1**. Amt. and Use: 15 g.p.m., abs., for all decreed uses. Date

Water Applied to Beneficial Use: 11/5/2020, Applicants placed the water to all decreed beneficial use in priority, according to the Div. of Water Resource call records attached to application as Exhibit B and on file with the Water Ct. How Applied to Beneficial Use: Water was diverted by means of the subject well at the full decreed rate of 15 g.p.m., conveyed to storage tanks, and thereafter applied to the decreed beneficial uses on the same day. (8 pages of original application, Exhs A-B)

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**26CW2 (25CW1) GRAND COUNTY-** Guy & Linda Shingleton; P.O. Box 704; Grand Lake, CO 80447. (303)898-1267. Tibbetts Well No. 1 and Warner Exchange Application to Make Absolute Whole or In Part. Location: Tibbetts Well No. 1 - SE¼, Sec. 23, T.3N, R.76W. of the 6th P.M. as follows: beginning at the E¼ corner of Sec. 23, T.3N, R.76W. of the 6th P.M.: thence N89°27'00" West a distance of 1,130 ft. to the True Point of the beginning: thence South 400 ft. UTM: E426169.7 N4450850.6 Z13. Warner Exchange- Upstream Terminus from the location of Tibbetts Well No. 1 SE¼, Sec. 23, T.3N, R.76W. of the 6th P.M. in the NE¼ SE¼ at a point 2,240 ft. from South sec. line and 1,130 ft. from east sec. line. Downstream Terminus – Colorado River to Granby Reservoir spillway in the SE¼NE¼, Sec. 11, T.2N, R.76W, of the 6th P.M., at a point 2,500 ft. from the north sec. line and 400 ft. from the east sec. line. Granby Reservoir occupies parts of T.2 and 3N., R.75/76 of the 6th p.m. Appropriation: 4.13.94 Amount: 15.0 g.p.m., absolute, 0.5 a.f./yr. for exchange, absolute. Use: In-house domestic use for one single family residence. Application contains an outline of work completed during the diligence period.

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