

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 March 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. 25CW25 (Ref No. 19CW38, 13CW13,05CW83)** Applicant Sperry Land Co LLC c/o Joe Sperry 20215 F Rd Delta CO 81416 Application for Finding of Diligence. Sperry Pond 1 – SW1/4SW1/4 Section 1 T11S R90W 6th. Source: East Muddy of the North Fork of the Gunnison River. Appropriation Date: 2005. Amount claimed: 1.65 af for augmentation, fire protection, fish culture, recreation. Sperry Pond 2 – SE1/4NE1/4 Section 11 T11S R90W 6th. Source: East Muddy of the North Fork of the Gunnison River. Appropriation Date: 2005. Amount claimed: 1.35 af for augmentation, fire protection, fish culture, recreation. Sperry Pond 3 – SE1/4NW1/4 Section 11 T11S R90W 6th. Source: East Muddy of the North Fork of the Gunnison River. Appropriation Date: 2005. Amount claimed: 1.40 af for augmentation, fire protection, fish culture, recreation. The application on file with the Water Court contains an outline of the work performed during the diligence period. **GUNNISON COUNTY.**

**Case No. 26CW8** Applicant Silver Hawk LTD PO Box 98 Nucla CO 81424 Application for Conditional Surface Water Rights. D.L. – SW1/4NE1/4 Section 15 T46N R15W NMPM. Easting 718062.655 Northing 4235609.508 Source: unnamed tributary to the San Miguel River. Appropriation date: 03/17/2026. Amount claimed: 120 gpm for field irrigation and livestock. **MONTROSE COUNTY.**

**CASE No. 26CW3015 (Ref No. 04CW175, 12CW102, 19CW3071) SAN MIGUEL COUNTY – SAN MIGUEL RIVER OR ITS TRIBUTARIES.** Telecam Partnership II, LTD., a Colorado limited partnership, c/o Scott C. Miller and Jason M. Groves, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. **First Claim:** Illium Pond. Original decree: August 22, 2006, Case No. 04CW175, Water Division 4. Subsequent diligence decrees: September 3, 2013, Case No. 12CW102; March 3, 2020, Case No. 19CW3071. Legal: From the center of the dam, it is S 56°10'10" W, 4,836.72 feet to the northwest corner of Section 6, Township 42 North, Range 9 West, N.M.P.M., in San Miguel County. Structure used to fill reservoir: Illium Pond Pipeline. Legal: The point of diversion of the Pipeline is

on the left bank of the San Miguel River more particularly described as follows: S 57°34'24" W. 5,321.15 feet to the northwest corner of Section 6, Township 42 North, Range 9 West, N.M.P.M. Rate: 5.0 c.f.s. When Applicant has achieved a first fill of Illium Pond or when Applicant is not attempting to fill an emptying or near empty reservoir, deliveries through the Illium Pond shall be limited to 1.55 c.f.s. Source: San Miguel River. Appropriation date: February 27, 2004. Amount: 15 acre-feet, conditional. Use: Irrigation, piscatorial, augmentation and exchange. Surface area high water line: 1 acre; Max. dam height: 21 ft; Dam length: 178 ft. Total capacity: 15 acre-feet; Active: 15 acre-feet; Dead storage: 0 acre-feet. Request for finding of reasonable diligence: A detailed outline of work done toward completing the conditional appropriation is on file with the court. Landowner information: Applicant. Remarks: Under C.R.S. § 37-92-301(4)(b), the subject water right is a decreed augmentation source and integrated component of the water supply project for the Illium Valley Industrial Development Project. Decree 04CW175, Water Division 4. Maps and supporting documentation are on file with the court. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

**Case No. 26CW3016 (Ref No. 10CW202, 19CW3025) SAN MIGUEL COUNTY.** Tributary to the San Miguel River. Applicant: Norwood Water Commission, c/o Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name and Description of Conditional Water Rights: NWC Beaver Park Reservoir: Original Decree: Entered on May 6, 2013, in Case No. 10CW202, District Court, Water Division No. 4. Subsequent Decree: Subsequent decree finding reasonable diligence was entered in Case No. 19CW3025. Legal Description: Located in the SW1/4 NE1/4 of Section 10, Township 42 North, Range 12 West of the N.M.P.M., 220 feet from the south section line and 1,344 feet from the east section line of said Section 10. UTM Zone 13, NAD 83: Northing 4200605 meters and Easting 221083 meters. See map submitted with the Application as Exhibit A. Source: Beaver Creek and other tributaries of the San Miguel River via NWC Goat Creek Pump. Date of appropriation: December 13, 2010. Amount: up to 2,250 acre-feet, conditional. Uses: irrigation and supplemental irrigation of up to 20,000 acres in the NWC service area, municipal (including commercial, industrial, domestic, and lawn and garden irrigation), power generation, augmentation, and in-reservoir piscatorial. NWC Ed Joe Draw Reservoir: Original Decree: Entered on May 6, 2013, in Case No. 10CW202, District Court, Water Division No. 4. Subsequent Decree: Subsequent decree finding reasonable diligence was entered in Case No. 19CW3025. Legal Description: Located in the NW1/4 NW1/4 of Section 22, Township 44 North, Range 13 West of the N.M.P.M., 649 feet from the north section line and 1,276 feet from the west section line of said Section 22. UTM Zone 13, NAD 83: Northing 4217922 meters and Easting 211159 meters. See Exhibit A map. Source: Onstream reservoir on Ed Joe Draw and Beaver Creek and other tributaries of the San Miguel River via NWC Goat Creek Pump. Date of appropriation: December 13, 2010. Amount: up to 2,250 acre-feet, conditional. Uses: irrigation and supplemental irrigation of up to 20,000 acres in the NWC service area, municipal (including commercial, industrial, domestic, and lawn and garden irrigation), power generation, augmentation, and in-reservoir piscatorial. NWC Old Town Reservoir: Original Decree: Entered on May 6, 2013, in Case No. 10CW202, District Court, Water Division No. 4. Subsequent Decree: Subsequent decree finding reasonable

diligence was entered in Case No. 19CW3025. Legal Description: Located in the SE1/4 SE1/4 of Section 9, Township 44 North, Range 13 West of the N.M.P.M., 819 feet from the south section line and 194 feet from the east section line of said Section 9. UTM Zone 13, NAD 83: Northing 4220031 meters and Easting 210763 meters. See Exhibit A map. Source: Beaver Creek and other tributaries of the San Miguel River via NWC Goat Creek Pump and San Miguel River via NWC River Diversion. Date of appropriation: December 13, 2010. Amount: 183 acre-feet, conditional. Use: irrigation and supplemental irrigation of up to 20,000 acres in the NWC service area, municipal (including commercial, industrial, domestic, and lawn and garden irrigation), power generation, augmentation, and in-reservoir piscatorial. NWC Goat Creek Pump: Original Decree: Entered on May 6, 2013, in Case No. 10CW202, District Court, Water Division No. 4. Subsequent Decree: Subsequent decree finding reasonable diligence was entered in Case No. 19CW3025. Legal Description: Located in the NE1/4 SW1/4 of Section 21, Township 43 North, Range 12 West of the N.M.P.M., 2,159 feet from the south section line and 2,066 feet from the west section line of said Section 21. UTM Zone 13, NAD 83: Northing 4207525 meters and Easting 219204 meters. See Exhibit A map. The NWC Goat Creek Pump also has decreed alternate points of diversion at the following locations (all UTM Zone 13, NAD 83): Headgate No. 1 – Section 24, T. 42 N., R. 12 W., NMPM. Northing 4198106 meters and Easting 223282 meters. Headgate No. 2 – Section 24, T. 42 N., R. 12 W., NMPM. Northing 4198169 meters and Easting 222714 meters. Headgate No. 3 – Section 24, T. 42 N., R. 13 W., NMPM. Northing 4197732 meters and Easting 222039 meters. Headgate No. 4 – Section 24, T. 42 N., R. 12 W., NMPM. Northing 4197997 meters and Easting 221255 meters. Headgate No. 5 – Section 24, T. 42 N., R. 12 W., NMPM. Northing 4198037 meters and Easting 220944 meters. Headgate No. 6 – Section 22, T. 42 N., R. 12 W., NMPM. Northing 4198029 meters and Easting 220936 meters. Headgate No. 7 – Section 4, T. 42 N., R. 12 W., NMPM. Northing 4200202 meters and Easting 219382 meters. Headgate No. 8 – Section 4, T. 42 N., R. 12 W., NMPM. Northing 4200911 meters and Easting 219389 meters. Headgate No. 9 – Section 4, T. 42 N., R. 12 W., NMPM. Northing 4203355 meters and Easting 218404 meters. Headgate No. 10 – Section 4, T. 42 N., R. 12 W., NMPM. Northing 4204280 meters and Easting 217642 meters. Source: Beaver Creek, tributary to the San Miguel River. Via alternate points of diversion, also the following sources: East Beaver Creek, East Fork of East Beaver Creek, East Middle Beaver Creek, Main Middle Beaver Creek, West Middle Beaver Creek, West Beaver Creek, Little Beaver Creek (a/k/a Goat Creek), and Galloway Creek, tributary to the San Miguel River. Date of appropriation: December 14, 2010. Amount: 175 c.f.s. Use: irrigation and supplemental irrigation of up to 20,000 acres in the NWC service area; municipal (including commercial, industrial, domestic, and lawn and garden irrigation), power generation; and storage for those uses, augmentation and piscatorial in NWC Ed Joe Draw Reservoir, NWC Beaver Park Reservoir, NWC Old Town Reservoir, and Lone Cone Reservoir Enlargement. NWC Naturita Pump 1 and 2 (at Naturita): Original Decree: Entered on May 6, 2013, in Case No. 10CW202, District Court, Water Division No. 4. Subsequent Decree: Subsequent decree finding reasonable diligence was entered in Case No. 19CW3025. Legal Description: Pump 1: Located in the NE1/4 NE1/4 of Section 30, Township 46 North, Range 15 West of the N.M.P.M., 1,117 feet from the north section line and 1,132 feet from the east section line of said Section 30. UTM Zone 13, NAD 83: Northing 4235678 meters and Easting 188365 meters. Pump 2: Located in the NE1/4

NE1/4 of Section 30, Township 46 North, Range 15 West of the N.M.P.M., 1,082 feet from the north section line and 777 feet from the east section line of said Section 30. UTM Zone 13, NAD 83: Northing 4235684 meters and Easting 188474 meters. See Exhibit A map. Source: San Miguel River. Date of appropriation: December 14, 2010. Amount: 6.0 c.f.s., each. Use: irrigation and supplemental irrigation of up to 20,000 acres in the NWC service area; municipal (including commercial, industrial, domestic, and lawn and garden irrigation), power generation; and storage for those uses, augmentation and piscatorial in NWC Old Town Reservoir and NWC Reservoir Nos. 1, 2, 3 and 4. NWC River Diversion (new conditional uses only): Decree (for new conditional uses only): Entered on May 6, 2013, in Case No. 10CW202, District Court, Water Division No. 4. Subsequent Decree: Subsequent decree finding reasonable diligence was entered in Case No. 19CW3025. Date of appropriation (new conditional uses only): December 13, 2010. New Conditional Uses (subsequent to original decree for structure): irrigation and supplemental irrigation of up to 20,000 acres in the NWC service area; commercial, industrial, domestic, and lawn and garden irrigation (to the extent such uses are not part of original decreed municipal use); power generation; augmentation; piscatorial; and storage for those uses in NWC Old Town Reservoir and NWC Reservoir Nos. 1, 2, 3 and 4. Integrated System. As decreed in Case No. 19CW3025, the conditional water rights described herein are part of an integrated municipal water supply, treatment, and delivery system administered by the Norwood Water Commission. Pursuant to C.R.S. § 37-92-301(4)(b), work on one feature of the municipal water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system. The application includes a detailed description of what has been done toward or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. Names and addresses of owners 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: NWC Beaver Park Reservoir: United States Forest Service, Uncompahgre National Forest, 2250 S. Main St., Delta, CO 81416. NWC Ed Joe Draw Reservoir: High Country Ranch-1 LLC a CO LLC, 2456 Broadway, Grand Junction, CO 81507. United States Forest Service, Uncompahgre National Forest, 2250 S. Main St., Delta, CO 81416. NWC Old Town Reservoir: Town of Norwood, P.O. Box 528, Norwood, CO 81423. NWC Goat Creek Pump: U.S. Bureau of Land Management, Uncompahgre Field Office, 2465 S. Townsend Ave., Montrose, CO 81401. NWC Goat Creek Pump Headgates 1-9: United States Forest Service, Uncompahgre National Forest, 2250 S. Main St., Delta, CO 81416. NWC Goat Creek Pump Headgate 10: T L Bar Ranch Partnership LLLP, P.O. Box 535, Montrose CO 81402. NWC Naturita Pump 1: Raymond A. Davis III, P.O. Box 454, Naturita, CO 81422. NWC Naturita Pump 2: Bobbie Bostic, PR, Nancy Ruth Walker, 57513 II Rd, Montrose, CO 81403. NWC River Diversion: United States Forest Service, Uncompahgre National Forest, 2250 S. Main St., Delta, CO 81416. U.S. Bureau of Land Management, Uncompahgre Field Office, 2465 S. Townsend Ave., Montrose, CO 81401. Applicant requests the Court to determine, adjudge, and decree that Applicant has shown reasonable diligence in the development of the subject conditional water rights and continuing such rights in full force and effect throughout the next diligence period. The

application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

**Case No. 26CW3017 (Ref No. 19CW3026) SAN MIGUEL COUNTY.** Trib. to San Miguel River. Application for Finding Reasonable Diligence. Applicants: Lone Cone Ditch and Reservoir Company, c/o Curtis, Justus, & Zahedi, LLC, 1333 W. 120<sup>th</sup> Ave., Suite 302, Westminster, CO 80234, (303) 595-9441, and Norwood Water Commission, c/o Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name and Description of Conditional Water Rights: Lone Cone Reservoir (Enlargement): Original Decree: Entered on May 6, 2013 in Case No. 10CW203, District Court, Water Division No. 4. Subsequent Decree: A subsequent decree finding reasonable diligence was entered in Case No. 19CW3026. Legal Description: The reservoir is currently located at a point in Section 12, T43N, R13W, NMPM, approximately 2,000' from the East Quarter Corner of Section 12 (about ten miles south of Norwood, CO), with an area of about 65 Acres. The reservoir will be enlarged to include generally portions of the NE1/4 NW1/4, S1/2 NW1/4, W1/2 NE1/4, SW1/4, W1/2 SE1/4 of Section 12, and NW1/4, W1/2 NE1/4 of Section 13, Township 43 North, Range 13 West of the N.M.P.M. See map submitted with application as Exhibit A. Sources: Tributaries of the San Miguel River via the following structures, rates, and sources: Lone Cone Ditch Enlargement (100 c.f.s.): sourced from several natural draws tributary to Naturita Creek (also known as Stockdale Creek), including but not limited to Bennett Creek (a/k/a East Fork of Naturita Creek) and Brewster Creek, tributary to the San Miguel River. NWC Goat Creek Pump (175 c.f.s.): sourced from Beaver Creek. Via alternate points of diversion, also the following sources: East Beaver Creek, East Fork of East Beaver Creek, East Middle Beaver Creek, Main Middle Beaver Creek, West Middle Beaver Creek, West Beaver Creek, Little Beaver Creek (a/k/a Goat Creek), and Galloway Creek, tributary to the San Miguel River. Date of appropriation: December 13, 2010. Amount: 4,000 acre-feet, conditional; limited to a single fill per water year. Uses: By Company: irrigation and supplemental irrigation on lands identified in Figure 2 to Case No. 10CW203, and augmentation to facilitate such irrigation use. By NWC: irrigation and supplemental irrigation of up to 20,000 acres in the NWC service area, municipal (including commercial, industrial, domestic, and lawn and garden irrigation) power generation, augmentation, and in-reservoir piscatorial. Lone Cone Ditch (Enlargement): Original Decree: Entered on May 6, 2013 in Case No. 10CW203, District Court, Water Division No. 4. Subsequent Decree: A subsequent decree finding reasonable diligence was entered in Case No. 19CW3026. Legal Description: Previously adjudicated points of diversion described as follows: Headgate located on the west fork of Naturita Creek whence the Cor. to Tps. 42 & 43 N., R. 13 & 14 W., N.M.P.M. bears N. 42 20 W. 4099 feet. Lone Cone bears S. 62 23 E. Headgate location from which the bearing is North 39°12' East 6720 feet to the corner of Sections 35, 36, 1 and 2, Townships 43 and 42 North, Range 13 West, N.M.P.M. Headgate located on the north side of the Lone Cone in Section 11, Township 42 North, Range 13 West, N.M.P.M. On the Middle Fork of Naturita Creek, said fork being the northerly of the two forks of the stream arising on the Western Slope of the Lone Cone whence the SW Corner of Section 11, T. 32 N., R. 13 W., N.M.P.M. bears south 30° (approx.) West, 700 feet (approx.). On Bennett Creek, being the main stream arising upon the northly slope of Lone Cone, whence SW corner of Section 2, T. 32 N. (decreed, but T. 42 N. in actuality),

R. 13 W., N.M.P.M. bears south 15° (approx.) West, 1650 feet (approx.). On Brewster Creek, tributary to Naturita Creek, whence the NW corner of Section 35, T. 43 N., R. 13 W., N.M.P.M. bears north 30° West (approx.), 2,600 feet (approx.). North bank of Stockdale Creek, from which the bearing is North 39° 12' East, 6,720 feet to the Corner of Sections 35, 36, 1 and 2, T. 43 and 42 N., R. 13 W., N.M.P.M. North bank of Bennett Creek, from which the bearing is North 80° 6' East, 3,664 feet to the Corner of Sections 35, 36, 1 and 2, T. 43 and 42 N., R. 13 W., N.M.P.M. On the bank of Brewster Creek, from the headgate it bears North 33° 17' West, 2,208 feet to the Corner of Sections 23, 24, 25 and 26, T. 43 N., R. 13 W. N.M.P.M. Whence the South Quarter Corner of Section 34, T. 43 N., R. 13 W., N.M.P.M. bears North 45°28' East, 8,150.6 feet. Whence the South Quarter Corner of Section 34, T. 43 N., R. 13 W., N.M.P.M. bears North 42°01' East, 6,612.4 feet. Whence the South Quarter Corner of Section 34, T. 43 N., R. 13 W., N.M.P.M. bears North 72°37' East, 1,812.5 feet. See map submitted with application. Sources: The Lone Cone Ditch obtains its water supply from several natural draws tributary to Naturita Creek (also known as Stockdale Creek), including but not limited to Bennett Creek (a/k/a the East Fork of Naturita Creek) and Brewster Creek, which is tributary to the San Miguel River. The Lone Cone Ditch traverses the northerly side of Lone Cone Mountain for about 23,100 feet. Date of appropriation: December 13, 2010. Amount: 100 c.f.s., conditional, cumulative rate of flow not to exceed. Uses: By Company: irrigation and supplemental irrigation on lands identified in Figure 2 to Case No. 10CW203, augmentation to facilitate such irrigation use, and storage for the same in Lone Cone Reservoir Enlargement. By NWC: irrigation and supplemental irrigation of up to 20,000 acres in the NWC service area, municipal (including commercial, industrial, domestic, and lawn and garden irrigation) power generation, augmentation, in-reservoir piscatorial, and storage for same in Lone Cone Reservoir Enlargement. Integrated System. As decreed in Case No. 19CW3026, a substantial portion of the conditional water rights described herein are part of an integrated municipal water supply, treatment, and delivery system administered by NWC. Pursuant to C.R.S. § 37-92-301(4)(b), work on one feature of the municipal water supply 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. The application includes a detailed description of what has been done toward or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. Names and addresses of owners 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: Lone Cone Reservoir and Enlargement Lands: Brisadal RE Holdings 1 Inc., 151 E 22<sup>nd</sup> St, Lombard, IL 60148. Bureau of Land Management, U.S. Department of the Interior, 2465 S. Townsend Ave. Montrose, CO 81401. Lone Cone Ditch and Reservoir Co., PO Box 911, Norwood, CO 81423. Terry and Lori Gatlin, 15607 Juniper Hollow Rd, Cypress, TX 77433. Bradley E McKinney, PO Box 141, Redvale, CO 81431. John and Pamela Doverspike, 15419 Navajo St, Broomfield CO 80023. T L Bar Ranch Partnership LLLP, PO Box 535, Montrose, CO 81402. Patricia and Dennis Byrd, 850 Byrd Ave, Moab, UT 84532. Lone Cone Ditch Points of Diversion: Lone Cone Rise LLC, PO Box 2600, Dallas, GA 30132. United States Forest Service, Norwood Ranger District, 1150 Forest Street, Norwood, CO 81423. Spirit Trees LLC, C/O William W Fox, PO Box 2703,

Telluride, CO 81435. Russell W Tibbets and Steve Simpson Investments Inc., PO Box 2600, Dallas, GA 30132. Herndon Ranch LTD, Box 66, Norwood, CO 81423. ARJ Mountain Ranch LLC, 12 Boyce Rd, Canterbury, NH 03224. Summer Camp Ranch LLC, 391 E 925 N, Springville, UT 84663. Lone Cone Ditch: Cowboy Cave Ranch LLC, 10945 143rd Ave SE, Becker, MN 55308. United States Forest Service, Norwood Ranger District, 1150 Forest Street, Norwood, CO 81423. Spirit Trees LLC, C/O William W Fox, PO Box 2703, Telluride, CO 81435. Elmer and Carolyn Burbridge, PO Box 463, Nucla, CO 81424. Patricia and Dennis Byrd, 850 Byrd Ave, Moab, UT 84532. Brisadal RE Holdings 1 Inc., 151 E 22<sup>nd</sup> St, Lombard, IL 60148. Bradley E McKinney, PO Box 141, Redvale, CO 81431. Terry and Lori Gatlin, 15607 Juniper Hollow Rd, Cypress, TX 77433. John and Pamela Doverspike, 15419 Navajo St, Broomfield CO 80023. T L Bar Ranch Partnership LLLP, PO Box 535, Montrose, CO 81402. Spiller Leon E and Patricia R Liv Trust Dtd 9/9/94, 66 Road 2755, Aztec, NM 87410. Jake and Lynee Ruiz, 810 S 89th St, Milwaukee, WI 53214. Alvy Joseph F Living Trust Dtd 1 4 2019, 4472 N Twisted Trl, Prescott, AZ, 86301. George Christopher L & George Alla P Rev Trust Dtd 8/9/06 ½, PO Box 5000 PMB 209, Rancho Santa Fe, CA 92067. RC Holdings LTD, PO Box 892, Telluride, CO 81435. Stephanie Fine, 410 Camino Cabra, Santa Fe, NM 87505. Mark Callender and Suzanne Nikolaus, PO Box 4052, Telluride, CO 81435. Joseph L Torrigino, 455 Carmel Ave, Pacifica, CA 94044. Herndon Ranch LTD, BOX 66, Norwood, CO 81423. Russell W Tibbets and Steve Simpson Investments Inc., PO Box 2600, Dallas, GA 30132. ARJ Mountain Ranch LLC, 12 Boyce Rd, Canterbury, NH 03224. NWC Goat Creek Pump Points of Diversion: T L Bar Ranch Partnership LLLP, PO Box 535, Montrose, CO 81402. United States Forest Service, Norwood Ranger District, 1150 Forest Street, Norwood, CO 81423. Bureau of Land Management, U.S. Department of the Interior, 2465 S. Townsend Ave. Montrose, CO 81401. WHEREFORE, the Co-Applicants respectfully request this Court to determine, adjudge, and decree that they have shown reasonable diligence in the development of the subject conditional water rights and continuing such rights in full force and effect throughout the next diligence period. The application on file with the Water Court contains an outline of the work performed during the diligence period. **SAN MIGUEL COUNTY.**

**Case No. 26CW3019 (Ref No. 19CW3077) Applicant:** United States of America, Department of the Interior, Bureau of Land Management, Gunnison Field Office, 250 E. New York Ave., Gunnison, CO 81230. **Name of structures:** Seven Mile Spring **Describe conditional water right:** Date of Original Decree: 03/03/2020 Case Number: 2019 CW 3077 Court: District Court, Water Division 4, Colorado Location: Located on public lands in the SE 1/4 NE 1/4, Section 4, T45N R2W, N.M.P.M., approximately 2,709 feet from the south section line and 1,137 feet from the east section line. Zone 13S 316482mE 4227770mN Source: Unnamed tributary to East Fork Powderhorn Creek / Powderhorn Creek / Cebolla Creek / Gunnison River Appropriation Date: 10/31/2019 Amount: 0.033 cfs, conditional Uses: livestock, wildlife. The application on file provides an outline of work performed during the diligence period. **GUNNISON COUNTY.**

**Case No. 25CW3020 (Ref No. 19CW3074) CONCERNING THE APPLICATION FOR WATER RIGHTS OF KILGORE COMPANIES, LLC IN MESA COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.**

1. Name, mailing address, email address, and telephone number of applicant: Kilgore Companies, LLC dba Elam Construction, Inc. ("Elam"). 1550 Wynkoop Street, Third Floor Denver, CO 81501. (970) 242-5370. Direct all pleadings to: Courtney Shephard & Christopher Thorne. Greenberg Traurig, LLP. 1144 15th Street, Suite 3000. Denver, CO 80202. (303) 572-6500

2. Names of structures: Highway 50 Borrow Area No. 2 Pit Well ("Pit Well").

3. Description of Conditional Water Right: a. Original Decree: March 17, 2020, Case No. 2019CW3074 (Water Division 4). b. Legal Description: The approximate center of the Pit Well is located in the SW/4 SW/4 of Section 32, Township 2 South, Range 2 East, Ute P.M., at a point 1,112 feet from the south section line and 875 feet from the west section line. UTM coordinates for the projected center of the Pit Well are Easting: 205217.3; Northing: 4315128.3 (NAD83, UTM Zone 13). Figure 1 is a site map showing the Pit Well. c. Source of Water: Groundwater tributary to Kannah Creek, tributary to the Gunnison River. d. Appropriation Date: July 31, 2013. e. Amount and Use: 0.086 c.f.s. maximum instantaneous evaporation rate (30.34 acre-feet per year annual evaporation), conditional, for evaporative loss from the 7.9 acres of exposed groundwater surface area left after mining was completed. f. Well Permit: Well Permit No. 85400-F.

4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: a. Elam previously mined the Highway 50 Borrow Area No. 2 Pit pursuant to Division of Reclamation, Mining and Safety ("DRMS") Permit No. M-1999-076. During the diligence period, Elam completed reclamation at the site. b. On May 17, 2021, Elam submitted a request for release of reclamation responsibility for the site. After inspecting the site on July 2, 2021, DRMS approved the full surety release for Permit No. M-1999-076 on July 6, 2021, concluding "that the Operator has successfully complied with the requirements of the Act, Rules and Regulations, and the approved Reclamation Plan, and that the site is ready to be released from any further reclamation responsibility." See Exhibit 1 – DRMS Approval of Surety Release Request. On August 6, 2021, DRMS released the corporate surety bond and confirmed Elam was released from future liability for the site. See Exhibit 2 – DRMS Financial & Performance Warranty Release. c. The Landowner (see Section 5, below) applied for a well permit for the Pit Well. On April 26, 2021, the Division of Water Resources issued Well Permit No. 85400-F. d. The plan for augmentation decreed in Case No. 19CW3074 requires a contract for replacement water with the U.S. Department of the Interior, Bureau of Reclamation ("Bureau"). Effective August 31, 2020, the Landowner and the Bureau entered into a contract for the Bureau to annually provide nine acre-feet of municipal and industrial water from the Blue Mesa Reservoir. This leased water is the replacement source for out-of-priority depletions from the evaporative losses and transit losses associated with the Pit Well.

5. Names and address of owner of the land upon which any existing diversion or storage structure is located: Reyna Valladares Aquinada ("Landowner") 4519 Highway 50, Whitewater, CO 81527.

6. Remarks: During the diligence period, the previous landowner and co-applicant in Case No. 19CW3074, Whiting Land Legacy, LLC, sold the property to the current Landowner. See Exhibit 3 – Special Warranty Deed between

Whiting Land Legacy, LLC, and Reyna Valladares Aquinada (March 12, 2020).

However, no notice of transfer of conditional water right was filed with the Water Court. Although Elam is no longer involved with the property, Elam is filing this application by the diligence deadline to maintain the conditional water right for the Landowner. Elam anticipates it will file a notice of transfer of the conditional water right with the Court, and request to substitute the Landowner as the applicant in this proceeding. WHEREFORE, the Applicant requests that the Court enter a decree: A. Finding that the Applicant has been reasonably diligent in finalizing the Highway 50 Borrow Area No. 2 Pit Well appropriation and continuing the right in full force and effect, and B. Granting such other relief as the Court deems just and proper. The application on file provides an outline of work performed during the diligence period. **MESA COUNTY.**

YOU ARE FURTHER NOTIFIED THAT you have until the last day of May 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