

DIVISION 5 WATER COURT- APRIL 2026 RESUME

(This publication can be viewed in its entirety on the Colorado State Judicial website at: 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 APRIL 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.*

26CW3028 MESA COUNTY. Application for Findings of Reasonable Diligence; Applicant The Town of Palisade, *please direct all correspondence to Applicant's attorney: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970) 947-1936, megeiger@garfieldhecht.com; Applicant requests a finding of reasonable diligence with regard to:* Palisade Reservoir No. 4, First Enlargement and Refill Right. *Original Decree:* Case Number: 94CW360, District Court in and for Water Division No. 5, Date entered: November 1, 1999. *Subsequent findings of reasonable diligence:* Case No. 05CW226, 12CW128, and 19CW3116, District Court in and for Water Division No. 5. *Legal description:* Location of dam: Palisade Reservoir No. 4, First Enlargement, is located at a point whence the Southwest corner of Section 28, Township 11 South, Range 97 West of the 6th P.M. bears South 59° West a distance of 1,313 feet, also described as being 1180 feet from the west section line and 711 feet from the south section line of said Section 28, Mesa County, Colorado. **Source: Cottonwood Creek, tributary to Rapid Creek, tributary to the Colorado River.** *Appropriation Date:* September 8, 1994. *Remaining Conditional Amount:* Palisade Reservoir No. 4, First Enlargement: 40.6 acre feet, conditional. Palisade Reservoir No. 4, Refill Right: 85.6 acre feet, conditional. *Uses:* Irrigation: Number of acres proposed to be irrigated: Acreage within the present and future service area of the Applicant. *Legal description of acreage irrigated or to be irrigated:* Land within the present and future service area of the Applicant in or near Sections 3 through 10, Township 10 South, Range 97 West of the 6th P.M., and Section 1 through 4 and 9 through 12, Township 11 South, Range 97 West of the 6th P.M. Municipal, irrigation, domestic, industrial, agricultural, recreational, aquifer recharge and fire protection. *Maximum height of dam in feet:* 10 feet. *Length of dam in feet:* 750 feet. *Total capacity of reservoir in acre-feet:* 85.6 acre feet. *Active capacity in acre feet:* 85.6 acre feet. *Name and address of owner of land on which structures are located (land where land is located and land within high water line):* Applicant. *Applicant requests a finding of reasonable diligence with regard to:* Palisade Reservoir No. 5, First Enlargement and Refill Right. *Original Decree:* Case Number: 94CW360, District Court in and for Water Division No. 5, Date entered: November 1, 1999. *Subsequent finding of reasonable diligence:* Case No. 05CW226 12CW128, and 19CW3116, District Court in and for Water Division No. 5. *Legal description:* Location of dam: Palisade Reservoir No. 5, First Enlargement, is located at a point whence the South 1/4 corner of Section 28, Township 11 South, Range 97 West of the 6th P.M. bears South 51°35' West a distance of 583 feet, also described as being 2180 feet from the east section line and 376 feet from the south section line of said Section 28, Mesa County, Colorado. **Source: Cottonwood Creek, tributary to Rapid Creek, tributary to the Colorado River.** *Appropriation date:* September 8, 1994. *Remaining Conditional Amount:* Palisade Reservoir No. 5, First Enlargement: 8.3 acre feet, conditional. Palisade Reservoir No. 5, Refill Right: 173.3 acre feet, conditional. *Uses:* Irrigation: Number of acres proposed to be irrigated: Acreage within the present and future service area of the Applicant. *Legal description of acreage irrigated or to be irrigated:* Land within the present and future service area of the Applicant in or near Sections 3 through 10, Township 10 South, Range 97 West of the 6th P.M., and Section 1 through 4 and 9 through 12, Township 11 South, Range 97 West of the 6th P.M. Municipal, irrigation, domestic, industrial, agricultural, recreational, aquifer recharge and fire protection. *Maximum height of dam in feet:* 10 feet. *Length of dam in feet:* 750 feet. *Total capacity of reservoir in acre-feet:* 173.3 acre feet. *Active capacity in acre feet:* 173.3 acre feet. *Name and address of owner of land on which structures are located (land where land is located and land within high water line):* Applicant. *Applicant requests a finding of reasonable diligence with regard to:* Granat Reservoir, 1st and 2nd Re-fill Rights. *Original Decree:* Case Number: 94CW361, District Court in and for Water Division No. 5, Date entered: November 9, 1999. *Subsequent finding of reasonable diligence:* Case No. 05CW226, 12CW128, and 19CW3116, District Court in and for Water Division No. 5. *Legal description:* Location of dam: The dam is located in the Northwest 1/4 Section 21, Township 11 South, Range 97 West of the 6th P.M., being 173 feet from the west section line and 1337 feet from the north section line of said Section 21. **Source: Unnamed tributary of Rapid Creek, tributary to the Colorado River.** *Appropriation Date:* June, 1992. *Remaining Conditional Amount:* 8 acre-feet, each for the--1st and 2nd Refill. *Uses:* Irrigation: Number of acres proposed to be irrigated: 5 acres. *Legal description of acreage irrigated or to be irrigated:* Land within the Town of Palisade as it now exists or may exist in the future, generally located in Sections 3, 4, 5, 8, 9, 10, 11, Township 11 South, Range 97 West, and Sections 1, 2, 3, 4, 9, 10, Township 1 South, Range 97 West of the 6th P.M. Municipal and domestic. *Maximum height of dam in feet:* 10 feet. *Length of dam in feet:* 150 feet. *Total capacity of reservoir in acre-feet:* 8 acre feet. *Active capacity in acre feet:* 7.5 acre feet. *Dead storage in acre feet:* 0.5 acre feet. *Name and address of owner of land on which structures are located (land where land is located and land within high water line):* Applicant. *Applicant requests a finding of reasonable diligence with regard to:* Denison Reservoir, 1st and 2nd Re-Fill Rights. *Original Decree:* Case Number: 94CW361, District Court in and for Water Division No. 5, Date entered: November 9, 1999. *Subsequent decree finding reasonable diligence:* Case No. 05CW226, 12CW128, and 19CW3116, District Court in and for Water Division No. 5. *Legal Description:* Location of dam: The dam is located in the Northwest 1/4 Section 21, Township 11 South, Range 97 West of the 6th P.M., 164 feet from the west section line and 1018 feet from the north section line of said Section 21. **Source: Unnamed tributary of Rapid Creek, tributary to the Colorado River.** *Appropriation Date:* June 1992. *Remaining Conditional Amount:* 12 acre-feet, each for the 1st and 2nd Refill. *Uses:* Irrigation: Number of acres proposed to be irrigated: 5 acres. *Legal description of acreage irrigated or to be irrigated:* Land within the Town of Palisade as it now exists or may exist in the future, generally located in Sections 3, 4, 5, 8, 9, 10, 11, Township 11 South, Range 97 West, and Sections 1, 2, 3, 4, 9, 10, Township 1 South, Range 97 West of the 6th P.M. Municipal and domestic. *Maximum height of dam in feet:* 15 feet. *Length of dam in feet:* 200 feet. *Total capacity of reservoir in acre-feet:* 12 acre feet. *Active capacity in acre feet:* 11.0 acre feet. *Dead storage in acre feet:* 1.0 acre feet. *Name and address of owner of land on which structures are located (land where*

land is located and land within high water line): Applicant. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the above-described water rights to beneficial use. (8 pages).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 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 APRIL 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.*

26CW3029 PITKIN COUNTY, ROARING FORK AND COLORADO RIVERS. SLC Residential LLC, c/o Scott C. Miller and Jason Groves of Patrick, Miller & Noto, PC, 229 Midland Avenue, Basalt, CO 81621 and Woodmont Properties at Bridgewater, LLC, ABA Investors, LLC, Snowmass Club LLC, and Snowmass Club Investors LLC, c/o Ryan M. Jarvis and Laurel Quinto of JVAM PLLC, 305 Gold River Ct, Ste 200 Basalt CO 81621, (970) 922-2122. Application for Finding of Reasonable Diligence and to Make Partially Absolute. Name of structure: Snowmass Effluent Pipeline. Original decree: Civil Action No. 5884, entered on 11/5/1971 by the Garfield County District Court. Subsequent decrees: Case Nos. W-835, W-835-76, 84CW166, 88CW95, 94CW111, 03CW95, 10CW138, and 17CW3150, Div 5. Location: The point of diversion is located at a point 20 ft below the outlet of the Polishing Pond of the Snowmass Water and Sanitation District Sewage Treatment Plant whence the witness corner of the SW Corner of Sec 31 T9S R85W 6th PM bears S 77°33'30" W 3354 ft. Supplemental legal description of the point of diversion: SW¼ SE¼ of Sec 31 T9S R85W of the 6th PM at a point 1030 ft from S Sec line and 2020 ft from the E Sec line. Source: Snowmass Water and Sanitation District Sewage Treatment Plant Polishing Pond, trib. to Brush Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Approp. date: 10/29/1965. Amounts and uses: 3.28 cfs cond. for irrigation, 5.0 cfs cond. for industrial and other non-potable beneficial uses associated with a year-round recreational resort. 1.72 cfs has been made absolute for irrigation. Owner of land upon which the structure is located: Co-Applicant Snowmass Club I, LLC. Claim to make absolute: Date water applied to beneficial use: 4/20/2022. Amount of water applied to beneficial use: 2.61 cf.s Uses: Irrigation. Location of beneficial use: Property owned by Co-Applicants Woodmont Properties at Bridgewater, LLC, ABA Investors, LLC, Snowmass Club LLC, and Snowmass Club Investors, LLC. The Application on file with the Court includes a list of activities demonstrating diligence toward the development of the subject water right. (8 pages, 2 exhibits).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 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.

3. 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 APRIL 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.*

26CW3030 (prior cases: Case Nos. 05CW276, 13CW20, 19CW3014). APPLICATION FOR FINDING OF REASONABLE DILIGENCE OF THE GRAND RIVER RANCH OWNERS ASSOCIATION, INC. AND BALLYCARRICK RANCH, LLC IN GRAND COUNTY. 1. Name, mailing address, email address, and telephone number of applicants: Grand River Ranch Owners Association, Inc., for itself and as agent for co-applicant Ballycarrick Ranch, LLC, Garth Eichler, Manager, Grand River Ranch, P.O. Box 1568, Kremmling, CO 80459, garth@thegrandriverranch.com, (970) 724-8912; Ballycarrick Ranch, LLC, c/o Michael O'Shaughnessy, P.O. Box 29, Denver, CO 80201, mike@lario.net, (303) 748-0648. Please send all correspondence to counsel for Applicants: Karl D. Ohlsen and Sarah B. Wiedemann, Carlson, Hammond & Paddock, LLC, 1900 N. Grant Street, Suite 1200, Denver, CO 80203-4539, Phone: (303) 861-9000; Fax: (303) 861-9026, kohlsen@chp-law.com, swiedemann@chp-law.com. 2. Name of structure: Continental Divide Pond. 3. Describe conditional water right including the following information from previous decree: A. Date of original decree: October 14, 2006, Case No. 05CW276, District Court, Water Division No. 5. B. Subsequent decrees awarding finding of diligence: August 4, 2013, Case No. 13CW20, District Court, Water Division No. 5, which made a portion of the Continental Divide Pond water right absolute in part and entered a finding of reasonable diligence as to the portion remaining conditionally decreed. April 18, 2020, Case No. 19CW3104, which entered a finding of reasonable diligence as to the portion remaining conditionally decreed. In addition, the decree in Case No. 06CW32, District Court, Water Division No. 5, added the Continental Divide Pond as a structure augmented by the augmentation plan originally decreed in Case No. 01CW41. C. Legal description: an off-stream pond located in the SW1/4 of the SE1/4 and SE1/4 of the SW1/4 of Section 15, T1N, R81W of the 6th P.M. The centerline of the Dam is 2,265 feet from the East Line and 320 feet from the South Line. (UTM NAD27 Zone 13 Coordinate N4,433,536: E375,895 Meters). A map illustrating the location of the structure is attached to this application as Exhibit A. D. Source of water: Spring flow, seepage, and natural runoff on Ranch No. 6 of the Grand River Ranch. E. Appropriation date: December 23, 2005. F. Amount: 13.9 acre feet, with the right to

continuously fill and refill, and to conduct freshening flows through the pond when full. In Case No. 13CW20, 1.5 acre feet was made absolute for all decree beneficial uses and a finding of reasonable diligence entered as to the remaining conditional portion, or 12.4 acre feet. G. Use: Stock water, piscatorial, wildlife uses consistent with the surface of the pond, recreation, and firefighting. H. Integrated Water Supply System: The decrees in Case Nos. 05CW276, 13CW20, and 19CW3104 determined that the Continental Divide Pond is part of the integrated water supply system comprising all water rights decreed and used for development and operation of the Grand River Ranch. Reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. 4. Diligence activities: 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 diligence period and since the Application was filed in Case No. 19CW3014, Applicants have done the following toward completion of the decreed conditional water rights and the integrated water supply project and system: A. In lieu of increasing the size of the existing reservoir, Applicant Ballycarrick Ranch built a second reservoir to store an additional amount of the Continental Divide Pond water right, completed on November 8, 2024 (referred to as the "Upper Continental Divide Pond"). The Upper Continental Divide Pond at full capacity has 0.84 surface acres and a storage capacity of 4.55 acre-feet. During the diligence period, Applicant Ballycarrick Ranch spent approximately \$68,150 on the construction of the new structure. Applicant received a June 10, 2024, letter from the Division Engineer's Office for Division 5 acknowledging receipt of a Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure, assessing the associated dam as low hazard, and assigning it Dam ID #530227. The as-built structure draws, via pipeline, from the spring with a decreed location in the SW1/4 of the SW1/4 of Section 15, T1N, R81W of the 6th P.M., adjudicated as the primary source of the Continental Divide Pond water right. The dam for the Upper Continental Divide Pond is located in the SW1/4 of the SW1/4 of Section 15, about 72 feet from the boundary for the SW1/4 of SE1/4 of Section 15; however, the Continental Divide Pond water right is decreed as located in the SW1/4 of the SE1/4 and SE1/4 of the SW1/4 of Section 15. Therefore, Applicant Ballycarrick Ranch will file an application for a change of the location of the Continental Divide Pond water right to incorporate the location of the second pond. The constructed Upper Continental Divide Pond comports with all other parameters for the decreed Continental Pond right. A plat of the as-built pond and its capacity is attached to this application as Exhibit B. B. Applicant Owners Association has continued to perform general water administration and accounting on behalf of its members/owners and ordinary maintenance and repair of diversion and conveyance infrastructure during the diligence period. During the diligence period, Applicant Owners Association spent approximately \$50,000 on legal services related to the Grand River Ranch's integrated water supply project and system. C. The decree in Case No. 06CW32, District Court, Water Division No. 5, added the Continental Divide Pond as a structure lawfully augmented by the augmentation plan originally decreed in Case No. 01CW41. During the diligence period, Applicant Owners Association continued to operate the plan for augmentation decreed in Case No. 01CW41, as amended by Cases No. 06CW32 and 14CW3099, in order to allow the maximum utilization of the integrated water supply system that serves the Ranch, including the Continental Divide Pond. D. On July 31, 2025, Applicant Owners Association, along with several co-applicants, filed an application in Case No. 25CW3117 with the Water Court in Water Division No. 5 seeking a finding of reasonable diligence in the development of the remaining conditional water rights in Gould Pond No. 1, Gould Pond No. 2, Kid's Pond Enlargement, and the appropriative rights of substitution decreed in Case No. 01CW40. These water rights are part of the integrated water supply project and system that serves the Ranch. Applicant Owners Association and co-applicants successfully prosecuted the application and a decree finding diligence for the subject conditional water rights was entered on April 17, 2026. E. On September 30, 2025, Applicant Owners Association, along with several co-applicants, filed an application in Case No. 25CW3156 with the Water Court in Water Division No. 5 seeking a finding of reasonable diligence at to make conditional rights absolute in part for the Beavers Pond, Collett Pond, Low Aspen Pond, PJ Martin Ponds, Middle Fork Ponds, North Fork Pump Station, and Lodge Well No. 1, all of which are a part of the integrated water supply project and system for the Applicants in the current application. The request to make conditional water rights absolute in part was withdrawn, however, a decree finding reasonable diligence for all remaining conditional water rights was entered on March 30, 2026. F. On September 29, 2023, Applicant Owners Association, along with co-applicants, filed an application in Case No. 23CW3145 with the water court in Water Division No. 5, seeking a finding of reasonable diligence in the development of the remaining portion of conditional water rights in Jones Reservoir No. 1 (second filling) and Jones Reservoir No. 2 (second filling). These water rights are part of the integrated water supply project and system for the Applicants in this application. Applicant Owners Association, along with several co-applicants, successfully prosecuted the application, and a decree was entered on April 15, 2024. G. On September 30, 2022, Applicant Owners Association filed an application in Case No. 22CW3104 with the water court in Water Division No. 5 seeking a finding of reasonable diligence for the conditional water right for the Martin Dairy Well enlargement, a part of the plan for augmentation decreed in Case No. 01CW41 (as amended in Case No. 06CW32), both of which are a part of the integrated water supply project and system for the Applicants in the current Application. Applicant Owners Association successfully prosecuted the application and a decree was entered on September 15, 2023. H. During the diligence period, Applicant Owners Association performed annual activities that include, but are not limited to: a) data collection and recordkeeping for reporting to the Colorado Division of Water Resources; b) monthly water flow adjustments to coincide with water rights; c) filling of reservoirs and irrigation rights across Grand River Ranch; d) general maintenance of walking trails, removal of vegetative overgrowth, and cleaning out of rocks and sediment; e) removal of snow pack and ice from the Jones Reservoir No. 1 Feeder Ditch to allow for the proper flow of water in early spring at an average cost of \$2,000 a year; and f) spraying of noxious weeds on waterways, dams, and ditches as needed at a cost of \$2,500 a year. In 2025, Applicant Owners Association spent \$875 to add cobble and 1.5" rock to the Parshall flume at the Jones Reservoir No. 1 Feeder Ditch. I. Applicant Owners Association continued to operate pursuant to a Water Supply Contract with the Colorado River Water Conservation District for deliveries of water from Wolford Mountain Reservoir. Pursuant to that contract, Applicant Owners Association is entitled to 100 acre-feet of water annually for 40 years and contracted to annually pay a share of project operations and maintenance. Currently, the Applicant Owners Association

pays annual fees of \$4,125 for this agreement to cover operational and maintenance costs. The Applicants request a finding that they have exercised reasonable diligence in the development of the remaining conditional portion of the conditional water right for the Continental Divide Pond, and that this water right remains a part of the Grand River Ranch integrated water supply system for purposes of findings of reasonable diligence. The Applicants further seek a decree continuing the remaining conditional water right for an additional six years from the date of any decree herein. The Applicants request 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 Applicants from relying upon such activities to assist in demonstration of reasonable diligence in the next diligence period. 5. If claim to make absolute in whole or in part: N/A. 6. If actual location of the structure is different from the location in paragraph 3.C above, provide the actual description: A. As-built location of the Continental Divide Pond: i. Public Land Survey System: An off-stream pond located in the SW1/4 of the SE1/4 and SE1/4 of the SW1/4 of Section 15, T1N, R81W of the 6th P.M. The centerline of the dam is 2,265 feet from the East line and 320 feet from the South line. (Source: decree in Case No. 05CW276, CDSS MapViewer). ii. Location of structure (UTM preferred): UTM NAD27 Zone 13 Coordinates Easting: 375895; Northing: 4,433,536 Meters. (Source: decree in Case No. 05CW276, CDSS MapViewer). (The decreed PLSS and UTM locations of the centerline of the dam as-built differ by approximately 80 feet. The UTM location is slightly more accurate.) B. As-built location of the Upper Continental Divide Pond: i. Public Land Survey System: SW1/4 of the SW1/4 of Section 15, Township 1 North, Range 81 West, 6th P.M. Source: CDSS MapViewer. ii. Location in UTM format: The centerline of the dam is located approximately at UTM NAD83 Zone 13 Coordinates Easting: 375308; Northing: 4433811. Source: CDSS MapViewer. The actual locations of both structures are shown in the map attached to this application as Exhibit A. 7. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant Ballycarrick Ranch, LLC is the owner of the land on which the Continental Divide Pond is located. Accordingly, no notice is required to be served pursuant to section 37-92-302(2) (b) (II), C.R.S. 8. Remarks or any other pertinent information: N/A. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 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.**

4. 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 APRIL 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.*

26CW3031 GARFIELD COUNTY, MIDDLE RIFLE CREEK, TRIBUTARY TO RIFLE CREEK AND COLORADO RIVER.

State of Colorado, Department of Corrections, Office of Facility Management Services, 1250 Academy Park Loop, Colorado Springs, Colorado, 80910, Telephone: 719-226-4124, c/o Austin Hamre & Teri Pettitt, Prescott, Rodriguez, Ostrander, Wallshein & Taylor, P.C., 188 Inverness Drive West, Suite 430, Englewood, CO 80112-5204, Phone: 303-779-0200, ahamre@prowtlaw.com, tpettitt@prowtlaw.com. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS. 2. **Names of Structures:** Rifle Correctional Center ("RCC") Reservoir #1, an off-channel reservoir; and RCC Wells No. 5 – 10, tributary groundwater wells ("Subject Water Rights"). See Exhibits I and II, attached hereto. 3. **Description of Conditional Water Rights (collectively hereinafter, the "Subject Water Rights"):** 3.1. **Storage Right.** 3.1.1. *RCC Reservoir #1:* 3.1.1.1. Date of original decree: June 13, 2000, Case No. 96CW363, Water Division 5. 3.1.1.2. Subsequent decrees awarding a finding of diligence: 3.1.1.2.1. August 23, 2012, Case No. 06CW120, Water Division 5. 3.1.1.2.2. April 11, 2020, Case No. 18CW3123, Water Division 5. 3.1.1.3. Legal description: An off-channel reservoir located in the E½ SE¼ SW¼ of Section 36, T4S, R93W of the 6th P.M. in Garfield County, Colorado. 3.1.1.4. **Source: Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River.** 3.1.1.5. Point of Diversion: The water to be stored in RCC Reservoir No. 1 under the water right decreed in Case No. 96CW363 will be diverted at the headgate of the Heinze Ditch, the capacity of which is 4.6 cfs. The surveyed location of the headgate of the Heinze Ditch at the time of the decree in Case No. 96CW363 was on the east bank of Middle Rifle Creek at a point in the SE ¼ of the NW ¼ of Section 36, T 4 S, R 93 W of the 6th P.M., approximately 3,048 feet north of the south line, and approximately 2,240 feet east of the west line of said Section 36, in Garfield County, Colorado. 3.1.1.6. Appropriation date: June 5, 1995. 3.1.1.7. Originally Decreed Amount: 40 acre-feet, with right to fill and refill. 3.1.1.7.1. Initial Fill Right: In Case No. 18CW3123, 34.4 acre-feet of the initial fill right was decreed absolute, and the remainder 5.6 acre-feet was decreed abandoned. 3.1.1.7.2. Refill Right: In Case No. 18CW3123, 15.0 acre-feet remained conditionally decreed, and the remainder 25.0 acre-feet was abandoned. 3.2. **Groundwater Rights.** 3.2.1. *RCC Well No. 5:* 3.2.1.1. Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. 3.2.1.2. Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 06CW120, and April 11, 2020, Case No. 18CW3123, Water Division 5. 3.2.1.3. Legal description: Located in the SE¼ NW¼ of Section 36, T4S, R93W, 6th P.M., approximately 2350 feet South of the North Section Line and approximately 2500 feet East of the West Section Line in Garfield County, Colorado. 3.2.1.4. Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. 3.2.1.5. Appropriation date: June 5, 1995. 3.2.1.6. Amount: 0.167 c.f.s. (75 g.p.m.), conditional (subject to a maximum flow rate of 0.334 c.f.s. and maximum volumetric limit of 32.9 acre-feet for RCC Wells Nos. 5 – 10, cumulatively). 3.2.1.7. Depth: Anticipated to be approximately 100 feet. 3.2.2. *RCC Well*

No. 6: 3.2.2.1. Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. 3.2.2.2. Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 06CW120, and April 11, 2020, Case No. 18CW3123, Water Division 5. 3.2.2.3. Legal description: Located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T5S, R93W, 6th P.M., approximately 350 feet South of the North Line of the Northwest Quarter Section and approximately 150 feet West of the East Line of the Northwest Quarter Section in Garfield County, Colorado. 3.2.2.4. Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. 3.2.2.5. Appropriation date: June 5, 1995. 3.2.2.6. Amount: 0.167 c.f.s. (75 g.p.m.), conditional (subject to a maximum flow rate of 0.334 c.f.s. and maximum volumetric limit of 32.9 acre-feet for RCC Wells Nos. 5 – 10, cumulatively). 3.2.2.7. Depth: Anticipated to be approximately 100 feet. 3.2.3. *RCC Well No. 7:* 3.2.3.1. Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. 3.2.3.2. Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 06CW120, and April 11, 2020, Case No. 18CW3123, Water Division 5. 3.2.3.3. Legal description: Located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T5S, R93 W, 6th P.M., approximately 200 feet South of the North Line of the Northwest Quarter Section and approximately 250 feet West of the East Line of the Northwest Quarter Section in Garfield County, Colorado. 3.2.3.4. Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. 3.2.3.5. Appropriation date: June 5, 1995. 3.2.3.6. Amount: 0.167 c.f.s. (75 g.p.m.), conditional (subject to a maximum flow rate of 0.334 c.f.s. and maximum volumetric limit of 32.9 acre-feet for RCC Wells Nos. 5 – 10, cumulatively). 3.2.3.7. Depth: Anticipated to be approximately 100 feet. 3.2.4. *RCC Well No. 8:* 3.2.4.1. Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. 3.2.4.2. Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 06CW120, and April 11, 2020, Case No. 18CW3123, Water Division 5. 3.2.4.3. Legal description: Located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, T4S, R93W, 6th P.M., approximately 125 feet North of the South Line of the Southwest Quarter Section and 150 feet West of the East Line of the Southwest Quarter Section in Garfield County, Colorado. 3.2.4.4. Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. 3.2.4.5. Appropriation date: June 5, 1995. 3.2.4.6. Amount: 0.167 c.f.s. (75 g.p.m.), conditional (subject to a maximum flow rate of 0.334 c.f.s. and maximum volumetric limit of 32.9 acre-feet for RCC Wells Nos. 5 – 10, cumulatively). 3.2.4.7. Depth: Anticipated to be approximately 100 feet. 3.2.5. *RCC Well No. 9:* 3.2.5.1. Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. 3.2.5.2. Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 06CW120, and April 11, 2020, Case No. 18CW3123, Water Division 5. 3.2.5.3. Legal description: Located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, T5S, R93W, 6th P.M., approximately 775 feet North of the South Line of the Northeast quarter section and 100 feet East of the West Line of the Northeast Quarter Section in Garfield County, Colorado. 3.2.5.4. Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. 3.2.5.5. Appropriation date: June 5, 1995. 3.2.5.6. Amount: 0.167 c.f.s. (75 g.p.m.), conditional (subject to a maximum flow rate of 0.334 c.f.s. and maximum volumetric limit of 32.9 acre-feet for RCC Wells Nos. 5 – 10, cumulatively). 3.2.5.7. Depth: Anticipated to be approximately 100 feet. 3.2.6. *RCC Well No. 10:* 3.2.6.1. Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. 3.2.6.2. Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 06CW120, and April 11, 2020, Case No. 18CW3123, Water Division 5. 3.2.6.3. Legal description: Located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, T5S, R93W, 6th P.M., approximately 725 feet North of the South Line of the Northeast Quarter Section and 425 feet East of the West Line of the Northeast Quarter Section in Garfield County, Colorado. 3.2.6.4. Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. 3.2.6.5. Appropriation date: June 5, 1995. 3.2.6.6. Amount: 0.167 c.f.s. (75 g.p.m.), conditional (subject to a maximum flow rate of 0.334 c.f.s. and maximum volumetric limit of 32.9 acre-feet for RCC Wells Nos. 5 – 10, cumulatively). 3.2.6.7. Depth: Anticipated to be approximately 100 feet. 3.3. Decreed Uses for all rights identified above: Domestic, sanitary, irrigation, including irrigation by reuse and successive use of treated wastewater, industrial, stock watering, commercial, mechanical, recreational (including fish and wildlife), horticultural, fire protection, storage and subsequent application to beneficial uses; exchange purposes, and for the replacement or augmentation, including but not limited to replacement of depletions associated with the plans for augmentation approved in Cases No. W-3758 or 97CW060. In addition to the initial storage of such water, the original decrees for the Subject Water Rights affirmed Applicant's statutory right to sell, lease or exchange such water pursuant to C.R.S. §§17-24-106(1)(k) and 37-88-101, et seq.

4. Outline of Work Done Toward Completion: During this diligence period, Corrections took the following actions toward completion of the RCC integrated water supply system which includes the Subject Water Rights: 4.1. Since approximately the year 2000, Corrections has sought to maintain an active Well No. 2 and an emergency only back-up for that well. Corrections discovered in 2020 that the bottom twenty feet of the casing of the primary well, permitted as #59780-F in 2004, had begun to collapse. Since that time, Corrections has spent approximately \$70,000 on well inspections, efforts to repair and rehabilitate that well, replacing a pump and motor in the back-up well, and drilling of a new well. The well was re-drilled in January of 2026 at a cost of approximately \$49,000. 4.2. Corrections rehabilitated the Wastewater Ponds located at the Rifle Correctional Center during 2019, at an approximate cost of \$467,000. The Wastewater Ponds are part of the RCC integrated system and will be necessary for treatment of water diverted pursuant to the Subject Water Rights. 4.3. Legal. Corrections expended approximately \$44,000 on the efforts of its Special Counsel for water rights issues on matters of water rights protection, including participation in other parties' cases, adjudication of the previous diligence application (18CW3123) which was entered in 2020 and other water-related matters. 4.4. Engineering. Corrections expended approximately \$35,000 on consulting engineering services for water rights accounting in connection with its augmentation plan, including reservoir diversions and releases, advising Corrections staff on operational issues, litigation support for the previous diligence application and water rights protection efforts, design and installation of improved flow splitting and measurement devices for Heinze and Mullen ditches and related engineering assistance. 5. Claim for findings of diligence: 5.1. The original decrees for the Subject Water Rights found that all of the structures identified in Paragraph 3 above are components of an integrated system for providing a potable water supply to the RCC. Diligent effort on one component of the system is considered diligent effort as to all components of the system. 5.2. Corrections has determined that it will not continue the conditional water rights decreed for Wells No. 7, 9 and 10.

Corrections requests a finding that it has been reasonably diligent as to the conditionally decreed water rights for Wells No. 5, 6 and 8.
6. **Names and addresses of owners or reputed owners of the land upon which structures are located or are to be constructed:**
6.1. **Applicant.** (10 pages, 2 exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 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.

5. **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 APRIL 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.***

26CW3032 CONCERNING THE APPLICATION FOR WATER RIGHTS OF KILGORE COMPANIES, LLC IN MESA COUNTY, COLORADO. AMENDED APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. **Name, mailing address, email address, and telephone number of applicant:** Kilgore Companies, LLC, 7057 West 2100 South Salt Lake City, UT 84128. (801) 250-0132. 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:** Acruby Pit. 3. **Description of Conditional Water Right:** a. **Original Decree:** April 25, 1993, Case No. 90CW261 (Water Division 5). b. **Subsequent Decrees:** July 10, 2000, Case No. 99CW57; January 29, 2007, Case No. 06CW140; September 15, 2013, Case No. 13CW26; April 11, 2020, Case No. 19CW3118. c. **Legal Description:** Three pits located in the NE1/4 SW1/4 and in Lots 1 and 2 of Section 20, T1N, R2W, Ute P.M. The center of Pit No. 1 is located approximately 1900 feet West of the East section line and 1000 feet North of the South section line of said Section 20. The UTM coordinates for Pit No. 1 are 696488 W 4334553 N UTM Zone 12S. The center of Pit No. 2 is located approximately 1860 feet East of the West Section line and 1915 feet North of the South section line of said Section 20. The UTM coordinates for Pit No. 2 are 696034 W 4334830 N UTM Zone 12S. The center of Pit No.3 is located approximately 700 feet East of the West section line and 2100 feet North of the South section line of said Section 20. The UTM coordinates for Pit No. 3 are 695677 W 4334882 N UTM Zone 12S. Figure 1 is a site map showing the Arcuby Pit. d. **Source of Water:** Groundwater tributary to the Colorado River. e. **Appropriation Date:** December 21, 1990. f. **Amount and Use:** 126.78 acre feet, absolute, and 40.73 acre feet, conditional for dewatering of Arcuby Pit during mining, evaporation, dust suppression, product preparation in a batch plant, and losses through aggregate removal and processing, all in connection with the mining of sand, gravel, and related products, and with the reclamation of the land during and after completion of such mining. g. **Well Permit:** Well Permit No. 57114-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. a. On February 10, 2025, Quikrete holdings purchased acquired all common stock of Summit Materials, Inc. ("Summit"), including Summit's subsidiary, Kilgore Companies, LLC. b. Kilgore, through its subsidiary Grand Junction Concrete Pipe Co., mined the Arcuby Pit pursuant to Division of Reclamation, Mining and Safety ("DRMS") Permit No. M-1981-243. During the diligence period, Kilgore processed, sold, and removed sand, gravel, and related products from the site. Kilgore also made piping improvements and completed reclamation activities. c. During this diligence period, Kilgore maintained its compliance with its DRMS permit. Kilgore also maintained and paid for the necessary equipment and employees used to mine, process and haul products from the site, and to complete reclamation activities. 5. **Names and address of owner of the land upon which any existing diversion or storage structure is located:** Arnaud Arcuby, 945 17 1/4 Road, Fruita, CO 81521-2944. WHEREFORE, Applicant respectfully requests the Court to enter a decree: A. Finding that the Applicant has been reasonably diligent in finalizing the Acruby Pit conditional water right and continuing the conditional water right in full force and effect, and B. Granting such other relief as the Court deems just and proper.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 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.