

DISTRICT COURT, WATER DIVISION 7, COLORADO

WATER RESUME

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 7

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications filed in the Office of the Water Clerk during the month of September 2026, for each county affected.

2026CW8 La Plata County, Brett A. Vuyk and Barbara L. Vuyk, 697 Sunrise Ln. Durango, CO 81301, Date of Original Decree: 7/18/2007 Case No. 06CW88, Subsequent decrees: Date of Decree: 1/10/2014 Case No. 13CW23, Date of Decree: 9/2/2020 Case No. 20CW1: Long Draw Pond No. 1 (reservoir); SE1/4, NW1/4, Section 6, T35N, R7W, NMPM, 1450 feet from the North Section line and 2630 feet from the West Section line of said Section 6; On-stream reservoir; Appropriation date: July 14, 1997; 0.50 AF; Conditional for irrigation, piscatorial, domestic, and firefighting (and as decreed in Case No. 06CW88); Fisk Spring No. 12 (spring), SE1/4, NW1/4, Section 6, T35N, R7W, NMPM, 1450 feet from the North Section line and 2630 feet from the West Section line of said Section 6, Near surface seepage, tributary to North Fork Texas Creek, tributary to Pine River, Appropriation date: July 14, 1997, 0.1 cfs, Conditional for piscatorial, firefighting, domestic, and irrigation (as decreed in Case No. 06CW88), Application for Finding of Reasonable Diligence, See Applications for further details. (12 pages)

2026CW3027 La Plata County, Water District No. 7 **1. Name, address, and telephone number of applicant:** Hermosa Sanitation District, PO Box 2217, Durango, CO 81302, 970-759-0185; **Attorney:** Floyd L. Smith, 48 CR 250, Suite 5, Durango, CO 81301; **2. Name of structure:** HSD Pump; **3.A. Original Decree:** November 30, 2007, Case No. 06CW127, Water Division 7; **3.B. NA; 3.C. Legal description of each point of diversion:** Water will be diverted within the Animas Service Area which shall be defined as any point within the Animas River Basin (which includes the Animas River and all of its tributaries) upstream of a point in the Animas River that is located as follows: in the SW1/4SW1/4 of Section 29, T35N, R9W, NMPM, 1250 feet from the South Section Line and 720 feet from the West Section Line of said Section 29, La Plata County, Colorado. **3.D. Source:** Ground water and surface water in the Animas River and its tributaries upstream of the location described in Paragraph 3.C; **3.E. Appropriation Date:** February 22, 2006; **Amount:** Depletion amounts range from 20 to 40 cfs; **3.F. Use:** Year round depletions associated with beneficial uses of water diverted from the Animas River and its tributaries in the Animas Service Area from non-exempt wells and surface diversions for irrigation; supplemental irrigation; wetlands and wetlands irrigation; domestic and municipal use; pond, reservoir, water feature and other evaporation; industrial and manufacturing use; power; geothermal; commercial use; gravel and other mining; stock and wildlife watering; firefighting; recreation; snow and ice making; piscatorial; recharge; augmentation; and exchange. **4. Due diligence:** Applicant installed a 1.5 HP Pump at the west end of the contact chamber prior to effluent flow entering the Animas River and installed an irrigation system with 400' of irrigation pipe and 6 sprinkler heads to irrigate approximately 0.8 acres at the south end of the Applicant's property for dust and erosion control. **5.A. Date Water Applied to Beneficial Use:** June 1, 2026; **Amount:** April 1 through April: 30: 0.001976 cfs; May 1 through May 31: 0.004474 cfs; June 1 through June 30: 0.006385 cfs; July 1 through July 31: 0.006114 cfs; August 1 through August 31: 0.004682 cfs; September 1 through September 30: 0.003763 cfs; October 1 through October 31: 0.001821 cfs; **5.B.** records from meter readings on HSD Pump show diversions beginning June 1, 2026; **5.C.** Water is applied to beneficial use as the south end of applicant's property described in 6.B.; **6.A. PLSS information:** SE/4NE/4. Section 15, Township 36 North, Range 9 West, N.M.P.M., La Plata County, Colorado; **6.B. Point of Diversion:** Lot A-R, Burnett-Trimble Lane Lot 1 & Hermosa Sanitation Tract A

Boundary Adjustment Project No. 2022-058, La Plata County, Colorado also known as Parcel No. 559715100078, 874 CR 252, Durango, CO 81301, at a point 2,598' from the North line of Section 15 and 2,277' from the West line of Section 15; **7. Name and address of owner:** Hermosa Sanitation District, PO Box 2217, Durango, CO 81302. (11 pages including exhibits)

2026CW3028 Mineral County, (18CW3051) DISTRICT COURT, WATER DIVISION NO. 7, STATE OF COLORADO, 1060 East Second Ave, Suite 106, Durango, CO 81301, (970) 247-2304, CONCERNING THE APPLICATION FOR BOOTJACK RANCH, LLC, IN MINERAL COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE. **1. Name, Mailing Address and Telephone Number of Applicant:** Dennis Burch, Ranch Manager Bootjack Ranch, LLC 12500 E. Hwy. 160 Pagosa Springs, CO 81147 (970) 264-7280. Please direct all pleadings and correspondence to: Wayne F. Forman, #14082, Michael P. Smith, #48730, and Jack A. Wold-McGimsey, #59382 at BROWNSTEIN HYATT FARBER SCHRECK, L.L.P. 675 15th Street, Suite 2900 Denver, CO 80202 Phone: (303) 223-1100 Fax: (303) 223-0920 E-mail: wforman@bhfs.com; msmith@bhfs.com; jwold-mcgmsey@bhfs.com **I. CONDITIONAL SURFACE WATER RIGHTS** **2. Description of Conditional Surface Water Rights:** All below conditional surface water rights were originally decreed on September 2, 2020; Case No. 18CW3051; District Court, Water Division No. 7. **a. Warren Ditch:** **i. Legal Description:** The headgate of the Warren Ditch is located in the SE1/4 SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 331766m E, 4145364m N, Mineral County, Colorado. *See* Figure 1 and Figure 2, attached. **ii. Source:** West Fork of the San Juan River ("West Fork"). **iii. Appropriation Date:** December 31, 2018. **iv. Amount:** 2.0 c.f.s., conditional. **v. Uses:** Irrigation directly from the ditch, and storage in and filling of Warren Lake and Warren Pond, including the following in-reservoir uses: irrigation; stock watering; incidental wildlife; and year-round freshening of Warren Lake and Warren Pond. **vi. Irrigated Area Description:** Approximately 175 acres in the NW1/4, W1/2 of the NE1/4, N1/2 of the SW1/4 and NW1/4 of the SE1/4 of Section 20 Township 37 North, Range 1 East NMPM., with 170 acres being supplemental to the Canon Ditch (Priority #124), Himes Ditch (Priority #158), Himes Ditch Teal Enlargement (Priority #1968-150) and Pangborn Ditch (Priority #123). *See* Figure 3, attached. **b. Canon Creek Ditch First Enlargement:** **i. Legal Description:** SW1/4 NW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 331309m E, 4145916m N, Mineral County, Colorado. *See* Figure 1 and Figure 2. **ii. Source:** Mountain Stream, also known as Canon Creek, tributary to the West Fork. **iii. Appropriation Date:** December 31, 2018. **iv. Amount:** 2.0 c.f.s., conditional. **v. Uses:** Irrigation directly from the ditch, and the storage in and filling of Warren Lake, including the following in-reservoir uses: stock watering; incidental wildlife; and year-round freshening of Warren Lake. **c. Reach 2 Ditch:** **i. Legal Description:** SE1/4 SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 331920m E, 4145051m N; Mineral County, Colorado. *See* Figure 1 and Figure 2. **ii. Source:** West Fork. **iii. Appropriation Date:** August 10, 2009. **iv. Amount:** 1.63 c.f.s., conditional, when being used for irrigation; 0.24 c.f.s., conditional, when not being used for irrigation. **v. Uses:** Irrigation; stock watering; incidental wildlife; and year-round freshening of Reach 2 Ponds A through E, as described below. **vi. Irrigated Area Description:** Approximately 49 acres in the SE1/4 SW1/4 of Section 17 and the NE1/4 NW1/4, NW1/4 NE1/4, SW1/4 NE1/4, SE1/4 NE1/4, NW1/4 SE1/4 of Section 20, T.37N., R.1E., N.M.P.M., with approximately 17 acres being supplemental to the Canon Creek Ditch (Priority #124), Himes Ditch (Priority #158), Himes Ditch Teal Enlargement (Priority #1968-150), and Pangborn Ditch (Priority #123). *See* Figure 3. **d. Amy's Ditch:** **i. Legal Description:** SE1/4 SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N, 331897m E, 4145114m N; Mineral County, Colorado. *See* Figure 1 and Figure 2. **ii. Source:** West Fork. **iii. Appropriation Date:** December 31, 2018. **iv. Amount:** 2.0 c.f.s., conditional. **v. Uses:** Irrigation directly from the ditch, and the storage in and filling of Amy's Lake, including the following in-reservoir uses: irrigation; stock watering; incidental wildlife; and year-round freshening of Amy's Lake. **vi. Irrigated Area Description:** Approximately 15 acres in the SE1/4 SW1/4, SW1/4 SE1/4 of Section 17 and the NE1/4 NW1/4, NW1/4 NE1/4 of Section 20, T.37N., R.1E., N.M.P.M. *See* Figure 3. **e. Bootjack North Diversion:** **i. Legal Description:** SE1/4 SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N, 331798m E, 4145416m N; Mineral

County, Colorado. *See* Figure 1 and Figure 2. ii. Source: West Fork. iii. Appropriation Date: December 31, 2018. iv. Amount: 3.0 c.f.s., conditional. v. Uses: Irrigation directly from the ditch, and the storage in and filling of Bootjack North Augmentation Pond and Amy's Lake, including the following in-reservoir uses: stock watering; incidental wildlife enhancement; and irrigation; and year-round freshening of Bootjack North Augmentation Pond and Amy's Lake. vi. Irrigated Area Description: Approximately 34.1 acres in the SE1/4 SW1/4, SW1/4 SE1/4 of Section 17, T.37N., R.1E., N.M.P.M., and the NE1/4NW1/4, NW1/4NE1/4 of Section 20, T.37N., R.1E., N.M.P.M., with approximately 11.9 acres being supplemental to the Campground Ditch (Priority #68-151), Dermody Pump (Priority #68-13), Wolf Creek Village Lake Well, and Jackson Spring and Seep. *See* Figure 3.

II. CONDITIONAL UNDERGROUND WATER RIGHTS

3. Description of Conditional Underground Water Rights: All below conditional underground water rights were originally decreed on September 2, 2020; Case No. 18CW3051; District Court, Water Division No. 7. a. Reach 2 Ponds A through E: i. Legal Description: All in Section 20, T.37N., R.1E., N.M.P.M., in multiple quarter-quarter sections in Mineral County, as follows (*See* Figure 1 and Figure 2): (1) Reach 2 Pond A: NE1/4 NW1/4, UTM Zone 13N 331986m E, 4144923m N. (2) Reach 2 Pond B: NW1/4 NE1/4, UTM Zone 13N 332047m E, 4144806m N. (3) Reach 2 Pond C: SW1/4 NE1/4, UTM Zone 13N 332222m E, 4144563m N. (4) Reach 2 Pond D: SW1/4 NE1/4, UTM Zone 13N 332407m E, 4144259m N. (5) Reach 2 Pond E: SE1/4 NE1/4, UTM Zone 13N 332453m E, 4144278m N. ii. Source: Ground water tributary to the West Fork. iii. Surface area: 0.75 acres, cumulative, for all Reach 2 Ponds. iv. Total Capacity: 4.0 acre-feet, cumulative for all Reach 2 Ponds. v. Appropriation Date: August 10, 2009. vi. Uses: Piscatorial, fire-fighting, aesthetic, recreation, incidental wildlife, stock watering and evaporation. b. Warren Pond: i. Legal Description: SE1/4 SW1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 331739m E, 4145271m N, Mineral County, Colorado. *See* Figure 1 and Figure 2. ii. Source: Ground water tributary to the West Fork. iii. Surface Area: 0.26 acres. iv. Total Capacity: 2.0 acre-feet. v. Appropriation Date: December 31, 2018. vi. Uses: Piscatorial, fire-fighting, aesthetic, recreation, incidental wildlife, stock watering, and evaporation.

III. CONDITIONAL STORAGE WATER RIGHTS

4. Description of Conditional Storage Water Rights: All below conditional storage water rights were originally decreed on September 2, 2020; Case No. 18CW3051; District Court, Water Division No. 7. a. Warren Lake: i. Legal Description: NE1/4 NW1/4, Section 20, T.37N., R.1E., N.M.P.M., Mineral County, UTM Zone 13N 331924m E, 4144885m N; Mineral County, Colorado. *See* Figure 1 and Figure 2. ii. Surface Area: 5 acres. iii. Total Capacity: The estimated total capacity is 66 acre-feet. (1) Active Capacity: 34 acre-feet. (2) Dead Storage: 32 acre-feet. iv. Type: Unlined, off-channel. v. Dam length: Approximately 1,400 feet. vi. Dam height: Approximately 10 feet. vii. Amount Claimed: 66 acre-feet per year, conditional, subject to as-built storage capacity, with a right to fill and successively refill at the following flow rates: (1) Warren Ditch: 2.0 c.f.s. (2) Canon Creek Ditch First Enlargement: 2.0 c.f.s. viii. Source: West Fork; Mountain stream tributary to West Fork. ix. Appropriation Date: December 31, 2018. x. Uses: Piscatorial, fire-fighting, irrigation, aesthetic, recreation, incidental wildlife and stock watering. xi. Irrigated Area Description: Approximately 175 acres in the NW1/4, W1/2 of the NE1/4, N1/2 of the SW1/4 and NW1/4 of the SE1/4 of Section 20 Township 37 North, Range 1 East N.M.P.M., with 170 acres being supplemental to the Canon Ditch (Priority #124), Himes Ditch (Priority #158), Himes Ditch Teal Enlargement (Priority #1968-150) and Pangborn Ditch (Priority #123). *See* Figure 3. b. Bootjack North Augmentation Pond: i. Legal Description: SW1/4, SE1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 332199m E, 4145272m N, Mineral County, Colorado. *See* Figure 1 and Figure 2. ii. Surface Area: 5 acres. iii. Total Capacity: The total capacity is approximately 50 acre-feet, conditional. iv. Type: Off-channel. Applicant may line this structure if necessary to avoid seepage or infiltration of groundwater. v. Amount Claimed: 50 acre-feet per year, conditional, subject to as-built storage capacity, with a right to fill and successively refill at the following flow rates: Bootjack North Diversion: 3.0 c.f.s. vi. Source: West Fork. vii. Dam length: Approximately 750 feet. viii. Dam height: Approximately 10 feet. ix. Appropriation Date: December 31, 2018. x. Uses: Augmentation of out of priority beneficial uses on the Bootjack Ranch, irrigation, fire-fighting, stock watering. xi. Irrigated Area Description: Approximately 21.1 acres in the SE1/4 SW1/4, SW1/4 SE1/4 of Section 17, T.37N., R.1E., N.M.P.M., with approximately 11.9 acres

being supplemental to the Campground Ditch (Priority #68-151), Dermody Pump (Priority #68-13), Wolf Creek Village Lake Well, and Jackson Spring and Seep. *See* Figure 3. c. Amy's Lake: i. Legal Description: SW1/4 SE1/4, Section 17, T.37N., R.1E., N.M.P.M., UTM Zone 13N 332098m E, 4145057m N; Mineral County, Colorado. *See* Figure 1 and Figure 2. ii. Surface Area: 3.1 acres. iii. Total Capacity: 30 acre-feet. iv. Type: Unlined, off channel. v. Dam length: Approximately 440 feet. vi. Dam height: Approximately 10 feet. vii. Amount Claimed: 30 acre-feet per year, conditional, subject to as-built capacity, with a right to fill and refill successively at the following flow rates: (1) Amy's Ditch: 2.0 c.f.s. (2) Bootjack North Diversion: 3.0 c.f.s. viii. Source: West Fork. ix. Appropriation Date: December 31, 2018. x. Uses: Piscatorial, incidental wildlife, fire-fighting, irrigation, aesthetic, recreation, and stock watering. xi. Irrigated Area Description: Approximately 13 acres in the SE1/4 SW1/4, SW1/4 SE1/4 of Section 17 and the NE1/4 NW1/4, NW1/4 NE1/4 of Section 20, T.37N., R.1E., N.M.P.M. *See* Figure 3. 5. 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. a. Applicant spent more than \$139,000 in salaries for its employees to conduct well inspections, repair flood damage to Applicant's well structures and lakes, and to maintain ditches and irrigation equipment. i. This includes repairing the headgates for the Warren Ditch, and Bootjack North Diversion. Applicant also repaired Amy's Lake after the bank was breached during the October 2025 floods on the West Fork. b. Applicant engaged the water consulting firm SGM and has spent more than \$71,000 for its water rights support over the diligence period, including in, but not limited to, the following cases: 17CW3014, 17CW3050, 17CW3043, 17CW3041, 18CW3051, 19CW3028, 21CW3029, 22CW3034, 22CW3049, 22CW3044, 22CW3050, 26CW3023, and 26CW3024. c. Applicant engaged the law firm of Brownstein Hyatt Farber Schreck, LLP, and spent more than \$160,000 in legal fees to protect its water rights and interests in water court by opposing applications of others, adjudicating new water rights, and meeting its diligence obligations, including in, but not limited to, the following cases: 17CW3014, 17CW3050, 17CW3041, 17CW3043, 18CW3051, 19CW3028, 21CW3029, 22CW3034, 22CW3049, 22CW3044, 22CW3050, 26CW3023, and 26CW3024. d. Applicant engaged Evergreen Pump and has spent more than \$245,000 on pump upgrades and replacements, irrigation system parts, and automation projects. i. This includes part replacements, repairs, and more than \$40,000 spent on the automation of the Warren Lake sprinkler system. e. Applicant engaged Mackey Construction and spent over \$30,000 on flume and headgate fabrication and installation for water rights compliance. i. This includes a replacement flume, diversion box, and headgate for Amy's and Bootjack North Augmentation Pond that were damaged by floods. f. Applicant engaged Mountain Valley Services and spent more than \$756,000 on excavation work for pond and reach improvements, pump and pipeline installations, and structure work. g. Applicant engaged Summit Supply and spent more than \$41,000 on pipe, pipe fittings and irrigation repair parts. 6. Claims to make conditional surface water rights absolute: a. Warren Ditch: i. Applicant has diverted water at the maximum decreed amount of 2.0 c.f.s. under the Warren Ditch water right. Diversion records with the Colorado Division of Water Resources, attached here as Table 1, specifically show a diversion of 2.96 c.f.s. on May 7, 2026. *See* Table 1. Applicant delivered that water to Warren Pond and Warren Lake for all decreed uses. b. Reach 2 Ditch: i. Applicant has diverted water at 0.24 c.f.s. when not being used for irrigation. Flume measurements show that 0.32 c.f.s. were diverted on September 16, 2026. *See* Table 1. Applicant delivered that water to Reach 2 Ponds A through E for stock watering; incidental wildlife; and freshening. c. Bootjack North Diversion: i. Applicant has diverted water at the maximum decreed amount of 3.0 c.f.s. under the Bootjack North Diversion water right to fill and freshen the Bootjack North Augmentation Pond and Amy's Lake. Flume measurements show 5.54 c.f.s. was diverted on September 16, 2026. *See* Table 1. Applicant delivered that water to Amy's Lake and the Bootjack North Augmentation Pond for freshening flows and replacing evaporation. 7. Claims to make conditional underground water rights absolute: a. Reach 2 Ponds A through E: i. Applicant constructed each of the Reach 2 Ponds in approximately 2006. Applicant has stored the full decreed amount of 4.0 acre feet since approximately 2011. *See* Table 2. b. Warren Pond: i. Applicant constructed the Warren Pond in approximately 2006. Applicant has stored the full decreed amount of 2.0 acre-feet since approximately 2011. *See* Table 2. 8. Claims to make conditional storage water rights absolute: a. Warren

Lake: i. Applicant constructed Warren Lake to a volume of 40 acre-feet, and it has been filled since July 7, 2020. Bootjack has diverted water at the maximum decreed flow rates of the Warren Ditch (2.0 c.f.s.) to fill Warren Lake. See Table 2. b. Bootjack North Augmentation Pond: i. Applicant constructed the Bootjack North Augmentation Pond to a volume of 40.25 acre-feet, and it has been filled since at least May 18, 2022. Bootjack has diverted water at the maximum decreed flow rate of the Bootjack North Diversion (3.0 c.f.s.) to fill the Bootjack North Augmentation Pond. See Table 2. c. Amy's Lake: i. Applicant constructed Amy's Lake to a volume of 10.8 acre-feet, and it has been filled since at least May 18, 2022. Bootjack has diverted water at the maximum decreed flow rate of the Bootjack North Diversion (3.0 c.f.s.) to fill Amy's Lake. See Table 2. 9. 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: a. All structures are located on Applicant's property. WHEREFORE Applicant requests that the Court enter a decree: 10. Finding that Applicant has been reasonably diligent in the steady application of effort to complete the appropriation of the conditional water rights in a reasonably expedient and efficient manner under the facts and circumstances and continuing the following conditional water rights in full force and effect: a) Cannon Creek Ditch First Enlargement: 2.0 c.f.s., conditional, for all decreed beneficial uses. b) Reach 2 Ditch: 1.63 c.f.s., conditional, for irrigation. c) Amy's Ditch: 2.0 c.f.s., conditional, for all decreed beneficial uses. d) Warren Lake: 26 acre-feet per year, conditional, for fill and refill successively at the max flow rates of 2.0 c.f.s. through Warren Ditch. e) Bootjack North Augmentation Pond: 9.75 acre-feet per year, conditional, for fill and refill successively at a max flow rate of 3.0 c.f.s. through Bootjack North Diversion. f) Amy's Lake: 19.20 acre-feet per year, conditional, for fill and refill successively at the max flow rates of 2.0 c.f.s. through Amy's Ditch and 3.0 c.f.s. through Bootjack North Diversion. 11. Making the following conditional rights absolute: (a) Warren Ditch: 2.0 c.f.s., absolute, for all decreed beneficial uses. (b) Reach 2 Ditch: 0.24, absolute, when not being used for irrigation, for all decreed beneficial uses. (c) Bootjack North Diversion: 3.0 c.f.s., absolute, for all decreed beneficial uses. (d) Reach 2 Ponds A through E: 4.0 acre-feet, cumulative for all Reach 2 Ponds, absolute, for all decreed beneficial uses. (e) Warren Pond: 2.0 acre-feet, absolute, for all decreed beneficial uses. (f) Warren Lake: 40 acre-feet per year, absolute, for fill and refill successively at the max flow rates of 2.0 c.f.s. through Warren Ditch. Applicant's remaining decreed 26 acre-feet per year will continue to be conditional. (g) Bootjack North Augmentation Pond: 40.25 acre-feet per year, absolute, for fill and refill successively at a max flow rate of 3.0 c.f.s. through Bootjack North Diversion. Applicant's remaining decreed 9.75 acre-feet per year will continue to be conditional. (h) Amy's Lake: 10.8 acre-feet per year, absolute, for fill and refill successively at the max flow rates of 2.0 c.f.s. through Amy's Ditch and 3.0 c.f.s. through Bootjack North Diversion. Applicant's remaining decreed 19.20 acre-feet per year will continue to be conditional. 12. In the event the Court does not make the foregoing rights absolute, then continuing their conditional status until the next diligence application. 13. To the extent Applicant exercises the remaining conditional portions of the Cannon Creek Ditch First Enlargement, Reach 2 Ditch, Amy's Ditch, Warren Lake, Bootjack North Augmentation Pond, and Amy's Lake during the pendency of this case, Applicant requests that the Court decree those additional portions absolute as well. 14. Granting such other relief as the Court deems just and proper. (18 pages including exhibits)

2026CW3029

Archuleta County, Application for Alternate Points of Diversion, To Make Absolute, and for a Finding of Reasonable Diligence for Surface and Underground Water Rights. **1. Applicants:** Alpine Lakes Ranch Property Owners Association, Inc. and Alpine Lakes Ditch and Reservoir Company, Inc., both of 17774 Hwy 84, Pagosa Springs, CO 81147, c/o Jeff Kane, Southwest Water and Property Law LLC, 679 E 2nd Ave Unit 10, Durango, CO 81301; jkane@swpropertylaw.com; (970) 422-5512. **2. Prior Decrees, Appropriation Date, Source, Use, Integrated System, Augmentation Plan and Location Map for All Water Rights in this Application:** Applicants operate a central water supply system for the Alpine Lakes Ranch subdivision in Archuleta County for which these water rights are the primary source of supply. Each of these water rights was originally decreed in Case

No. 97CW74 (Dec. 15, 1998) with an appropriation date of March 29, 1996, and portions were made absolute and diligence entered in Case Nos. 04CW83, 12CW35, and 19CW26, all in Water Division 7. The source for each water right is water tributary to the Navajo River, including from Spence Creek and Coyote Creek. Each water right has the following decreed use: in the central domestic water supply system for Alpine Lakes Ranch, including uses for domestic, livestock, irrigation of lawns, gardens, shrubs and trees, and fire protection purposes. Irrigation through the central domestic water supply system will include no more than 3,000 square feet per lot, for a maximum of 218 lots, for a total proposed irrigated acreage of no more than 15 acres. Each structure is a feature of an integrated system within the meaning of C.R.S. § 37-92-301(4)(b). Each is also subject to the augmentation plan decreed in Case No 96CW21. The location of each water right is shown on a map filed with the Application. **3. Surface water right for finding of reasonable diligence requested: A. Structure:** Central Supply Intake at Spence Reservoir. **B. Location:** in the SW1/4 NE1/4 of Sec 8, T 33N, R 1E, NMPM, at a point 1,900 feet west of the east section line and 2,150 feet south of the north section line of said Sec 8. **C. Amount:** 1.0 cfs, conditional. **4. Description of conditional underground water rights for which Applicants request to confirm alternate points of diversion, to make a portion absolute, and for entry of a finding of reasonable diligence: A. Structure names, well permit nos., and amounts: i.** ALR Well No. 1 (Permit No. 46660-F): 10 gpm, absolute; **ii.** ALR Well No. 2 (Permit No. 46659-F-R): 5 gpm, absolute; **iii.** ALR Well No. 3 (Permit No. 84590-F), 25 gpm, conditional ; **iv.** Mesa Well No. 1 (Permit No. 49735-F): 25 gpm, conditional; **v.** Mesa Well No. 2 (Permit No. 53347-F): 1 gpm absolute, 24 gpm, conditional; **vi.** Mesa Well No. 5 (Permit No. 49740-F): 1 gpm absolute, 24 gpm, conditional; **vii.** Alpine Meadows Well No. 1 (Permit No. 65300-F): 40 gpm conditional; **viii.** Alpine Meadows Well No. 2 (Permit No. 65301-F): 50 gpm, conditional. **B. Locations: i.** ALR Well No. 1: in the SE1/4 NW1/4 of Sec 20, T 33N, R 1E, NMPM approximately 1,503 feet from the north section line and 1,575 feet from the west section line; **ii.** ALR Well No. 2: in the SE1/4 NW1/4 of Sec 20, T 33N, R 1E, NMPM approximately 1,677 feet from the north section line and 1,592 feet from the west section line. **iii.** ALR Well No. 3: in the SE1/4 NW1/4 of Sec 20, T 33N, R 1E, NMPM approximately 1,900 feet from the north section line and 1,630 feet from the west section line. **iv.** Mesa Well No. 1: in the SE1/4 NE1/4 of Sec 11, T 32N, R 1W, NMPM, approximately 1,750 feet from the north section line and 500 feet from the east section line. **v.** Mesa Well No. 2: in SW1/4 NE1/4 of Sec 6, T 32N, R 1E, NMPM, approximately 1,600 feet from the east section line and 2,600 feet from the north section line. **vi.** Mesa Well No. 5: in the NW1/4 SE1/4 of Sec 6, T 32N, R 1E, NMPM, approximately 1,675 feet from the east section line and 2,600 feet from the south section line. **vii.** Alpine Meadows Well No. 1: in the SE1/4 SE1/4 of Sec 8, T 33N, R 1E, NMPM, approximately 800 feet from the south section line and 850 feet from the east section line. **viii.** Alpine Meadows Well No. 2: in the NE1/4 SE1/4 of Sec 8, T 33N, R 1E, NMPM, approximately 1,705 feet from the south section line and 1,230 feet from the east section line. **C. Date and amount of water applied to beneficial use in Applicants' central water supply system: i.** ALR Well No. 1: July 15, 1996, at 10 gpm (Case No. 97CW74); **ii.** ALR Well No. 2: July 15, 1996, at 5 gpm (Case No. 97CW74); October 3, 2023, at 12 gpm (this Application); **iii.** ALR Well No. 3: October 20, 2020, at 12 gpm (this Application); **iv.** Mesa Well No. 2: September 22, 1996, at 1 gpm (Case No. 04CW83); **v.** Mesa Well No. 5: January 15, 2002, at 1 gpm (Case No. 04CW83); **vi.** Alpine Meadows Well No. 1: September 26, 2002, at 7 gpm (this Application); **vii.** Alpine Meadows Well No. 1A: June 10, 2020, at 9 gpm (this Application); **viii.** Alpine Meadows Well No. 2: September 26, 2002, at 9 gpm (this Application). **5. Description of underground water right structure constructed as an alternate point of diversion for Alpine Meadows Well No. 1: A. Structure:** Alpine Meadows Well No. 1A (Permit No. 83924-F). **B. Location:** in the NE1/4 SE1/4 of Sec 8, T 33N, R 1E, NMPM, approximately 1,735 feet from the south section line and 1,042 feet from the east section line; UTM 334533E, 4108730N, Zone 13. **C. Date and amount of water applied to beneficial use in Applicants' central water supply system:** June 20, 2010, in the amount of 9 gpm. **6. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period: A.** Applicants spent approximately \$139,824 on consultants and vendors to complete well and pump servicing and replacement, well engineering, well drilling, and

investigations and planning for increasing the capacity of Applicant's central water supply system, including for the construction of the additional structures described above. **B.** Applicants retained legal counsel, at a cost of approximately \$3,150 for advice concerning the administration and adjudication of Applicants' water rights and augmentation plan. **C.** Applicants completed additional wells and placed them to beneficial use in their central water supply system as follows: **i.** ALR Well No. 2: October 3, 2023, at 12 gpm (this Application; 5 gpm previously decreed absolute); **ii.** ALR Well No. 3: October 20, 2020, at 12 gpm; **iii.** Alpine Meadows Well No. 1: September 26, 2002, at 7 gpm. **iv.** Alpine Meadows Well No. 1A: June 10, 2020, at 9 gpm. **v.** Alpine Meadows Well No. 2: September 26, 2002, at 9 gpm. **7. Applicants' requested findings and relief:** **A.** Entry of a decree confirming that Applicants have been reasonably diligent in completing the appropriation of the Central Supply Intake at Spence Reservoir surface water right and continuing the conditional amount of 1.0 cfs for an additional six years. **B.** Entry of a decree confirming that ALR Well No. 2 is an alternate point of diversion for ALR Well No. 1. **C.** Entry of a decree confirming that ALR Well No. 3 has been constructed and water placed to beneficial use for all decreed uses in the amount of 12 gpm and Applicants have been reasonably diligent in completing this appropriation right and continuing the remaining conditional amount of 13 gpm for an additional six years. **D.** Entry of a decree confirming that that Applicants have been reasonably diligent in completing the appropriation for Mesa Well Nos. 1, 2, and 5 and continuing the remaining conditional amounts of 25 gpm, 24 gpm, and 24 gpm, respectively, for an additional six years. **E.** Entry of a decree confirming that (i) 7 gpm of the Alpine Meadows Well No. 1 water right has been placed to beneficial use for all decreed uses, (ii) Alpine Meadows Well No. 1A is alternate point of diversion for the Alpine Meadows Well No. 1 water right (these wells are located approximately 520 feet apart and there are no intervening water rights or structures) and 9 gpm from this well has been placed to beneficial use for all decreed uses, and (iii) Applicants have been reasonably diligent in completing this appropriation and continuing the remaining conditional portion of the Alpine Meadows Well No. 1 water right in the amount of 24 gpm for an additional six years. **F.** Entry of a decree confirming that (i) 9 gpm of the Alpine Meadows Well No. 2 water right has been placed to beneficial use for all decreed uses and (ii) Applicants have been reasonably diligent in completing this appropriation and continuing the remaining conditional portion of the Alpine Meadows Well No. 2 water right in the amount of 41 gpm for an additional six years. The requested alternate points of diversion will result in no expansion in the amount or location of use of the water rights decreed in Case No. 97CW74, are within the original contemplated draft of Applicants' conditional water rights decreed in Case No. 97CW74, and are within the same lands and have the same groundwater sources decreed in Case Nos. 97CW74 and 04CW83. **8. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure will be constructed or upon which water is or will be stored:** seven landowner names and addresses are included in the Application, each being a member or shareholder of Applicants. Notice of this Application will be given in the manner required by law. (10 pages including exhibits)

THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of November 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 Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: \$192.00; Forms are available through the Office of the Water Clerk or on the Judicial web site at www.coloradojudicial.gov; Jason Poyer, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before October 31, 2026

/s/ Jason Poyer
Water Court Specialist