



A Mountain Law Firm

Laurel Quinto
305 Gold Rivers CT, STE 200
Basalt, CO, 81621
(970) 366-4733
Laurel@jvamlaw.com

August 7, 2025

Via Email

Wooden Deer Homeowners Association
c/o Duncan Barber
499 Wooden Deer Rd.,
Carbondale, CO
dbarber@os.law

Re: *Case No. 2025CW3007; Entry of Final Decree*

Dear Duncan,

No protest to the Ruling of the Referee was filed; therefore, the Water Judge signed the Referee's previous Ruling and entered the final decree of the Water Court in this case. A copy of the decree is enclosed for your records. The decree confirms the following.

1. **Wooden Deer Well Nos. 2 through 6.** The decree confirms that the Wooden Deer Well Nos. 2, 3, 4, 5 & 6 will continue in full force and effect in the amount of 50 g.p.m., conditional, each, for fire protection and ordinary household purposes inside 22 single-family dwellings and attached caretaker units (not exceeding 900 sq ft in area), and the irrigation of not more than 44,000 square feet of lawns and gardens (2,000 sq ft for each lot).

Wooden Deer Well No. 1 remains absolute, as decreed in Case No. 98CW183. The combined maximum pumping rates of Wooden Deer Well Nos. 1 through 6 may not exceed 100 g.p.m.; and the combined average annual amount of groundwater to be appropriated shall not exceed 15.434 acre-feet. Lastly, all of Wooden Deer's

Aspen

Basalt

Buena Vista

Glenwood Springs

Salida

P.O. Box 878, Glenwood Springs, CO 81602



A Mountain Law Firm

decreed water rights (the Wooden Deer Well Nos. 1 through 6) operate pursuant to the plan for augmentation decreed in Case No. 91CW189. The source of augmentation water is through Wooden Deer's water allotment contract with the Basalt Water Conservancy District.

To maintain the conditional water rights, Wooden Deer must continue to make progress toward the application of water to beneficial use under each respective water right. It will have an additional six years in which to make such progress. Another application for a finding of reasonable diligence or to confirm absolute must be filed no later than **July 31, 2031**, for all of the conditional water rights. Failure to timely file the application will result in automatic cancellation of the conditional water rights.

As we have discussed, the conditional water rights are relatively old and are likely to face greater scrutiny in the coming diligence cycles. Therefore, in preparation for the next water court application, we recommend taking steps to consider and construct the infrastructure needed to utilize at least a portion of the decreed conditional water rights for the decreed uses detailed above. Some diligence activities might include:

1. Conducting activities that constitute progress towards putting the conditional water rights to beneficial use such as obtaining a well permit, surveying locations for a well, constructing a well, and utilizing the water produced from the well.
2. Maintenance, repair, and improvement to the current water system such as standard well maintenance or replacing a pump.
3. Engaging professionals, such as engineers, to help Wooden Deer best utilize the additional wells. For instance, Wooden Deer may continue working with SGM to understand where the optimal location will be for additional wells with sufficient production capacity and water quality.
4. Maintaining the water allotment contract with Basalt Water Conservancy District.




A Mountain Law Firm

If Wooden Deer puts all of the conditional water rights to beneficial use before July 2031, it does not need to wait July 2031 to file an application confirming the water rights as absolute; that application may be filed at any time. If, however, not all of the water rights are put to beneficial use before July 2031, we still recommend taking steps towards this ultimate goal, and documenting these activities and associated costs (e.g., consultant fees, water attorney fees, any construction costs, etc.); this evidence will be used to support the next diligence application. Once a water right is made absolute, the obligation to obtain a finding of reasonable diligence every 6 years will stop.

It our pleasure to assist Wooden Deer with its water rights. Entry of the decree completes our work regarding the diligence application.

Best regards,

JVAM PLLC

By: 
Laurel Quinto, Esq.

Cc: Ryan Jarvis, Cathey Massey (via email)

DISTRICT COURT, WATER DIVISION 5, COLORADO Garfield County Courthouse 109 8th Street, Suite 104 Glenwood Springs, CO 81601 (970) 928-3065	DATE FILED July 16, 2025 CASE NUMBER: 2025CW3007 ▲ COURT USE ONLY ▲
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: WOODEN DEER HOMEOWNERS ASSOCIATION, in Garfield County, Colorado.	Case No: 25CW3007 (05CW65, 91CW189, 98CW182, 11CW168, 18CW3105)
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE AND DECREE OF THE WATER COURT	

The Application in this case was filed on January 28, 2025 (“Application”) and was referred to the Water Referee for Water Division 5, State of Colorado, by the Water Judge of this Court in accordance with C.R.S. §§ 37-92-101, *et seq.*, known as the Water Right Determination and Administration Act of 1969.

The undersigned Referee, having made such investigations as are necessary to determine whether or not the statements in the Application are true, and having been fully advised of the subject matter of the Application, does hereby make the following determination and Ruling as the Referee in this matter:

FINDINGS OF FACT

1. Application. The statements in the Application are true, except as may be otherwise stated within.
2. Name and mailing address of Applicant.

Wooden Deer Homeowners Association
c/o Duncan Barber
499 Wooden Deer Rd,
Carbondale, CO 81623

With copies to:
JVAM PLLC
c/o Ryan M. Jarvis and Laurel Quinto
305 Gold Rivers Court, Suite 200

Basalt, CO 81621
(970) 922-2122
ryan@jvamlaw.com; laurel@jvamlaw.com

3. Notice and jurisdiction. Timely and adequate notice of the pendency of these proceedings has been given in the manner required by C.R.S. § 37-92-302(3). Applicant filed the Application on January 28, 2025. The Application was properly published in the resume for Water Division 5 and newspapers of general circulation as identified by the Court.
4. Opposition. No statements of opposition were filed, and the time for filing statements of opposition has expired.
5. Report of the Division Engineer/Summary of Consultation. The Court has given due consideration to the Division Engineer's Summary of Consultation filed on May 1, 2025, and Applicants' Response to Report of the Division Engineer/Summary of Consultation filed on June 17, 2025.
6. Summary of Application. Applicant requested a finding that it has been reasonably diligent in the development of its conditional water rights decreed to Wooden Deer Well Nos. 2, 3, 4, 5, and 6 (the "Subject Water Rights").
7. Decree Information.
 - a. *Original Decree:* Case No. 91CW189, District Court, Water Division No. 5, entered on October 18, 1992.
 - b. *Subsequent Decrees Awarding Diligence:* Case Nos. 18CW3105, 11CW168, 05CW65, and 98CW182, District Court, Water Division No. 5.
8. Legal Descriptions: A map depicting the locations of the Subject Water Rights is attached as **Figure 1**.
 - a. **Wooden Deer Well No. 2:** SW 1/4 of the SW 1/4 of Section 24, Township 7 South, Range 88 West of the 6th P.M., at a point 770 feet from the South line and 4,750 feet from the East line of said Section 24.
 - b. **Wooden Deer Well No. 3:** SW 1/4 of the SW 1/4 of Section 24, Township 7 South, Range 88 West of the 6th P.M., at a point 380 feet from the South line and 4,200 feet from the East line of Section 24.
 - c. **Wooden Deer Well No. 4:** SW 1/4 of the SW 1/4 of Section 24, Township 7 South, Range 88 West of the 6th P.M., at a point 100 feet from the South line and 4,800 feet from the East line of Section 24.

- d. **Wooden Deer Well No. 5:** NW 1/4 of the NW 1/4 of Section 25, Township 7 South, Range 88 West of the 6th P.M., at a point 4,810 feet from the South line and 4,600 feet from the East line of Section 25.
 - e. **Wooden Deer Well No. 6:** NW 1/4 of the NW 1/4 of Section 25, Township 7 South, Range 88 West of the 6th P.M., at a point 5,050 feet from the South line and 4,050 feet from the East line of Section 25.
9. Source. Groundwater tributary to Crystal Springs Creek, tributary to the Roaring Fork River, tributary to the Colorado River.
 10. Appropriation Date. September 19, 1991, for each well.
 11. Amount. 50 g.p.m., conditional, for each Wooden Deer Well Nos. 2 through 6. The combined maximum pumping rates of Wooden Deer Well No. 1 and the Subject Water Rights shall not exceed 100 g.p.m. The combined average annual amount of groundwater to be appropriated from Wooden Deer Well No. 1 and the Subject Water Rights shall not exceed 15.434 acre-feet.
 12. Uses. Domestic and irrigation. The combined use of Wooden Deer No. 1 and the Subject Water Rights is limited to fire protection, ordinary household purposes inside 22 single-family dwellings and attached caretaker units, and the irrigation of not more than 44,000 square feet of lawns and gardens. (*See also* Case No. 98CW182, paragraph 5(F)).
 13. Legal Description of Land to be Irrigated: SW 1/4 SW 1/4 of Section 24, and NW1/4 of Section 25, in Township 7 South, Range 88 West of the 6th P.M. (the "Property").
 14. Depth. 350 feet for each Wooden Deer Well Nos. 2-6.
 15. Remarks: Applicant operates the Subject Water Rights and Wooden Deer Well No. 1 (decreed absolute in Case No. 98CW183) pursuant to the plan for augmentation decreed in Case No. 91CW189.
 16. Integrated System. As decreed in Case No. 98CW12, Wooden Deer Well No. 1 and the Subject Water Rights are components of an integrated water supply system for Wood Deer Subdivision.
 17. Evidence of diligence. Applicant provided evidence demonstrating that it exercised reasonable diligence in the development of the remaining conditional portion decreed to Wooden Deer Well Nos. 2, 3, 4, 5, and 6. The Referee finds that the work and expenditures described in the Application constitute reasonable diligence in the development of the conditional water right and the Application should be granted.

CONCLUSIONS OF LAW

Based upon and fully incorporating the Findings of Fact set forth above, the Court concludes as a matter of law that:

18. Notice. All notices required by law have been properly made, including as required under C.R.S. § 37-92-302(3).
19. Personal and subject matter jurisdiction. The Court has jurisdiction over the Application and over all entities or persons who had standing to appear, even though they did not do so. C.R.S. §§ 37-92-301(2) and -303(1).
20. Application complete. The Application is complete, covering all applicable matters required pursuant to the Water Right Determination and Administration Act of 1969. C.R.S. §§ 37-92-101, *et seq.*
21. Authority for approval. The Court has authority to approve the finding of reasonable diligence requested in the Application. C.R.S. §§ 37-92-301(2), -302 and -303(1).
22. Measure of diligence. The measure of diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. C.R.S. § 37-92-301(4)(b).
23. Consideration of relevant factors. The Court may consider all relevant factors in determining whether the holder of a conditional water right has exercised reasonable diligence in the development of the appropriation. *Trans County Water, Inc. v. Central Colo. Water Conservancy Dist.*, 727 P.2d 60, 64 (Colo. 1986).
24. Integrated System. Pursuant to C.R.S. § 37-92-301(4)(b), “when a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” Where work on a component of a system is “necessary to the ultimate goal of putting the water to beneficial use, it is considered part of the integrated system.” *Metro. Suburban Water Users Ass’n v. Colo. River Water Conservation Dist.*, 365 P.2d 273, 289 (Colo. 1961). Consistent with previous decrees, Wooden Deer No. 1 and the Subject Water Rights are considered integrated components of the whole, and work on any one part of the integrated system should be considered in finding that reasonable diligence has been shown in the development of the Subject Water Rights.
25. Requirements for Decree Fulfilled. The Applicant has fulfilled all legal requirements for a decree for the requested finding of reasonable diligence.

RULING OF THE REFEREE

26. Findings and conclusions incorporated. The Findings of Fact and Conclusions of Law as set forth above are incorporated herein by reference and are hereby modified as necessary to constitute part of the Ruling of the Referee and final Decree of the Water Court.
27. Diligence. The Application of Wooden Deer Homeowners Association for a finding of reasonable diligence with respect to **Wooden Deer Well Nos. 2 through 6** is granted and the conditional water rights are continued in full force and effect in the amount of 50 g.p.m., conditional, each, for fire protection, ordinary household purposes inside 22 single-family dwellings and attached caretaker units, and the irrigation of not more than 44,000 square feet of lawns and gardens.
28. Rule 9. Pursuant to Rule 9 of the Uniform Local Rules for all State Water Court Divisions, upon the sale or other transfer of the conditional water rights described herein, the transferee shall file with the Division 5 Water Court a notice of transfer which shall state:
 - A. The title and case number of this Case No. 25CW3007
 - B. The description of the conditional water right transferred;
 - C. The name of the transferor;
 - D. The name and mailing address of the transferee; and
 - E. A copy of the recorded deed.

The owner of said conditional water rights shall also notify the Clerk of the Division 5 Water Court of any change in mailing address. The Clerk shall place any notice of transfer or change of address in the case file of this Case No. 25CW3007 and in the case file (if any) in which the Court first made a finding of reasonable diligence.

A copy of the Ruling shall be filed with the Division Engineer for Water Division 5 and with the State Engineer.

It is further ORDERED that this Ruling shall be filed with the Water Clerk, subject to judicial review.

Dated this 23rd Day of June, 2025.

BY THE REFEREE:

A handwritten signature in black ink, reading "HK Strablizky". The signature is written in a cursive, somewhat stylized font. The "H" and "K" are large and prominent, followed by "Strablizky" in a more fluid script.

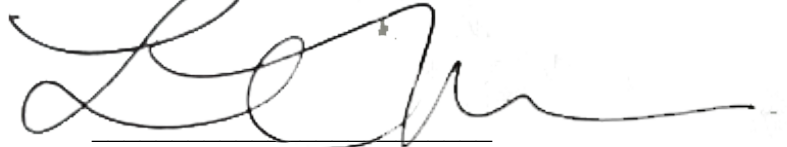
Holly K. Strablizky, Water Referee
Water Division No. 5, State of Colorado

DECREE OF THE WATER COURT

No protest was filed in this matter, and accordingly, the foregoing Ruling of the Referee is confirmed and approved and is made the Decree of the Water Court. The conditional water rights described herein shall be in full force and effect until the end of the month six years from the date of this Order. If the Applicant wishes to maintain the conditional water rights thereafter, Applicant shall file an application for findings of reasonable diligence on or before that date or make a showing on or before then that the conditional water rights have become absolute water rights by reason of the completion of the appropriation. Any Application for Finding of Reasonable Diligence shall be filed by July 2031.

DATED: July 16, 2025

BY THE COURT:

A handwritten signature in dark ink, appearing to read 'Laura Makar', written over a horizontal line.

Hon. Laura Makar
Water Judge, Water Division 5

DATE FILED
June 17, 2025 9:29 AM

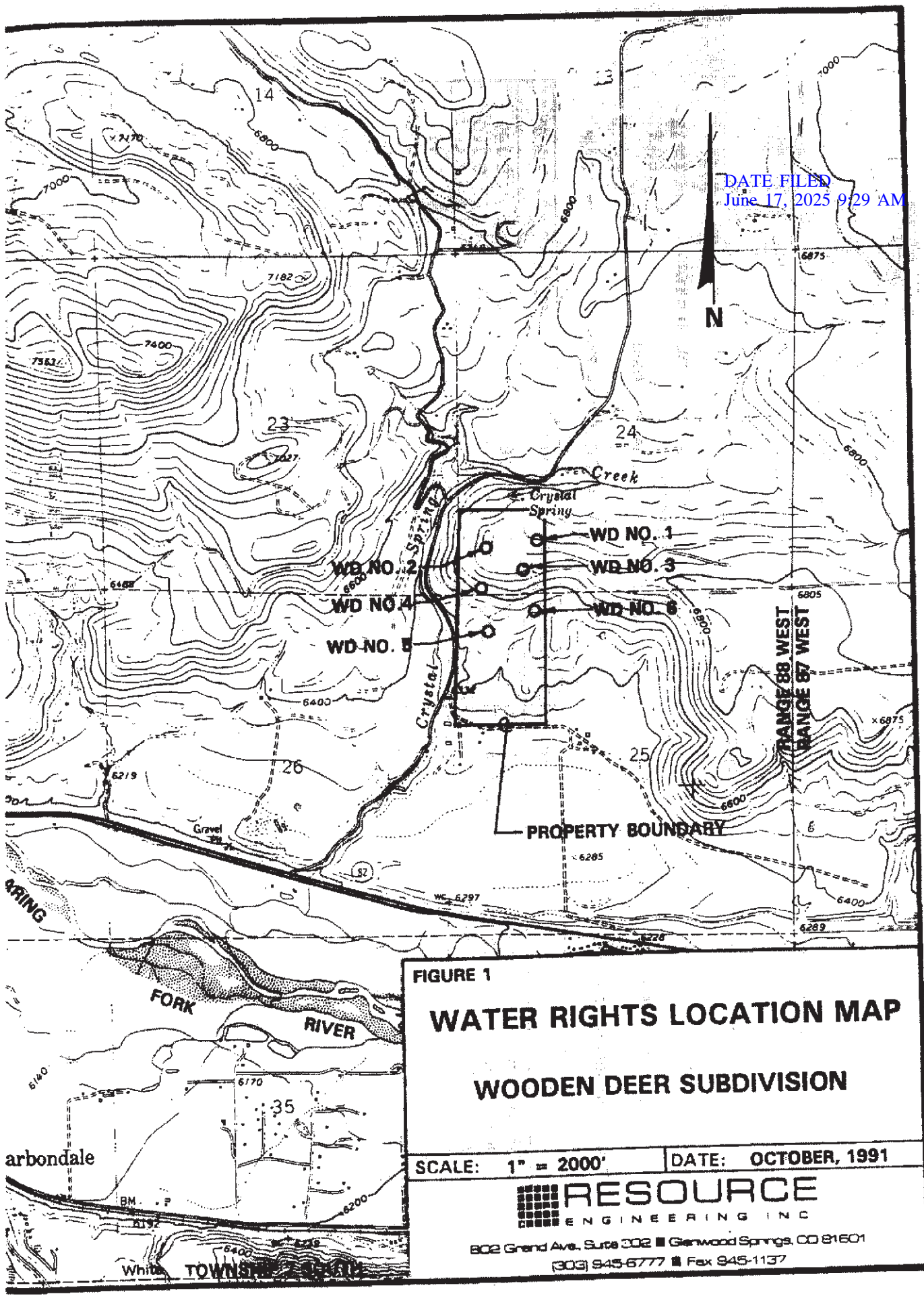


FIGURE 1

WATER RIGHTS LOCATION MAP

WOODEN DEER SUBDIVISION

SCALE: 1" = 2000'

DATE: OCTOBER, 1991



RESOURCE
ENGINEERING INC.

802 Grand Ave., Suite 302 ■ Glenwood Springs, CO 81601
(303) 945-6777 ■ Fax 945-1137