

**DISTRICT COURT, WATER DIVISION 6, COLORADO  
TO ALL PERSONS INTERESTED IN WATER APPLICATIONS  
IN WATER DIVISION 6**

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following pages comprise a resume of Applications and Amended Applications filed in the office of Water Division 6, during the month of **December 2021**

**2021CW22 ROUTT COUNTY** Application for Absolute Water Storage and Surface Right **Applicant:** Ted R. Myers; 25625 RCR 55, Hamilton, CO 81638; 970-276-3870, **Email:** [tandpmyers@juno.com](mailto:tandpmyers@juno.com). **Name of Structures:** Gill West Pasture Reservoir; Cottonwood Park Ditch. **Legal Description:** Routt County; NE4 SE4; NE4 NW4 Sec: 30; 32 T4N; R88W; 6<sup>th</sup> PM. **UTM Coordinates:** E303605 N4461949; E304172 N4461068 Zone 13; **Source of UTMs:** Hand Held GPS; **Accuracy of Location:** GIS; + or – 15 Feet. **Distance from Section Lines:** 1545 Feet from South and 622 Feet from East; 1323 Feet from North and 1334 Feet from West **Source of PLSS Information:** GIS Data **Source of Water:** Natural Runoff from Unnamed Ephemeral Tributary to the East Fork Williams Fork River and Gill West Pasture Spring 7; East Fork Williams Fork River. **Date of Appropriation:** 05/01/18; 05/20/20; **How Appropriation was Initiated:** By locating the reservoir and gathering materials for the outlet pipe; By clearing ground for irrigation and planning the diversion and ditch location.; **Date Water Applied to Beneficial Use:** 10/01/21; 07/1/21. **Amount Claimed in Acre Feet, Cubic Feet (cfs) Per Second or Gallons Per Minute (gpm):** Absolute 1.0-acre feet; 1.0 cfs. **List All Uses or Proposed Uses:** Stock Watering, Irrigation, Wildlife, Fire Protection and Fish; Domestic, Stock, Wildlife, Irrigation and Fire Protection. **Number of Acres Historically Irrigated:** 30; 3.3; **Proposed to be Irrigated** 23; N/A. **If Irrigation: Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right?** Yes; No. Water stored in reservoir will be used to supplement irrigation of land currently irrigated by the Frank Gil Diversion WDID 4402496; N/A. **Surface Area of High Water Line:** 0.25 Acres. **Vertical Height of Dam:** 8 Feet; **Length of Dam:** 200 Feet. **Total Capacity of Reservoir:** 1.0 Acre Feet; **Active Capacity:** 1.0; **Dead Storage:** 0.0. **Name of Landowner:** Applicant.

**2021CW23 ROUTT COUNTY** Application for an Appropriative right of exchange. **Applicant:** South Routt Cemetery District; PO Box 364, Yampa, CO 80483; 970-367-3065, **Email:** [hayschaffner@gmail.com](mailto:hayschaffner@gmail.com). **Name of Structures:** The South Routt Cemetery Pump. **Legal Description:** Routt County; SW4 SW4 Sec: 34; T3N; R85W; 6<sup>th</sup> PM. **UTM Coordinates:** E336413 N4449566 Zone 13; **Source of Water:** Yamcolo Reservoir trib to Bear River trib to South Routt Cemetery District trib to Watson Creek trib to Yampa River. **Date of Appropriation:** 12/2/21; **Amount Claimed in Acre Feet, Cubic Feet (cfs) Per Second or Gallons Per Minute (gpm):** Conditional 1.0 cfs. **List All Uses or Proposed Uses:** Irrigation use at the South Routt Cemetery; **Name of Landowner:** Cat Creek Trust.

**2021CW3048 NOTICE OF FILING OF FINAL DECENNIAL ABANDONMENT LIST FOR WATER DIVISION NO. 6:** The State Engineer and the Division Engineer for Water Division 6, by and through the Attorney General hereby provide notice of the filing with the Water Clerk of the decennial abandonment list for Water Division 6 under section 37-92-401(4)(c), C.R.S. (2021). Notice is hereby given that, pursuant to section 37-92-401(4) C.R.S. (2021), the Division Engineer, in consultation with the State Engineer, has revised and finalized the decennial abandonment list, which contains those water rights that the Division Engineer has determined to have been abandoned in whole or in part. The decennial abandonment list, when concluded by judgment and decree, shall be conclusive as to the water rights determined to have been abandoned. The initial abandonment list (published in July 2020) and the final revised abandonment list are available online at: <https://dwr.colorado.gov/services/water-administration/water-rights>. The initial and final revised decennial abandonment lists may also be inspected after December 31, 2021, at the offices of the State Engineer, Division Engineer, and Clerk of the Water Court. Contact the respective offices for information on hours and/or appointments. This decennial abandonment proceeding, including any protest proceedings, are subject to Rule 12 of the Uniform Local Rules for All State Water Court Divisions (Water Court Rules), effective as amended on December 13, 2018 and available on the Water Court's website at: <https://www.courts.state.co.us/Courts/Water>. Any person who wishes to protest the inclusion of any water right on the final decennial abandonment list shall file a written protest with the Water Clerk and the Division Engineer in accordance with the procedures set forth in section 37-92-401(5), C.R.S (2021) not later than June 30, 2022. The fee for filing such a protest with the Water Clerk is forty-five dollars (\$45.00). The protest shall set forth in detail the factual and legal basis therefor. A form for such a protest ([JDF 304W](#)) is available on the Water Court website.

**2021CW3049**, Springs in unnamed tributaries, tributary to Little White Snake Creek, tributary to Yampa River; surface runoff and springs in unnamed tributary, tributary to Little White Snake Creek, tributary to Yampa River; unnamed tributary, tributary to Little White Snake Creek, tributary to Yampa River; groundwater tributary to unnamed tributary, tributary to Little White Snake Creek, tributary to Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE, STORAGE AND UNDERGROUND). INTRODUCTION:** In Water Division 6 Case No. 01CW26, the Meagher Family Limited Partnership was awarded certain conditional rights for the Meagher Family Ranch Spring No. 2, Meagher Family Ranch Spring No. 3, Meagher Family Ranch Spring No. 4, Meagher Family Ranch Spring No. 5, and Meagher Family Ranch Pond No. 3. An Application for Finding of Reasonable Diligence was not timely filed and the Water Court cancelled those conditional water rights. Ms. Laurie Bonucci now owns the property and files this application to request conditional rights for these springs and pond. In addition, Ms. Bonucci seeks conditional rights for the Lazy Spring 1 and Lazy B Well 1.

1. **Name, mailing address, email address, telephone number of Applicant:** Laurie A. Bonucci (“Bonucci”), 303 Park Avenue West, Princeton, IL 61356, [lazyb87@gmail.com](mailto:lazyb87@gmail.com), 815-878-2393. All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, PLLC, P.O. Box 881302, Steamboat Springs, CO 80488, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370.

2. **Names and Types of Structures:** Lazy B Spring 1, Lazy B Spring 2, Lazy B Spring 3, Lazy B Spring 4, Lazy B Spring 5 (Surface Structures); Lazy B Pond 1 (Storage Structure); Lazy B Well 1 (Well - permit application not yet filed).

3. **Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged)):** All structures are located in or will be developed in Section 18, Township 3 North, Range 85 West, of the 6<sup>th</sup> Prime Meridian, in Routt County, Colorado and are depicted on the filed map (see Ex. 1, *Structure Locations, Proposed Irrigated Acreage, and Approximate Property Boundary*). The UTM coordinates (Zone 13, NAD83) were obtained using databases maintained by the Colorado Division of Water Resources.

**Structure Name, PLSS, Easting (meters), Northing (meters):** a. Lazy B Spring 1, NE4 NE4, 332870 mE, 4455936 mN; b. Lazy B Spring 2, SE4 NE4, 333092 mE, 4455319 mN; c. Lazy B Spring 3, NE4 SE4, 333053 mE, 4455244 mN; d. Lazy B Spring 4, NE4 SE4, 332803 mE, 4455119 mN; e. Lazy B Spring 5, NW4 SE4, 332599 mE, 4455241 mN; f. Lazy B Pond 1, SE4 NE4, 332982 mE, 4455540 mN; g. Lazy B Well 1, SE4 NE4, 332858 mE, 4455402 mN.

4. **Source of Water and Depth of Well: Structure Name and Source:** a. Lazy B Spring 1, spring in unnamed tributary, tributary to Little White Snake Creek, tributary to Yampa River. b. Lazy B Spring 2, Lazy B Spring 3, and Lazy B Spring 4, springs in unnamed tributary, tributary to Little White Snake Creek, tributary to Yampa River. c. Lazy B Spring 5, spring in unnamed tributary, tributary to Little White Snake Creek, tributary to Yampa River. d. Lazy B Pond 1, unnamed tributary to Little White Snake Creek, tributary to Yampa River; springs and runoff tributary to unnamed tributary, tributary to Little White Snake Creek, tributary to Yampa River; Lazy B Spring 5; Lazy B Well 1. e. Lazy B Well 1, groundwater tributary to unnamed tributary, tributary to Little White Snake Creek, tributary to Yampa River; estimated depth 30 ft.

5. **If Reservoir Filled from a Ditch - Name, Capacity, Legal Description of Point of Diversion:** Lazy B Pond 1 Feeder Ditch; 1.0 cfs; UTM - Coordinates 332963 mE, 4455469 mN; PLSS - SE4 NE4, Section 18, T3N, R85W.

6. **Appropriation:** a. **Date and Methodology of Appropriation:** September 16, 2021, for all structures by purchase of property, conducting field inspections, and consulting with legal counsel. b. **Date Water Applied to Beneficial Use:** n/a.

7. **Amounts Claimed and Proposed Uses:** a. Lazy B Spring 1, Lazy B Spring 2, Lazy B Spring 3, Lazy B Spring 4 - 0.033 cfs, conditional (each spring), for livestock and wildlife. b. Lazy B Spring 5 - 0.033 cfs, conditional, for livestock and wildlife at the developed site; water will also be conveyed to fill, refill, and provide freshening flows to Lazy B Pond 1 for the end uses of aesthetics, domestic, fire mitigation and protection, irrigation, livestock, recreation, and wildlife. c. Lazy B Pond 1 – 2.0 AF, conditional, for aesthetics, domestic, fire mitigation and protection, irrigation, livestock, recreation, and wildlife. Bonucci also claims the right to refill when in priority to maintain adequate storage for all uses and to compensate for evaporative loss. d. Lazy B Well 1 – 30 gpm, conditional, irrigation, livestock, wildlife, and fill, refill, and provide freshening flows to Lazy B Pond 1 for the end uses of aesthetics, domestic, fire mitigation and protection, irrigation, livestock, recreation, and wildlife. Tributary groundwater will be withdrawn and anticipated annual use is estimated at 14.0 acre feet.

8. **If Irrigation Use:** a. **Acreage Historically Irrigated:** n/a. b. **Acreage Proposed to be Irrigated and Legal Description of Acreage:** approximately 7 acres located in the SE4 NE4 of Section 18, Township 3 North, Range 85 West, as depicted on Exhibit 1. c. **If Non-Irrigation, Full Description of Uses:** Lazy B Springs 1, 2, 3, and 4 - livestock and wildlife; Lazy B Spring 5 - livestock and wildlife at the developed site, and fill, refill, and provide freshening flows to Lazy B Pond 1; Lazy B Pond 1 - aesthetics, domestic, fire mitigation and protection, livestock, recreation, and wildlife; Lazy B Well 1 - livestock, wildlife, and fill, refill, and provide freshening flows to Lazy B Pond 1.

9. **Surface Area of High Water Line, Vertical Height and Length of Dam, and Total Capacity of Reservoirs (active and dead storage):** Lazy B Pond 1 - Surface Area 0.5 AF (estimated); Dam Height < 10 feet; Dam Length < 150 feet; Capacity 1.5 AF (estimated) (amount of active and dead storage not yet known as pond may be all or partially excavated).

10. **Name and address of owner 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:* Bonucci owns the land where the springs will be developed, where the pond will be constructed, and the well drilled, and the land upon which the water rights will be used. 11. **Remarks or Other Pertinent Information:** The water rights described in this Application will be used for grazing management on Bonucci's property. Bonucci thus claims all the water rights are integrated, pursuant to C.R.S. § 37-92-301(4)(b).

**2021CW3050 Routt County.** Application for Conditional Water Rights. **Name, mailing address, e-mail address and telephone number of Applicant:** Wayne Adamo c/o Sherri Sweers, Steamboat Lawyers Group, PLLC, PO Box 775565, Steamboat Springs, CO 80477, (970)879-7611. **Name of Structure:** El and Em Spring, **Legal Description:** NE1/4 NE1/4 Section 20, T10N, R85W, 6th PM Routt County Colorado; 675.7 feet west of the east line of Section 20; 183.1 feet south of the north line of Section 20 Routt County, Colorado **Source:** Steamboat Lake tributary to Willow Creek tributary. **Date of Appropriation:** December 27, 2021. **How approp. was initiated:** Application for Surface Water Rights filed on December 27, 2021. **Date water applied to beneficial use:** December 27, 2021 **Amount:** 3.0 gpm. **Use:** This is an underground spring where the water shall be collected at the surface for the watering of livestock. Also, to be used for residential watering and gardening purposes. **Remarks:** The conditional water right in the amount of 1.50 gpm should be a conditional water right to allow the Applicant to demonstrate completion of the use and appropriation. **Description of place of use where water is applied to beneficial use:** See Exhibit A.

**2021CW3051–ROUTT COUNTY. Application For Sexennial Finding of Reasonable Diligence.** Applicant: Morrison Creek Metropolitan Water and Sanitation District, 24490 Uncompahgre Road, Oak Creek, CO 80467. Direct Pleadings to: Thomas R. Sharp, Esq., P.O. Box 774968, Steamboat Springs, CO 80477. Name of Structure: **STAGECOACH WELL NOS. 3, 4, 6, & 7.** A description of each conditional water right as to each structure, from the prior referee's rulings and Judgments and Decrees is as follows:

**Stagecoach Well No. 3:** Date of original decree: December 8, 1976, District Court, Case No. W-966-76. Previous findings of due diligence are found at Case Nos. 2015CW3023, 08CW4, 01CW38, 94CW107, 88CW130, 85CW18, and 80CW186. Location: SE1/4 of the SW 1/4 of Section 9, Township 3 North, Range 84 West of the 6<sup>th</sup> P.M. at a distance of 300 feet from the south section line and 1450 feet from the west section line; Source: Yampa River.

Appropriation Date: April 1, 1972. Amount: .0446 cfs or 20 gpm. Use: Municipal. Depth: 600 feet. **Stagecoach Well No. 4:** Date of original decree: December 8, 1976, District Court, Case No. W-967-76. Previous findings of due diligence are found at Case Nos. 2015CW3023, 08CW4, 01CW38, 94CW107, 88CW129, 84CW134 and 80CW187. Location: SE1/4 of the NE1/4, Section 31, Township 4 North, Range 84 West of the 6<sup>th</sup> P.M., 1400 feet from the north section line and 1300 feet from the east section line. Source: Yampa River. Appropriation Date: June 20, 1971.

Amount: 2.23 cfs or 1,000 gpm. Use: Municipal, domestic, commercial, irrigation. Depth: 1,000 feet. **Stagecoach Well No. 6:** Date of original decree: December 8, 1976, District Court, Case No. W-969-76. Previous findings of due diligence are found at Case Nos. 2015CW3023, 08CW4, 01CW38, 94CW107, 88CW127, 84CW135 and 80CW188. Location: NW1/4 of the SE1/4, Section 21, Township 3 North, Range 84 West of the 6<sup>th</sup> P.M., 1700 feet from the south section line and 2,000 feet from the east section line. Source: Yampa River. Appropriation Date: April 1, 1972. Amount: .178 cfs or 80 gpm. Use: Municipal.

Depth: 727 feet. **Stagecoach Well No. 7:** Date of Original Decree: December 8, 1976, District Court Case No. W-970-76. Previous findings of due diligence are found at Case Nos. 2015CW3023, 08CW4, 01CW38, 94CW107, 88CW128, 84CW136 and 80CW189.

Location: SE1/4 of the NE1/4 of Section 27, Township3 North, Range 84 West of the 6<sup>th</sup> P.M. at a distance of 2100 feet from the north section line and 400 feet from the east section line. Source:Yampa River. Appropriation Date: April 1, 1972. Amount:.1114 cfs or 50 gpm. Use: Municipal. Depth: 780 feet. Map: Attached as **Exhibit "A"** to the Application is a map showing the above described locations of Stagecoach Wells Nos. 3, 4, 6, & 7. The following is 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:

Stagecoach Wells No. 3, 4, 6, and 7 are a part of a larger integrated water supply system of the District, currently serving approximately over 500 single-family residential units. Initial determination of such integrated water supply system, including identification of Stagecoach Wells Nos. 3, 4, 6, & 7 as a part of such system, was decreed by this Water Court in Case No. 94CW107, and a subsequent amendment and confirmation determination by the Court of such integrated water supply system, including identification of Stagecoach Wells Nos. 3, 4, 6, & 7, was decreed by this Water Court in Case No. 08CW66. This integrated water supply system also includes Stagecoach

Wells Nos. 1, 2, 2R, 5, 8, 9, and 10, as confirmed in paragraph 10 of the decree in Case No. 08CW66. The integrated water supply system also includes a water supply contract with the Upper Yampa Conservancy District for delivery of 60 acre feet per year out of Yamcolo Reservoir, and delivery of 500 acre feet per year out of Stagecoach Reservoir, and a direct flow surface conditional right for 9 cfs out of the Yampa River decreed to Water Treatment Plant No. 1 water right. In 2016, in paragraph 18 of the decree of the Water Court in Case No. 2016CW3048 involving Stagecoach Well No. 5, the Water Court again confirmed and decreed the integrated water system of the Applicant, including Wells Nos. 3, 4, 6 and 7. Subsequent further confirmation and determination by the Water Court of such integrated water supply system, including enlargement with additional decreed conditional rights and continuing to include identification of Stagecoach Wells Nos. 3, 4, 6, & 7 as a part of such system, was decreed by this Water Court in the amendment to the master augmentation plan for the District decreed by the Water Court in Water Case No. 2009CW072, such amendment being approved and decreed by the Water Court in Water Case No. 2014CW3047. In Paragraph 24 of such Water Case No. 2014CW3047, the Water Court held and decreed that the above and foregoing water rights, including Wells Nos. 3, 4, 6, & 7, and including the Morrison Creek District Well Field, as conditionally decreed in that case, and the Black Horse II Water Tank storage right as conditionally decreed in that case, and the appropriative rights of exchanges in that case and the appropriative right of exchanges decreed in Case No. 2009CW072, were all a part of the expanded integrated water supply system of the District.

In 2016, in Water Court Case No. 2016CW3048, the Applicant filed a petition for finding of due diligence with respect to Stagecoach Well No. 5, as well as a claim to take absolute a portion of the water right for such Well No. 5 at certain alternate points of diversion, and the Water Court entered its Order and Decree finding due diligence on September 6, 2018. A finding of due diligence on the 9 cfs of water decreed from the Yampa River known as Water Treatment Plant No. 1 was granted by decree of the Water Court entered September 10, 2021, in Case No. 2020CW3029.

Further, since February 14, 2016, the District has engaged in efforts to continue development of the District's total integrated water supply system. In 2019, the Applicant constructed the infrastructure facilities which are fully operational to deliver replacement augmentation water from the Black Horse II Water Tank to the proper location on Bushy Creek, at a cost of approximately \$20,000. In the spring of 2020, the Applicant applied to the State Engineer to construct and install the Black Horse II Well. On June 19, 2020, the State Engineer issued a well permit for such Well, described also as Stagecoach Well No. 11. In the summer of 2021, the District's contractor drilled such Stagecoach Well No. 11 a/k/a the Black Horse II Well, but the said well produced an inadequate flow of water for the District's purposes. Completion of such well was terminated. In the summer of 2021, the District then obtained from the State Engineer a replacement well permit for construction of Stagecoach Well No. 13, which is part of the Morrison Creek District Well Field decreed to the District in Case No. 2014CW3047. Such Well No. 13 has been completed and tested, provides an acceptable flow rate, and will be incorporated into the infrastructure of the District's potable water delivery system in 2022.

All of Stagecoach Wells Nos. 3, 4, 6, and 7 are part of the District's integrated water supply system, from a number of decrees, and the foregoing work constitutes water supply system development and planning for the District's integrated water supply system. The above-described work constitutes diligence on the subject Stagecoach Wells Nos. 3, 4, 6, & 7. C.R.S. §37-92-301(4)(b). See also, Vail Valley Consolidated Water District v. City of Aurora, 731 P.2d 665 (Colo. 1987).

**PRAYER FOR RELIEF:** Applicant requests the Court to (i) confirm that Stagecoach Wells Nos. 3, 4, 6 and 7 are part of an integrated water supply system of the District, (ii) confirm that due diligence in the District as to any part of such integrated water supply system constitutes due diligence on all parts of such system including these 4 conditional water well water rights, and (iii) enter a sexennial finding of reasonable diligence with respect to the appropriations from Stagecoach Wells Nos. 3, 4, 6 and 7.

**2021CW3052–ROUTT COUNTY. Application For Conditional Water Rights (Surface) and Water Storage Rights.** Applicant: Remnant Investors, LLLP, a limited liability limited partnership, 830 Lincoln Avenue, Steamboat Springs, CO 80487, telephone 970-879-1822, direct pleadings to Thomas R. Sharp, Esq., P.O. Box 774968, Steamboat Springs, CO 80477, telephone 970-846-8179, Email: tom@tomsharp.com.

**A. SURFACE WATER DIVERSION:** Name of Ditch Structure: **LOCKHART PONDS SUPPLY DITCH;** Location: In Lot 5, Lucky Camp Filing No. 3: Either in the S1/2S1/2SE1/4SW1/4 of Section 17, T10N, R85W of the

6<sup>th</sup> P.M., OR in the N1/2N1/2NE1/4NW1/4 of Section 20, T10N, R85W of the 6<sup>th</sup> P.M., Routt. Point of diversion of Lockhart Ponds Supply Ditch: UTM coordinates are Easting 335,727.9, Northing 4,520,568.3, Zone 13; Street Address 61625 Lucky Camp Lane, in Lot 5, Lucky Camp Filing No. 3. Source: Deep Creek, tributary to Steamboat Lake, an on-stream reservoir on Willow Creek, which is tributary to Elk River. Date of appropriation: June 21, 2004. Appropriation initiated by forming intent to appropriate and by commencement of engineering work and survey of proposed point of diversion of Lockhart Ponds Supply Ditch and proposed locations of high water lines and emergency spillways/dams for each of Lockhart Pond Nos. 1 & 2, and preparation of engineering site plan for construction of such Ditch and Lockhart Pond Nos. 1 & 2, all by Maphis International, Ltd, water engineers in Boulder, CO. A copy of such site plan and survey, dated June 21, 2004, is attached as Exhibit "A" to the Application. Date water applied to beneficial use: Not yet applied. Amount claimed in cubic feet per second (cfs): 1.50 cfs, Conditional. Uses or Proposed Uses: Water diverted and delivered to and in and through Lockhart Pond No. 2 and Lockhart Pond No. 1 to fill, refill, and continually refill to high water line to maintain adequate storage for all uses in such two Ponds, and to continue freshening flows through Lockhart Pond No. 2 and Lockhart Pond No. 1, year-around and without seasonal limitation, all for water storage and continual freshening of storage water in such two Ponds and to compensate for evaporation and seepage losses, such storage in such two Ponds being for beneficial uses of aesthetics, piscatorial and fish propagation, fire suppression and protection, recreation, livestock watering, wildlife watering, wildlife habitat purposes, replacement of evaporation and seepage losses, for augmentation and/or exchange, and for domestic use within Lot 5, Lucky Camp Filing No. 3, at and around one single family residence on such Lot, including no more than one acre of lawn and garden irrigation. If irrigation, complete the following: Domestic use at and around one single family residence on Lot 5, Lucky Camp Filing No. 3, including no more than one acre of lawn and garden irrigation. Description of non-irrigation uses: Water from Deep Creek diverted at the proposed diversion structure for the Lockhart Ponds Supply Ditch will flow southerly down such ditch a short distance to enter and provide water for storage in Lockhart Pond No. 2, which will be an on-ditch primarily excavated Pond; then such water will flow out of the emergency spillway of said Lockhart Pond No. 2 into a continuation of said Lockhart Ponds Supply Ditch running southerly over to enter and provide water for storage in Lockhart Pond No. 1, which will also be an on-ditch primarily excavated Pond; then such water will flow out of the emergency spillway of said Lockhart Pond No. 1 into a continuation of said Lockhart Ponds Supply Ditch running southeasterly as a return ditch for delivery of remaining unconsumed and unevaporated diverted Deep Creek water back into Deep Creek, such Supply Ditch to terminate on the bank of Deep Creek. B. Water Storage Diversion: Name of first Pond: **LOCKHART POND NO. 2**. Location of Reservoir Structure: In Lot 5, Lucky Camp Filing No. 3: In the NE1/4NW1/4 of Section 20, T10N, R85W of the 6<sup>th</sup> P.M., Routt County. Point of diversion (emergency spillway/dam of Lockhart Pond No. 2): UTM Coordinates are Easting 335,700.5, Northing 4,520,514.1, Zone 13; 61625 Lucky Camp Lane, in Lot 5, Lucky Camp Filing No. 3. Source: Deep Creek, tributary to Steamboat Lake, an on-stream reservoir on Willow Creek, which is tributary to Elk River. Storage water in Pond is filled from Lockhart Ponds Supply Ditch, diverting capacity 1.5 cfs conditional. Date of appropriation: June 21, 2004. Appropriation initiated in identical wording to initiation of appropriation for Lockhart Ponds Supply Ditch described above. Date water applied to beneficial use: Not yet applied. The Application is for conditional water rights. Amount of storage claimed: 78,177 cubic feet, being 1.79 acre feet, Conditional. Pond filled from Lockhart Ponds Supply Ditch at rate of diversion of 1.5 cfs. Uses or Proposed Uses: Water storage for the beneficial uses of aesthetics, piscatorial and fish propagation, fire suppression and protection, recreation, livestock watering, wildlife watering and wildlife habitat, replacement of evaporation and seepage losses, for augmentation and/or exchange, and for domestic use within Lot 5, Lucky Camp Filing No. 3, at and around one single family residence in such Lot, including no more than one acre of lawn and garden irrigation. Water to be filled, refilled, and continually refilled to high water line to maintain adequate storage for all uses, and to continue freshening flows through Lockhart Pond No. 2 and Lockhart Pond No. 1, year-around and without seasonal limitation, for water storage and continual freshening of storage water in such two Ponds and to compensate for evaporation and seepage losses. Description of irrigation use: Domestic use at and around one single family residence on Lot 5, Lucky Camp Filing No. 3, including no more than one acre of lawn and garden irrigation. Description of non-irrigation uses are same as described above for Lockhart Ponds Supply Ditch. Surface area of high water line of Lockhart Pond No. 2: 18,562 square feet. Vertical height of dam: 6.5 feet. Length of dam in feet: 177 feet. Total capacity of Lockhart Pond No. 2 in acre feet: 1.79 acre feet. Active capacity: 1.79 acre feet. Dead storage: zero acre feet. C. Water Storage Diversion: Name of Second Pond: **LOCKHART POND NO. 1**. Location of Reservoir Structure: In Lot 5, Lucky Camp Filing No. 3: In the NE1/4NW1/4 of Section 20, T10N, R85W of the 6<sup>th</sup> P.M., Routt County. Point of diversion (emergency spillway/dam of Lockhart Pond No. 1): UTM Coordinates are Easting 335,673.6, Northing 4,520,464.7, Zone 13; 61625 Lucky Camp Lane, in Lot 5, Lucky Camp Filing No. 3. Source: Deep Creek, tributary to Steamboat Lake, an on-stream reservoir on Willow Creek, which is tributary to Elk River. Storage water in Pond is filled from Lockhart Ponds Supply Ditch, diverting capacity 1.5 cfs conditional. Date of appropriation: June 21, 2004.

Appropriation initiated in identical wording to initiation of appropriation for Lockhart Ponds Supply Ditch described above. Date water applied to beneficial use: Not yet applied. The Application is for conditional water rights. Amount of storage claimed: 58,853 cubic feet, being 1.35 acre feet, Conditional. Pond filled from Lockhart Ponds Supply Ditch at rate of diversion of 1.5 cfs. Uses or Proposed Uses: Water storage for the beneficial uses of aesthetics, piscatorial and fish propagation, fire suppression and protection, recreation, livestock watering, wildlife watering and wildlife habitat, replacement of evaporation and seepage losses, for augmentation and/or exchange, and for domestic use within Lot 5, Lucky Camp Filing No. 3, at and around one single family residence in such Lot, including no more than one acre of lawn and garden irrigation. Water to be filled, refilled, and continually refilled to high water line to maintain adequate storage for all uses, and to continue freshening flows through Lockhart Pond No. 2 and Lockhart Pond No. 1, year-around and without seasonal limitation, for water storage and continual freshening of storage water in such two Ponds and to compensate for evaporation and seepage losses. Description of irrigation use: Domestic use at and around one single family residence on Lot 5, Lucky Camp Filing No. 3, including no more than one acre of lawn and garden irrigation. Description of non-irrigation uses are same as described above for Lockhart Ponds Supply Ditch. Surface area of high water line of Lockhart Pond No. 1: 15,051 square feet. Vertical height of dam: 12 feet. Length of dam in feet: 290 feet. Total capacity of Lockhart Pond No. 1 in acre feet: 1.35 acre feet. Active capacity: 1.35 acre feet. Dead storage: zero acre feet. Name and address of owner of land upon which new diversion and storage structures will be constructed and upon which water will be stored: Remnant Investors, LLLP, 830 Lincoln Avenue, Steamboat Springs, CO 80487. **Remarks:** All water structures are located within the boundary of Lot 5, Lucky Camp Filing No. 3, owned by Applicant. The recorded Plat of said Lucky Camp Filing No. 3 is attached to the Application as Exhibit "B." The water rights described in the Application will be used as a single integrated water supply project or system in and for such Lot 5, and therefore Applicant claims all the water rights in this Application as an integrated project or system, pursuant to C.R.S. § 37-92-301(4)(b), and that therefore work on one feature of such integrated water system is evidence of reasonable diligence in the development of all of the water rights and features of such integrated water system. **PRAYER FOR RELIEF:** Applicant requests the Court to enter its decree for a new conditional water surface right for the **Lockhart Ponds Supply Ditch** as described above, and for a new conditional water storage right for **Lockhart Pond No. 2** as described above, and for a new conditional water storage right for **Lockhart Pond No. 1** as described above, and for a decree declaring that all such water rights are part of an integrated system pursuant to C.R.S. Section 37-92-301(4)(b), and for such other and further relief as is appropriate.

**2021CW3053**, Watson Creek, tributary to Yampa River in Routt County, Colorado, **APPLICATION FOR ABSOLUTE WATER RIGHTS (SURFACE), CONDITIONAL WATER RIGHTS (SURFACE AND STORAGE), AND CHANGE OF WATER RIGHTS TO ADD ALTERNATE POINTS OF DIVERSION.** *Summary of Application:* The Applicants are L. Dean Rossi and Jim L. Rossi (aka James Lee Rossi) P.O. Box 268, Yampa CO, 80483 ("Dean and Jim Rossi"). All pleadings and other information concerning this application are to be sent to Claire E. Sollars, Esq., P.O. Box 881302, Steamboat Springs, CO 80488, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. Dean and Jim Rossi own the Powell Ditch No. 1, Powell Ditch No. 2, and Laramore Ditch water rights which have been decreed for the amounts and uses stated in this Application. Dean and Jim Rossi claim additional absolute and conditional rights for these rights and new water rights for the Powell Ditch No. 1 First Enlargement. Dean and Jim Rossi request: (1) Absolute Water Rights for Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement, Powell Ditch No. 2, and Laramore Ditch; (2) Conditional Water Rights for Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement, Powell Ditch No. 2, Laramore Ditch, Snowden Pond 1, and Snowden Pond 2; and (3) alternate points of diversion for Powell Ditch water rights (Powell Ditch No. 1 and Powell Ditch No. 1 First Enlargement) and Laramore Ditch to divert the water rights at either location or both locations. **FIRST CLAIM: APPLICATION FOR ABSOLUTE WATER RIGHTS (SURFACE).** 1. *Names of Structures:* Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement, Powell Ditch No. 2, and Laramore Ditch. 2. *Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged)):* All structures are located in Township 2 North, Range 85 West of the 6<sup>th</sup> Principal Meridian, in Routt County, Colorado and are depicted on the filed maps (see Ex. 1, *Structure Locations, Irrigated Acreage, and Approximate Property Boundary*; Ex. 2, *Structure Locations and Irrigated Acreage*). UTM coordinates (Zone 13, NAD83) and PLSS legal descriptions were obtained by surveys or use of "Map Viewer" database maintained by the Colorado Division of Water Resources: a. Powell Ditch No. 1 – Section 17, NW4 SW4, 333255 mE, 4445215 mN. b. Powell Ditch No. 1 First Enlargement – Section 17, NW4 SW4, 333255 mE, 4445215 mN. c. Powell Ditch No. 2 – Section 8, NE4 SE4, 334369 mE, 4446806 mN. d. Laramore Ditch – Section 17, SE4 NW4, 333474 mE, 4445584 mN. 3. *Source of Water:* Watson Creek, tributary to Yampa River. 4. *Appropriation and Beneficial Use:* a. *Dates and Methodologies of Appropriation:* i. Powell Ditch No. 1, Powell Ditch No. 2, Laramore Ditch: May 16, 2006, by purchasing property and use of water by livestock and wildlife. ii. Powell Ditch No. 1 First Enlargement: May 16, 2006, by purchasing property, diverting water and using for irrigation, livestock, and wildlife watering. b. *Date Water Applied to Beneficial Use:* May 16, 2006, for all

structures. 5. **Amounts Claimed and Uses:** a. **Structure Name and Previously Decreed Water Rights:** Powell Ditch No. 1 - 1.0 cfs for irrigation use; Powell Ditch No. 1 First Enlargement – n/a; Powell Ditch No. 2 - 2.0 cfs for irrigation use; Laramore Ditch - 5.0 cfs for irrigation use. b. **Absolute Amounts and Uses Claimed in this Application:** Powell Ditch No. 1, Powell Ditch No. 2, and Laramore Ditch - no additional amounts; livestock and wildlife watering uses; Powell Ditch No. 1 First Enlargement – 4.5 cfs, irrigation, livestock, and wildlife watering uses. 6. **If Irrigation Use:** a. **Acres Historically Irrigated:** Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement, Powell Ditch No. 2, and Laramore Ditch water rights have been and continue to be used to irrigate approximately 165 acres located in the E2 Section 8, N2 Section 9, and NE4 Section 17, all in Township 2 North, Range 85 West. The irrigated acreage is depicted on the filed maps. See Ex. 1; Ex. 2. b. **If Non-Irrigation, Full Description of Uses:** Livestock and wildlife watering. The points of diversion for the Powell Ditch No. 1 (including the Powell Ditch No. 1 First Enlargement) and Powell Ditch No. 2 water rights will also be used as feeder ditches to fill, refill, and provide freshening flows to Snowden Pond 1 to maintain adequate storage for all uses and to compensate for evaporative loss. **SECOND CLAIM: APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE AND STORAGE).** 7. **Names of Structures:** a. **Surface Structures:** Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement, Powell Ditch No. 2, and Laramore Ditch. b. **Storage Structures:** Snowden Pond 1 and Snowden Pond 2. 8. **Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged)):** All structures are located in Township 2 North, Range 85 West, of the 6<sup>th</sup> Prime Meridian, in Routt County, Colorado and are depicted on the filed maps (see Ex. 1, Structure Locations, Irrigated Acreage, and Approximate Property Boundary; Ex. 2, Structure Locations and Irrigated Acreage). The Legal Descriptions for Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement, Powell Ditch No. 2, and Laramore Ditch are stated in the First Claim. UTM coordinates (Zone 13, NAD83) and PLSS legal descriptions for Snowden Pond 1 and Snowden Pond 2 were obtained by surveys or use of “Map Viewer” database maintained by the Colorado Division of Water Resources. a. Snowden Pond 1 - Section 9, NW4 NE4, 335560 mE, 4447804 mN. b. Snowden Pond 2 - Section 9, SW4 NW4, 334740 mE, 4447202 mN. 9. **Source of Water:** Watson Creek, tributary to Yampa River. 10. **If Reservoir Filled from a Ditch - Name, Capacity, Legal Description of Point of Diversion:** a. Snowden Pond 1: The points of diversion for the Powell Ditch No. 1 (including the Powell Ditch No. 1 First Enlargement) and Powell Ditch No. 2 water rights will be used to fill, refill, and provide freshening flows to Snowden Pond 1 to maintain adequate storage for all uses and to compensate for evaporative loss. The capacity of the Powell Ditch is 5.5 cfs and Powell Ditch No. 2 is 2.2 cfs. Legal Descriptions for Powell Ditch No. 1 and Powell Ditch No. 1 First Enlargement, and Powell Ditch No. 2 are stated in the First Claim. b. Snowden Pond 2: Snowden Pond 2 Feeder Ditch – 1.0 cfs, UTM coordinates 334720 mE and 4447183 mN; PLSS description SW4 NW4 Section 9. 11. **Date and Methodology of Appropriation:** October 13, 2021, by meeting with legal counsel and discussing application for conditional rights. 12. **Amounts Claimed and Proposed Uses:** a. **Structure Name and Previously Decreed Water Rights:** Powell Ditch No. 1 - 1.0 cfs for irrigation use; Powell Ditch No. 2 - 2.0 cfs for irrigation use; Laramore Ditch - 5.0 cfs for irrigation use; Powell Ditch No. 1 First Enlargement – n/a; Snowden Pond 1 – n/a; Snowden Pond 2 – n/a. b. **Conditional Amounts and Uses Claimed in this Application:** Powell Ditch No. 1, Powell Ditch No. 2, and Laramore Ditch - no additional amounts, domestic use. Powell Ditch No. 1 First Enlargement – 4.5 cfs, domestic use. Snowden Pond 1 and Snowden Pond 2 – 1.5 acre feet (each pond), aesthetics, domestic, fire mitigation and protection, livestock, recreation, and wildlife. 13. **If Irrigation Use:** Dean and Jim Rossi do not request any conditional rights for irrigation. **If Non-Irrigation, Full Description of Uses:** Domestic use for all structures. Snowden Pond 1 and Snowden Pond 2 will also be used for aesthetics, domestic, fire mitigation and protection, livestock, recreation, and wildlife; Dean and Jim Rossi claim the right to refill the ponds when in priority to maintain adequate storage for all uses and to compensate for evaporative loss. 14. **Surface Area of High Water Line, Vertical Height and Length of Dam, and Total Capacity of Reservoirs (active and dead storage):** Both structures - Surface Area 0.5 AF (estimated); Dam Height < 10 feet; Dam Length < 150 feet; Capacity 1.5 AF (estimated) (amount of active and dead storage not yet known as ponds may be all or partially excavated). **THIRD CLAIM: CHANGE OF WATER RIGHTS TO ADD ALTERNATE POINTS OF DIVERSION** 15. **Decreed water rights for which change is sought:** a. Powell Ditch No. 1 – i. **Date of Original and All Relevant Subsequent Decrees:** Original adjudication September 22, 1892. Subsequent decree issued in Case CA2475 on September 14, 1946; and date the Water Court issues the decree for this Application. ii. **Legal Description:** September 22, 1892 adjudication: “The Headgate is located on the left and West bank of [Watson] creek at a point S 27° 10' W [unreadable] feet from East ¼ Corner Sec. 8, T.2, N.R.85, W, 6<sup>th</sup> P.M. in Routt County.” CA2475 decree: “The headgate is located on the left and west bank of [Watson] creek at a point south 27° 10' West 1050 ft. from the S¼ corner of Section 8, Township 2 North of Range 85 West of the 6<sup>th</sup> P.M., in Routt County, Colorado.” Pending Application: UTM coordinates 333255 mE and 4445215 mN; PLSS description NW4 SW4, Section 17, Township 2 North, Range 85 West of the 6<sup>th</sup> P.M. iii. **Decreed Source of Water:** Watson Creek. iv. **Appropriation Date:** September 22, 1892 adjudication - May 12, 1889; Case CA2475 decree – June 1, 1919; pending Application – May 16, 2006, for livestock and wildlife watering uses (absolute uses) and October 13, 2021 for

domestic use (conditional use). v. **Total Amount Decreed and Uses:** 1.0 cfs for irrigation use (previously decreed), and additional uses claimed in this Application. vi. **Amount of Water Subject to Change:** 1.0 cfs. b. **Powell Ditch No. 1 First Enlargement** – i. **Date of Decree:** date the decree is issued in this Application. ii. **Legal Description:** Pending Application - UTM coordinates 333255 mE and 4445215 mN; PLSS description NW4 SW4, Section 17, Township 2 North, Range 85 West of the 6<sup>th</sup> P.M. iii. **Decreed Source of Water:** Watson Creek. iv. **Appropriation Date:** Pending Application - May 16, 2006, for irrigation, livestock, and wildlife watering (absolute uses) and October 13, 2021, for domestic use (conditional use). v. **Total Amount Decreed and Uses:** 4.5 cfs for irrigation, livestock, and wildlife watering uses (absolute) and domestic use (conditional) as claimed in this Application. vi. **Amount of Water Subject to Change:** 4.5 cfs. c. **Laramore Ditch** – i. **Date of Original and All Relevant Subsequent Decrees:** Original adjudication September 22, 1892; subsequent decree issued in Case CA2475 on September 14, 1946; and date the Water Court issues the decree for this Application. ii. **Legal Description:** September 22, 1892 adjudication: “The Headgate is located on the right or East bank of [Watson] creek on the SE ¼ of SW ¼ Sec. 17, T.2, N. R. 85 W. whence the ¼ corner Sec. 17 bears N [unreadable], 35.35 chains in Routt County.” Case CA2475 decree: “The headgate is located on the right or east bank of [Watson] creek on the SE ¼ of NW ¼ of Section 17, Township 2 North of Range 85 West of the 6<sup>th</sup> P.M. whence the quarter corner of Section 17 bears North [unreadable] East 35.35 chains, in Routt County, Colorado.” Pending Application: UTM coordinates 333474 mE and 4445584 mN; PLSS description SE4 NW4, Section 17, Township 2 North, Range 85 West of the 6<sup>th</sup> P.M. iii. **Decreed Source of Water:** Watson Creek. iv. **Appropriation Date:** September 22, 1892 adjudication – April 30, 1885 for 1.45 cfs and April 20, 1888 for 1.05 cfs. Case CA2475 decree – June 1, 1919; pending Application – May 16, 2006, for livestock and wildlife watering uses (absolute claim) and October 13, 2021, for domestic use (conditional claim). v. **Total Amount Decreed and Uses:** 5.0 cfs for irrigation (previously decreed), and additional uses claimed in this Application. vi. **Amount of Water Subject to Change:** 5.0 cfs. d. **Pending Adjudication** – All absolute and conditional rights claimed in this Application for Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement, and Laramore Ditch, as decreed by the Water Court. 16. **Detailed Description of Proposed Change:** Dean and Jim Rossi request use of the Laramore Ditch point of diversion as an alternate point of diversion for the Powell Ditch No. 1 and Powell Ditch No. 1 First Enlargement water rights, including those previously decreed and to be decreed with this Application. Dean and Jim Rossi also request use of the Powell Ditch No. 1 and Powell Ditch No. 1 First Enlargement point of diversion as an alternate point of diversion for the Laramore Ditch water rights, including those previously decreed and to be decreed with this Application. Dean and Jim Rossi will divert the full amount of all three water rights at either or both points of diversion to best utilize their water rights for irrigation, livestock, and other decreed uses. There are no intervening water rights between the two points of diversion and there will be no increase in land historically irrigated with the water rights. The points of diversion and irrigated areas are shown on Exhibit 2, *Structure Locations and Irrigated Acreage*. 17. **Location of New Alternate Points of Diversion:** As described in this Application. **OWNERSHIP INFORMATION, REMARKS, AND OTHER PERTINENT INFORMATION** 18. **Name and address of owner 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:** Both the Powell Ditch No. 1 and Laramore Ditch points of diversion are located on land owned by Fish & Cross Ranch, LLC, P.O. Box 9, Yampa, Colorado 80483. Dean and Jim Rossi own the land upon which all other structures are located and where the water rights have been and will continue to be used. 19. **Remarks or Other Pertinent Information:** Dean and Jim Rossi claim the conditional water rights regarding Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement, Powell Ditch No. 2, Laramore Ditch, and Snowden Pond 1 are integrated, pursuant to C.R.S. § 37-92-301(4)(b).

**2021CW3054**, Yampa River; and spring in unnamed tributary, tributary to Yampa River; and spring tributary to Smuin Gulch, tributary to Yampa River; and groundwater tributary to unnamed tributary, tributary to Smuin Gulch, tributary to Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE AND UNDERGROUND)**. 1. **Name, mailing address, email address, telephone number of Applicants:** J Quarter Circle Ranch, LLLP, and A. Bruce Johnson, 801 8<sup>th</sup> Street, #220, Greeley, CO 80631 (“J Quarter Circle and Johnson”). All pleadings and court related documents are to be sent to Claire E. Sollars, Esq., P.O. Box 881302, Steamboat Springs, CO 80488, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. 2. **Names of Structures:** a. **Surface Structures:** Frenress Ditch and Pumping Plant First Enlargement, Arnold Spring, JQC Spring 1. b. **Underground Structure:** JQC Well 1 (well permit application not yet filed). 3. **Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged)):** All structures are or will be located in Township 6 North, Range 89 West of the 6<sup>th</sup> Principal Meridian, in Routt County, Colorado, on land owned by J Quarter Circle and Johnson. See Ex. 1, *Structure Locations and Irrigation Area*; Ex. 2, *Property Boundaries*). UTM coordinates (Zone 13, NAD83) and PLSS legal descriptions were obtained by surveys or use of “Map Viewer” database maintained by the Colorado

Division of Water Resources. a. Frentress Ditch and Pumping Plant First Enlargement - UTM coordinates 303769 mE 4484495 mN; PLSS Section 12, SE4 SE4. b. Arnold Spring - UTM coordinates 300619 mE 4484084 mN; PLSS Section 14, NE4 NE4. c. JQC Spring 1 - UTM coordinates 298984 mE 4481192 mN; PLSS Section 22, SW4 SW4. d. JQC Well 1 - UTM coordinates 303669 mE 4482378 mN; PLSS Section 13, SE4 SE4. 4. **Sources of Water:** a. Frentress Ditch and Pumping Plant First Enlargement – Yampa River. b. Arnold Spring – spring in unnamed tributary, tributary to Yampa River. c. JQC Spring 1 – spring tributary to Smuin Gulch, tributary to Yampa River. 5. **Source of Water and Depth of Well:** JQC Well 1 - groundwater tributary to unnamed tributary, tributary to Smuin Gulch, tributary to Yampa River; estimated depth 20 – 60 feet. 6. **Date and Methodology of Appropriation:** November 20, 2017, by purchasing property, conducting field inspections, assessing decreed water rights, and determining need for additional water development. 7. **Amounts Claimed and Proposed Uses:** a. Frentress Ditch and Pumping Plant First Enlargement – 8.0 cfs, conditional, for irrigation, livestock, and wildlife. b. Arnold Spring – 0.011 cfs, conditional, for livestock and wildlife. c. JQC Spring 1 – 0.033 cfs, conditional, for livestock and wildlife. d. JQC Well 1 – 0.033 cfs (15 gpm), 3.5 acre feet per year of tributary groundwater, conditional, for livestock and wildlife. 8. **If Irrigation Use:** a. **Acreage Historically Irrigated:** J Quarter Circle and Johnson will pump water from the Yampa River at the point of diversion for the Frentress Ditch and Pumping Plant Alternate Point of Diversion (application pending in Water Div. 6 Case 2019CW3033). The Frentress Ditch and Pumping Plant First Enlargement water right will be used to irrigate approximately 270 acres located in the south half of the SE4 of Section 12 and the north half of Section 13, Township 6 North, Range 89 West. Of the 270 acres, 33.8 acres may be irrigated using the Frentress Ditch and Pumping Plant water right decreed in the District Court of Routt County Civil Action No. 3081. b. **If Non-Irrigation, Full Description of Uses:** Livestock and wildlife. 9. **Name and address of owner 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:** J Quarter Circle and Johnson own the land where the conditional rights will be developed and upon which the water rights will be used. 10. **Remarks or Other Pertinent Information:** The requested underground water right withdraws tributary groundwater in a non-critical area of the Yampa River basin. At this time, J Quarter Circle and Johnson do not plan to operate the well pursuant to a decreed plan of augmentation. The water rights described in this Application will be used as the water supply system for the ranching operation of J Quarter Circle and Johnson. J Quarter Circle and Johnson thus claim all the water rights are integrated, pursuant to C.R.S. § 37-92-301(4)(b).

**2021CW3057, Routt County, Yampa River.** Application for Surface Water Rights and Water Storage Rights. Bar A Ranch c/o Beattie Hout & Jarvis, PO Box 1669, Basalt, 970-945-8659. All structures: Appropriation date: 03/16/95. Date water applied to beneficial use: 03/16/95. Uses: Livestock and wildlife watering. Bockfinger Hill Spring: Location: In the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 1, T 1 N, R 85 W 6<sup>th</sup> PM, Routt County. UTM: Easting 339763, Northing 4438957, Zone 13, NAD 83. Source: Spring water trib to Chimney Creek, trib to Phillips Creek, trib to Yampa River. Amount: 5.0 gpm, absolute. Uses: Livestock and wildlife watering. Mose Spring: Location: In the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec 1, T 1 N, R 85 W 6<sup>th</sup> PM, Routt County. UTM: Easting 340667, Northing 4438124, Zone 13, NAD 83. Source: Spring water trib to Chimney Creek, trib to Phillips Creek, trib to Yampa River. Amount: 5.0 gpm, absolute. Bemis Pond: Location: In the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 4, T 1 N, R 84 W 6<sup>th</sup> PM, Routt County. UTM: Easting 344562, Northing 4439072, Zone 13, NAD 83. Source: Bemis Pond is an on-channel pond filled by an unnamed trib of Beaver Creek, trib to Chimney Creek, trib to Phillips Creek, trib to Yampa River. Name and capacity of ditch used to fill reservoir: Not applicable. Amount: 0.11 af, absolute, with right to fill and refill continuously. Max rate of diversion: Not applicable. Surface area: 0.08 af. Vertical height: 4 ft. Length: 55 ft. Total capacity: 0.11 af. Active capacity: 0.0 af. Dead storage: 0.11 af. This pond was in existence at the time Applicant acquired the property. GP Stock Pond: Location: In the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec 6, T 1 N, R 84 W 6<sup>th</sup> PM, Routt County. UTM: Easting 342112, Northing 4438327, Zone 13, NAD 83. Source: Channing Creek, trib to Chimney Creek, trib to Phillips Creek, trib to Yampa River. Name and capacity of ditch used to fill reservoir: GP Stock Pond is an on-channel reservoir filled by Channing Creek. Amount: 8.4 af, absolute, with right to fill and refill continuously. Max rate of diversion: Not applicable. Surface area: 3.15 af. Vertical height: 8 ft. Length: 425 ft. Total capacity: 8.4 af. Active capacity: 0.0 af. Dead storage: 8.4 af. This pond was in existence at the time Applicant acquired the property. Bockfinger Stock Pond: Location: In the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 1, T 1 N, R 85 W 6<sup>th</sup> PM, Routt County. UTM: Easting 340682, Northing 4439476, Zone 13, NAD 83. Source: Unnamed trib of Chimney Creek, trib to Phillips Creek, trib to Yampa River. Name and capacity of ditch used to fill reservoir: Bockfinger Stock Pond is an on-channel reservoir filled by an unnamed trib of Chimney Creek. Amount: 2.5 af, absolute, with right to fill and refill continuously. Max rate of diversion: Not applicable. Surface area: 1.09 af. Vertical height: 7 ft. Length: 150 ft. Total capacity: 2.5 af. Active capacity: 0.0 af. Dead storage: 2.5 af. This pond was in existence at the time Applicant acquired the property. Mose Pond: Location: In the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec 1, T 1 N, R 85 W 6<sup>th</sup> PM, Routt County. UTM: Easting 340663, Northing 4438199, Zone 13, NAD 83. Source: Local snowmelt and

runoff trib to an unnamed trib of Chimney Creek, trib to Phillips Creek, trib to Yampa River. Name and capacity of ditch used to fill reservoir: Not applicable. Amount: 0.02 af, absolute. Max rate of diversion: Not applicable. Surface area: 0.02 af. Vertical height: 3 ft. Length: 50 ft. Total capacity: 0.02 af. Active capacity: 0.0 af. Dead storage: 0.02 af. This pond was in existence at the time Applicant acquired the property. Owner of land: Applicant. (8 pages, 1 exhibit).

**2021CW3059**, Groundwater tributary to Cow Creek, tributary to Yampa River; and Cow Creek, tributary to Yampa River; and unnamed tributary, tributary to Cow Creek, tributary to Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR ABSOLUTE AND CONDITIONAL WATER RIGHTS (SURFACE AND UNDERGROUND)**. 1. **Name, mailing address, email address, telephone number of Applicants**: Nathan David Newhall and Jessica A. View Newhall (“Newhalls”), 26400 CC Way, Steamboat Springs, CO 80487. All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, P.O. Box 881302, Steamboat Springs, CO 80488, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. 2. **Names of Structures and Type**: Newview Ranch Spring 1 (surface), Newview Ranch Pond 1 (existing well pond - permit application to be filed), Newview Ranch Well 1 (well permit application to be filed). 3. **Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged))**: All structures are located in the NE4 SW4 of Section 9, Township 6 North, Range 85 West of the 6<sup>th</sup> Prime Meridian, in Routt County, Colorado and are depicted on the filed map (see Ex. 1, *Structure Locations, Irrigation Area, and Approximate Property Boundary*). The UTM coordinates (Zone 13, NAD83) were obtained by surveys or use of “Map Viewer” database maintained by the Colorado Division of Water Resources: a. Newview Ranch Spring 1 (surface) – 336519 mE, 4483839 mN. b. Newview Ranch Pond 1 (well pond) - 336392 mE, 4484024 mN. c. Newview Ranch Well 1 (underground well) – 336573 mE, 4484042 mN. 4. **Source of Water**: Newview Ranch Spring 1 – spring in unnamed tributary, tributary to Cow Creek, tributary to Yampa River. 5. **Source of Water and Depth of Wells**: a. Newview Ranch Pond 1 - groundwater tributary to Cow Creek, tributary to Yampa River and freshening flow from Cow Creek; estimated depth 12 feet. b. Newview Ranch Well 1 - groundwater tributary to Cow Creek, tributary to Yampa River; estimated depth 250 feet. 6. **If Reservoir Filled from a Ditch - Name, Capacity, Legal Description of Point of Diversion**: Newview Ranch Pond 1 is a well pond located off-channel and water will be diverted from Cow Creek using the Newview Ranch Pond 1 Feeder Ditch to provide freshening flows to the pond. The Feeder Ditch will have a capacity not to exceed 2.0 cfs and will be located in the NE4 SW4 of Section 9, UTM coordinates 336599 mE and 4484016 mN. 7. **Appropriation and Beneficial Use**: a. **Date and Methodology of Appropriation**: June 24, 2021, for all structures by purchase of property, conducting field inspections, and discussing water development plans with legal counsel. b. **Date Water Applied to Beneficial Use**: June 24, 2021, for Newview Ranch Spring 1 (developed sometime prior to 1999) and Newview Ranch Pond 1 (excavated between 1999 and 2003). 8. **Amounts Claimed and Proposed Uses**: a. Newview Ranch Spring 1 – 0.022 cfs, absolute, for livestock and wildlife. b. Newview Ranch Pond 1 – 2.4 acre-foot per year, absolute, of tributary groundwater (including loss from evaporation). The pond will be used for aesthetics, fire mitigation and protection, livestock, piscatorial, recreation, and wildlife purposes. c. Newview Ranch Well 1 – 30 gpm (estimate) and 30 acre-feet per year of tributary groundwater, conditional, for commercial, domestic, fire mitigation and protection, industrial, irrigation, livestock, and wildlife uses. Newhalls also claim the right to use the groundwater to fill and refill Newview Ranch Pond 1 for the end uses of aesthetics, fire mitigation and protection, livestock, piscatorial, recreation, and wildlife, and to provide freshening flows to maintain adequate capacity for all uses and to compensate for evaporative loss. 9. **If Irrigation Use**: a. **Acreage Historically Irrigated**: None. b. **Acreage Proposed to be Irrigated and Legal Description of Acreage**: Newhalls will use a combination of gravity, pumps, and pipelines to move water from Newhall Ranch Well 1 to irrigate approximately 13 acres located in the NE4 SW4 of Section 9. The area to be irrigated is depicted on Exhibit 1. c. **If Non-Irrigation, Full Description of Uses**: aesthetics, commercial, domestic, fire mitigation and protection, industrial, livestock, piscatorial, recreation, and wildlife. Newview Ranch Well 1 and Newview Ranch Pond 1 Feeder Ditch will be used to provide freshening flows to Newview Ranch Pond 1 to maintain adequate capacity for all uses and to compensate for evaporative loss. 10. **Surface Area of High-Water Line, Vertical Height and Length of Dam, and Total Capacity of Reservoirs (active and dead storage)**: Newview Ranch Pond 1 is an excavated well pond with a surface area of 0.33 acre and estimated depth of 12 feet. 11. **Name and address of owner 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**: Newhalls own the land where the spring and pond are located, where the well will be drilled, and upon which the water rights have been and will be used. 12. **Remarks or Other Pertinent Information**: The requested underground water rights withdraw tributary groundwater in a non-critical area of the Yampa River basin. At this time, Newhalls do not plan to operate either well pursuant to a decreed plan of augmentation. The water rights

described in this Application are used and will be used as the water supply system for the Newhalls' property. In the event the Water Court determines a portion of the requested absolute rights are conditional, Newhalls claim all conditional rights are integrated, pursuant to C.R.S. § 37-92-301(4)(b).

**2021CW3060**, Groundwater tributary to Trout Creek, tributary to Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR CONDITIONAL WATER RIGHTS (UNDERGROUND)**. 1. **Name, mailing address, email address, telephone number of Applicants**: Michael J. Flanigan and Jennifer R. Flanigan ("Flanigans"), 267 100<sup>th</sup> Ave., Clayton, WI 54004. All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, P.O. Box 881302, Steamboat Springs, CO 80488, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. 2. **Names of Structures**: Trout Creek Pond 1 (well pond), Trout Creek Pond 2 (well pond), Trout Creek Well 1 (underground well); well permit applications for all three wells to be filed. 3. **Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged))**: All structures are located in Township 4 North, Range 86 West of the 6<sup>th</sup> Prime Meridian, in Routt County, Colorado and are depicted on the filed map (see Ex. 1, *Structure Locations, Irrigation Area, and Approximate Property Boundary*). The UTM coordinates (Zone 13, NAD83) were obtained by surveys or use of "Map Viewer" database maintained by the Colorado Division of Water Resources: a. Trout Creek Pond 1 (well pond) – Section 4, SW4 SE4, 329424 mE, 4464519 mN; b. Trout Creek Pond 2 (well pond) – Section 4, SW4 SE4, 329435 mE, 4464548 mN; c. Trout Creek Well 1 (underground well) – Section 14, NW4 SE4, 329696 mE, 4464951 mN. 4. **Source of Water and Depth of Wells**: All wells will withdraw groundwater that is tributary to Trout Creek, tributary to Yampa River. Estimated depth for each well pond is 12 feet; estimated depth for Trout Creek Well 1 is 250 feet. 5. **Date and Methodology of Appropriation**: June 30, 2021, for all structures by purchase of property, conducting field inspections, and discussing water development plans with legal counsel. 6. **Amounts Claimed and Proposed Uses**: a. Trout Creek Pond 1 and Trout Creek Pond 2 – each well pond 5.0 acre-feet per year, conditional, of tributary groundwater (including loss from evaporation). The ponds will be used for aesthetics, fire mitigation and protection, livestock, piscatorial, recreation, and wildlife purposes. b. Trout Creek Well 1 – 30 gpm (estimate) and 46 acre-feet per year of tributary groundwater, conditional, for domestic, fire mitigation and protection, irrigation, livestock, and wildlife uses. 7. **If Irrigation Use**: a. **Acres Historically Irrigated**: None. b. **Acres Proposed to be Irrigated and Legal Description of Acreage**: Flanigans will use a combination of pumps and pipelines to move water from Trout Creek Well 1 to irrigate approximately 33 acres located in the NE4 NE4 and SW4 SE4 of Section 14. The area to be irrigated is depicted on Exhibit 1. c. **If Non-Irrigation, Full Description of Uses**: aesthetics, domestic, fire mitigation and protection, livestock, piscatorial, recreation, and wildlife. 8. **Surface Area of High-Water Line, Vertical Height and Length of Dam, and Total Capacity of Reservoirs (active and dead storage)**: Trout Creek Pond 1 and Trout Creek Pond 2 will be excavated well ponds with estimated depths of 12 feet each and a total surface area not to exceed 0.5 acre. 9. **Name and address of owner 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**: Flanigans own the land where the structures will be located and upon which the water rights will be used. 10. **Remarks or Other Pertinent Information**: The requested underground water rights withdraw tributary groundwater in a non-critical area of the Yampa River basin. At this time, Flanigans do not plan to operate the wells pursuant to a decreed plan of augmentation. The water rights described in this Application are used and will be used as the water supply system for the Flanigans' ranching operation. Flanigans claim all conditional rights are integrated, pursuant to C.R.S. § 37-92-301(4)(b).

**2021CW3061**, Springs tributary to Deep Creek, tributary to Willow Creek, tributary to Elk River, tributary to Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR ABSOLUTE AND CONDITIONAL WATER RIGHTS (SURFACE)**. 1. **Name, mailing address, email address, telephone number of Applicants**: Hahn's Peak Water Coalition, LLC, a Colorado limited liability company ("Hahn's Peak"), P.O. Box 817, Clark, CO 80428. All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, P.O. Box 881302, Steamboat Springs, CO 80488, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. 2. **Names of Structures**: Shay Spring #1 First Enlargement, Judith Spring #2 First Enlargement, Abigale Spring #3 First Enlargement. 3. **Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged))**: All three springs are located in Section 17, Township 10 North, Range 85 West of the 6<sup>th</sup> Prime Meridian, in Routt County, Colorado and are depicted on the filed map. See Ex. 1, *Structure Locations*. The PLSS legal descriptions are presented in *Judgment and Decree of the Water Court* issued on May 25, 2019, in Water Division 6 Case No. 2018CW3000. UTM coordinates (Zone 13, NAD83) were determined on July 23, 2018, by the Water Commissioner for Water District 58 at the time of conducting the Field Inspection. **Structure Name, Qtr. Qtr., Easting (meters), Northing (meters)**: Shay Spring #1 First

Enlargement - SE4 NW4, 335886 mE, 4521379 mN; b. Judith Spring #2 First Enlargement - NW4 SE4, 336097 mE, 4521020 mN; c. Abigale Spring #3 First Enlargement - NW4 SE4, 336104 mE, 4521068 mN. 4. **Source of Water:** Springs tributary to Deep Creek, tributary to Willow Creek, tributary to Elk River, tributary to Yampa River. 5. **Date and Methodology of Appropriation:** July 7, 2021, by meeting with legal counsel to review the water supply system of Hahn's Peak and discuss filing this application for an enlargement of each of the three previously-decreed water rights. 6. **Amounts Claimed:** Hahn's Peak claims an enlargement of 0.011 cfs for each spring. **Structure Name, Existing Decreed Water Right, Additional Amount Claimed:** a. Shay Spring #1 First Enlargement - 0.011 cfs, conditional, for domestic use (decreed) and 0.011 cfs, conditional, for domestic use (additional) (total 0.022 cfs, all conditional); b. Judith Spring #2 First Enlargement - 0.011 cfs, absolute, for domestic use (decreed) 0.011 cfs, conditional, for domestic use (additional) (total 0.022 cfs, of which 0.011 cfs is absolute); c. Abigale Spring #3 First Enlargement - 0.011 cfs, absolute, for domestic use (decreed) 0.011 cfs, conditional, for domestic use (additional) (total 0.022 cfs, of which 0.011 cfs is absolute). 7. **Description of Uses:** Hahn's Peak does not propose any change to the decreed use, which is domestic in 10 single-family residences, including irrigation of 0.25 acre on each lot. 8. **Name and address of owner 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:** United States Forest Service, c/o Routt National Forest, 925 Weiss Dr., Steamboat Springs, CO 80487; Routt County Road and Bridge, c/o Tony Brown, 136 6<sup>th</sup> Street, Steamboat Springs, CO 80487; Brian D. Len, 44650 County Road 44, Steamboat Springs, CO 80487; State of Colorado, c/o Division of Parks & Outdoor Recreation, 1313 Sherman St., Room 618, Denver, CO 80203-2279; The WALA Trust, c/o Wayne and Lisa L. Adamo, P.O. Box 817, Clark, CO 80428. 9. **Remarks or Other Pertinent Information:** a. Original and Subsequent Decrees: The Water Court issued the original decree for the three springs on May 7, 2003. See In re Application of Adamo, et al, District Court, Water Div. 6, Case No. 02CW43. Each of the three springs were awarded a conditional right in the amount of 0.011 cfs for domestic use in 10 single-family residences, including irrigation of 0.25 acre on each lot. On December 30, 2011, in Case No. 09CW11, the Water Court determined diligence had been established and continued the conditional rights for all three springs. See In re Application of Adamo, et al, District Court, Water Division No. 6, Case No. 09CW11. In Case 2008CW3000, the Water Court continued the 0.011 cfs conditional rights of Shay Spring #1 and awarded absolute rights in the amount of 0.011 cfs, each, for Judith Spring #2 and Abigale Spring #3. b. Over-Appropriation: Hahn's Peak understands the entire Elk River and its tributaries are subject to administration and are designated over-appropriated. Hahn's Peak will submit an application to the Upper Yampa Water Conservancy District in 2022 for an augmentation water contract. c. Integration: All three springs are integral components of the water supply system for Hahn's Peak Water Coalition, LLC. Hahn's Peak thus claims the structures are integrated, pursuant to C.R.S. § 37-92-301(4)(b).

**2021CW3062**, Springs in unnamed tributaries, tributary to Oak Creek, tributary to Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR ABSOLUTE AND CONDITIONAL WATER RIGHTS (SURFACE)**. 1. **Name, mailing address, email address, telephone number of Applicants:** Denton Crofts and Brooke Crofts ("Crofts"), P.O. Box 773041, Steamboat Springs, CO 80477. All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, P.O. Box 881302, Steamboat Springs, CO 80488, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. 2. **Overview of Application:** Crofts request conditional rights in the amount of 0.033 cfs each for Crofts Spring #1, Crofts Spring #2, Crofts Spring #3, Crofts Spring #4, Crofts Spring #5, and Crofts Spring #6; the springs will be used for irrigation, livestock, and wildlife uses. Crofts also request that irrigation and wildlife uses be added to the previously decreed Feddersen Spring No. 1 water right and wildlife use to the Feddersen Spring No. 2 water right. Crofts do not request an increase in the amount of water awarded for the Feddersen Springs. 3. **Names of Structures:** Crofts Spring #1, Crofts Spring #2, Crofts Spring #3, Crofts Spring #4, Crofts Spring #5, Crofts Spring #6, Feddersen Spring No. 1 and Feddersen Spring No. 2. 4. **Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged)):** All springs are located in Section 25, Township 5 North, Range 85 West of the 6<sup>th</sup> Prime Meridian, in Routt County, Colorado and are depicted on the filed map. See Ex. 1, Structure Locations and Approximate Property Boundary. UTM coordinates (Zone 13, NAD83) were determined using the MapViewer database maintained by the Division of Water Resources, as were the PLSS legal descriptions for the Crofts Springs. PLSS legal descriptions for the Feddersen Springs were obtained from the respective decrees. a. Crofts Springs #1 - NW4 SW4, 340492 mE, 4469570 mN; b. Crofts Spring #2 - NW4 SW4, 340526 mE, 4469521 mN; c. Crofts Spring #3 - NW4 SW4, 340443 mE, 4469289 mN; d. Crofts Spring #4 - NW4 SW4, 340465 mE, 4469271 mN; e. Crofts Spring #5 - NW4 SW4, 340500 mE, 4469311 mN; f. Crofts Spring #6 - NW4 SW4, 340514 mE, 4469246 mN; g. Feddersen Spring #1 - NW4 SW4, 340493 mE, 4469287 mN; h. Feddersen Spring #2 - NE4 SW4, 340611 mE, 4469505 mN. 5. **Sources of Water:** a. Crofts Spring #1 and Crofts Spring #2 - springs in unnamed tributary, tributary to Oak Creek, tributary to Yampa River. b. Crofts Spring

#3, Crofts Spring #4, Crofts Spring #5, and Crofts Spring #6 - springs in unnamed tributary, tributary to Oak Creek, tributary to Yampa River. c. Feddersen Spring No. 1 and Feddersen Spring No. 2 – as decreed in prior cases, the source is “Oak Creek alluvium, tributary to Yampa River.” 6. ***Date and Methodology of Appropriation:*** a. Crofts Spring #1, Crofts Spring #2, Crofts Spring #3, Crofts Spring #4, Crofts Spring #5, and Crofts Spring #6 – November 11, 2021, by meeting with legal counsel to review the Crofts’ existing water rights and discuss the need to file this application to request additional conditional water rights. b. Feddersen Spring No. 1 and Feddersen Spring No. 2 – April 7, 2016, by purchase of property, conducting field inspections, and observing wildlife at the spring sites. 7. ***Amounts and Uses Claimed (Structure Name, Amount, Uses):*** a. Crofts Spring #1, Crofts Spring #2, Crofts Spring #3, Crofts Spring #4, Crofts Spring #5, and Crofts Spring #6 - 0.033 cfs (each), conditional for irrigation, livestock, and wildlife uses; b. Feddersen Spring #1 - no additional amount, irrigation (conditional) and wildlife (absolute) uses; c. Feddersen Spring #2 - no additional amount, wildlife (absolute). 8. ***Description of Uses:*** a. Irrigation - Crofts will use a combination of gravity, pumps, and pipelines to move water from the various springs to irrigate approximately 10.5 acres located on their property. The area to be irrigated is depicted on Exhibit 2, *Irrigated Area*. b. Other Uses – livestock and wildlife. 9. ***Name and address of owner 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:*** Crofts own the land where the structures are located and upon which the water rights are and will be used. 10. ***Remarks or Other Pertinent Information:*** a. Feddersen Spring No. 1 and Feddersen Spring No. 2 Original and Subsequent Decrees: In Case No. 94CW88, the Water Court awarded absolute rights for both Feddersen Spring No. 1 and Feddersen Spring No. 2 in the amount of 0.033 cfs, each, for livestock. *See In re Application of Feddersen*, District Court, Water Division No. 6, Case No. 94CW88, *Judgment, Order and Decree* (dated Feb. 3, 1997). In Case No. 99CW77 concerning Feddersen Spring No. 2, the Water Court decreed as absolute the additional uses of domestic and irrigation. *See In re Application of Bartasius*, Water Court, Water Division 6, Case No. 99CW77, *Referee’s Ruling – Surface (Absolute from Conditional Decree)* (dated Nov. 27, 2000). b. Over-Appropriation: Crofts understand Oak Creek is designated over-appropriated and subject to administration. c. Integration: All eight springs are integral components of the water supply system for the Crofts’ property and livestock management. Crofts thus claim the structures are integrated, pursuant to C.R.S. § 37-92-301(4)(b).

**2021CW20 MOFFAT COUNTY** Application for Absolute Water Storage Right **Applicant:** Fleming Living Trust; PO Box 472, Craig CO 81626; 970-629-5157, **Email:** dfleming0730@gmail.com. **Name of Structure:** Fleming Spring 1. **Legal Description:** Moffat County; SW4 NW4; Sec: 5; T11N; R103W; 6<sup>th</sup> PM. **UTM Coordinates:** E162480.7 N4540231.8; Zone 13; **Source of UTM:** Hand Held GPS; **Accuracy of Location:** + or – 15 Feet.; **Distance from Section Lines:** 2093 Feet from North and 445 Feet from West. **Source of Water:** Spring at the headwaters of 2 Bar Creek Tributary to Beaver Creek tributary to Green River. **Date of Appropriation:** 06/2021; **How Appropriation was Initiated:** By locating spring and engaging consultant; **Date Water Applied to Beneficial Use:** 10/2021. **Amount Claimed in Cubic Feet (cfs) Per Second or Gallons Per Minute (gpm):** Absolute 15 gpm. **List All Uses or Proposed Uses:** Domestic, stock, lawn and garden watering, wildlife, aesthetics, fish, freshening flows to downstream ponds. **If non-irrigation:** Water for in house domestic use, including watering lawns and gardens, to water livestock, and to supplement downstream well ponds with water for the same uses in addition to freshening flows for fish in the ponds. **Name of Landowner:** Applicant.

**2021CW21 MOFFAT COUNTY** Application for Absolute Water Storage Right **Applicant:** Shimizu Family Trust; 2750 County Road 64, Craig, CO 81625; 760-403-3558, **Email:** wayne50shimizu@icloud.com. **Name of Structure:** W.S. Pond 1. **Legal Description:** Moffat County; SW4 NE4; Sec: 30; T7N; R91W; 6<sup>th</sup> PM. **UTM Coordinates:** E275806 N4490736; Zone 13; **Source of UTM:** Hand Held GPS; **Accuracy of Location:** + or – 15 Feet. **Distance from Section Lines:** 1968 Feet from North and 2188 Feet from East; **Source of PLSS Information:** GIS Data **Source of Water:** Natural Runoff from Pine Ridge Gulch Tributary to the Yampa River. **Date of Appropriation:** 10/20/20; **How Appropriation was Initiated:** By locating the reservoir site and working with an engineer; **Date Water Applied to Beneficial Use:** 04/01/21. **Amount Claimed in Cubic Feet (cfs) Per Second or Gallons Per Minute (gpm):** Absolute 1.4 cfs. **List All Uses or Proposed Uses:** Stock Watering, Irrigation, Wildlife, Fire Protection and Fish. **If Irrigation: Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right?** No. **Surface Area of High Water Line:** 0.34 Acres. **Vertical Height of Dam:** 8 Feet; **Length of Dam:** 140 Feet. **Total Capacity of Reservoir:** 1.4 Acre Feet; **Active Capacity:** 1.2; **Dead Storage:** 0.2. **Name of Landowner:** Applicant.

**2021CW3055, Rio Blanco County, White River.** Application for Surface Water Rights. James Ritchie c/o Beattie Hought & Jarvis, PO Box 1669, Basalt, 970-945-8659. Beaver Ditch: Location: The headgate is located at a point on the east bank of Flag Creek in the NW1/4 NW1/4, Sec 11, T 2 S, R 94 W 6<sup>th</sup> PM. UTM coordinates (NAD 83, Zone 13): 250437 E, 4420300 N. Source: Flag Creek, trib to White River. Appropriation date: 01/01/1955. Date water applied to beneficial use: 04/15/20. Amounts: 1.5 cfs, absolute; 0.5 cfs, conditional. Use: Irrigation. Number of irrigated acres: Approx 18 acres. Legal description of irrigated acreage: Approx 18 acres within the SW1/4 SW1/4, NW1/4 SW1/4, SW1/4 NW1/4 Sec 2, T 2 S, R 94 W 6<sup>th</sup> PM. Money Ditch: Location: The headgate is located at a point on the east bank of Flag Creek, in the NW1/4 NW1/4, Sec 14, T 2 S, R 94 W 6<sup>th</sup> PM. UTM coordinates (NAD 83, Zone 13): 250410 E, 4418750 N. Source: Flag Creek, trib to White River. Appropriation date: 01/01/1955. Amount: 1.5 cfs, conditional. Use: Irrigation. Number of acres proposed to be irrigated: Approx 8 acres. Legal description of irrigated acreage: Approx 8 acres within the SW1/4 of Sec 11, T 2 S, R 94 W 6<sup>th</sup> PM. The subject water rights are components of an integrated water supply system that provides water for irrigation and other beneficial uses on Applicant's ranch known as the R Lazy J Ranch, including Hoback and Redpath Ditch, Chandler Ditch, East Chandler Ditch, Yonch Ditch, Howey Ditch, Chandler Ditch, West Miller Reservoir Feeder Ditch, West Miller Reservoir Outlet Ditch, West Miller Reservoir, JB Pond No. 1, Ground Hog Pond No. 1, Ground Hog Pond No. 2, Sammy Pond, Badger Pond, Sled Dog Pond, Cougar Pond, Deer Pond, Elk Pond, Bear Pond, Howey Ditch Pond Enlargement, Yonch Ditch Pond Enlargement, Hoback and Redpath Ditch Pond Enlargement, and Bear Pond Ditch. Owner of land: Applicant. (4 pages, 1 exhibit)

**2021CW3058 APPLICATION FOR ABSOLUTE SURFACE WATER RIGHT AND STORAGE RIGHT in Rio Blanco County.** 1. Name, Address, Telephone Number, and Email Address of Applicants: David Y. Cogswell, 26487 County Road 8, Meeker, CO 81641, cogsent@gmail.com, (970) 878-5134. Direct all pleadings to: Douglas M. Sinor, Mirko L. Kruse, TROUT RALEY, 1120 Lincoln Street, Suite 1600, Denver, CO 80203. 2. Description of Absolute Surface Water Right: A. Name of Structure: Cogswell Enlargement of Pattison Ditch No. 2. B. Legal Description: i. Decreed location: As decreed in the Decree of September 5, 1911, District Court, Rio Blanco County, the headgate for the Pattison Ditch No. 2 is decreed at a point on the bank of Fawn Creek, whence the east quarter section corner of Section 19, Township 1 North, Range 90 West of the 6<sup>th</sup> P.M. bears South 87 degrees and 21' East 1101 feet. ii. Actual location: As shown on **Exhibit A**, the headgate of the Pattison Ditch No. 2 is located on the East bank of Fawn Creek and is situated within Tract 39, in Section 19, Township 1 North, Range 90 West of the 6<sup>th</sup> P.M. at a point whence Angle Point 1 of said Tract 39 bears N63°20'52"E a distance of 1,072.37 feet. Said headgate of the Pattison Ditch No. 2 being situated at a point being 2,245 feet West of the East Line and 1,511 feet North of the South line of said Section 19, Township 1 North, Range 90 West of the 6<sup>th</sup> P.M. C. Source: Fawn Creek, tributary to the White River D. Date of Appropriation: July 1, 1965. E. How Appropriation Was Initiated: By constructing the Cogswell Pond and utilizing the Pattison Ditch No. 2 as the filing structure for the Cogswell Pond and for direct irrigation. F. Amount: 0.5 cfs, absolute. G. Use: Direct use for irrigation of 28 acres located on Tracts 39 and 52 of Section 19, Township 1 North, Range 90 West of the 6<sup>th</sup> Principal, as shown on **Exhibit A**, and to provide freshening flows for the Cogswell Pond. 3. Description of Absolute Storage Right: A. Name of Structure: Cogswell Pond B. Legal Description: As shown on **Exhibit A**, the Cogswell Pond is located in Tract 39, in the Southwest Quarter of the Southeast Quarter of Section 19, Township 1 North, Range 90 West of the 6<sup>th</sup> Principal Meridian at a point whence Angle Point 1 of said Tract 39, bears N43°10'58"E a distance of 1,488.53 feet. Said point being 2,291 feet West of the East Line and 905 feet North of the South line of said Section 19, Township 1 North, Range 90 West of the 6<sup>th</sup> Principal Meridian. C. Source: Fawn Creek, tributary to the White River and filled from the Cogswell Enlargement of Pattison Ditch No. 2. D. Surface Area: Approximately 15,555 square feet. E. Dam Height: Approximately 4.5 feet. F. Total Capacity: 1.53 acre-feet. G. Amount: 1.53 acre-feet, absolute, with the right to initial fill and continuous refill. H. Rate of Diversion: 0.5 cfs, from the Cogswell Enlargement of Pattison Ditch No. 2. I. Date of Appropriation: July 1, 1965. J. Use: Fish stocking and propagation, recreation, aesthetic, and irrigation of 28 acres located on Tracts 39 and 52 of Section 19, Township 1 North, Range 90 West of the 6<sup>th</sup> Principal, as shown on **Exhibit A**. After storage in Cogswell Pond, water is returned to Fawn Creek at a point located in Tract 39, in the Southwest Quarter of the Southeast Quarter of Section 19, Township 1 North, Range 90 West of the 6<sup>th</sup> Principal Meridian at a point whence Angle Point 1 of said Tract 39 bears N50°41'48"E a distance of 1,462.50 feet. Said point being 2,408 feet West of the East Line and 1,060 feet North of the South line of said Section 19, Township 1 North, Range 90 West of the 6<sup>th</sup> Principal Meridian. 4. Name and address of landowners: The Cogswell Enlargement of Pattison Ditch No. 2 and the Cogswell Pond are located on lands owned by Applicant. (3 pages.)

**2021CW3056; DE HAAS VENTURES LLC, 7250 STATE HIGHWAY 14, WALDEN, CO 80480** (Please address all correspondence to: Peter D. Nichols, Megan Gutwein, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl St., Boulder, CO 80302, (303) 402-1600)

APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT AND SURFACE WATER RIGHT ON AN UNNAMED TRIBUTARY TO GRIZZLY CREEK AND GRIZZLY CREEK, TRIBUTARY TO THE NORTH PLATTE RIVER, IN JACKSON COUNTY

2. Summary of Application: Applicant seeks a conditional water storage right for Western Divide Reservoir, an on-channel reservoir on an unnamed tributary to Grizzly Creek in Jackson County. Applicant also seeks a conditional surface water right from Grizzly Creek to fill the reservoir. 3. Storage Water Right: Western Divide Reservoir. A. Name of structure: Western Divide Reservoir. B. Location: The reservoir will be located in the S1/2 of the NE1/4 and the SE1/4 of Sec. 3, T. 5 N, R. 81 W, 6<sup>th</sup> P.M. C. Location of Point of Diversion: UTM Coordinates: 375240.911801 Easting, 4475959.88674 Northing, UTM Zone 13. D. Location of Dam Centerline: UTM Coordinates: 375179.30127 Easting, 4476537.38281 Northing, UTM Zone 13. a. Vertical Height of Dam: 80 feet, maximum. b. Length of Dam: 650 feet, maximum. See Exhibit A. E. Sources: An unnamed tributary to Grizzly Creek and Grizzly Creek, tributary to the North Fork of the North Platte River. F. Appropriation Date: December 31, 2021. Appropriation was initiated by the filing of this Application. G. Amount Claimed: Up to 950 acre-feet, conditional, with the right to fill and refill at a rate of up to 10 cfs. H. Capacity: Up to 950 acre-feet, maximum. a. Active: Up to 950 acre-feet. b. Dead: 0 acre-feet. I. Uses: Storage for recreational, piscatorial, livestock watering and wildlife watering purposes, and for subsequent use for fire protection and wetland irrigation purposes. J. Surface Area of High Water Line: 36.1 acres. 4. Direct Flow Water Right: Western Divide Diversion. A. Name of Structure: Western Divide Diversion. B. Location of Point of Diversion: NW1/4 of the NE1/4 of Sec. 3, T. 5 N, R. 81 W, 6<sup>th</sup> P.M.; UTM Coordinates: 375042.84937 Easting, 4476979.16505 Northing, UTM Zone 13. See Exhibit A. C. Source: Grizzly Creek, tributary to the North Fork of the North Platte River. D. Appropriation Date: December 31, 2021. Appropriation was initiated by the filing of this Application. E. Amount: Up to 10 cfs, conditional. F. Uses: To fill and refill Western Divide Reservoir for recreational, piscatorial, livestock watering and wildlife watering uses, and subsequent use for fire protection, and wetland irrigation purposes. 5. Name and address of owner of land upon which any new or existing structures are located: Applicant. WHEREFORE, Applicant requests this Court enter a decree granting the requested storage water and surface water rights, subject to terms and conditions that the Court determines necessary to protect vested water rights from injury. (6 pages including 1 exhibit)

**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.**

You are hereby notified that you will have until the last day of **February 2022** to file with the Water Court 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 be served on the Applicant or the Applicant's Attorney, with an affidavit or certificate of such service being filed with the Water Court, as prescribed by Rule 5, C.R.C.P. The filing fee for the Statement of Opposition is \$192.00, and should be sent to the Clerk of the Water Court, Division 6, 1955 Shield Dr. Unit 200, Steamboat Springs, CO 80487.

CARMMA PARKISON  
CLERK OF COURT  
ROUTT COUNTY COMBINED COURT  
WATER DIVISION 6

/s/ Julie A. Edwards  
Deputy Court Clerk

**SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST**

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSP") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows

under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing-leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP or Produced Nontributary Groundwater notification lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

**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.**

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