**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 2023.**

**2023CW16 Routt County.** Application for Absolute Water Rights. **Applicant:** Meier Investments, LLLP. c/o Casey Ruiz [ruiz.casey2018@gmail.com](mailto:ruiz.casey2018@gmail.com). 1231 Shallowford Rd Marietta, GA 30066. (404) 569-5317. **Name of Structures:** Meier Spring 1, Meier Spring 2, and Meier Pond 1. **Location of Structures: Meier Spring 1:** NW of NE, Section 34, T5N, R89W of the 6th PM, Routt County, Colorado, UTM Coordinates (Zone 13): Northing: 4469182.5, Easting: 299218.6. **Meier Spring 2:** NW of NE, Section 34, T5N, R89W of the 6th PM, Routt County, Colorado, UTM Coordinates (zone 13): Northing: 4469032.8, Easting: 299497.6. **Meier Pond 1:** NE of NE, Section 34, T5N, R89W of the 6th PM, Routt County, Colorado, UTM Coordinates (Zone 13): Northing: 4469244.2, Easting: 299653.9. **Source:** Surface water within unnamed tributaries to Dunstan Gulch, tributary to the East Fork Williams Fork River. **If filled from Ditch:** N/A. **Date of Appropriation:** June 1, 2022, for all structures. **How Appropriation was initiated:** By contracting with an excavator to develop the springs and construct the pond. **Date Water Applied to Beneficial Use:** August 1, 2022, for all structures. **Amount Claimed Absolute:** Meier Spring 1: 2gpm or 0.0045cfs, Meier Spring 2: 2gpm or 0.0045 cfs, Meier Pond 1: 0.2ac-ft. **Amount Claimed Conditional:** Meier Pond 1: 0.8 ac-ft. See Photos from August 2022 and August 2023 engineering field inspections for evidence of absolute claims. **List all Uses or Proposed Uses:** Livestock and Wildlife watering, for all structures and for all absolute and conditionally claimed uses. **If irrigation, complete the following:** N/A. **If non-irrigation, describe purpose fully:** The applicant has developed the springs to supply livestock tanks and small excavated livestock water storage pits; and has constructed the pond for watering of livestock and wildlife. The applicant leases their property for grazing and also hunts the property. See attached map for locations of structures. **Surface area of high-water line:** Meier Pond 1: 0.07 acres (Absolute) Meier Pond 1: 0.25 acres (Conditional). **Vertical Height of dam in feet:** Meier Pond 1: 5 feet (Absolute), Meier Pond 1: 9.5 feet (Conditional). **Length of dam in feet:** Meier Pond 1: 60 feet (Absolute), Meier Pond 1: 120 feet (Conditional). **Total capacity of reservoir in acre feet:** Meier Pond 1: 0.2 ac-ft (Absolute), Meier Pond 1: 1.0 ac-ft (Conditional). The entire capacity of the pond is in active, i.e. dead storage. **All structures are located on lands owned by the applicant. Remarks:** The claimed spring flow rates and pond dimensions were measured by an engineer during a field inspection.

**23CW20 ROUTT COUNTY.** Application for Finding of Reasonable Diligence. **Applicants:** Frank H. Sullivan and Jennie M. Goggins, 30683 Blue Mountain Road, Golden CO 80403, 303-642-0260; [fhsullivanz@hotmail.com](mailto:fhsullivanz@hotmail.com), [jennie.goggins@live.com](mailto:jennie.goggins@live.com). **Structure:** Greenridge Ditch. **Date of Original Decree:** January 4, 2004, **Case:** 2002CW81 **Court:** Routt County. **Subsequent Decrees Awarding Findings of Diligence. Date:** December 29, 2010. **Case:** 2010CW18 **Court:** Routt County; **Date:** December 23, 2017 **Case:** 2016CW32 **Court:** Routt County. **Legals:** The Alternate Point of Diversion (POD #2) for the Greenridge Ditch is located in the NW 1/4 SW 1/4 of Section 16, T3N, R84W, 6th PM at a point which is 725 ft from the West Section Line and 2,650 ft from the South Section Line. See Attached. Exhibit 1. **Source:** Unnamed Trib to Greenridge Ditch Trib to Little Morrison Creek Trib to Yampa River. **Appropriation Date:** May 31, 2002. **Amount:** 0.10 CFS, Conditional. **Use:** Irrigation. **What has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed:** Applicants Sullivan and Goggins have: **A**. Developed trail from road (Cheyenne Trial) to access Greenridge Ditch through areas of heavy downfall (associated with mountain pine beetle kill) to be able to get tools/equipment/materials to construction site of alternate point of diversion. Have continuously maintained, cleared trail located in area of dense mountain pine beetle kill and with high winds creating large amounts of downfall and trail blockage. **B**. Kept ditch clear of debris and downfall the past six years to keep ditch in channel and not erode banks and create meandering channels. **C**. Performed site selection: Have monitored ditch during the past years during periods of high flow (Spring runoff) through low flow (late Fall) to determine optimum location of alternate point of diversion. **D**. Researched and finalized hardware selection for measuring flow rate: 2” Parshall Flume. Have researched diversion point layout from input channel thru measuring device to stilling basin and return channel based upon consultation with NWCC (Northwest Colorado Consultants). **E**. Have maintained grazing lease arrangements consistently over the last six years by transitioning through two different sheep ranching outfits (High Country Lamb/Chacon Sheep Company) so water can be put to beneficial use, i.e. Irrigation of land for grass growth for sheep grazing. (Grazing Leases provided upon request.) **Distance from section lines:** 2,650 ft from South and 725 ft from West. **Source of PLSS Information:** USGS 7.5 Minute Series, Green Ridge Quadrangle. **Address:** 21405 Cheyenne Trail. **Subdivision:** Greenridge Ranch Lot 1. **Owners:** Applicants.

**2023CW3017** **ROUTT COUNTY**, Application for Absolute and Conditional Water Storage Right. Applicant: Don Johnson, c/o Mark D. Detsky, Matthew C. Nadel, Dietze and Davis, P.C.; 2060 Broadway, Suite 400, Boulder, CO 80302 Phone Number: (303) 447-1375 E-mail: mdetsky@dietzedavis.com; [mnadel@dietzedavis.com.](mailto:mnadel@dietzedavis.com) Name of structure: Strawberry Cold Pond. Legal description of location of dam centerline: The Strawberry Cold Pond is an on-stream structure. A. UTM Format: Zone 13, Northing 4491502 meters, Easting 343361 meters. Source: hand-held Garmin GPS. Datum: NAD83. B. Legal Description Using the Public Land Survey System**:** SW ¼ of the SE ¼, Section 18, Township 7 North, Range 84 West of the 6th P.M., approximately 400 feet north of the south boundary and 1850 feet west of the east boundary of section 18. Source: Hot Springs Creek, tributary to Elk River, tributary to the Yampa River. Appropriation Information: Date of appropriation: June 1, 2023. How appropriation was initiated: The appropriation was initiated by the filing of a water court application and providing resume notice. Date water applied to beneficial use: August 31, 2012. *Amount claimed*: The Strawberry Cold Pond is decreed to store 0.2 acre feet (AF) for bathing, recreation, health and therapy, and aesthetic uses, with the right to fill and refill continuously. For the augmentation use subject to this application, the amount claimed is 0.04 AF ABSOLUTE and 0.16 AF CONDITIONAL, with right to fill and refill if in priority. Amended amount claimed: The capacity of the Strawberry Cold Pond is 0.34 AF, as measured in October 2023. Applicant therefore seeks to store 0.34 AF for the augmentation use subject to this application. The amended amount claimed is 0.05 AF **ABSOLUTE** and 0.29 AF **CONDITIONAL**, with right to fill and refill if in priority. The additional amount claimed relates back to the filing of the application in this matter. Evidence of Water Diverted in Priority and Applied to Beneficial Use: The Applicant removed at least two four-inch-wide boards from the Strawberry Cold Pond dam to release water to augment evaporative depletions while the structure was being administered during a call event in 2012. An Affidavit of Mr. Don Johnson, owner of the Resort, is attached to the application. Amended Surface area of high water line: 0.09 Acres. Vertical height of dam in feet: 6 feet. Length of dam in feet: 82 feet. Capacity: Amended total capacity of reservoir in acre feet: 0.34 AF. Active capacity: 0.29 AF. Dead storage: 0.05 AF. Applicant is record owner of land for the existing diversion and storage structures subject to this application and the land upon which the water is used. As such, no specific notifications are necessary. Remarks or any other pertinent information: Applicant used the pond as an augmentation structure to replace evaporative losses during the call period between August 16, 2012 and October 28, 2012. Claim for additional relief: The Applicant intends to modify the decree in Case No. 11CW45 with the revised capacity information provided in Paragraph 7 of this Amended Application. In the alternative, the Applicant requests an additional appropriation of 0.14 AF to the Strawberry Cold Pond, **ABSOLUTE**, for the uses of bathing, recreation, health and therapy, and aesthetic uses, with the right to fill and refill continuously. This appropriation relates back to the application in Case No. 11CW45 and therefore should have the same priority date as in that case. Alternatively, the Applicant claims a 2023 priority date for these uses for the additional 0.14 AF of capacity. This claim for relief shall be withdrawn by the Applicant if the 11CW45 decree is modified. A map is available in the Court file.

**23CW3037 (2015CW3036)** **Routt County**, Colorado **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. Name, address and telephone number of Applicant: Needful LLC c/o Tommy Bagwell,4705 Leland Dr.,Cumming, GA 30041 c/o Thomas W. Korver, Esq. Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800,Denver, CO 80202 (303) 825-1980. 2. Name of structures: A. Ditch Creek Reservoir No. 2 (Irrigation Conditional Use Only). B. Corral Creek Reservoir. C. LaMantia Reservoir No. 1. D. La Mantia Reservoir No. 2. 3. Description of conditional water right: A. Prior decree: The water rights for the structures described in paragraph 2 above were decreed on September 12, 2001, in Case No. 00CW80, District Court, Water Division No. 6 (the “Water Court”). Subsequent diligence decrees were entered by the Water Court on August 13, 2009, in Case No. 2007CW054; and on December 23, 2017, in Case No. 2015CW3036. B. Ditch Creek Reservoir No. 2. i. Legal description: Ditch Creek Reservoir No. 2 is an on-stream reservoir on Ditch Creek. The dam is located in Routt County, CO, in the NE1/4 SE1/4 of Section 26, Township 8N, Range 85W of the 6th P.M., at a point 2,050 ft. north of the south section line and 300 ft. west of the east section line. Maps depicting the location of the structures described in paragraph 2 above as attached to the Decree in Case No. 2015CW3036 is attached to the Application as Exhibit A, and is available for inspection at the office of the Division 6 Water Clerk or via Colorado Courts E-filing. ii. Source: Ditch Creek Reservoir No. 2 is filled by the native water in Ditch Creek and the diverted water from the North Fork of Mad Creek, all tributary to the Elk River. Streamflow from the North Fork of Mad Creek is delivered into Ditch Creek via the Enlargement of the Nicholson Ditch. The Enlargement of the Nicholson Ditch headgate is located in the SW1/4SE1/4 of Section 16, Township 8N, Range 84W of the 6th P.M. at a point 50 feet from the south section line and 1850 feet from the east section line. iii. Appropriation date: July 1, 2000. iv. Amount: 11.0 acre-feet. v. Uses: The 11.0 acre feet in Ditch Creek Reservoir No. 2 was decreed absolute for recreational, piscatorial, fish and wildlife habitat, fire protection and stock watering, but was decreed conditional for irrigation. The irrigation water will be pumped out of the Ditch Creek Reservoir No. 2 and will irrigate 2 acres of lawn and garden in the NE1/4SE1/4 of Section 26, T8N, R85W of the 6th, P.M. C. Corral Creek Reservoir. i. Legal description: Corral Creek Reservoir is an on-stream reservoir located on Corral Creek in Routt County, CO, in the SW1/4SW1/4 of Section 13, Township 8N, Range 85W of the 6th P.M., at a point 1,250 feet north of the south section line and 725 feet east of the west section line. ii. Source: Corral Creek, tributary to Elk River. iii. Appropriation date: July 8, 2000. iv. Amount: 24.0 acre-feet. v. Uses: Irrigation, recreation, piscatorial, fish and wildlife habitat (within the confines of the reservoir), domestic, fire protection and stock watering. D. LaMantia Reservoir No. 1. i. Legal description: LaMantia Reservoir No. 1 is an on-stream reservoir on an unnamed tributary of Big Creek. The dam is located in Routt County, CO, in the SE1/4SE1/4 of Section 12, Township 8N, Range 85W of the 6th P.M., at a point 900 feet north of the south section line and 1,150 feet west of the east section line. ii. Source: LaMantia Reservoir No. 1 is filled from the natural streamflow of the unnamed tributary to Big Creek, and the diverted water from Big Creek, tributary to the Elk River. Streamflow from Big Creek is delivered into the unnamed tributary via the Enlargement of the First Chance Ditch. The Enlargement of the First Chance Ditch headgate location: SW1/4NW1/4 of Section 7, Township 8N, Range 84W of the 6th P.M., at a point 1050 feet from the west section line and 2400 feet from the north section line. iii. Appropriation date: July 8, 2000. iv. Amount: 7.0 acre-feet. v. Uses: Irrigation, recreation, piscatorial, fish and wildlife habitat (within the confines of the reservoir), domestic, fire protection, and stock watering. E. LaMantia Reservoir No. 2. i. Legal description: LaMantia Reservoir No. 2 is an on-stream reservoir on an unnamed tributary of Big Creek. The dam is located in SE1/4SE1/4 of Section 12, Township 8N, Range 85W of the 6th P.M., at a point 900 feet north of the south section line and 500 feet west of the east section line. ii. Source: LaMantia Reservoir No. 2 is filled from the natural streamflow of the unnamed tributary of Big Creek, and diverted water from Big Creek, tributary to the Elk River. Streamflow from Big Creek is delivered into the unnamed tributary via the Enlargement of the First Chance Ditch, whose headgate is located in the SW1/4NW1/4 of Section 7, Township 8N, Range 84W of the 6th P.M., at a point 1050 feet from the west section line and 2400 feet from the north section line. iii. Appropriation date: July 8, 2000. iv. Amount: 19.5 acre-feet. v. Uses: Irrigation, recreational, piscatorial, fish and wildlife habitat (within the confines of the reservoir), domestic, fire protection and stock watering. 4. Evidence of reasonable diligence: The water rights described in paragraph 3 above (the “Subject Water Rights”) are part of an integrated system for supplying the water demands on Applicant’s Ranch located in Routt County, Colorado. The application contains a summary of specific projects and work undertaken during the six-year diligence period prior to the filing of this application in furtherance of the development of Applicant’s Ranch and its associated water supply and is available for inspection at the office of the Division 6 Water Clerk or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 6. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. WHEREFORE, the Applicant respectfully requests that this Court enter a finding of reasonable diligence for and continuing in full force and effect the conditional water rights for the Subject Water Rights.

**23CW3039 Routt County.** **Application for Findings of Reasonable Diligence.** Applicants: Douglas Monger and Lauretta Davidson, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests a finding of reasonable diligence in the development of the conditional water rights decreed to Monger Appel Diversion & Spring. Structure: Monger Appel Diversion & Spring. Original Decree: 06CW39 entered on 03/27/2010, Dist. Ct., Water Div. 6. Subsequent Diligence Decree: 16CW3009 entered on 12/26/2017, Dist. Ct., Water Div. 6. Legal Description: SE1/4 SW1/4 of Sec. 6, T. 6 N., R. 87 W. of the 6th P.M. at a distance of 1,050 ft. N. of the S. Sec. line and 3,900 ft. W. of the E. Sec. line, in Routt Cty., CO. See map attached at Exh. A on file with the Water Ct. Date of Approp.: 12/18/1998. Source: Unnamed tributary of the Yampa River. Amt. and Use: 1.2 c.f.s., comprised of 0.2 c.f.s., absolute, for stock watering (decreed absolute in 06CW39) and 1.0 c.f.s., conditional, for irr., stock watering, wildlife watering, and dom. Acreage and Location of Land to be Irrigated: Applicants will use the Monger Appel Diversion & Spring to irrigate up to 45 acres as depicted in Exhibit A. The irrigable land owned by Applicants is located in the SW1/4 SW1/4 of Sec. 6, SE1/4 SW1/4 of Sec. 6, SW1/4 SE1/4 of Sec. 6, NW1/4 NE1/4 of Sec. 7, and the NE1/4 NW1/4 of Sec. 7, all in T. 6 N., R. 87 W. Applicants intend to use some of the Monger Appel Diversion & Spring as a supplemental source of irrigation water. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Names and address of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicants. (4 pages of original application, Exh. A)

**2023CW3042 (Prior Case No. 16CW3054) IN ROUTT COUNTY APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE** 1. Name, Mailing Address, and Telephone Number of Applicants. Douglas B. Thomas and Danielle Lea Anich-Thomas P.O. Box 776232 Steamboat Springs, CO 80477 Telephone: 646-541-5068 *Please direct all pleadings and correspondence to*: Wayne F. Forman, #14082 of BROWNSTEIN HYATT FARBER SCHRECK, LLP at 675 15th Street, Suite 2900 Denver, CO 80202 Phone: (303) 223-1100 E-mail: wforman@bhfs.com 2. Claim for Reasonable Diligence a. Surface Water Right:  i. Name of Diversion Structure: Thomas Ditch ii. Date of Original Decree: December 30, 2017 in Case No. 16CW3054. iii. Decreed Point of Diversion: **1. UTM Coordinates:** UTM X = 348724.66, UTM Y = 4483177.51 UTM Zone 13 (NAD 83). **2. PLSS Description:**  The headgate of the Thomas Ditch is located in the NW ¼ of the NW ¼ Section 14, Township 6 North, Range 84 West, 6th Principal Meridian at a point 256 feet from the North section line, 474 feet from the West section line of said Section 14, as shown on the map attached hereto as **Figure 1**. Based off of BLM PLSS. iv. Source: Water diverted from the Little Fish Creek, tributary to Fish Creek, tributary to the Yampa River. v. Appropriation Date: November 16, 2016. vi. Amount: 0.125 cfs, conditional. vii. Uses: Irrigation. The map attached as Figure 1 shows the approximately 0.5 acres to be irrigated by the water rights claimed in this case. b. Water Storage Rights: i. Name of Reservoir: Thomas Pond No. 1 1. Date of Original Decree: December 30, 2017 in Case No. 16CW3054. 2. Decreed Point of Diversion: **a. UTM Coordinates:** UTM X = 348703.03, UTM Y = 4483094.37 UTM Zone 13 (NAD 83). **b. PLSS Description:** The spillway of the Thomas Pond No. 1 is located in the NW ¼ of the NW ¼ Section 14, Township 6 North, Range 84 West, 6th Principal Meridian at a point 530 feet from the North section line, 412 feet from the West section line of said Section 14, as shown on the map attached hereto as Figure 1. Based off of BLM PLSS. 3. Name of Diversion Facility: *See* paragraph 2.a. 4. Source: Water diverted from the Little Fish Creek, tributary to Fish Creek, tributary to the Yampa River. 5. Appropriation Date: November 16, 2016. 6. Amount: a. 0.42 acre-feet, conditional. b. Pond will be filled and refilled by the Thomas Ditch at a rate of up to 0.125 cfs., and up to a maximum annual volume of 0.84 acre-feet. 7. Uses: Irrigation, wildlife watering and habitat enhancement, firefighting. a. Number of Acres Proposed for Irrigation: 0.5 acres. b. Legal Description of Irrigated Acreage: The proposed irrigated acreage is located in the NW ¼ of the NW ¼ Section 14, Township 6 North, Range 84 West, 6th Principal Meridian. *See* Figure 1. 1. Surface Area of High Water Line. 0.104 acres. a. The vertical height of the pond will be 4 to 7 feet. b. The length of the pond will be 65 feet 2. Total Capacity of Reservoir. 0.42 acre-feet, all of which will be active capacity. ii. Name of Reservoir: Thomas Pond No. 2 1. Date of Original Decree: December 30, 2017 in Case No. 16CW3054. 2. Decreed Point of Diversion: **a. UTM Coordinates:** UTM X = 348587.39, UTM Y = 4483015.71 UTM Zone 13 (NAD 83). **b. PLSS Description:** The spillway of the Thomas Pond No. 2 is located in the NW ¼ of the NW ¼ Section 14, Township 6 North, Range 84 West, 6th Principal Meridian at a point 795 feet from the North section line, 40 feet from the West section line of said Section 14, as shown on the map attached hereto as Figure 1. Based off of BLM PLSS. 3. Name of Diversion Facility: *See* paragraph 2.a. 4. Source: Water diverted from the Little Fish Creek, tributary to Fish Creek, tributary to the Yampa River. 5. Appropriation Date: November 16, 2016. 6. Amount: a. 0.44 acre-feet, conditional. b. Pond will be filled and refilled by the Thomas Ditch at a rate of up to 0.125 cfs., and up to a maximum annual volume of 0.88 acre-feet. 7. Uses: Irrigation, wildlife watering and habitat enhancement, firefighting. a. Number of Acres Proposed for Irrigation: 0.5 acres. b. Legal Description of Irrigated Acreage: The proposed irrigated acreage is located in the NW ¼ of the NW ¼ Section 14, Township 6 North, Range 84 West, 6th Principal Meridian. *See* Figure 1. 8. Surface Area of High Water Line. 0.109 acres. a. The vertical height of the pond will be 4 to 7 feet. b. The length of the pond will be 65 feet 9. Total Capacity of Reservoir. 0.44 acre-feet, all of which will be active capacity. 3. Activities During the Diligence Period. Pursuant to C.R.S. § 37-92-301(4)(b), “[t]he measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances.” Since January, 20218, Applicants have diligently prosecuted their water rights, including but not limited to the activities and expenditures described below: **a. Expenditures:** Applicants spent approximately $225,000 on improvements to the agricultural area, diversion and storage structures, and an additional $75,000-$125,000 in materials, equipment, and operational costs associated with the below diligence activities. **b. Construction of Retaining Pond for Water Diversion**: National Resource Solutions Group, Inc., (“NRSG”) of Steamboat Springs, Colorado was hired by the Applicants to construct an approximately 20,500 gallon pond for the purposes of diverting water to a small, 1/8th acre orchard and agricultural area. The pond measures approximately 27-29’ in diameter and is around 6-7 ½’ deep at its deepest point. The pond’s surface is lined with earth and added clay and secured by multiple 2’ x 4’ x 2’ (L x W x D) stacked interlocking concrete blocks further sealed with hydraulic cement. Boulders, scrabble and smaller aggregates were further added as support. A 1 ½’ diameter culvert was added on the downstream aspect of the dam with a manual gate to release excess water and respond to any senior calls. **c. Construction of Elevated Foundation for Water Tower:** Using additional interlocking concrete blocks, NRSG built an 8’ x 8’ x 4’ elevated water-tower foundation adjacent to the diversion pond. **d. Ongoing Flume/Measurement Engineering:** Applicants, together with NRSG, have evaluated the design and installation of a measuring flume in the Thomas Ditch. A meeting is scheduled during spring 2024 between representatives from Water District 6, NRSG, and the Applicants to observe flow patterns and hopefully arrive at a measuring flume solution that can be implemented forthwith. **e. Installation of Multiple Culverts to Aid Upstream and Downstream Flow:** The Applicants have installed five 1-1/2’ culverts across their property. The purpose of these culverts is to contain flows from Little Fish Creek to the established riparian area and mitigate the loss of water both to the Applicants and downstream users. In addition, and in conjunction with a nearby downstream user, the Applicants installed on their property two additional upgraded culverts with manual gates during the summer 2023, with the aim of stabilizing and maximizing flows across more of the variegated branches of Little Fish Creek. **f. Ongoing Maintenance of Culverts and Riparian Area:** Applicants have invested considerable financial and personal resources maintaining the portion of Little Fish Creek that flows through their property to improve the ability and efficiency with which Applicants can divert water through the Thomas Ditch. Professional forestry firms are hired every year to remove fallen large trees and brush from the creek bed, and the Applicants typically spend 80-120hrs/year operating brush-cutters and hand clearing brush from culverts, the creek bed, and the irrigated lands on the property. **g. Creation of Improved Agricultural Area:** The Applicants have created an improved agricultural area that relies on irrigation from Little Fish Creek. The area is approximately 1/8th acre and is bounded by a 7’ high fence that is strung with equine/macrofauna-friendly low-voltage electric wire during the growing season. As noted above, a drip-irrigation system was installed, and significant investments have been made in drainage, soil-development, and additional enhancements. The agricultural area comprises a fruit-tree orchard and a seasonal crop area. **h. Prior Diversions:** As the water-tower is under construction and the measuring flume is at the engineering phase, the Applicants have used gravity-fed syphon irrigation during period of high-flows on Little Fish Creek. An ad-hoc system running off 3/4” PVC on suction and gravity connects into 1/2” drip-tape in the agricultural area. Since the granting of the conditional right, the Applicants have produced more than 2,500lbs of tubers, over 300lbs of hard-neck garlic, approximately 200lbs of dent corn, 25-30lbs of shell-beans, 15lbs of oats, and various other crops in smaller amounts in the agricultural area. Productions levels in the agricultural area account for an entire year the garden was fallowed with regenerative cover-crops to improve soil health. The Applicants also have identified an additional agricultural area and plan a further storage tower over the near term. 4. Name and Address of Owners of Land and Structures. Applicants own all of the land upon which structures will be located and water will be applied to beneficial use. WHEREFORE, Applicants request that the Court enter a decree: A. Finding that Douglas B. Thomas and Danielle Lea Anich-Thomas have been reasonably diligent in the appropriation of the Thomas Ditch surface water right for 0.125 c.f.s. for irrigation, and continuing the right in full force and effect. B. Finding that Douglas B. Thomas and Danielle Lea Anich-Thomas have been reasonably diligent in the appropriation of the Thomas Pond No. 1 storage water right for up to 0.84 acre-feet for irrigation, wildlife watering and habitat enhancement, and firefighting, and continuing the right in full force and effect. C. Finding that Douglas B. Thomas and Danielle Lea Anich-Thomas have been reasonably diligent in the appropriation of the Thomas Pond No. 2 storage water right for up to 0.88 acre-feet for irrigation, wildlife watering and habitat enhancement, and firefighting, and continuing the right in full force and effect. D. Granting any other such relief as the Court deems just and proper.

**2023CW3045, Routt County**, Colorado. Application for Surface and Storage Water Rights. Unnamed tributary to Little Morrison Creek, tributary to the Yampa River. Applicants: Scott and Catlin Garrison, 10053 Rockview Circle, Sandy, UT 84092, [catlin.garrison@gmail.com](mailto:catlin.garrison@gmail.com), (801) 814-3165 – Catlin (385) 766-0771 – Scott c/o Edward B. Olszewski, Esq. P.O. Box 916 1204 Grand Avenue, Glenwood Springs, CO 81602, (970) 928-9100, [ed@ommpc.com](mailto:ed@ommpc.com), Please direct all correspondence, motions and pleadings to the attorneys for the Applicants. Names of Structures: Greenridge Ditch, Greenridge Pond Direct Flow Diversion, and Greenridge Pond Enlargement. **CLAIM FOR SURFACE WATER RIGHT** Name of structure: Greenridge Ditch Legal description: The point of diversion (POD#1) is located in the SE ¼ of the SE ¼, Section 17, Township 3 North, Range 84 West, 6th P.M., at a point which is 725 feet from the east section line and 600 feet from the south section line of said Section 17. The alternate point of diversion (POD #2) for Greenridge Ditch is located in the NW ¼ of the SW ¼, Section 16, Township 3 North, Range 84 West, of the 6th P.M. at a point 725 feet from the West line and 2650 feet from the South line of said Section 16. Source: Unnamed tributary to Little Morrison Creek, tributary to the Yampa River. Date of appropriation: June 18, 2023. How appropriation was initiated: Formation of intent to develop phased plan of development for Applicant’s property. Hiring water counsel and water engineer. Date water applied t o beneficial use: N/A Amount cla­imed: 0.40 c.f.s., conditional Use or Proposed Use: Irrigation, livestock, hydroelectric, fire protection and use as a filling source for the Greenridge Pond Enlargement If irrigation, When diverted at the primary point of diversion, approximately five acres of land will be irrigated located in the E½ SE¼ SE¼ of Section 17 and the W½ SW¼ SW¼ of Section 16, all Township 3 North, Range 84 West, 6th P.M. When diverted at the alternate point of diversion, approximately two acres of land will be irrigated located in the SW¼ NW¼ of Section 16, Township 3 North, Range 84 West, 6th P.M. **CLAIM FOR SURFACE WATER RIGHT** Name of structure: Greenridge Pond Direct Flow Diversion Legal Description: Point of Diversion: The point of diversion is located on the shore of the Greenridge Pond in the SE¼ SE¼ of Section 17, Township 3 North, Range 84 West, 6th P.M., at a point which is 300 feet from the east section line and 600 feet from the south section line. Source: Naturally occurring volume of water in Greenridge Pond, a natural lake tributary to an unnamed stream, tributary to Little Morrison Creek, Tributary to the Yampa River. Date of appropriation: June 18, 2023. How appropriation was initiated: Formation of intent to develop phased plan of development for Applicant’s property. Hiring water counsel and water engineer. Date water applied to beneficial use: N/A. Amount cla­imed: 0.133 c.f.s., conditional. Use or Proposed Use: Irrigation, livestock, hydroelectric and fire protection If irrigation, Approximately five acres of land will be irrigated located in the E½ SE¼ SE¼ of Section 17 and the W½ SW¼ SW¼ of Section 16, all Township 3 North, Range 84 West, 6th P.M. Approximately two acres of land will be irrigated located in the SW¼ NW¼ of Section 16, Township 3 North, Range 84 West, 6th P.M. **CLAIM FOR CONDITIONAL WATER STORAGE RIGHT** Name of Reservoir: Greenridge Pond Enlargement Legal description of location of dam centerline: The point of diversion is located on the SE¼ SE¼ of Section 17, Township 3 North, Range 84 West, 6th P.M., at a point which is 300 feet from the east section line and 600 feet from the south section line. Source: Greenridge Ditch (through primary POD only), which diverts from an unnamed stream tributary to Little Morrison Creek, tributary to the Yampa River Date of appropriation: June 18, 2023 How appropriation was initiated: Formation of intent to develop phased plan of development for Applicant’s property. Hiring water counsel and water engineer. Date water applied to beneficial use: N/A. Amount Claimed: 4 acre feet. Use or Proposed Use: Irrigation, livestock, hydroelectric, fire protection and piscatorial. If irrigation: Approximately five acres of land will be irrigated located in the E½ SE¼ SE¼ of Section 17 and the W½ SW¼ SW¼ of Section 16, all Township 3 North, Range 84 West, 6th P.M. Approximately two acres of land will be irrigated located in the SW¼ NW¼ of Section 16, Township 3 North, Range 84 West, 6th P.M. Surface area of high water line: 0.85 acre Height of dam in feet measured vertically from the elevation of the lowest point of the nature surface of the ground where the point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of dam: 4.0 feet Length of dam in feet: 200 feet. Total capacity of reservoir in acre feet: 4.0 acre feet Active capacity: 2.5 acre feet Dead storage: 1.5 acre feet \*This amount includes both the additional capacity created by Applicants’ intended enlargement of the pond by construction of a berm and a portion of the capacity of the natural pond to the extent capacity exists in the pond over and above the natural surface water level and volume to be determined on a given date under a method developed by the Division Engineer and Applicants. Remarks: The structures referenced above are part of an integrated system and phased development plan created by Applicants’ water engineer. Names and addresses of owners of the land upon which the structures are located: Applicants. Wherefore, Applicants requests the Court approve the Application for Surface Water Rights and Storage Water Rights upon such terms and conditions as are just and proper. (6 pages, 2 maps)

**23CW13 Moffat County.** Application for Absolute Water Rights. **Applicant:** Jaiyme Peterson. 4962 W. Kessler Peak Dr. Riverton, UT 84096. (801) 755-5801. [Jaiyme22@gmail.com](mailto:Jaiyme22@gmail.com). **Name of Structure:** Peterson Spring. **Legal Description:** NW ¼ of the NE ¼ Section 4 Township 9N Range 93W 5PM Zone 13. **Easting:** 260558.59547 **Northing:** 4517354.77295. **Source of UTM’s:** CO State Map Viewer. **Accuracy of Location:** Exact. **Source:** Natural Spring. **Date of Appropriation:** Homesteaded 4 Generations Ago. **How Appropriation Was Initiated:** Home Steaded. **Date Water Applied to Beneficial Use:** Early 1900’s. **Amount Claimed:** Absolute Total gpm. **Use:** Wildlife Water Supply, Cattle Watering every 4-5 years. **If non-irrigation Describe Purpose Fully:** Natural Spring to water wildlife as well as livestock. **Landowner:** Mark and Melanie Houghton 9541 S. 4190 W. South Jordan, UT 84009, and Lauren Peterson (Houghton) 4962 W. Kessler Peak Dr. Riverton UT 84096. **Remarks:** This is a very small natural springs so I was not sure if it would be part of the Yampa River or its Tributaries. That is why that line is left blank.

**2023CW14 Routt County** Application for Absolute Water Rights-Surface. **Applicant:** Mitch Clark, P.O. Box 881927, Steamboat Springs, CO 80488-1927; 970-846-0929; mitchshs@comcast.net. **Name of Structure: Clark Pump**, Routt County, NE1/4 of the NW1/4, S33, T6N, R84W of the 6th PM; **UTM Coordinates: Easting** 345765.248; **Northing** 4478563.744; Zone 13. **Street Address:** 35975 U.S. Highway 40, Steamboat Springs, CO 80487. **Source of UTM’s:** Field Survey. **Distance from Section Lines:**  35 feet from North (Section Line 33) and 755 feet from West (Center Section Line); **Source of PLSS Information:** Four Points Surveying. **Source of Water:** Yampa River. **Appropriation Date:** 12/14/23; **How Appropriation was Initiated:** By filing out application. **Amount Claimed:** 15 GPM. **Uses:** Irrigation for landscaping business. **Number of Acres Proposed to be Irrigated:** 1.66; **Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another Water Right:** No. **Landowner:** Applicant.

**2023CW17 Moffat County.** Application for Conditional Surface Water Rights. **Applicant:** Ame Longwell. 55665 SH 318 Maybell, CO 81640. (307) 921-0039. [blackmountainshires@gmail.com](mailto:blackmountainshires@gmail.com). **Name of Structure:** Black Mountain Shires Pump. **UTM Coordinates Upper: Easting:** 230756, **Northing:** 4493509 Zone 13. **UTM Coordinates Lower: Easting:** 230286, **Northing:** 4493509 Zone 13. Pump along main from each (2) pumps to center of property. **Source:** Yampa River. **Date of Appropriation:** 12/21/2023. **How Appropriation was Initiated:** Application. **Date Water Applied for Beneficial Use:** N/A. **Amount Claimed:** 1 (cfs). **Uses:** Irrigation of Hay and Pasture. **Number of Acres Proposed to be Irrigated:** 42. **Supplemental Irrigation on Land Already Irrigated Under Another Water Right?** No. **Landowner:** Applicant

**2023CW18 Moffat County.** Application for Simple Change in Surface Point of Diversion. **Applicant:** Neil Chew. P.O. Box 87 Maybell, CO 81640. (970) 272-3283. [chewlivestock@gmail.com](mailto:chewlivestock@gmail.com). **Name of Structure:** Cross Mountain Ditch. **Date of Original and Subsequent Decrees:** Sept. 18, 1902. **Case No.:** W-872-75. **Legal Description of Structure as Described in Most Recent Decree that Adjudicated the Location:** The Point of Diversion is located at a pump on the North Bank of the Yampa River at a point from whence Corner No. 7 of lot 4, Section 24, Twp. 7N., R.96W. 6th P.M. bears S. 42⁰ 29’W. a distance of 2,022 feet. **Source:** Yampa River. **Appropriation Date:** Sept. 9, 1900. **Total Amount Decreed to Structure:** 4.396 CFS Absolute. **Decreed Use:** Irrigation. **Amount of Water that Applicant Intends to Change:** 2.359 CFS Absolute. **Detailed Description of Proposed Change in a Surface Point of Diversion:** The Simple Change in Point of Diversion is necessary due to the natural change in river flow making it impossible to divert the water at the original point of diversion. There is no water entering or being diverted from the river between the original and proposed point of diversion that the simple change will interfere with. The water will be diverted using a pump. **Legal Description:** Moffat County SE ¼ of the NW ¼ Section 24, Township 7N, Range 96W, 6th Meridian. **UTM Coordinates**: Easting:235283, Northing: 4493050 Zone 13. **Source of UTM’s:** GPS of Water Commissioner. **Landowner:** Applicant.

**2023CW19 Moffat County.** Application for Simple Change in Surface Point of Diversion. **Applicant:** Neil Chew. P.O. Box 87 Maybell, CO 81640. (970) 272-3283. [chewlivestock@gmail.com](mailto:chewlivestock@gmail.com). **Name of Structure:** Mock Ditch No.3. **Date of Original and Subsequent Decrees:** May 30, 1972. **Case No.:** CA2259. **Legal Description of Structure as Described in Most Recent Decree that Adjudicated the Location:** The Point of Diversion is located at a pump on the North Bank of the Yampa River at a point from whence Corner No. 7 of lot 4, Section 24, Twp. 7N., R.96W. 6th P.M. bears S. 42⁰ 29’W. a distance of 2,022 feet. **Source:** Yampa River. **Appropriation Date:** June 1, 1961. **Total Amount Decreed to Structure:** 4.30 CFS Absolute. **Decreed Use:** Irrigation. **Amount of Water that Applicant Intends to Change:** 4.30 CFS Absolute. **Detailed Description of Proposed Change in a Surface Point of Diversion:** The Simple Change in Point of Diversion is necessary due to the natural change in river flow making it impossible to divert the water at the original point of diversion. There is no water entering or being diverted from the river between the original and proposed point of diversion that the simple change will interfere with. The water will be diverted using a pump. **Legal Description:** Moffat County SE ¼ of the NW ¼ Section 24, Township 7N, Range 96W, 6th Meridian. **UTM Coordinates**: Easting:235283, Northing: 4493050 Zone 13. **Source of UTM’s:** GPS of Water Commissioner. **Landowner:** Applicant.

**23CW3043 MOFFAT COUNTY.** Application for Water Right, Appropriative Rights of Exchange, and Approval of Plan for Augmentation of Colowyo Coal Company L.P. in Moffat County, Colorado. **1. Name, mailing address, and telephone number of applicant**: Colowyo Coal Company L.P. (“Colowyo”), 5731 State Highway 13, Meeker, CO 8164, (970) 824-1573. All pleadings and court-related documents are to be sent to Gail L. Wurtzler, Davis Graham & Stubbs LLP, 1550 Seventeenth St., Suite 500, Denver CO 80202, gail.wurtzler@dgslaw.com, and Roger Williams, Tri-State Generation and Transmission Ass’n, Inc., 1100 W 116th Avenue, Westminster, CO 80234, rwilliams@tristategt.org. **APPLICATION FOR WATER RIGHT.** **1. Name of structure:** East Taylor Spring (this application addresses the First Enlargement water right) ditch **⌧** spring other. **2. Location of Structure:** SE/NW of Section 4, T3N, R93W, 6th P.M., Moffat County, Colorado, with UTM Coordinates (NAD 83 Zone 13): Easting 258999.91, Northing 4460470.35. **3. Source:** Ground water tributary to Taylor Creek, tributary to Wilson Creek, tributary to Milk Creek, tributary to the Yampa River. **4.A**.**Date of appropriation:** April 12, 2018. **B. How appropriation was initiated:** Since April 2018, water flowing from the East Taylor Spring and East Taylor Spring First Enlargement water rights has been collected and managed by Colowyo prior to discharge under Colorado Discharge Permit System (CDPS) individual wastewater and stormwater permit CDPS #CO-0045161. The Colorado Department of Public Health and Environment (CDPHE) published notice of the draft CDPS permit for public comment on April 12, 2018 on the CDPHE website at www.colorado.gov/cdphe/wqcd. Notice of appropriation for the East Taylor Spring First Enlargement was also provided by posting a sign next to County Road 17, near where Wilson/Taylor Creeks cross the county road on December 21, 2023. **C**. **Date water applied to beneficial use:** April 12, 2018. **5**. **Amount claimed:** Absolute: 244 gpm or 0.54 cfs and Conditional: 56 gpm or 0.12 cfs. **6.** **Uses:** Industrial and any other uses related to mine development and operation, including dust control, fire suppression, mined land reclamation, and including storage prior to application for any of these uses. Water from the spring exceeds state water quality standards. As part of Colowyo’s ongoing efforts to reclaim previously mined areas, water from the spring is collected and managed prior to discharge under CDPS Permit #CO-0045161. Colowyo is in the process of seeking a UIC Permit from USEPA, to allow disposal of the East Taylor Spring and East Taylor Spring First Enlargement water via a Class V underground injection well to deep underground formations that do not provide potable water supplies. **APPLICATION FOR APPROPRIATIVE RIGHTS OF EXCHANGE. 1. Description of Appropriative Rights of Exchange.** Water that is available under rights that Tri-State Generation and Transmission Ass’n, Inc.(“Tri-State”) owns in Elkhead Reservoir will be released from that reservoir and delivered via Elkhead Creek to the Yampa River, and then to the confluence of the Yampa River and Milk Creek, located as more particularly described below. Colowyo owns water rights in the Milk Creek drainage that have been decreed previously for industrial use in connection with Colowyo’s mining operations, and that have previously been decreed as Exchange-To Points in Case No. 18CW3057 (Water Division 6), including but not limited to the Colowyo Taylor Creek Pump Plant No. 1. Colowyo also owns the East Taylor Spring First Enlargement, a water right in the Milk Creek drainage for which it is seeking a decree in this Application. Colowyo seeks the right to divert water available under Tri-State’s Elkhead Reservoir rights or available from Elkhead Reservoir under separate contract, by exchange at the to-be-decreed point of diversion of East Taylor Spring First Enlargement. **2. Legal Description of Exchange Reaches. A. Exchange-From Points (downstream points of exchange):** *1.Confluence of the Yampa River and Milk Creek.*Water from Elkhead Reservoir, an on-stream reservoir located in Moffat County on Elkhead Creek tributary to the Yampa River, will be released to Elkhead Creek, carried to its confluence with the Yampa River and then carried in the Yampa River to the Exchange-from Point, the Yampa River’s confluence with Milk Creek, located in the SE/4 of Section 7, T5N, R92W, 6th P.M., in Moffat County, with UTM coordinates (NAD83 Zone 13 North (meters)): Northing 4475254 and Easting 265849. The PLSS location of the Yampa River-Milk Creek confluence was cartographically measured from GIS-based digitized USGS/BLM section lines. The UTM coordinates were picked from GIS system mapping and are expected to be accurate to within 500 feet or less. *2. Colowyo Taylor Creek Pump Plant No. 1.*The Colowyo Taylor Creek Pump Plant No. 1 is located in the SW/NW of Section 27, T4N, R93W, 6th P.M., Moffat County. The UTM coordinates (NAD83 Zone 13 North (meters)) are: Northing 4463818 and Easting 260607. The UTM coordinates were picked from GIS system mapping and are expected to be accurate to within 500 feet or less. **B. Exchange-To Point (upstream point of exchange):** *1. East Taylor Spring First Enlargement.*East Taylor Spring First Enlargement is located in the SE/NW of Section 4, T3N, R93W, 6th P.M.. Moffat County, and as more particularly described above. **3. Source of Water Diverted by Exchange.** The source of water to be diverted by exchange is water rights in Elkhead Reservoir acquired by Tri-State from the Colorado River Water Conservation District (“River District”) pursuant to the Acquisition Agreement-Storage Capacity and Water Rights in Elkhead Reservoir, dated September 9, 2014, and the deeds from the River District to Tri-State effectuating that agreement. Under that acquisition agreement, Tri-State acquired 2,500 acre-feet decreed to the second enlargement of Elkhead Reservoir as well as 192.3 acre-feet of the refill right decreed to that second enlargement in Case No. 02CW106 (Water Division 6). In addition, the acquisition agreement provides that Tri-State entered into the agreement “as part of its overall plan to secure a steady, reliable source of water for . . .Tri-State owned facilities located within the River District’s boundaries, including the Colowyo Mine.” In addition, the River District continues to own water rights in Elkhead Reservoir and, under its Water Marketing Program, makes water from Elkhead Reservoir available within River District boundaries through short-term and long-term water supply contracts. In 2018, under such a contract, Colowyo obtained 100 a-f of replacement water for exchange from the River District’s Yampa River Basin Supply from Elkhead Reservoir, pursuant to the water right decree dated May 9, 2005, in Case No. 02CW106 (Water Division 6). Any use by Colowyo of River District supplies in Elkhead Reservoir by exchange or otherwise shall be conditioned on the existence of a valid contract between Colowyo and the River District, which contract shall be subject to availability and the River District’s Water Marketing Policy then in effect. **4. Appropriation Date.** December 21, 2023. **5. How Appropriation was Initiated.** The appropriation was initiated through the formation of intent and taking of overt acts that constituted the first step toward diversion and application of the claimed appropriative right of exchange to a beneficial use. Such acts include the September 9, 2014 Acquisition Agreement and the operation of the exchange decreed in Case No. 18CW3057 (Water Division 6) beginning on September 10, 2018 by release of water from Elkhead Reservoir for delivery to the confluence of Yampa River and Milk Creek (the Exchange-From Point in 18CW3057) and exchange of that water to the Colowyo Taylor Creek Pump Plant No. 1 Exchange-To Point (an Exchange-To Point in 18CW3057). In addition, a sign notifying the public of the Exchange-From Points and the Exchange-To Point identified in this Application was posted near those locations on December 21, 2023. **6. Amount.** Conditional: 300 gpm or 0.67 cfs. **7. Uses.** All uses decreed in Case No. 18CW3057 (Water Division 6), specifically industrial and any other uses related to mine development and operation, dust control, fire suppression, revegetation and reclamation, augmentation and replacement uses, including storage prior to application for any of these uses. **APPLICATION FOR APPROVAL OF PLAN OF AUGMENTATION. 1. Structure to be augmented:** East Taylor Spring (this application addresses the First Enlargement water right). **2. Augmentation supplies, if needed:** a. Water from the water rights decreed in Case No. W-1122-77 (Water Division 6) for augmentation use in connection with Colowyo’s energy development project; b. Water from the appropriative right of exchange decreed in Case No. 18CW3057 (Water Division 6) for augmentation use from the confluence of Yampa River and Milk Creek (the Exchange-From Point in 18CW3057) and the Colowyo Taylor Creek Pump Plant No. 1 (an Exchange-To Point in 18CW3057). This water will be further exchanged from the Colowyo Taylor Creek Pump Plant No. 1 to the East Taylor Spring First Enlargement under the appropriative right of exchange sought in this Application. In the alternative, water may be exchanged from the confluence of the Yampa River and Milk Creek to the East Taylor Spring First Enlargement under the appropriative right of exchange sought in this Application; or c. As permitted by C.R.S. § 37-92-305(8)(c), water from other Colowyo water rights decreed for augmentation or replacement uses. **3. Statement of plan for augmentation**: The East Taylor Spring First Enlargement water right is expected to be in priority most of the time. In the event that the East Taylor Spring First Enlargement water right requires augmentation, it will be augmented according to the plan described herein. Until a decree is entered in this case, and if required by the State Engineer, this structure will operate under a substitute water supply plan approved by the State Engineer under C.R.S. § 37‑92‑308(4). *a. East Taylor Spring First Enlargement depletions*: For purposes of this plan for augmentation, all water from the East Taylor Spring First Enlargement will be deemed to be fully consumed. Colowyo will account for and replace any out-of-priority depletions as required by law. *b. Replacement Water*. Colowyo may provide replacement water above any calling water right under water rights previously decreed in Case No. W-1122-77 (Water Division 6) for augmentation use in Colowyo’s energy development project. The water available for augmentation use under those rights totals 1,006 acre-feet/yr, which exceeds both the historic amounts required to be released for augmentation of the junior rights referenced in that decree, the decrees in Case Nos. 16CW3056 and 17CW3044 (Water Division 6), the anticipated out-of-priority deletions under the East Taylor Spring in Case No. 22CW3118 (Water Division 6), and the anticipated out-of-priority depletions under the East Taylor Spring First Enlargement water right. Augmentation water available under Case No. W-1122-77 will be delivered at a location upstream from the calling water right: (i) via a pipeline or other conveyance to Taylor Creek; or (ii) to Milk Creek and its tributaries at the outlet of Wilson Reservoir.  Colowyo may provide replacement water above any calling water right under the appropriative right of exchange decreed in Case No. 18CW3057 (Water Division 6), and the further appropriative right of exchange requested in this Application. Augmentation water from other Colowyo water rights decreed for augmentation or replacement uses, as permitted by C.R.S. § 37-92-305(8)(c), may be delivered above any calling water right. Colowyo will keep records of the measured diversions, calculated out-of-priority depletions, and measured deliveries of replacement water on forms acceptable to the Division Engineer. **LAND OWNERSHIP.** Colowyo Coal Company L.P. or its affiliates, 5731 State Highway 13, Meeker, CO 81641.

**23CW15 RIO BLANCO COUNTY** **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION**. **Applicant:** Lower Pasture, LLC, Tom Tucker, 2306 Valley Forge Court, Fort Collins, CO 80526; 970-231-0411; bufordco@gmail.com. **Structure:** Tucker Ditch No 1. **Is structure decreed:** YES **Decree:** 2023CW6 Division 6. **Legal:** SW 1/4, NW 1/4, S9, T15, R91W, 6th PM, Rio Blanco County. **UTM:** E276342 N4429397 Zone 13. **Appropriation Date:** 7/7/2016 **GPM:** Conditional .75 CFS, Absolute Pending. **Source:** Unnamed Trib to Tucker Ditch No 1 Trib to White River. **Decreed Uses:** Irrigation of 12 acres, fill and refill fishpond. **Other water rights diverted from this structure:** NO. **Date of Original and all relevant subsequent decrees:** November 5, 1957. **Case:** CA0999 File 21247 Division 6 Routt County Colorado. **Type of water right:** Surface **Legal description of each point or diversion storage structure:** W 1/4 corner of Section 9, T15, R91W, 6th PM bears S / 38º 49’. **Verbatim legal description of each structure from the most recent decree that adjudicated the location:**

West 1/4 corner of Section 9, T15, R91W 6th PM bearing S / 38º 49’. **Source:** North Fork White River. **Appropriation Date:** 10/22/1957 **Amount Decreed:** Absolute 3.2 cfs. **Amount to be included in this plan for augmentation:** .75 cfs **Decreed Uses:** irrigation, piscatorial recreation, recreational, stock watering. **Does Applicant intend to change a water right to provide a source of augmentation:** NO **Statement of Plan for Augmentation:** When a call is issued affecting Case 23CW6 (Lower Pasture LLC) The Buford Ditch (File 21247) flow will be reduced .75 cfs to allow .75 cfs to continue flowing about 2400 ft down stream to the Lower Pasture Headgate to flow into the pasture and fishpond. There are no other headgates or users between the two ditches. There is no harm to other users and the same amount of water is used. **Owners:** Applicant

**23CW3038 RIO BLANCO** (Oldland Brothers No. I-4 Well: 2016CW3051; 2010CW8; 2002CW245; 1996CW48; 1990CW32; 1986CW38; 1982CW26; W-3500) (Bute No. 25 Well: 2016CW3052; 2010CW7; 2002CW244 1996CW47; 1990CW31; 1986CW39; 1982CW25; W-3499) TRIBUTARIES INVOLVED: PICEANCE CREEK AND MIDDLE STEWART GULCH, IN RIO BLANCO COUNTY**. APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. Name, Address and Telephone Number of Applicant. The Oil Shale Corporation (TOSCO), c/o Kenneth Moursund, Senior Counsel, ConocoPhillips Company, 925 North Eldridge Parkway, Houston, Texas 77079. Please forward all pleadings, correspondence, and inquiries regarding this matter to the attorneys for TOSCO: Alan E. Curtis, Nicoli R. Bowley, White & Jankowski LLC, 1333 West 120th Avenue, Suite 302, Westminster, Colorado 80234. **2. Summary of Application**. TOSCO seeks a finding of reasonable diligence for the Oldland Brothers No. I-4 Well and the Bute No. 25 Well (Oldland I-4/Bute 25 Well Water Rights). The portions of the Oldland I-4/Bute 25 Well Water Rights previously made absolute are not at issue in these diligence proceedings. **3. Description of Oldland I-4/Bute 25 Well Water Rights**. **a. Name of Structure**. Oldland Brothers No. I-4 Well. **i. Date of Original Decree**. May 16, 1978, Case No. W-3500, Water Division 5. **ii. Subsequent Diligence Decrees**. Subsequent diligence decrees were awarded in the following Division 5 Water Court cases: (1) 82CW26 (June 24, 1982); (2) 86CW38 (June 30, 1986); (3) 90CW32 (July 24, 1990); (4) 96CW48 (September 17, 1996); (5) 02CW245 (February 18, 2004); (6) 10CW008 (December 19, 2010); and in Division 6 Water Court Case No. 16CW3051 (December 24, 2017) (16CW3051 Decree). **iii. Location**. In the NW¼ of the NE¼ of Section 11, Township 3 South, Range 96 West of the 6th P.M. at a point 741 feet South of the North line and 1,922 feet West of the East line of said Section 11. UTM coordinates: Northing 4,411,130.1 m, Easting 231,792.9 m (NAD 1983 UTM Zone 13N). See FIGURE 1. **iv. Depth**. Approximately 1,000 feet. **v. Source**. Tributary to the White River. **vi. Appropriation Date**. April 1, 1955. **vii. Amount**. 0.495 cubic feet per second (cfs) (absolute); 0.352 cfs (conditional). **viii. Uses**. Irrigation, domestic, industrial, livestock water and commercial. **ix. Place of Use**. Lands leased or owned by TOSCO. See FIGURE 2. **b. Name of Structure**. Bute No. 25 Well. **i. Date of Original Decree**. May 12, 1978, Case No. W-3499, Water Division 5. **ii. Subsequent Diligence Decrees**. Subsequent diligence decrees were awarded in the following Division 5 Water Court Case Nos.: (1) 82CW25 (June 24, 1982); (2) 86CW39 (June 30, 1986); (3) 90CW31 (July 24, 1990); (4) 96CW47 (September 17, 1996); (5) 02CW244 (February 18, 2004); (6) 10CW007 (December 19, 2010); and in Division 6 Water Court Case No. 16CW3052 (December 24, 2017) (16CW3052 Decree). **iii. Location of Structure**. In the SE¼ of the NE¼ of Section 9, Township 4 South, Range 96 West of the 6th P.M. at a point 2,278 feet South of the North line and 1,070 feet West of the East line of said Section 9. UTM coordinates: Northing 4.,401,238.0 m, Easting 228,453.2 m (NAD 1983 UTM Zone 13N). See FIGURE 1. **iv. Depth**. Approximately 721.1 feet. **v. Source**. Tributary to the White River. **vi. Appropriation Date**. May 8, 1972. **vii. Amount**. 0.111 cfs (absolute); 0.814 cfs (conditional). **viii. Uses**. Irrigation, domestic, industrial, livestock water and commercial. **ix. Place of Use**. Lands leased or owned by TOSCO. See FIGURE 2. **4. Background Information Regarding TOSCO**. **a. TOSCO/ConocoPhillips Company**. TOSCO is a Delaware Corporation qualified to do business in the State of Colorado. TOSCO is and has been a wholly owned subsidiary of the ConocoPhillips Company (Conoco) since January 1, 2003. **b. TOSCO’s/Conoco’s Oil Shale Lands**. TOSCO and Conoco hold interest in fee in over 37,700 acres of oil shale lands in Garfield and Rio Blanco counties in Colorado. **c. Need for Oldland I-4/Bute 25 Well Water Rights**. The Oldland I-4/Bute 25 Well Water Rights were appropriated and are needed for the commercial development of TOSCO and Conoco’s oil shale properties, including industrial, domestic, municipal, environmental, recreational, irrigation, power, mining, retorting, refining, dust control and reclamation uses associated with such development. **d. TOSCO’s Integrated Water Development System**. The Oldland I-4/Bute 25 Well Water Rights are part of the integrated water supply system needed for the commercial development of TOSCO and Conoco’s oil shale properties (TOSCO’s Integrated Water Development System) which includes water rights associated with the following: **i. Conditional Surface Water Rights**. The Oil Shale Company Pipeline and Pumping Plant (C.A. 4914, alternate point of diversion in W-2785); Trail Gulch Reservoir (C.A. 6404, enlargement and alternate place of storage on Carr Creek in 79CW353); the Ertl Pipeline (C.A. 1269, alternate point of diversion in 80CW503, 81CW16 and 81CW17); the Miller Creek Reservoir and Enlargement (W-278 and 79CW352); the Story Gulch/Parachute Creek Pipeline (W-279, alternate point of diversion in 80CW503, 81CW16 and 81CW17); the Ohio/Ertl Pipeline (W-280, alternate point of diversion in 80CW503, 81CW16 and 81CW17); the Hunter Creek Reservoir (W-276); the Story Gulch Reservoir and Enlargement (W-277 and 79CW354); and the Miller Creek Pumping Pipeline (79CW355). **ii. Conditional and Absolute Underground Water Rights**. Bute No. 25 Well (W-3499, Water Division 5); Camp Bird No. 12 Well (W-3575, Water Division 5); Camp Bird No. 12A Well (W-3577, Water Division 5); Liberty Bell No. 12 Well (W-3578, Water Division 5); Ohio No. 41 Well (W-3576, Water Division 5); SG-20 Well (W-3543, Water Division 5); The Oil Shale Corporation Well, a.k.a. Oldland Well No. 3 (W-307, Water Division 5); Oldland Brothers No. I-4 Well (W-3500, Water Division 5); TG 71-3 Well (W-3561, Water Division 5); TG 71-4 Well (W-3562, Water Division 5); and TG 71-5 (W-3563, Water Division 5). **iii. Absolute Surface Water Rights**. MHM German Consolidated Ditch; Robert McKee Ditch, Last Chance Ditch; Gardenheir Ditch (C.A. 624); Piceance Creek Ditch; Oldland and Magor Ditch; Oldland No. 1 Ditch; Oldland No. 2 Ditch (C.A. 624); Oldland Ditch No. 3 (C.A. 624); Emily Ditch, Blue Grass Ditch (C.A. 133); Jessup Ditch No. 1; Jessup Ditch No. 2; Rye Grass Ditch (C.A. 133); Watson Thompson Ditch; East Stewart Gulch Ditches; BM&H Ditch; Belot Moffat Ditch; Florence Ditch; Forney Corcoran Ditch; McWilliams and George Ditch; Rullison-Miller Ditch; West Stewart Gulch Reservoir Ditches; West Stewart Gulch Reservoir; Sylvan Spring; Moo Pond Spring; Anvil Points Spring; Upper Anvil Points Reservoir; and Lower Anvil Points Reservoir. **e. Purpose of TOSCO’s Integrated Water Development System**. The water rights and structures that comprise TOSCO’s Integrated Water Development System have been acquired and developed to provide a flexible system of interdependent water diversions, reservoirs, pipelines, wells, and other rights to optimize the efficient beneficial use of water for oil shale development and other purposes and to minimize economic and environmental costs. **f. Use of TOSCO’s Integrated Water Development System**. When TOSCO’s Integrated Water Development System is completed and the water appropriated is put to beneficial use, the water from these and other rights will be commingled in the various water structures owned by TOSCO. For this reason, work, and expenditures on any individual part of the TOSCO’s Integrated Water Development System is for purposes of putting both TOSCO’s Integrated Water Development System water rights and the individual water rights that comprise it to beneficial use within a reasonable time. **5. Diligence Claim**. **a. Diligence Period**. The most recent diligence period for the Oldland I-4/Bute 25 Well Water Rights is from December 24, 2017 (when the 16CW3051 Decree and the 16CW3052 Decree were entered) through December 31, 2023 (Diligence Period). **b. Water Resources Development Plan**. The 16CW3051 Decree and the 16CW3052 Decree required during the Diligence Period that TOSCO develop: a water rights plan that identifies how [TOSCO’s] conditional rights can be developed from a physical and legal standpoint for the decreed uses; describes the anticipated order of such development; analyzes the amount of water reasonably necessary to serve its needs and evaluates whether any of the conditional water rights will not be needed or usable and analyzes the amount of water physically and legally available at each point of diversion….Work on the water rights plan shall be considered evidence of [TOSCO’s] diligence towards development of its integrated system of conditional water rights and diligence toward development of any specific water rights discussed in the plan. 16CW3051 Decree ¶ 12 at 6; 16CW3052 Decree, ¶ 14 at 5-6. **c. Activities and Expenditures**. During the Diligence Period, TOSCO engaged in studies, engineering work, legal proceedings and other activities related to development of the Oldland I-4/Bute 25 Well Water Rights and TOSCO’s Integrated Water Development System totaling approximately Five Hundred Forty-Three Thousand Dollars ($543,000.00) and completed the following activities in connection with the Oldland I-4/Bute 25 Well Water Rights and TOSCO’s Integrated Water Development System: **i. Water Resources Development Plan**. BBA Water Consultants, Inc. (BBA) and TOSCO prepared the water resources development plan required by the 16CW3051 Decree and the 16CW3052 Decree**. ii. Work On Diligence Application In This Matter**. TOSCO, BBA and TOSCO’s legal counsel prepared this diligence application. **iii. Meter Readings and Production Summaries**. BBA collected and submitted annual meter readings and production summaries to the Division 6 Engineer for the Bute No. 25 Well and Oldland Brothers No. I-4 Well. **iv. Ertl Gages Site Visits**. BBA visited the Ertl Pipeline Gages annually to download stream stage data, perform maintenance on or replace the measuring equipment, and gage the streamflows. After each site visit, BBA calculated the streamflow in each creek using the stream stage and gaged streamflow data. **v. Ground Water Well Investigations**. BBA performed multiple on-site investigations for TOSCO’s Piceance Creek ground water wells that are part of TOSCO’s Integrated Water Development System to: (1) observe and document the condition of the wells; (2) estimate flow rates of flowing artesian wells; (3) confirm water quality conditions; and (4) consider current and potential uses at each well. **vi. Diligence Decrees**. TOSCO obtained findings of reasonable diligence for water rights that are part of TOSCO’s Integrated Water Development System in the following Division 6 Water Court decrees: (1) Ertl Pipeline, Miller Creek Pumping Pipeline, Hunter Creek Reservoir, Miller Creek Reservoir and Miller Creek Reservoir First Enlargement, Story Gulch Reservoir and Story Gulch Reservoir First Enlargement, Ohio/Ertl Pipeline, and Story Gulch/Parachute Creek Pipeline (17CW3014); (2) Trail Gulch Reservoir (17CW3158); and (3) Puckett Enlargement of the Miller Ditch (18CW3014). **vii. Pending Division 6 Cases**. TOSCO is pursuing diligence findings and other approvals regarding the water rights included in TOSCO’s Integrated Water Development System in the following Water Division 6 cases: (1) Consolidated Case Nos. 21CW3011 and 21CW3019-21CW3025. These cases involve consolidated diligence proceedings for the following TOSCO conditional water rights: (a) Camp Bird No. 12A Well; (b) S.G. No. 20 Well; (c) Camp Bird No. 12 Well; (d) TG 71-5 Well; (e) TG 71-3 Well; (f) Ohio No. 41 Well; (g) TG 71-4 Well; and (h) Liberty Bell No. 12 Well. (2) Case No. 22CW3094. This case is a proceeding to correct the established, but erroneously described points of diversion for the Camp Bird No. 12 Well, the Camp Bird No. 12A Well, and the TG 71-4 Well pursuant to C.R.S. § 37-92-305(3.6). **viii. Work On The Oil Shale Company Pipeline and Pumping Plant Diligence**. TOSCO, its legal counsel and consultants worked with Puckett Land Company to prepare a diligence application for The Oil Shale Company Pipeline and Pumping Plant water rights, which is part of TOSCO’s Integrated Water Development System. **ix. Protection of Water Rights**. TOSCO: (1) reviewed Divisions 5 and 6 Water Court resumes and substitute water supply plan notices to identify applications requiring opposition; (2) filed statements of opposition and actively participated in numerous matters in Water Divisions 5 and 6 as necessary to protect the water rights that are part of TOSCO’s Integrated Water Development System, including the Oldland I-4/Bute 25 Well Water Rights; (3) successfully defended 2,535 acres of oil shale lands against adverse possession and prescriptive easement claims; (4) without filing a statement of opposition, entered into a stipulation with the Yellow Jacket Water Conservancy District in Water Division 6 Case No. 20CW3031 to protect the water rights that are part of TOSCO’s Integrated Water Development System, including the Oldland I-4/Bute 25 Well Water Rights; (5) reviewed and prepared objections to the 2020 Divisions 5 and 6 water rights abandonment lists; (6) reviewed proposed Water Division 6 water measurement rules; and (7) dealt with condemnation issues applicable to TOSCO’s and Conoco’s Colorado properties. **6. Requested Ruling**. Based on the foregoing, TOSCO respectfully requests the Water Court enter a decree finding the remaining conditional portions of the Oldland I-4/Bute 25 Well Water Rights (Oldland Brothers No. I-4 Well: 0.352 cfs; Bute No. 25 Well: 0.814 cfs) are continued in their full decreed amounts and for all decreed purposes. **7. Names and Addresses of Owners or Reputed Owners of Land Upon Which Structures are Located**. **a. Oldland Brothers No. I-4 Well.** The Oldland Brothers No. I-4 Well is located on land owned by (i) TOSCO; (ii) Puckett Land Company, 5460 South Quebec Street, Suite 250, Greenwood Village, Colorado 80111-1917; and (iii) Caerus Piceance LLC, 1001 17th Street, Suite 1600 Denver, Colorado 80202. **b. Bute No. 25 Well**. The Bute No. 25 Well is located on land owned by TOSCO. (8 pages, 2 Exhibits)

**23CW3040 RIO BLANCO** COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216. Please send all correspondence and inquires regarding this matter to: Ema I. G. Schultz 720-508-6761 and Elizabeth M. Joyce 720-508-6761, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado. APPLICATION FOR NEW ABSOLUTE JUNIOR WATER RIGHT, in RIO BLANCO COUNTY. **1. Name, mailing address, e-mail address, and telephone number of Applicant:** Colorado Division of Parks and Wildlife (“CPW”), Attn: Robert K. Harris, Water Resources Section Manager, 6060 Broadway, Denver, Colorado 80216, 303-291-7550,robert.harris@state.co.us**2. Background:** The Rio Blanco Lake State Wildlife Area (“Rio Blanco Lake SWA”) consists of 383 acres in Rio Blanco County. See Exhibit A for location map. Rio Blanco Lake (aka Johnnie Johnson Reservoir) is a feature component of the Rio Blanco Lake SWA attracting the public with angling opportunities of both native and non-native fish species in addition to other recreational opportunities. Rio Blanco Lake is managed primarily as a fishery supporting a stocked, non-native, warm water species fishery. The Lake also offers surface recreational opportunities and is an important part of the local wildlife ecosystem. The Rio Blanco Lake SWA is an actively irrigated area along the White River that produces robust hay and creates a valuable wildlife habitat throughout the year. The water right claimed in this application will not be used for irrigation. Rio Blanco Lake was constructed as Johnnie Johnson Reservoir between 1964-1965 by CPW’s predecessor, the Colorado Division of Game, Fish, and Parks Department. The reservoir was adjudicated an absolute water right for 1,036 acre-feet in Civil Action 1269 by the District Court in and for the County of Rio Blanco on June 10, 1968. The original water right was for fish propagation, waterfowl habitat, waterfowl propagation, production of furbearing mammals and other recreation uses. The water right also includes 0.6 cfs for the same purposes and aerating and replacing evaporation from the reservoir. The decree in Civil Action 1269 did not identify the historical point of diversion for the water rights adjudicated in the case. Therefore, in Case No. 04CW227, Water Division 5 entered July 14, 2006, the original points of diversion were identified and alternate points of diversion were adjudicated for the storage and direct flow portions of the original water right. In 2022, CPW undertook a project to improve the outlet works of Rio Blanco Lake. As a part of the effort, CPW conducted a survey of Rio Blanco Lake. The survey using updated technology and methodology showed that the capacity of Rio Blanco Lake was miscalculated in Civil Action 1269. See Exhibit B for the current survey map of Rio Blanco Lake. This application seeks to adjudicate an enlargement water right for Rio Blanco Lake to ensure that the water rights adjudicated to the Lake reflect the actual capacity of the Lake. The high water line has not been altered since Rio Blanco Lake’s construction and the Lake has not been dredged. This application does not represent an increase in the physical capacity of Rio Blanco Lake. **3. Claim for new junior storage water right:**A. Name of Structure: Johnnie Johnson Reservoir 1st Enlargement (aka Rio Blanco Lake 1st Enlargement) B. Location of Structure: See Exhibit A for location map. i. Civil Action 1269: The statement of claim for Johnnie Johnson Reservoir states: The Reservoir situated on Section Thirty-one (31)in Township Two (2) North, Range Ninety-six (96) West of the Sixth Principal Meridian and Section Six(6) in Township One (1) North, Range Ninety-six (96) West of the Sixth Principal Meridian at an approximate elevation of 5740 feet above mean sea level in Rio Blanco County, State of Colorado. The initial point of survey of the highwater line of the Reservoir is located at a point whence the Southwest (SW) corner of Section Thirty-one (31), Township Two (2) North, Range Ninety-six (96) West of the Sixth Principal Meridian bears South (S) 58° 01' 20" West (W) a distance of 1167.78 feet. From the initial point of survey the dam embankment extends in a Southeasterly direction a distance of approximately 5000 feet to the Southeasterly end of said dam embankment from which the Reservoir extends to the East (E) thereof containing 115 surface acres, more or less. The height of the dam is 24 feet. The total proposed capacity of said Reservoir is 1036 acre feet of water. ii. Case No. 04CW227: The decree in Case No. 04CW227 provides the following legal descriptions for Johnnie Johnson Reservoir (aka Rio Blanco Lake) and the points of diversion: a. Johnnie Johnson Reservoir is located in the N1/2 Section 6, Township 1 North, Range 96 West, 6th Principal Meridian, in Rio Blanco County. Distance from Section Lines to the Midpoint of the Dike: 1450 feet from the North section line of Section 6, 1980 feet from the West section line of Section 6. (1) UTM Location: (NAD 83 Datum, UTM Zone 13 North). Midpoint of Dike: N: 4442381 E: 226324. Gated outlet located at N: 4,442,479 E: 226,036, approximately 1000 feet NW of midpoint of dike. b. Rio Blanco Lake Feeder Ditch: The Rio Blanco Lake Feeder Ditch headgate is located in the NE1/4, SE1/4, Section 6, TIN, R96W, Sixth Principal Meridian, in Rio Blanco County. Distance from Section Lines: 1,770 feet from the South section line of Section 6, 300 feet from the East section line of Section 6. (1) UTM Location: (NAD 83 Datum, UTM Zone 13 North) N: 4441708 E: 227204. c. Alternate Point of Diversion: Imes and Reynolds Ditch[[1]](#footnote-1): The current headgate for the Imes and Reynolds Ditch is located in the SW1/4, NW1/4, Section 15, Township 1 North, Range 96 West, 6th Principal Meridian, in Rio Blanco County. Distance from Section Lines: 1260 feet from the west section line of Section 15, 1670 feet from the north section line of Section 15. (1) UTM Location: (NAD83 UTM Zone 13N) N: 4438925 E: 230820. C. Source: White River. D. Appropriation Date: November 2, 1960. i. How appropriation initiated: By filing a map and statement with the Division of Water Resources, construction of the reservoir, and application of water diverted and stored to beneficial use. ii. Date applied to beneficial use: July 2, 1975. This is the first date that Division of Water Resources records show Rio Blanco Lake as storing the full capacity of the reservoir. The volume indicates 1,036 af because that amount is what the then current survey indicated the high water mark held. The more current survey indicates that the full capacity at the high water mark is 1,535 af. E. Amount: 499 af absolute. The modern surveyed capacity of the lake is 1,535 af. The original decreed capacity is 1,036 af absolute. This application does not affect the original decreed amount but seeks adjudication to correct the survey capacity error in the original adjudication. F. Uses: fisheries, fishing, fish propagation, waterfowl habitation, waterfowl propagation, production of furbearing mammals, and other recreation uses. G. Remarks: This water right is not intended to alter historical operations of Rio Blanco Lake in any way. Because this claim is based on an updated survey of the Lake, CPW believes that the full surveyed amount of 1,535 af has actually been diverted and stored since Rio Blanco Lake was originally constructed**. 4. Name of owners of land upon which structures are located:** Applicant, CPW. The headgate of the Imes and Reynolds Ditch is located on property owned by Mahogany Energy Resources, LLC, P.O. Box 957, Meeker, Colorado 81641. WHEREFORE, CPW respectfully requests this Court enter a decree adjudicating the water right as described herein, and for such other relief as this Court deems just and proper. (5 pages)

**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 2024** 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/ Tess M. Bedell

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 (“SWSPs”) 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 and leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80-124(10)(a)(II)(E), 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 and/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/>.

1. The location of the headgate for the Imes and Reynolds Ditch has moved over time and now differs from the location described in Civil Action No. W-562 as the point of diversion for those priorities diverted through the Imes and Reynolds Ditch. All references in this Application to the headgate of the Imes and Reynolds Ditch refer to its present location as described herein, not to the location described in Civil Action No. W-562. CPW is not seeking to change any of the water rights decreed in Civil Action No. W-562. This application does not concern the water rights decreed in Civil Action No. W-562 or the appropriate point of diversion for those water rights. Consequently, whether a change of water rights application must be filed to correct the point of diversion for those water rights is not at issue in this application. This issue is appropriately the subject of a separate water rights application. [↑](#footnote-ref-1)