**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 **February 2024.**

**2024CW3006** (17CW3005) (07CW92) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE in ROUTT COUNTY.** 1. Name, address and telephone number of Applicant: Josie Schoeder Ranch, LLC, c/o Steve Schroeder 1 Aspen Dr., Unit 85 Loveland, CO 80538. 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 (the “Conditional Water Rights”): RJB Spring B160, RJB NF Border Spring, RJB Pines Spring, Carla Spring, 2007Appropriation, RJB Well No. 1, RJB Well No. 2, RJB Well No. 3, RJB Well No. 4, RJB Well No. 5, RJB Well No. 8. 3. Description of the Conditional Water Rights: a. Prior decree: An amended decree for the Conditional Water Rights was entered on March 11, 2011, in Case No. 07CW92, District Court, Water Division No. 6 (the “Water Court”). A subsequent diligence decree was entered by the Water Court on February 3, 2018, in Case No. 2017CW3005. b. Legal description: All of the structures are located in Routt County. A map showing the approximate location of the structures is attached to the application as Exhibit A, and is available for inspection at the office of the Water Clerk or via Colorado Courts E-filing. The structures are or will be located within 200 feet of the following locations, 6th P.M.:

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Structure Name | Quarter  Section | | Section | Township | Range | Feet from N/S  line | Feet from E/W  line | UTM Coordinates  Zone 13 North; NAD 83 | |
| 40 acre | 160 acre | Easting | Northing |
| RJB Spring  B160 | NE | NW | 30 | 7 N | 84 W | 599 from  N | 1495 from W | 342826 | 4489511 |
| RJB NF Border  Spring | SW | SE | 19 | 7 N | 84 W | 1350 from S | 2285 from E | 343245 | 4490097 |
| RJB Pines  Spring | NW | SE | 30 | 7 N | 84 W | 1491 from S | 1312 from E | 343535 | 4488460 |
| Carla Spring,  2007  Appropriation | SE | SW | 19 | 7 N | 84 W | 900 from S | 2600 from W | 343163.9 | 4489957 |
| RJB Well No. 1 | NE | SW | 19 | 7 N | 84 W | 1743 from S | 1278 from W | 342772 | 4490228 |
| RJB Well No. 2 | NW | SW | 19 | 7 N | 84 W | 2149 from S | 739 from W | 342612 | 4490359 |
| RJB Well No. 3 | NW | SW | 19 | 7 N | 84 W | 1798 from S | 211 from W | 342448 | 4490254 |
| RJB Well No. 4 | NW | SW | 19 | 7 N | 84 W | 2052 from S | 99  from W | 342414 | 4490332 |
| RJB Well No. 5 | SE | SW | 19 | 7 N | 84 W | 77 from S | 2520 from W | 343141 | 4489711 |
| RJB Well No. 8 | SE | SW | 19 | 7 N | 84 W | 1228 from S | 2033 from W | 342999 | 4490068 |

c. Source and Amount claimed:

|  |  |  |
| --- | --- | --- |
| **Structure Name** | **Source** | **Amount, (c.f.s.) conditional** |
| RJB Spring B160 | Unnamed tributary to the Elk River, tributary to the Yampa River | 0.013 (c) |
| RJB NF Border  Spring | Unnamed tributary to the Elk River, tributary to the Yampa River | 0.033 (c) |
| RJB Pines Spring | Unnamed tributary to Slate Creek, tributary to the  Yampa River | 0.033 (c) |
| Carla Spring, 2007  Appropriation | Unnamed tributary to the Elk River, tributary to the Yampa River. | 0.045 (c) |
| RJB Well No. 1 | Groundwater tributary to an unnamed tributary to the Elk River | 0.045 (c) |
| RJB Well No. 2 | Groundwater tributary to an unnamed tributary to the Elk River | 0.045 (c) |
| RJB Well No. 3 | Groundwater tributary to an unnamed tributary to the Elk River | 0.045 (c) |
| RJB Well No. 4 | Groundwater tributary to an unnamed tributary to the Elk River | 0.045 (c) |
| RJB Well No. 5 | Groundwater tributary to an unnamed tributary to the Elk River | 0.045 (c) |
| RJB Well No. 8 | Groundwater tributary to unnamed tributary to the Elk River. | 0.045 (c) |

d. Annual Diversions for RJB Well Nos. 1-5 and 8: The total annual diversion from each of the RJB Well Nos. 1-5 and 8 (the “Wells”) shall be limited as follows: 32.58 AF each. e. Appropriation date: RJB Spring B160, RJB NF Border Spring, RJB Pines Spring, Carla Spring, 2007 Appropriation (the “Springs”) and the Wells: 10/04/2007. f. Uses: Stock water, wildlife watering, domestic use in up to 77 residences, with right of reuse, successive use, and disposition to extinction. The place of use is on land owned by the Applicant. In Case No. 2017CW3005, the RJB Spring B160, the RJB NF Border Spring, and the RJB Pines Spring were made absolute in the decreed amounts for stock water and wildlife watering purposes. The Applicant will maintain dominion and control over water for reuse and successive use by quantifying the amount, timing and location of return flows from the Wells and Springs. The Applicant may capture domestic return flows that accrue upstream of the RJB Pond Nos. 1-10, Case No. 07CW93, and store those return flows for reuse and successive use. The Applicant may also reuse and successively use domestic return flows that occur upstream of the Wells and Springs. The Applicant may also directly reuse return flows for irrigation by capturing those return flows in ditches downstream and applying that water to subsequent use. In order to quantify return flows for reuse, successive use and disposition to extinction, the Applicant will install and maintain such water diversion and measuring devices that are reasonably necessary to account for diversions at the Wells and Springs and return flows from domestic use. Once return flows from uses decreed herein have left the Applicant’s property, Applicant shall have no right of reuse and successive use of those return flows. The approximate boundary of the Applicant’s property is shown on Exhibit B, attached to the application and available for inspection at the office of the Division 6 Water Clerk or via Colorado Courts E-filing. Prior to reuse or successive use of return flows from domestic uses within the Josie Schroeder Ranch property, the Applicant shall quantify the amount, location and timing of such return flows. Those determinations shall be included in any subsequent application for a finding that the claims for reuse and successive use decreed herein have been made absolute. 4. Evidence of reasonable diligence: The Conditional Water Rights are part of an integrated system for supplying the water demands on Applicant’s Josie Schroeder Ranch, which is located in Routt County, Colorado. The water rights that are part of this integrated system include all structures decreed in Case No. 07CW92 and 07CW93, Water Division No. 6. 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 Josie Schroeder 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. 5. 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 findings of fact, conclusions of law, and a judgment and decree finding that the Applicant has been reasonably diligent in the development and use of all of the Springs and Wells, and continuing in full force and effect the remaining conditional water rights adjudicated in Case No. 07CW92.

**2024CW3007**; Routt County – Yampa River; Cassandra Foos and Michael Foos; c/o John R. Pierce and William T. Raley, Dufford Waldeck, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION FOR FINDING OF REASONABLE DILIGENCE; Name, Address, and Telephone Number of Applicants: Cassandra Foos and Michael Foos, 18481 West 58th Court, Golden, CO 80403, (720) 641-4227; Request for Finding of Reasonable Diligence: Name of water right: Greenridge Pond No. 2; Description of water right: Original decree: January 4, 2004, Case No. 02CW81; Subsequent decrees awarding findings of diligence: December 29, 2010, Case No. 10CW18, and February 18, 2018, Case No. 17CW3046; Legal description: NW/4 SW/4 of Section 16, T3N, R84W, 6th P.M., at a point which is 200 feet from the west section line and 1,750 feet from the south section line; Source: Unnamed stream, tributary to Little Morrison Creek, tributary to the Yampa River; Appropriation date: May 31, 2002; Amount: 5.0 a.f. conditional; Use: Irrigation, livestock and piscatorial; If irrigation: Water from the Greenridge Pond No. 2 will be used to irrigate two acres located in the W/2 NW/4 SW/4 of Section 16, T3N, R84W, 6th P.M.; Work performed toward completion of appropriation and application to beneficial use: Applicants have exercised reasonable diligence in the development of the conditional water rights awarded to the Greenridge Pond No. 2. Since taking ownership of the water right on March 2, 2022, Applicants have retained Four Points Engineering to draft the engineering plans for the Pond. The Engineering Plans are attached as **Exhibit 2**. Applicants have also submitted to the Division of Water Resources (DWR) a Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure, which the DWR has approved. The DWR’s NOIC Approval Letter is attached as **Exhibit 3**. Finally, Applicants have applied for a Stormwater, Grading & Excavating Permit with Routt County, Permit Number #PRSW230855. Applicants plan to begin construction of the Greenridge Pond No. 2 on or before July 2024; WHEREFORE, Applicants request that the Court enter a finding of diligence for the conditional 5.0 acre-feet in the Greenridge Pond No. 2 and that this conditional water right be continued in full force and effect. (4 pages)

**2024CW1 Rio Blanco** Application for Simple Change in Surface Point of Diversion. **Applicant:** Ryan and Kelcee Vroman. 13460 Park Road Buffalo, SD 57720 (970) 270-1701, [vroman.livestock@gmail.com](mailto:vroman.livestock@gmail.com). **Name of Structure:** Davis Ditch. **Date of Original Decree:** Sept. 3, 1913. **Case No.** 253 in Rio Blanco County. **Legal Description:** See attached map. **Decreed Source of Water:** Cottonwood Creek and Sawmill Creek. **Appropriation Date:** August 15th, 1905. **Total Amount Decreed Absolute:** 2.8 CFS. **Decreed Use:** Irrigation. **Amount to Change:** 2.8 CFS. **Detailed Description of Proposed Change in a Surface Point of Diversion:** Alternate point of diversion approximately 1000 to 2000 feet downstream from the original diversion, just downstream from the confluence of Sawmill Creek and Cottonwood Creek. Changing to a single point of diversion on property belonging to the same owner as the water right instead of 2 points on adjacent properties owned by other parties. **Location of the new surface point of diversion:** Rio Blanco County, NW ¼ of the SW ¼ Section 22, Township 1 North, Range 92 West, 6th Principal Meridian. **UTM Coordinates:** Easting 269286E, Northing 4435588N, Zone 13, 6909 CR 49, Meeker, CO. **Subdivision:** None. **Name of Landowner:** Applicant

**2024CW3005** Rio Blanco County 4M Ranch LLC; PO BOX 2212 Meeker, Colorado 81641; 970-665-8744. Lawrence Custer Grasmick Jones & Donovan, LLP Attorneys for Applicant, Logan Well Users, Inc. Ryan M. Donovan, #44435 Nicholas Espenan, #59333 5245 Ronald Reagan Blvd., Suite 1 Johnstown, CO 80534 Phone: (970)622-8181 Email: [ryan@lcwaterlaw.com](mailto:ryan@lcwaterlaw.com); [nick@lcwaterlaw.com](mailto:nick@lcwaterlaw.com) Application for Change of Water to Include Alternate Point of Diversion 2. Decreed Water Right for Which Change is Sought: The Little Ditch 2.1. Date of Original Decree and Relevant Subsequent Decrees and Appropriation Dates: The Little Ditch water right was originally decreed on May 10, 1889 in Case No. CA-133 by the District Court of the Ninth Judicial District of the State of Colorado, sitting in and for the County of Garfield, in which action the Little Ditch was awarded Priority No. 33 in the amount of 3 c.f.s. with an appropriation date of April 5, 1886. An enlargement of the Little Ditch water right was decreed on October 10, 1906, and awarded Priority No. 161 for an additional 2.8 c.f.s. to the Little Ditch water right with an appropriation date of April 1, 1901. A second enlargement of the Little Ditch water right was decreed on May 26, 1942 in Case No. CA-624 by the District Court of the State of Colorado within and for the County of Rio Blanco, with Priority No. 395 in the amount of 4.08 c.f.s. with an appropriation date of April 15, 1902. 2.2. Total Amount Decreed to Little Ditch: 9.88 c.f.s. 2.3. Source: White River. 2.4. Use: Irrigation. 2.5. Point of Diversion: Per the decree entered on October 10, 1906, the point of diversion for the Little Ditch is on the White River at a point on and near the SE corner of the NE¼ of NE¼ of Section 33, Township 3 North, Range 97 West. The point of diversion for the Little Ditch was subsequently described by the Court in Case No. CA-624 as being on the left bank of the White River at a point whence the north quarter corner of Section 33, Township 2 North, Range 97 West of the 6th PM, bears North 77 degrees 04 minutes West, 3402.2 feet, hereinafter the “Originally Decreed Point of Diversion.” The Originally Decreed Point of Diversion was changed by decree entered by this Court on December 3, 2023 in Case No. 22CW15, to what is now the “Current Decreed Point of Diversion,” described as follows: a point on the White River located on the West bank of the White River in the NW ¼ of the NW ¼ of Section 34, Township 2 North, Range 97 West of the 6th P.M., in Rio Blanco County, Colorado, at the following UTM coordinates (Zone 13): Easting: 220963.8m Northing: 4444598.1m 2.6. Description of Change Requested. Diversion of the Little Ditch Water Right occurs at the Current Decreed Point of Diversion by gravity. However, flows in the White River drop below the existing headgate for the Little Ditch, making it impossible to divert the Little Ditch Water Right by gravity at the Current Decreed Point of Diversion, despite there being sufficient flow in the White River to satisfy the Little Ditch Water Right in priority. As such, Applicant seeks a decree from this Court approving a change of the Little Ditch Water Right to allow Applicant to divert such right at both the Current Decreed Point of Diversion, and an alternate point of diversion (the “Little Ditch – APOD”), by means of a pump at a point located on the West bank of the White River in the SE ¼ of Section the SE ¼ of Section 28, Township 2 North, Range 97 West, West of the 6th P.M. at a point 1,600 feet downstream of the Current Decreed Point of Diversion. The location of the Little Ditch - APOD is at a point with UTM Coordinates (Zone 13T): Easting: 220703.0m Northing: 4444998.0m2.7. Remarks: There are no intervening water rights between the Current Decreed Point of Diversion and the Little Ditch – APOD. Applicant is not requesting any other change to the Little Ditch Water Right, other than the right to divert such Water Right at the Little Ditch – APOD. The maximum decreed flow rate for the Little Ditch Water Right, described in 2.2 above, is the combined maximum instantaneous flow rate that may be diverted at the Current Decreed Point of Diversion and the Little Ditch – APOD. Water shall only be diverted at the Little Ditch – APOD when it is physically and legally available at the Current Decreed Point of Diversion. Name and Address of Owners of Structures and Land: Applicant owns the land where the Little Ditch - APOD is located. This application consists of 4 pages.

**2024CW3008** Jackson County COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 and STATE BOARD OF LAND COMMISSIONERS, 1127 Sherman Street, Suite 300, Denver, CO 80203. Please send all correspondence and inquiries regarding this matter to: Christopher R. Stork 720-508-6311, Elizabeth M. Joyce 720-508-6761, Aaron O’Connell 720-508-6266, and Christian Aggeler 720-508-6390, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado. APPLICATION TO MAKE WATER RIGHT ABSOLUTE OR IN THE ALTERNATIVE FOR FINDINGS OF REASONABLE DILIGENCE, in JACKSON COUNTY. **1. Name, mailing address, email address, and telephone number of applicants:** 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; State Board of Land Commissioners Attn: Justin Bieri 1127 Sherman Street, Suite 300 Denver, CO 80203, (303) 866-3454, justin.bieri@state.co.us **2. Name of structure:** Lake Creek Wetlands. **3. Description of conditional water right:** A.Original Decree: Case No. 07CW95, District Court, Water Division No. 6, Routt County, Colorado, dated April 23, 2011. B. Subsequent Decrees: Case No. 17CW3019. District Court, Water Division No. 6, Routt County, Colorado, dated February 18, 2018. C. Legal description and Location of Dam Centerline: The Lake Creek Wetlands are located in the SW1/4 of the NW1/4 and the entire SW1/4 of Section 36, T10N, R81W, 6th P.M., Jackson County, Colorado. The center of the embankment and point of diversion are located at a point approximately 1,040 feet north of the south section line and 1,400 feet east of the west section line of Section 36, T10N, R81W, 6th P.M., Jackson County, Colorado. See Exhibit A for location map. D. Source: Lake Creek, a tributary to the North Fork, tributary to the North Platte River, running through Section 36, T10N, R81W, 6th P.M., and its tributaries. E. Date of Appropriation: July 3, 2000. F. Amount: 42.9 acre-feet conditional, with the right to fill and refill continuously in priority, up to 81.5 acre-feet. G. Uses: Wildlife propagation, wildlife watering, wildlife management, wildlife-related recreational opportunities, and irrigation of approximately 18.5 acres of wetlands. H. Remarks: In Case No. 17CW3019, this Court decreed 38.6 acre-feet absolute with the right to fill and refill continuously in priority, and the right to continue the remaining conditional water right in the amount of 42.9 acre-feet for all decreed purposes. **4.** **Claim to make absolute**: A. Date water applied to beneficial use: April 2, 2018. B. Amount: 42.9 acre-feet. C. Uses: Wildlife propagation, wildlife watering, wildlife management, wildlife-related recreational opportunities, and irrigation of approximately 18.5 acres of wetlands. D. Supporting evidence that Applicants diverted water in-priority and applied water to the beneficial uses claimed above: See Exhibit B for an affidavit from Louis Moller, the Wildlife Property Technician for Area 10 in the Northwest Region for CPW District where the Lake Creek Wetlands are located. The affidavit documents that the remaining conditional amount of water associated with Lake Creek Wetlands water right has been diverted and placed to beneficial use. E. Description of place of use where water was applied to beneficial use: As described in Paragraph 3.C. above and depicted on Exhibit A. F. Remarks: In Case No. 17CW3019, this Court decreed 38.6 acre-feet absolute. By this application, Applicants seek to make this water right absolute in full in the amount of 81.5 acre-feet. **5. Outline of what has been done toward completion of this appropriation and application of water to beneficial use as conditionally decreed, including expenditures:** A.Water was applied toward the decreed beneficial uses starting on April 2, 2018. CPW has actively managed and maintained the Lake Creek Wetlands for all decreed beneficial uses during the diligence period. B. Applicants perform monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect its water rights in Water Division 6, including the Lake Creek Wetlands. **6.** **Alternative Claim for Finding of Reasonable Diligence:** CPW claims to make the Lake Creek Wetlands water right absolute in full by this application. In the event this Court declines to make any of the claimed water right absolute, CPW requests that this Court enter a finding of diligence and continue the conditional water rights, in any amounts not made absolute, based upon the actions set forth in Paragraph 5 above. **7. Owner of land upon which the structures are or may be located:**  Co-Applicant, Colorado State Board of Land Commissioners, 1127 Sherman Street, Suite 300, Denver, CO 80203. WHEREFORE, Applicants respectfully request that this Court enter a decree finding that Applicants have made the Lake Creek Wetlands water right, originally decreed in Case No. 07CW95, absolute in the amount of 42.9 acre-feet for all decreed purposes. In the alternative, Applicants respectfully request that this Court enter a decree finding that Applicants have exercised reasonable diligence in the development of the Lake Creek Wetlands conditional water right so that such conditional water right may continue in full force and effect and for such other and further relief as this Court deems necessary. (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 **April 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/ Julie A. Edwards

Deputy Court Clerk