# **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 **July 2024.**

**Case No.:** 24CW3021 (17CW3032) (09CW74) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ROUTT COUNTY**. 1. Name, address and telephone number of Applicant: Starwood Steamboat LLC (“Starwood), 2200 Village Inn Court P.O. Box 774808, Steamboat Springs, CO 80477. Copies of all pleadings to: Thomas W. Korver, Esq., Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202, (303) 825-1980. 2. Names and Types of Structures (the “Conditional Water Rights”): A. Rollingstone Ranch Golf Course Burgess Creek Pump (“Pump”). B. Rollingstone Ranch Golf Course Pond (“Pond”). 3. Description of the Conditional Water Rights: A. Prior decree: A decree for the Conditional Water Rights was entered on October 1, 2011, in Case No. 09CW74, District Court, Water Division No. 6. A subsequent decree finding diligence was entered by the Water Court on July 2, 2018, in Case No. 2017CW3032. B. Rollingstone Ranch Golf Course Burgess Creek Pump. i. Legal description: The diversion facilities will be located at one of the following alternate points: (1) a point in the SE ¼ of the SW ¼ of Section 22, Township 6 North, Range 84 West of the 6th P.M. at a distance of 1,260 feet from the South section line and 1,450 feet from the West section line or (2) a point in the NE ¼ of the SW ¼ of Section 22, Township 6 North, Range 84 West of the 6th P.M. at a distance of 1,630 feet from the South section line and 1,775 feet from the West section line. ii. Source: Burgess Creek, tributary to the Yampa River. iii. Appropriation Date: December 30, 2009. iv. Amount: 2.00 c.f.s., conditional. v. Use: Irrigation. See Exhibit A, attached to the application and available for inspection at the office of the Division 6 Water Clerk or via CCE. C. Rollingstone Ranch Golf Course Pond. i. Legal description: The outlet structure of Rollingstone Ranch Golf Course Pond is located in the NE ¼ of the NE ¼ of Section 21, Township 6 North, Range 84 West of the 6th P.M. at a distance of 1,360 feet from the North section line and 40 feet from the East section line. ii. Source: Burgess Creek, tributary to the Yampa River; and precipitation and runoff in the watershed tributary to the Pond, which is tributary to the Yampa River. iii. Appropriation Date: December 30, 2009. iv. Amount: 4.9 acre-feet, conditional; together with a right to successive refills in the cumulative amount of 4.9 acre-feet, conditional. Applicant also maintains a storage right in the Pond in the amount of 4.9 acre feet, conditional, together with a right to successive refills in the cumulative amount of 4.9 acre-feet, with a source of Fish Creek, decreed in Case No. 09CW75. Total storage under the rights claimed in Case No. 09CW74 and Case No. 09CW75 shall not exceed 19.6 acre-feet in any year. The surface area of the Pond is 2.22 acres and the rate of flow into the Pond is 2.00 c.f.s. v. Use: Irrigation. See Exhibit A. 4. Evidence of reasonable diligence: The Conditional Water Rights are part of an integrated system for supplying the water demands on the Rollingstone Ranch Golf Course (the “Golf Course”), located in Routt County, Colorado. The water rights and conditional water rights that are part of this integrated system include, without limitation, those adjudicated in Case Nos. 09CW74 and 09CW75, Water Division No. 6. During the diligence period, Applicant has performed considerable work and invested resources toward maintaining the subject conditional uses and toward perfecting the Conditional Water Rights as well as the development of the Golf Course and its associated water supply. The application contains a summary of activities demonstrating diligence toward the application of water to the decreed beneficial uses, which summary is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter, and is available for inspection at the office of the Division 6 Water Clerk or via CCE. 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 of the Conditional Water Rights and granting such other relief as may be appropriate.

**Case No.:** 2024CW3022 (17CW3033) (09CW75) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ROUTT COUNTY**. 1. Name, address and telephone number of Applicant: Starwood Steamboat LLC (“Starwood), 2200 Village Inn Court, P.O. Box 774808, Steamboat Springs, CO 80477. Copies of all pleadings to: Thomas W. Korver, Esq., Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202, (303) 825-1980.

2. Names and Types of Structures (the “Conditional Water Rights”): A. Rollingstone Ranch Golf Course Fish Creek Pump. B. Rollingstone Ranch Golf Course Pond (“Pond”). 3. Description of the Conditional Water Rights: A. Prior decree: A decree for the Conditional Water Rights was entered on October 2, 2011, in Case No. 09CW75, District Court, Water Division No. 6. A subsequent decree finding diligence was entered by the Water Court on July 2, 2018, in Case No. 2017CW3033. B. Rollingstone Ranch Golf Course Fish Creek Pump. i. Legal description: The diversion facilities are located in the NE ¼ of the NW ¼ of Section 22, Township 6 North, Range 84 West of the 6th P.M. at a distance of 150 feet from the North section line and 1,600 feet from the West section line. ii. Source: Fish Creek, tributary to the Yampa River. iii. Appropriation Date: December 30, 2009. iv. Amount: 2.00 c.f.s., conditional. v. Use: Irrigation. See Exhibit A, attached to the application and available for inspection at the office of the Division 6 Water Clerk or via CCE. C. Rollingstone Ranch Golf Course Pond. i. Legal description: The outlet structure of Rollingstone Ranch Golf Course Pond is located in the NE ¼ of the NE ¼ of Section 21, Township 6 North, Range 84 West of the 6th P.M. at a distance of 1,360 feet from the North section line and 40 feet from the East section line. ii. Source: Fish Creek, tributary to the Yampa River; and precipitation and runoff in the watershed tributary to the Pond, which is tributary to the Yampa River. iii. Appropriation Date: December 30, 2009. iv. Amount: 4.9 acre-feet, conditional; together with a right to successive refills in the cumulative amount of 4.9 acre-feet, conditional. Applicant also maintains a storage right in the Pond in the amount of 4.9 acre feet, conditional, together with a right to successive refills in the cumulative amount of 4.9 acre-feet, with a source of Burgess Creek, decreed in Case No. 09CW74. Total storage under the rights claimed in Case No. 09CW75 and Case No. 09CW74 shall not exceed 19.6 acre-feet in any year. The surface area of the Pond is 2.22 acres and the rate of flow into the Pond is 2.00 c.f.s. v. Use: Irrigation. See Exhibit A. 4. Evidence of reasonable diligence: The Conditional Water Rights are part of an integrated system for supplying the water demands on the Rollingstone Ranch Golf Course (the “Golf Course”), located in Routt County, Colorado. The water rights and conditional water rights that are part of this integrated system include, without limitation, those adjudicated in Case Nos. 09CW74 and 09CW75, Water Division No. 6. During the diligence period, Applicant has performed considerable work and invested resources toward maintaining the subject conditional uses and toward perfecting the Conditional Water Rights as well as the development of the Golf Course and its associated water supply. The application contains a summary of activities demonstrating diligence toward the application of water to the decreed beneficial uses, which summary is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter and is available for inspection at the office of the Division 6 Water Clerk or via CCE. 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 of the Conditional Water Rights and granting such other relief as may be appropriate.

24CW3024 Routt County. **Application for Findings of Reasonable Diligence and to Confirm Absolute, in Part**.Applicant: Upper Yampa Water Conservancy District (the “District”), c/o Scott A. Grosscup & Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. The District seeks findings of reasonable diligence on the three conditional appropriative rights of exchange decreed in 15CW3058, District Ct., Water Div. 6 (herein referred to as the “SWRs”). The District further requests the Ct. confirm one of SWRs as absolute, in part. Claim for Findings of Reasonable Diligence Appropriative Rights of Exchange. The SWRs allow the District’s contractees to continue diversions at their respective points of diversion during an administrative call pursuant to the plan for aug. decreed in 15CW3058. That plan augments depletions from Area A, which Area encompasses portions of the Elk River below its confluence with Willow Creek including the West Fork of the Elk River and Willow Creek from its confluence with the Elk River extending to locations upstream from Steamboat Lake. Area A is comprised of two sub-areas: Area A-1 is the Elk River from its confluence with the Yampa River up to locations above Steamboat Lake, and Area A-2 is the West Fork of the Elk River from its confluence with the Yampa River up to where it branches off from the Elk River. Each sub-area contains designated tributaries in which the District provides service under the plan for aug. decreed in 15CW3058. These two sub-areas are further described below and depicted on the map as Exhibit A on file with the Water Ct. Area A-1: Elk River from its confluence with Yampa River up to locations above Steamboat Lake. Description: Area A-1 includes structures that divert water from within that portion of Area A encompassing all areas tributary to the Elk River and its tributaries in a stream reach extending from a downstream terminus at the confluence of the Elk River with the Yampa River to an upstream terminus located on the Elk River just upstream of its confluence with Willow Creek, approx. 27 miles. The downstream terminus, the confluence of the Elk and the Yampa Rivers, is located in Routt Cty. in the NE1/4 NW1/4 of Sec. 18, T. 6 N., R. 85 W. of the 6th P.M. 717 ft. from the N. Sec. line and 1,301 ft. from the W. Sec. line (UTM X = 333142, UTM Y = 4483285). The upstream terminus, on the Elk River just upstream of its confluence with Willow Creek, is located in Routt Cty. in the NW1/4 NW1/4 of Sec. 24, T. 9 N., R. 85 W. of the 6th P.M. 758 ft. from the N. sec. line and 559 ft. from the W. sec. line (UTM X = 341493, UTM Y = 4510597). The boundaries of Area A-1, including Area A-1-F depicting future aug. area. Major tributaries to the Elk River that are included within Area A-1. Farnsworth Creek: From its confluence with the Elk River in the NW1/4 NE1/4 of Sec. 6, T. 6 N., R. 85 W. of the 6th P.M. 1,038 ft. from the N. sec. line and 1,381 ft. from the E. sec. line (UTM X = 334002, UTM Y = 4486435), upstream to the headgate of the Coleman Pipeline located in the SE1/4 NE1/4 of Sec. 27, T. 7 N., R. 86 W. of the 6th P.M. 1,658 ft. from the N. sec. line and 254 ft. from the E. sec. line (UTM X = 329579, UTM Y = 4489500), including all areas tributary to Farnsworth Creek and the Elk River within this reach. The portion of Farnsworth Creek and its tributaries above the headgate of the Coleman Pipeline are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. Trull Creek: From its confluence with the Elk River in the NE1/4 NE1/4 of Sec. 6, T. 6 N., R. 85 W. of the 6th P.M. 414 ft. from the N. sec. line and 1,111 ft. from the E. sec. line (UTM X = 334099, UTM Y = 4486622), upstream to the headgate of the Trull Ditch located in the SE1/4 NE1/4 of Sec. 30, T. 7 N., R. 85 W. of the 6th P.M. 2,544 ft. from the N. sec. line and 538 ft. from the E. sec. line (UTM X = 334303, UTM Y = 4489180), including all areas tributary to Trull Creek and the Elk River within this reach. The portion of Trull Creek and its tributaries above the headgate of the Trull Ditch are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. Dry Gulch: From its confluence with the Elk River in the SW1/4 NE1/4 of Sec. 28, T. 7 N., R. 85 W. of the 6th P.M. 1,394 ft. from the N. sec. line and 2,246 ft. from the E. sec. line (UTM X = 337019, UTM Y = 4489452), upstream to the headgate of the Sandelin Ditch 1 located in the SE1/4 SW1/4 of Sec. 16, T. 7 N., R. 85 W. of the 6th P.M. 528 ft. from the S. sec. line and 1,511 ft. from the W. sec. line (UTM X = 336536, UTM Y = 4491668), including all areas tributary to Dry Gulch and the Elk River within this reach. The portion of Dry Gulch and its tributaries above the headgate of the Sandelin Ditch 1 are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. Salt Creek: From its confluence with the Elk River in the NW1/4 SW1/4 of Sec. 3, T. 7 N., R. 85 W. of the 6th P.M. 1,895 ft. from the S. sec. line and 183 ft. from the W. sec. line (UTM X = 337736, UTM Y = 4495301), upstream to its headwaters, located in the vicinity of the SE1/4 SW1/4 of Sec. 8, T. 7 N., R. 86 W. of the 6th P.M. 197 ft. from the S. sec. line and 1,518 ft. from the W. sec. line (UTM X = 325376, UTM Y = 4493379), including all areas tributary to Salt Creek and the Elk River within this reach. The District will not enter into contracts involving Salt Creek or operate an exchange up Salt Creek to augment future contractees until the District has authority to use the Burnett Ditch to convey water from the Elk River to Salt Creek or has acquired another method to deliver water to Salt Creek. Deep Creek: From its confluence with the Elk River in NE1/4 SE1/4 of Sec. 30, T. 8 N., R. 85 W. of the 6th P.M. 1,575 ft. from the S. sec. line and 647 ft. from the E. sec. line (UTM X = 334298, UTM Y = 4498561), upstream to the headgate of the Follett Ditch located in the NW1/4 NE1/4 of Sec. 25, T. 8 N., R. 86 W. of the 6th P.M. 364 ft. from the N. sec. line and 2,415 ft. from the E. sec. line (UTM X = 332306, UTM Y = 4499481), including all areas tributary to Deep Creek and the Elk River within this reach. The portion of Deep Creek and its tributaries above the headgate of the Follett Ditch are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. Long Gulch: From its confluence with the Elk River in the NW1/4 SW1/4 of Sec. 20, T. 8 N., R. 85 W. of the 6th P.M. 1,689 ft. from the S. sec. line and 841 ft. from the W. sec. line (UTM X = 334788, UTM Y = 4500196), upstream to the headgate of the Semotan Ditch located in the SE1/4 SW1/4 of Sec. 13, T. 8 N., R. 86 W. of the 6th P.M. 298 ft. from the S. sec. line and 2,147 ft. from the W. sec. line (UTM X = 332193, UTM Y = 4501293), including all areas tributary to Long Gulch and the Elk River within this reach. The portion of Long Gulch and its tributaries above the headgate of the Semotan Ditch are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. Dutch Gulch: From its confluence with the Elk River in the NW1/4 SE1/4 of Sec. 8, T. 8 N., R. 85 W. of the 6th P.M. 2,097 ft. from the S. sec. line and 2,190 ft. from the E. sec. line (UTM X = 335547, UTM Y = 4503515), upstream to the headgate of the Norman Ditch HG 3 located in the NE1/4 SW1/4 of Sec. 8, T. 8 N., R. 85 W. of the 6th P.M. 1,781 ft. from the S. sec. line and 2,241 ft. from the W. sec. line (UTM X = 335284, UTM Y = 4503425), including all areas tributary to Dutch Gulch and the Elk River within this reach. The portion of Dutch Gulch and its tributaries above the headgate of the Norman Ditch HG 3 are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. McPhee Creek: From its confluence with the Elk River in the NE1/4 NE1/4 of Sec. 5, T. 8 N., R. 85 W. of the 6th P.M. 383 ft. from the N. sec. line and 309 ft. from the E. sec. line (UTM X = 336177, UTM Y = 4505995), upstream to the headgate of the McPhee Diversion located in the SW1/4 SW1/4 of Sec. 32, T. 9 N., R. 85 W. of the 6th P.M. 295 ft. from the S. sec. line and 28 ft. from the W. sec. line (UTM X = 334795, UTM Y = 4506197), including all areas tributary to McPhee Creek and the Elk River within this reach. The portion of McPhee Creek and its tributaries above the headgate of the McPhee Diversion are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. Sand Creek: From its confluence with the Elk River in the SE1/4 SE1/4 of Sec. 32, T. 9 N., R. 85 W. of the 6th P.M. 462 ft. from the S. sec. line and 233 ft. from the E. sec. line (UTM X = 336326, UTM Y = 4506254), upstream to the headgate of the Sand Creek Ditch located in the SE1/4 SW1/4 of Sec. 30, T. 9 N., R. 85 W. of the 6th P.M. 322 ft. from the S. sec. line and 2,652 ft. from the W. sec. line (UTM X = 334017, UTM Y = 4507872), including all areas tributary to Sand Creek and the Elk River within this reach. The portion of Sand Creek and its tributaries above the headgate of the Sand Creek Ditch are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. Cottonwood Gulch: From its confluence with the Elk River in the NW1/4 SW1/4 of Sec. 33, T. 9 N., R. 85 W. of the 6th P.M. 2,536 ft. from the S. sec. line and 764 ft. from the W. sec. line (UTM X = 336643, UTM Y = 4506881), upstream to the headgate of the Stanton Fetcher Ditch 2 located in the NW1/4 NW1/4 of Sec. 33, T. 9 N., R. 85 W. of the 6th P.M. 1,018 ft. from the N. sec. line and 132 ft. from the W. sec. line (UTM X = 336462, UTM Y = 4507408), including all areas tributary to Cottonwood Gulch and the Elk River within this reach. The portion of Cottonwood Gulch and its tributaries above the headgate of the Stanton Fetcher Ditch 2 are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. Greenville Creek: From its confluence with the Elk River in the NE1/4 NW1/4 of Sec. 33, T. 9 N., R. 85 W. of the 6th P.M. 738 ft. from the N. sec. line and 1,891 ft. from the W. sec. line (UTM X = 337000, UTM Y = 4507481), upstream to the headgate of the Pettit Ditch located in the NE1/4 NE1/4 of Sec. 34, T. 9 N., R. 85 W. of the 6th P.M. 46 ft. from the N. sec. line and 1,120 ft. from the E. sec. line (UTM X = 339301, UTM Y = 4507640), including all areas tributary to Greenville Creek and the Elk River within this reach. The portion of Greenville Creek and its tributaries above the headgate of the Pettit Ditch are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. Franz Creek: From its confluence with the Elk River in the NW1/4 SE1/4 of Sec. 8, T. 8 N., R. 85 W. of the 6th P.M. 1,572 ft. from the S. sec. line and 1,650 ft. from the E. sec. line (UTM X = 335709, UTM Y = 4503352), upstream to its headwaters, located in the vicinity of NW1/4 SW1/4 of Sec. 2, T. 8 N., R. 85 W. of the 6th P.M. 1,522 ft. from the S. sec. line and 268 ft. from the W. sec. line (UTM X = 339542, UTM Y = 4504866), including all areas tributary to Franz Creek and the Elk River within this reach, with the exception as detailed: South Franz Creek: From its confluence with Franz Creek in the SW1/4 SE1/4 of Sec. 4, T. 8 N., R. 85 W. of the 6th P.M. 1,055 ft. from the S. sec. line and 2,162 ft. from the E. sec. line (UTM X = 337197, UTM Y = 4504768), upstream to the headgate of the Franz Desert Ditch No. 2 allocated in the SW1/4 SE1/4 of Sec. 4, T. 8 N., R. 85 W. of the 6th P.M. 61 ft. from the S. sec. line and 1,414 ft. from the E. sec. line (UTM X = 337417, UTM Y = 4504460), including all areas tributary to South Franz Creek and Franz Creek within this reach. The portion of South Franz Creek and its tributaries above the headgate of the Franz Desert Ditch No. 2 are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. Taylor Canyon: From its confluence with the Elk River in the NW1/4 SE1/4 of Sec. 8, T. 8 N., R. 85 W. of the 6th P.M. 1,318 ft. from the S. sec. line and 1,658 ft. from the E. sec. line (UTM X = 335704, UTM Y = 4503274), upstream to its headwaters, located in the vicinity of the NE1/4 NE1/4 of Sec. 15, T. 8 N., R. 85 W. of the 6th P.M. 1,030 ft. from the N. sec. line and 303 ft. from the E. sec. line (UTM X = 339314, UTM Y = 4502481), including all areas tributary to Taylor Canyon and the Elk River within this reach. Keller Ditch Area Watersheds: Watershed areas located E. and directly tributary to the Elk River at locations downstream of the confluence with Taylor Canyon in the NW1/4 SE1/4 of Sec. 8, T. 8 N., R. 85 W. of the 6th P.M. 1,318 ft. from the S. sec. line and 1,658 ft. from the E. sec. line (UTM X = 335704, UTM Y = 4503274) and upstream of the confluence with Big Creek in the NE1/4 NE1/4 of Sec. 10, T. 7 N., R. 85 W. of the 6th P.M. 338 ft. from the N. sec. line and 835 ft. from the E. sec. line (UTM X = 339060, UTM Y = 4494577), with the following exceptions: The watershed draining to a point just above the headgate of the Winter Irrigation Ditch, located in the NE1/4 NE1/4 of Sec. 17, T. 8 N., R. 85 W. of the 6th P.M. 818 ft. from the N. sec. line and 463 ft. from the E. sec. line (UTM X = 336054, UTM Y = 4502615) is outside Area A and is not included within the Plan for Aug. as decreed in 15CW3058. The watershed draining to a point just above the headgate of the Keller Ditch Cavanagh Alternate Point, located in the SE1/4 SE1/4 of Sec. 33, T. 8 N., R. 85 W. of the 6th P.M. 18 ft. from the S. sec. line and 1,290 ft. from the E. sec. line (UTM X = 337279, UTM Y = 4496407) is outside Area A and is not included within the Plan for Aug. as decreed in 15CW3058. Wither Ditch Area Watersheds: Watershed areas located SE and directly tributary to the Elk River at locations downstream of the confluence with Hot Spring Creek in the SW1/4 SE1/4 of Sec. 14, T. 7 N., R. 85 W. of the 6th P.M. 422 ft. from the S. sec. line and 2,518 ft. from the E. sec. line (UTM X = 340060, UTM Y = 4491548) and upstream of the confluence with the Yampa River in the NE1/4 NW1/4 of Sec. 18, T. 6 N., R. 85 W. of the 6th P.M. 717 ft. from the N. sec. line and 1,301 ft. from the W. sec. line (UTM X = 333142, UTM Y = 4483285), with the following exception: The watershed draining to a point just above the headgate of the McFadden Ditch, located in the SE1/4 NW1/4 of Sec. 25, T. 7 N., R. 85 W. of the 6th P.M. 2,341 ft. from the N. sec. line and 1,633 ft. from the W. sec. line (UTM X = 341293, UTM Y = 4489023) is outside Area A and is not included within the Plan for Aug. as decreed in 15CW3058. Willow Creek Basin: Includes a stream reach extending from a downstream terminus at the confluence of Willow Creek with the Elk River to Steamboat Lake and, subject to the limitation below, to locations on tributaries upstream of Steamboat Lake, not including the mainstem of Willow Creek and its tributaries above Steamboat Lake. The downstream terminus, the Willow Creek confluence with the Elk River, is located in the NW1/4 NW1/4 of Sec. 24, T. 9 N., R. 85 W. of the 6th P.M. 758 ft. from the N. sec. line and 559 ft. from the W. sec. line (UTM X = 341493, UTM Y = 4510597). The upstream terminus, its confluence with Steamboat Lake, is located in the NW1/4 SE1/4 of Sec. 19, T. 10 N., R. 85 W. of the 6th P.M. 2,173 ft. from the S. sec. line and 1,477 ft. from the E. sec. line (UTM X = 334650, UTM Y = 4519625). All areas tributary to Willow Creek, Steamboat Lake, and the Elk River within this reach are included in Area A-1, with the exceptions. Lester Creek: From its confluence with Willow Creek in the SW1/4 SW1/4 of Sec. 2, T. 9 N., R. 85 W. of the 6th P.M. 40 ft. from the S. sec. line and 14 ft. from the W. sec. line (UTM X = 339800, UTM Y = 4514095), upstream to its confluence with Lester Creek Reservoir (a.k.a. Pearl Lake) in the SW1/4 SE1/4 of Sec. 26, T. 10 N., R. 85 W. of the 6th P.M. 1,052 ft. from the S. sec. line and 1,749 ft. from the E. sec. line (UTM X = 340948, UTM Y = 4517531), including all areas tributary to Lester and Willow Creeks within this reach are included in Area A-1. The portion of Lester Creek and its tributaries above its confluence with Lester Creek Reservoir are outside Area A and are not included within the Plan for Aug. as decreed in 15CW3058. The following creeks and their tributaries are outside of Area A and not included within this Plan for Aug.: Red Creek, Beaver Creek, Larson Creek, Floyd Creek, Mill Creek, and that portion of the Willow Creek mainstem and its tributaries upstream of its confluence with Steamboat Lake. Area A-2: West Fork of the Elk River from its confluence with Yampa River up to where it branches off Elk River. Area A-2 includes structures that will divert water from within that portion of Area A encompassing all areas tributary to the West Fork of the Elk River and its tributaries in a stream reach extending from a downstream terminus at the confluence of the West Fork of the Elk River with the Yampa River to an upstream terminus located where the West Fork of the Elk River branches off the Elk River, a distance of approx. 1.9 miles. The downstream terminus, the confluence of the West Fork of the Elk River and the Yampa River, is located in Routt Cty. in the SW1/4 NE1/4 of Sec. 13, T. 6 N., R. 86 W. of the 6th P.M. 1,710 ft. from the N. sec. line and 2,028 ft. from the E. sec. line (UTM X = 332115, UTM Y = 4483032). The upstream terminus, where the West Fork of Elk River branches off the Elk River, is located in the SE1/4 SW1/4 of Sec. 6, T. 6 N., R. 85 W. of the 6th P.M. 244 ft. from the S. sec. line and 1,845 ft. from the W. sec. line (UTM X = 333320, UTM Y = 4485206). All areas tributary to the West Fork of the Elk River within this reach are included in Area A-2. Major tributaries to the West Fork of the Elk River that are included within Area A-2 include: DeCora Gulch: from its confluence with the West Fork of Elk River in the NW1/4 SE1/4 of Sec. 12, T. 6 N., R. 86 W. of the 6th P.M. 1,440 ft. from the S. sec. line and 1,641 ft. from the E. sec. line (UTM X = 332247, UTM Y = 4483989), upstream to its confluence with Lake Windemere located in SW1/4 SW1/4 of Sec. 36, T. 7 N., R. 86 W. of the 6th P.M. 30 ft. from the S. sec. line and 438 ft. from the W. sec. line (UTM X = 331343, UTM Y = 4486839). All areas tributary to DeCora Gulch, Lake Windemere, and the West Fork of Elk River in this reach are included in Area A-2. Name of Exchange: UYWCD Elk River In-Basin Supply Exchange. Exchange From Points: The confluences of Elk River with its major tributaries located within Area A-1. Exchange To Points: The diversions and locations of depletions to natural streams of District contractees within Area A-1; these diversions and depletions may extend to all the locations described above. Amt. and Rate of Exchange: The total amt. of aug. water available for Area A-1 is 360 AF. The rate of exchange is 1.4 c.f.s., conditional, for the entire Area A-1 and not to exceed 0.3 c.f.s. within any one of the tributaries located within Area A-1 with the exception of Salt Creek, which will not exceed 0.5 c.f.s. Date of Approp.: 12/31/2015. Adj. Date: 07/29/2018, in 15CW3058, by the Dist. Ct., Water Div. 6. Name of Water Right: UYWCD Elk River Mainstem Supply Exchange. Exchange From Points: The confluence of the Yampa and Elk Rivers located in the NE1/4 NW1/4, Sec. 18, T. 6 N., R. 85 W., 6th P.M. 717 ft. from the N. sec. line and 1,301 ft. from the W. sec. line. Also described as UTM Zone 13, NAD83, Easting 333,142 m and Northing 4,483,285 m. Exchange to Points: The diversions and locations of depletions to natural streams of District contractees within Area A-1 described herein, these diversions and depletions may extend to all the locations above. Amt. and Rate of Exchange: The total amt. of aug. water available for Area A-1 is 360 AF. The rate of exchange is 1.4 c.f.s., conditional, for the entire Area A-1 and not to exceed 0.3 c.f.s. within any one of the tributaries located within Area A-1 with the exception of Salt Creek, which will not exceed 0.5 c.f.s. Date of Approp.: 12/31/2015. Adj. Date: 07/29/2018, in 15CW3058, by the Dist. Ct., Water Div. 6. Name of Exchange: UYWCD West Fork of the Elk River Mainstem Supply Exchange. Exchange From Points: The confluence of Yampa and West Fork of the Elk Rivers located in the SW1/4 NE1/4 of Sec. 13, T. 6 N., R. 86 W., 6th P.M. 1,710 ft. from the N. sec. line and 2,028 ft. from the E. sec. line. Also described as UTM Zone 13, NAD83, Easting 332,115 m and Northing 4,483,032 m. Exchange to Points: The diversions and locations of depletions to natural streams of District contractees within Area A-2; these diversions and depletions may extend to all the locations described above. Amt. and Rate of Exchange: The total amt. of aug. water available for Area A-2 is 50 AF. The rate of exchange is 0.2 c.f.s., conditional, for the entire Area A-2 and not to exceed 0.2 c.f.s. within any one of the tributaries located within Area A-2. Date of Approp.: 12/31/2015. Adj. Date: 07/29/2018, in 15CW3058, by the Dist. Ct., Water Div. 6. T&Cs: The following are terms and conditions for the plan for aug. and exchanges decreed in 15CW3058. Instream Flows: CWCB holds instream flow water rights that fall within Area A and exist on the Elk River decreed in W-1331-77 and W-1279-77 and Willow Creek decreed in W-1270-77 and W1273-77 that are senior in priority to the Applicant’s conditional appropriative rights of exchange, and Applicant shall not operate the decreed exchanges from the Mainstem Supply at times when flows are less than the CWCB decreed instream flow rate as determined by the DE with notice to the District. Water Rights to be Used for Aug.: The District will provide an In Basin Supply of up to 360 AF per year from CPW water rights decreed in 95CW142, Water Div. 6. 95CW142 limits use of CPW’s water to uses downstream of Steamboat Lake. The District agrees to not issue any contracts pursuant to this Plan for Aug. for water uses occurring upstream of Steamboat Lake in Area A-1-F unless and until the Water Ct. determines by amendment of this plan or a future decreed aug. plan that the District has secured an adequate quantity of in-basin replacement water to augment such contracts, as well as making certain findings regarding suitable appropriative exchange rates and volumetric limits for Area A-1-F. Senior Calls: The decreed exchanges shall not be operated when there is a call placed by an intervening water right within the exchange reach, including an appropriative right of exchange, that is senior to 12/31/2015, as determined by the DE. Operation of Exchange: The decreed exchanges may be operated only when all water rights located within the exchange reach at or between the respective upstream terminus and downstream terminus and senior to the subject exchanges, including other appropriative rights of exchange, are either satisfied or out-of-priority. Water rights and exchanges shall not be deemed to be out of priority if water would otherwise be available to them but for diversions by the District’s contractees. Integrated System: The conditional water rights decreed herein are individual components of the District’s integrated water supply system. A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Second Claim for Confirmation of Absolute Rights, in Part. Name of Exchange: UYWCD Elk River In-Basin Supply Exchange. Dates Water Applied to Beneficial Use: The District delivered water by exchange from 8/26/2022 to 10/5/2022, and from 9/1/2023 to 10/10/2023 when the Elk River was under administration from calls placed by the Colorado Water Conservation Board’s instream flow right. Amt. Claimed as Absolute: 0.0006 c.f.s. Amt. Remaining Conditional: 1.3994 c.f.s. Description of Place of Use: The exchanged supply was provided to John Klein (Contract E-A1-002), located on Willow Creek within Area A-1. Remark: Of the District’s 6 active contracts, 4 of the contracts were in place during the period of river administration on the Elk River from 9/1/2023 to 10/10/2023. During this period, the maximum daily aug. rate was 0.03334 c.f.s., of which 0.03328 c.f.s. was delivered directly to the Elk River and 0.0006 c.f.s. was delivered by exchange under the UYWCD Elk River In-Basin Supply Exchange. (15 pages of original application, Exh. A)

**2024CW3020 APPLICATION FOR A SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO SECTION 37-92-305(3.5), C.R.S.** 1. Name, mailing address, telephone number of Applicant: Trout123, LLC., 11225 Davenport Street, Suite 108, Omaha, NE 68154 c/o Peter J. Ampe, Esq., Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207 (303) 296-8100, peterampe@hillandrobbins.com. 2. Decreed Water Rights for Which Simple Chage in Point of Division is Sought: 2.1 Name of Structure: Gabioud Ditch. 2.1.2 Date of Original and All Subsequent Decrees: In the Matter of the Petition of Joseph Gabioud for the Adjudication of the Gabioud Ditch and Water Right in Water District No. 58, in Irrigation Division No. 5, Routt County, Colorado, September 19, 1904. 2.1.3 Legal Description of Structure as Described in Most Recent Decree that Adjudicated the Location: A point in the County of Routt, State of Colorado, on the left bank of Green Creek a tributary of the Yampa or Bear River in said County and State from which said ditch draws its supply of water, at a point whence the North East Corner of Section 16 in Township 4 North of Range 84 West bears North 74° 30’ West 2012 feet. 2.1.4 Decreed Source of Water: Green Creek, tributary to the Yampa River. 2.1.5 Appropriation Date: June 1, 1892. 2.1.6 Total Amount Decreed to Structure: 1.66 cfs. 2.1.7 Decreed Uses: Irrigation and Domestic. 2.1.8 Amount of Water Applicant Intends to Change: 1.66 cfs. 2.2 Name of Structure: Gabioud Ditch Extension and Pipeline. 2.2.2 Date of Original and All Subsequent Decrees: CA3929, February 28, 1972. 2.2.3 Legal Description of Structure as Described in Most Recent Decree that Adjudicated the Location: On the southerly bank of Green Creek at a point from whence the Northeast Corner of Section 16, Township 4 North, Range 84 West of the 6th PM bears North 81° 32’ 30” West 1,880.05 feet. 2.2.4 Decreed Source of Water: Green Creek, tributary to the Yampa River. 2.2.5 Appropriation Date: May 1, 1946. 2.2.6 Total Amount Decreed to Structure: 3.73 cfs. 2.2.7 Decreed Uses: Irrigation, domestic, and stock. 2.2.8 Amount of Water Applicant Intends to Change: 3.73 cfs. 3. 3. Detailed Description of Proposed Change in a Surface Point of Diversion: 3.1 Statement of Change: Applicant is the sole owner of the ditch and water right. Applicant intends to change the point of diversion downstream from the current location to a new location on Applicant’s property which will reduce the burden and expense of maintenance. Applicant will construct a new ditch from the new point of diversion that will intersect with the old ditch for use on the historical place of use for the historical purposes. There are no diversions or points of inflow between the current point of diversion and the new point of diversion requested herein. Applicant will not continue to use the old point of diversion. See, General Location Map attached as Exhibit A. 3.2 Location of New Surface Point of Diversion: SE1/4SE1/4 of Section 9, T04N, R84W, 6th PM more particularly described as UTM: 13T 346600.61 E, 4465793.20 N. 4. Applicant is the owner of the land upon which the new diversion structure is or will be constructed. (3 pages)

**2024CW6 Routt County** Application for Absolute Water Rights (Surface). **Applicant:** Greg Iafeliece and Paige Figi; 1750 Stella Dr, Colorado Springs CO 80921; 719-648-8724 / 719-433- 4543; [gjcolorado@outlook.com](mailto:gjcolorado@outlook.com) [paigefigi@gmail.com](mailto:paigefigi@gmail.com) ; **Name of Structures:** Margie Spring #1  **Legal Descriptions:** Routt County;NW ¼ of the NW ¼, Section 21, Township 10N, Range 85W of the 6th PM ; **Distance from Section Lines:** 5 Feet from N and 110 Feet from W ; **Street Address:** 26200 FSR 409, Clark, CO 80428 ; **Source:** Willow Creek, Tributary toElk River, tributary to the Yampa River ; **Appropriation Date:** 02/23/99 ; **How** **Appropriation was Initiated:** Decree ; **Date Water Applied to Beneficial Use:** 2/23/1999 ; **Amount Decreed Absolute** : 0.033 cfs ;  **Decreed Uses or Proposed Uses:** Commercial for Bed and breakfast, domestic. **Purpose of Non-Irrigated Water:** Domestic water for 2 bedroom single family home. See additional below; **Remarks or any other Pertinent Information:** We are Applying for a bed and breakfast permit from Routt County to allow short and long term rental of our 2 bedroom cabin. Routt County is requiring a commercial spring/well permit for the special use permit. This is the reason for the change in the spring use designation **Landowner:** Applicant

2024CW3023, Application for Water Rights of James A. Murphy (“Murphy”), PO Box 667, Walden, CO 80480. Serve all pleadings on: Jeffrey J. Kahn and Casey J. Weaver, Lyons Gaddis, PC, P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900 [jkahn@lyonsgaddis.com](mailto:sholwick@lyonsgaddis.com), [cweaver@lyonsgaddis.com](mailto:cweaver@lyonsgaddis.com). **APPLICATION FOR SURFACE WATER RIGHTS (ABSOLUTE) IN JACKSON COUNTY**. **2.** **Name of Structure**. Mary Virginia Ditch. **3. Legal Description of the Structure**. SW ¼ of the NE ¼ of Section 27, Township 9 N, Range 79 W, of 6th P.M., County of Jackson. The location of the structure is shown on an aerial photo attached as **EXHIBIT A.** UTM coordinates Easting 394546; Northing 4508684 Zone 13. **4. Source of water**. The source of supply for the Mary Virginia Ditch is the Michigan River, tributary to the North Platte River. **5. Appropriation:** A) **Appropriation Date:** May 1, 1953. B) **How Appropriation was Initiated:** Diversion and beneficial use of the water diverted for irrigation. C) **Date Water Applied to Beneficial Use:** May 1, 1953. **6. Amounts Claimed**. 2.4 cfs, ABSOLUTE. **Uses:** Irrigation. A) **Number of acres historically irrigated:** 50. B) **Legal description of irrigated acreage:** In the North ½ and NW ¼ of the SE ¼ of Section 27, Township 9N, Range 79W, of the 6th P.M. See aerial photo attached as **Exhibit A.** **7. Name(s) and address(es) of owner(s) or reputed owners of 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 are as follows:** Applicant.

**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 **September 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