#### **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 **October 2024.**

**2024CW3031 (14CW3025) ROUTT AND MOFFAT COUNTIES. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name, Address, and Telephone Number of Applicant: Public Service Company of Colorado, a Colorado Corporation (“PSCo”) 1800 Larimer Street, Suite 1300, Denver, Colorado 80202, Telephone: (303) 294-2197, Email: Wesley.L.Eversole@xcelenergy.com. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicant: Carolyn F. Burr, James M. Noble, Matt C. Nadel, Welborn Sullivan Meck & Tooley, P.C., 1401 Lawrence Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 830-2500. 2. Name of Structures and Conditional Water Rights. This matter relates to diligence on 5,000 acre feet of the Juniper Reservoir water right originally decreed in 1960 as part of the Colorado River Water Conservation District’s Juniper Project, and subsequently acquired by Colorado-Ute Electric Association. PSCo and the Hayden Partners later acquired Colorado-Utes’ interest in the Hayden Generation Station (“Hayden Station”), which is operated on behalf of the Hayden Partners by PSCo. The Hayden Partners own 5,000 acre feet of the Juniper Reservoir Right (the “Subject Right”). Collectively, PSCo and the Hayden Partners are referred to herein as “PSCo.” 3. Description of Conditional Water Rights. 3.1 Original Decree: The water right for Juniper Reservoir was originally decreed by the District Court of Moffat County on September 1, 1960 in Civil Action No. 1278. 3.1.1 Location: The decreed location for the dam of Juniper Reservoir is in the West ½ of Section 17 and the East ½ of Section 18, Township 6 North, Range 94 West of the 6th P.M. The initial point of survey is located on the left abutment of the Juniper Reservoir Dam at a point when the West ¼ corner of Section 17 bears South 14 degrees 26 minutes East at a distance of 180.7 feet. The GPS location in UTM format is Zone 13 Easting 247359 Northing 4484260. 3.1.2. Source: Yampa River and its tributaries. 3.1.3. Appropriation Date: July 9, 1954 3.1.4. Amount: The Juniper Reservoir storage right was originally decreed for 844,294 acre feet. Only the Subject Right, consisting of 5,000 acre feet, conditional, of the original Juniper Reservoir Right, is the subject of this application. 3.1.5. Uses. Irrigation, domestic, municipal, stockwatering, industrial, generation of electric energy, piscatorial, and recreational. 3.2. Alternate Place of Storage: The decree in Case No. 79CW110, entered May 8, 1981, awarded additional and alternate places of storage for 13,310 acre feet decreed to Juniper Reservoir. Of the 13,310 acre feet that was the subject of 79CW110, the Subject Right was decreed an alternate point of diversion at Steamboat Lake and Hayden Reservoir. Hayden Reservoir was abandoned as an alternate place of storage in Case No. 04CW25. Steamboat Lake remains as an alternate place of storage for the Subject Right. 3.2.1. Location: The decreed location of Steamboat Lake is in the NE¼ of the NW¼ of Section 32, Township 10 North, Range 85 West of the 6th P.M. at a point from which the Northwest corner of Section 29, T10N, R85W, bears North 19 degrees West a distance of 6,410 feet. See **Exhibit A**. The GPS location in UTM format is Zone 13 Easting: 335708 Northing 4517085. 3.2.2. Source: Willow Creek, Dutch Creek, Larson Creek, and Floyd Creek – all tributaries to the Yampa River. 3.2.3. Amount: Maximum amount to be stored pursuant to the Subject Right is 5,000 acre feet per year. 3.3. Prior Diligence Decrees: The conditional water right for Juniper Reservoir has been maintained by successive applications for and findings of reasonable diligence. The most recent finding of reasonable diligence was entered on October 7, 2018, in Case No. 14CW3025. Other decrees for diligence for PSCo’s Juniper Reservoir Water Right were entered in Case Nos. 04CW25, 96CW58, 89CW101, 80CW49, W-144-76, W-144, and W-10, all by the Water Court, Water Division No. 6.

3.4. Integrated Water Supply: The Water Court previously determined in Case Nos. 96CW58, 04CW25 and 14CW3025 that the Subject Right is part of an integrated water supply system in the Yampa River basin primarily to support the Hayden Station. The following water rights were found to be part of PSCo's integrated water supply system for Hayden Station in Case No. 14CW3025: Steamboat Lake (originally decreed in C.A. 3926); Colorado Utilities Ditch and Pipeline (originally decreed in C.A. 3155); Givens Ditch (originally decreed in C.A. 1278); the Hayden Station Evaporation Pond, High Quality Pond and Intermediate Quality Pond (originally decreed in Case No. W-1012-76); Hayden Station Ash Ponds (originally decreed in C.A. 4000); Hinman Park Reservoir and Saddle Mountain Pump Station (originally decreed in C.A. 3926); and the Wessels Canal (originally decreed in C.A. 3538). 4. Detail of work and expenditures taken by PSCo toward completion of appropriation and application of water to beneficial use. PSCo is a wholesale electric generation and transmission company. It operates the Hayden Station, a thermal electric power plant consisting of two existing generating units. In 2019, the Colorado legislature enacted section 40-2-125.5, C.R.S. Among other requirements, section 40-2-125.5, C.R.S., requires that by 2030, qualifying retail utilities shall reduce the carbon dioxide emissions associated with electricity sales to the qualifying retail utility’s electricity customers by 80% from 2005 levels and that for years 2050 and thereafter, or sooner if practicable, the qualifying retail utility shall seek to achieve the goal of providing its customers with energy generated from 100% “clean energy” resources so long as doing so is technically and economically feasible, is in the public interest, and is consistent with the requirements of section 40-2-125.5, C.R.S. PSCo’s prior power generation plan to replace coal with gas as a transition fuel, which was in effect during the last diligence period for the Subject Water Right, must be modified as a result of Colorado’s new laws, including section 40-2-125.5, C.R.S. Thus, PSCo intends to use the Subject Water Right to support power generation projects in the Yampa River Basin that are necessary to reach the goal of providing customers with energy generated from 100% clean energy resources by 2050. The two existing coal-powered generating units at Hayden Station are also planned to be retired by 2028. PSCo has incurred the following costs related to its integrated water supply system during the preceding diligence period: 4.1 PSCo negotiated a lease and option agreement regarding PSCo water stored in Steamboat Lake, including the Subject Right, with the City of Steamboat Springs at a cost of more than $20,000.00. 4.2 PSCo has undertaken an in-depth review of its water rights in Division 6 and has developed a water rights plan that identifies a reasonable water supply planning period; identifies whether and how its conditional rights can be developed from a physical and legal standpoint for the decreed uses; prioritizes such development; analyzes the amount of water reasonably necessary to serve its reasonable anticipated needs and evaluates whether any of the conditional water rights will not be needed or usable. PSCo has expended approximately $500,000.00 to complete its water rights plan and to undertake feasibility studies associated with its future plans for electric energy generation in the Yampa River Basin. 4.3 PSCo adjudicated diligence applications and obtained diligence decrees for its Wessels Canal water right and Hinman Park Pump Station and Reservoir water rights at a cost of more than $345,650.00. 4.4 PSCo has been working with Colorado Parks and Wildlife to develop accounting procedures for Steamboat Lake. 4.5 During the diligence period, PSCo spent hundreds of thousands of dollars planning for transition to clean energy by 2050 as required by section 40-2-125.5, C.R.S., which includes planning for the transition away from coal at the Hayden Station and planning for different energy alternatives within the Yampa Basin that will utilize the water rights in PSCo’s integrated water system. 5. Abandonment of a Portion of the Subject Water Right. PSCo hereby declares its intent to abandon and have the Court cancel the original location of the Juniper Reservoir project, described above in section 3.1.1. 6. Terms and Conditions. Any decree entered in this matter will include terms and conditions no less restrictive than those contained in the most recent diligence decree entered in Case No. 14CW3025. 7. Names and Addresses of 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. 7.1 Owners of any land underlying the existing Steamboat Lake: Colorado Parks and Wildlife, 1313 Sherman Street, Floor 6, Denver, CO 80203. Based on the foregoing, PSCo requests the Court to enter a decree granting this application, finding that PSCo has exercised reasonable diligence in developing and completing the appropriation of the conditional Subject Right during the diligence period and continuing the conditional decree and the conditional water right described herein in full force and effect for six years from the month in which a final decree is entered in this case.

 **2024CW3028 Moffatt and Rio Blanco Counties. Application for Absolute Surface Water Rights, Including Springs and Storage. 1. Applicant**: Diana K. Watson Revocable Trust, c/o Diana K. Watson, Trustee, P.O. Box 1056, Meeker, CO 81641, *dwatson5898@gmail.com*, 970-629-0583.*Please communicate with counsel: Matthew Merrill, (303) 947-4453; matthew@merrillwaterlaw.com*. **2. Introduction:** Applicant owns approximately 1,600 acres in Moffat County between Meeker and Maybell. The land has been used for ranching for many decades. This application seeks absolute surface water rights for 2 springs and 9 small ponds on the ranch, **tributary to Deep Channel Creek, Strawberry Creek and the East Fork of Strawberry Creek, all tributary to the White River.** **3. Names of Structures:** Dixon Spring No. 1; Dixon Spring No. 2; Dixon Spring No. 2 Pond; Watson Pond No. 1, Watson Pond No. 2; Windmill Pond; Watson Pond No. 3; Watson Pond No. 4; Corral Pond; Watson Pond No. 5; Watson Pond No. 6; and Watson Pond No. 7. **4. Dixon Spring No. 1.** A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 240815.7 Easting, 4458484.9 Northing. (Source of UTM: Lead Water Commissioner Kracht, handheld GPS accuracy of +/-10 feet). The CDSS Location Converter maps Dixon Spring No. 1 in the SW¼ SW¼ of Section 10, Township 3 North, Range 95 West, 6th P.M. in Moffat County, Colorado. *See* ApplicationExhibit A*.* All Public Land Survey System legal descriptions below are within Township 3 North, Range 95 West, 6th P.M., in either Moffat or Rio Blanco counties. B. Source: Spring, tributary to East Fork Strawberry Creek, tributary to the White River. C. Date of Appropriation: June 30, 2005. D. How Appropriation Was Initiated: Development of spring and installation of cistern, floating pump system, and pipelines to 4 livestock tanks, frost-free hydrant for domestic use. E. Date Water Applied to Beneficial Use: June 30, 2005. F. Amount Claimed: 10 gallons per minute (gpm), absolute. G. Uses: livestock, domestic, wildlife. **4. Dixon Spring No. 2.** A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 240399.3 Easting, 4459248.9 Northing (Source of UTM: Lead Water Commissioner Kracht, handheld GPS accuracy of +/-10 feet). The CDSS Location Converter maps this point in the NE¼ SE¼ of Section 9 in Moffat County. *See* Application Exhibit A*.* B. Source: Spring, tributary to East Fork Strawberry Creek, tributary to the White River.C. Date of Appropriation: August 30, 1962. D. How Appropriation Was Initiated: Development and channeling spring flow into tanks/pond. E. Date Water Applied to Beneficial Use: August 30, 1962. F. Amount Claimed: 1 gallon per minute, ABSOLUTE. G. Uses: livestock, wildlife. **5. Dixon Spring No. 2 Pond.** A. Legal Description of Pond: UTM coordinates in Zone 13: 240451.8 Easting, 4459158.7 Northing (Source of UTM: CDSS Location Converter desktop GIS). The CDSS Location Converter maps this point in the NE¼ SE¼ of Section 9 in Moffat County. *See* Application Exhibit A*.* B. Legal Description of Point of Diversion: *see* Paragraph 5.A above. Water flows in a natural drainage from the point of diversion to place of storage. C. Source: Dixon Spring No. 2, described in paragraph 5 above.D. Date of Appropriation: August 30, 1962. E. How Appropriation Was Initiated: Construction of pond and development of spring to flow into pond. F. Date Water Applied to Beneficial Use: August 30, 1962. G. Amount Claimed: 0.45 acre-feet (“AF”), and refills, ABSOLUTE. H. Uses: livestock, wildlife. I. Surface Area: approximately 0.09 acres. J. Dam Dimensions: approximately 110 feet long; less than 10 feet tall. **6. Watson Pond No. 1.** A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 240402.0; Easting, 4459524.5 Northing (Source of UTM: CDSS Location Converter desktop GIS). The CDSS Location Converter maps this point in the SW¼ NE¼ of Section 9 in Moffat County. *See* ApplicationExhibit A*.* B. Source: Unnamed drainage, tributary to East Fork Strawberry Creek, tributary to the White River. C. Date of Appropriation: August 29, 1975. D. How Appropriation Was Initiated: Construction of pond. E. Date Water Applied to Beneficial Use: August 29, 1975. F. Amount Claimed: 0.75 AF, and refills, absolute. G. Uses: livestock, wildlife. H. Surface Area: approximately 0.15 acres. I. Dam Dimensions: approximately 160 feet long; less than 10 feet tall. **7. Watson Pond No. 2.** A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 240745.9 Easting, 4458587.3 Northing (Source of UTM: CDSS Location Converter desktop GIS). The CDSS Location Converter maps this point in the SE¼ SE¼ of Section 9 in Moffat County. *See* Application Exhibit A*.* B. Source: Unnamed drainage, tributary to East Fork Strawberry Creek, tributary to the White River. This pond may intercept groundwater tributary to East Fork Strawberry Creek. If the Division Engineer determines that the pond intercepts groundwater, Applicant intends to obtain an exempt well permit. C. Date of Appropriation: September 12, 1964. To the extent the Court finds that groundwater was diverted, the priority date will be determined pursuant to C.R.S. § 37-92-602(4). D. How Appropriation Was Initiated: Construction of pond. E. Date Water Applied to Beneficial Use: September 12, 1964. F. Amount Claimed: .65 AF, and refills, absolute. G. Uses: livestock, wildlife. H. Surface Area: approximately 0.13 acres. I. Dam Dimensions: approximately 120 feet long; less than 10 feet tall. **8. Windmill Pond.** A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 240544.9 Easting, 4458437.8 Northing (Source of UTM: CDSS Location Converter desktop GIS). The CDSS Location Converter maps this point in the NE¼ NE¼ of Section 16 in Moffat County. *See* Application Exhibit A*.* B. Source: East Fork Strawberry Creek, tributary to the White River.C. Date of Appropriation: September 16, 1954.D. How Appropriation Was Initiated: Construction of pond.E. Date Water Applied to Beneficial Use: September 16, 1954.F. Amount Claimed: 3.25 AF, and refills, absolute. G. Uses: livestock, wildlife.H. Surface Area: approximately 0.65 acres. I. Dam Dimensions: approximately 280 feet long; less than 10 feet tall. **9. Watson Pond No. 3**. A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 241329.7 Easting, 4457814.5 Northing (Source of UTM: CDSS Location Converter desktop GIS). The CDSS Location Converter maps this point in the SE¼ NW¼ of Section 15 in Moffat County. *See* Application Exhibit A*.* B. Source: Spring & East Fork Strawberry Creek, tributary to the White River. C. Date of Appropriation: September 16, 1954. D. How Appropriation Was Initiated: Construction of pond. E. Date Water Applied to Beneficial Use: September 16, 1954. F. Amount Claimed: 0.8 AF, and refills, absolute. G. Uses: livestock, wildlife. H. Surface Area: approximately 0.2 acres. I. Dam Dimensions: approximately 160 feet long; less than 10 feet tall. **10. Watson Pond No. 4.** A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 239990.2 Easting, 4456863.0 Northing (Source of UTM: CDSS Location Converter desktop GIS). The CDSS Location Converter maps this point in the NW¼ NE¼ of Section 21 in Rio Blanco County. The pond is near or on the line between Rio Blanco and Moffat counties. *See* Application Exhibit A*.* B. Source: Unnamed tributary to Strawberry Creek, tributary to the White River. C. Date of Appropriation: June 16, 1981. D. How Appropriation Was Initiated: Construction of pond. E. Date Water Applied to Beneficial Use: June 16, 1981. F. Amount Claimed: 0.25 AF, and refills, absolute. G. Uses: livestock, wildlife. H. Surface Area: approximately 0.08 acres. I. Dam Dimensions: approximately 90 feet long; less than 10 feet tall. **11. Corral Pond.** A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 239632.8 Easting, 4457008.9 Northing (Source of UTM: CDSS Location Converter desktop GIS). The CDSS Location Converter maps this point in the SE¼ SW¼ of Section 16 in Moffat County. *See* Application **Exhibit A***.* B.Source: Unnamed tributary to Strawberry Creek, tributary to the White River.C.Date of Appropriation: September 12, 1964. D. How Appropriation Was Initiated: Construction of pond. E.Date Water Applied to Beneficial Use: September 12, 1964. F. Amount Claimed: .40 AF, and refills, absolute. G. Uses: livestock, wildlife. H. Surface Area: approximately 0.08 acres. I. Dam Dimensions: approximately 125 feet long; less than 10 feet tall. **12. Watson Pond No. 5.** A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 238767.1 Easting, 4458515.7 Northing (Source of UTM: CDSS Location Converter desktop GIS). The CDSS Location Converter maps this point in the SE ¼ SE ¼ of Section 8 in Moffat County. *See* Application Exhibit A*.* B. Source: Unnamed tributary to Deep Channel Creek, tributary to the White River. C. Date of Appropriation: September 12, 1964. D. How Appropriation Was Initiated: Construction of pond. E. Date Water Applied to Beneficial Use: September 12, 1964. F. Amount Claimed: .25 AF, and refills, ABSOLUTE. G. Uses: livestock, wildlife. H. Surface Area: approximately 0.08 acres. I. Dam Dimensions: approximately 125 feet long; less than 10 feet tall. **13. Watson Pond No. 6.** A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 238767.1 Easting, 4458517.7 Northing (Source of UTM: CDSS Location Converter desktop GIS). The CDSS Location Converter maps this point in the SW¼ SE¼ of Section 8 in Moffat County. *See* Application Exhibit A*.* B. Source: Unnamed tributary to Deep Channel Creek, tributary to the White River. C. Date of Appropriation: September 12, 1964. D. How Appropriation Was Initiated: Construction of pond. E. Date Water Applied to Beneficial Use: September 12, 1964. G. Amount Claimed: 0.1 AF, and refills, absolute. H. Uses: livestock, wildlife. I. Surface Area: approximately 0.03 acres. J. Dam Dimensions: approximately 60 feet long; less than 10 feet tall. **14. Watson Pond No. 7.** A. Legal Description of Point of Diversion: UTM coordinates in Zone 13: 240166.4 Easting, 4456703.5 Northing (Source of UTM: CDSS Location Converter desktop GIS). The CDSS Location Converter maps this point in the NW¼ NE¼ of Section 21 in Rio Blanco County. *See* Application Exhibit A. B. Source: Unnamed tributary to Strawberry Creek, tributary to the White River. C. Date of Appropriation: September 17, 1981. How Appropriation Was Initiated: Construction of pond. D. Date Water Applied to Beneficial Use: September 17, 1981. E. Amount Claimed: 0.42 AF, and refills, absolute. F. Uses: livestock, wildlife. G. Surface Area: approximately 0.06 acres. H. Dam Dimensions: approximately 85 feet long; less than 10 feet tall. **15. Remarks:** A. The ponds claimed in this Application were all constructed by September 17, 1981. Therefore, all ponds were constructed prior to April 30, 1984 when C.R.S. § 37-87-125, requiring notice of construction of a small impoundment to the Colorado Division of Water Resources, became effective. B.Names of Owners of the land upon which any new or existing 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, Diana K. Watson Revocable Trust. (Application is 10 pages plus 1 map exhibit).

**2024CW3033 (2017CW0010),** Tributary to Willow Creek, tributary to Little Snake River, tributary to Yampa River, and springs tributary to Willow Creek, tributary to Little Snake River, tributary to Yampa River, in Moffat County, Colorado, **Application To Make Absolute In Whole or In Part** 1. ***Applicants***: Russell E. Cartwright and Lori L. Cartwright [“Cartwrights”], 595 Breeze Street, #500, Craig, CO 81625, 970.424.4374 or 970.414.1188. All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, PLLC, P.O. Box 773474, Steamboat Springs, CO 80477, Claire@ColoradoWaterMatters.com, 970.875.3370. 2. ***Names and Types of Structures***: Dane’s Spring (spring), Tara’s Spring (spring), Cartwright Pond (storage structure). 3. ***Description of Conditional Rights:*** *a.*  ***Original Decree***: December 11, 2019; Case No. 2017CW0010; District Court, Water Division No. 6, Colorado. *b.* ***Subsequent Diligence Decree***: Not applicable; this is Cartwrights’ first Application filed after entry of the Decree in Case No. 2017CW0010. *c.* ***Legal Descriptions of Water Rights as Decreed (Zone 13 UTM Coordinates and PLSS)***: Dane’s Spring 293912 mE 4525575 mN; Tara’s Spring 293918 mE 4525633 mN; Cartwright Pond 293912 mE 4525672mN. All structures are located in the NW1/4 NW1/4 Section 1, Township 10 North, Range 90 West, of the 6th Prime Meridian, in Moffat County, Colorado, and are depicted on the filed Exhibit 1. *d.* ***Sources of Water***: Dane’s Spring and Tara’s Spring – springs tributary to Willow Creek, tributary to Little Snake River, tributary to Yampa River. Cartwright Pond – tributary to Willow Creek, tributary to Little Snake River, tributary to Yampa River. In addition to surface flow being stored in Cartwright Pond, Cartwright Pond will be sourced from Dane’s Spring and Tara’s Spring through pipelines. *e.* ***Appropriation Date and Amounts***: May 29, 2015 (all structures); Dane’s Spring (0.15 cfs, conditional), Tara’s Spring (0.033 cfs, conditional); Cartwright Pond (1.5 acre-feet, conditional). f. ***Uses***: Dane’s Spring and Tara’s Spring – domestic, irrigation, and provide freshening flows to Cartwright Pond; Cartwright Pond – irrigation, livestock, wildlife watering, recreation, aesthetics, and evaporation. Total acreage of irrigation not to exceed 4 acres within the area depicted on Exhibit 2. g. ***Depth (if well)*** N/A. 4. ***Detailed Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:*** Cartwrights conducted testing to demonstrate Cartwright Pond did not intercept groundwater; Division Engineer Light confirmed their findings on Oct. 21, 2021. Cartwrights notified Division Engineer Light on June 23, 2023, that they were commencing the process to complete the springs and pond project. Cartwrights performed the work, which was done from August through September 2023 and included the following: a. Dane’s Spring and Tara’s Spring: a spring box (holding tank) with two outlet pipes was buried below Dane’s Spring and Tara’s Spring to capture spring flows. The lower outlet pipe is equipped with three spigots between the spring box and residence for irrigation use, and supplies spring flows to a cistern at the residence for domestic use. The upper outlet pipe directs spring flows to Cartwright Pond. Exhibit 3 includes schematics for the system and photographs of the spigots. b. Cartwright Pond: The pond was surveyed by Epp & Associates in September 2024. Total capacity is 0.49 acre-feet (Exhibit 4 – Pond Survey). Cartwright Pond is used for irrigation, livestock, wildlife watering, recreation, and aesthetics. c. Expenditures: Cartwrights estimate the cost to develop the spring system and pond (materials, supplies, and their labor) was $30,000. The pond survey cost $1,600. Attorney fees and costs incurred to date exceed $750. 5. ***If Claim to Make Absolute In Whole or In Part:*** *a.* ***Date Water Applied to Beneficial Use:*** September 24, 2023 (completion of spring collection and distribution system). ***Amount:*** Dane’s Spring and Tara’s Spring – 0.03 cfs (quantity determined by bucket and stopwatch tests (Exhibit 5)); Cartwright Pond – 0.49 acre-feet (verified by survey (Exhibit 4)). ***Uses:*** Dane’s Spring and Tara’s Spring - domestic, irrigation, and to supply freshening flows to Cartwright Pond; Cartwright Pond – all uses previously decreed (irrigation, livestock, wildlife watering, recreation, aesthetics, evaporation), pursuant to Colorado Revised Statute Section 37-92-301(4)(e). b. ***Supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed***. Exhibit 6 and Exhibit 7 document that the water was legally available at the time it was appropriated and placed to beneficial use. Exhibit 4 and Exhibit 5 document the claimed amounts for Cartwright Pond and the springs, respectively.  *c.* ***Description of Location Where Water is Applied to Beneficial Use***. The structures and places of use are depicted on the filed Exhibit 1 and Exhibit 2. 6. ***Name(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***: Cartwrights own the land where the structures are located and upon which the water rights have been and will be used. 7. ***Remarks or any pertinent information***: Cartwrights respectfully request the Water Court enter a decree confirming that the conditional rights have been made absolute in the claimed amounts and for the claimed uses. Cartwrights will relinquish the conditional water rights not made absolute, which shall be cancelled by the Water Court.

**2024CW3029** Garfield County. **Application for Findings of Reasonable Diligence**.Applicant: Upper Yampa Water Conservancy District c/o Andy Rossi, Dist. Manager, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546. Upper Yampa Water Conservancy District (the “Dist.”) seeks a finding of reasonable diligence in the development of its interests in the Coal Creek Diversion Pipeline conditional water right (herein referred to as the “SWR”). Claim for Findings of Reasonable Diligence. Name of Structure: Coal Creek Diversion Pipeline. Original Decree: 03CW58 on 7/12/2004, Dist. Ct., Water Div. 6. Subsequent Diligence Decrees: 10CW40 on 7/21/2011 and 17CW3026 on 10/24/2018, Dist. Ct., Water Div. 6. Legal: NW1/4 NE1/4, Sec. 16, T. 1 N., R. 86 W., 6th P.M., 400 ft. from the N. Sec. line and 2,200 ft. from the E. Sec. line. See map as Ex. A on file with the Water Ct. Source: Coal Creek, tributary to Bear River, tributary to Yampa River. Approp. Date: 8/6/2003. Amt.: 100 c.f.s., conditional. Uses: muni., industrial, dom., irr., stock watering, power production, rec., fishery, res. evap., aesthetic purpose and for use by exchange for appropriative rights of exchange and sub., and for aug. and exchange for replacement purposes, including diversion from Coal Creek and storage in Yamcolo Reservoir, including later releases from storage for such uses. T&C’s: The SWR shall be operated and administered in priority with respect to all existing senior water rights, and water may be diverted from Coal Creek and/or stored in Yamcolo Reservoir only when in priority with respect to existing senior water rights including the in-stream flow water rights decreed to and enforceable by the CWCB for protection of flows of 5 c.f.s. on the Coal Creek beginning at the confluence of E. and W. Coal Creeks and ending at the confluence with the Bear River in Case No. 1320-77, and 12 c.f.s. on the Bear River beginning at Yamcolo Reservoir and ending at the confluence with Phillips (Chimney) Creek in Case No. 1315-77. Water which is stored in Yamcolo Reservoir shall be accounted for separately under this Decree and shall not be claimed under or deemed to satisfy any of the other storage rights decreed to Yamcolo Reservoir, except to the extent such existing decrees identify Coal Creek as one of the sources of water. Unless otherwise decreed in any other water right authorizing storage in Yamcolo Reservoir, no water stored under this water right shall entitle the Applicant to claim credit for irrigation return flows as provided in 95CW79, Water shall be conveyed from Coal Creek to Yamcolo Reservoir by means of a pipeline. The diversion structure on Coal Creek shall be designed, constructed, and maintained so that it can be operated to allow passage of the entire flow of Coal Creek without diversion of water when the water right is out-of-priority. The State or DE may require the Applicant to install and maintain appropriate measuring devices of flow gauges to administer the water right in accordance with the terms and conditions and prior decrees. Integrated System: The conditional SWR decreed herein is an individual component of Dist.’s integrated water supply system. Consequently, in subsequent diligence proceedings, work on any one feature of the Dist.’s supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the Dist.’s water supply system. C.R.S. § 37-92-301(4)(b). A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. (5 pages of original application, Exh A)

**2023CW3018** Rio Blanco County. **Second Amendment to** **Application for Conditional Surface Water Rights**. Applicant, L Bar Slash Ranch, LLLP, c/o Kelly Sheridan, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant filed a First Amended Application on 8/28/2023, amending the Application filed 6/29/2023. Applicant seeks a second amendment to the Application to correct the legal description for Card Place Diversion No. 2 and Card Place Diversion No. 6. Structure: Card Place Diversion No. 2. Corrected Location of Point of Diversion: SW1/4 NW1/4 Sec. 27, T. 1 N., R. 93 W. 6th P.M. UTM: 259564 Easting, 4434847 Northing. Structure: Card Place Diversion No. 6. Corrected Location of Point of Diversion: NW1/4 NW1/4 Sec. 27, T. 1 N., R. 93 W. 6th P.M. UTM: 261011.5 Easting and 4434946.8 Northing.

**2024CW3030** (C/R 1998CW315, Water Division 5; 2017CW3037, Water Division 6) IN RIO BLANCO COUNTY. 1. Name, Mailing Address, and Telephone Number of Applicant: Mountain Water LLC, 3200 County Road 31, Rifle, Colorado 81650, (970) 878-3674 c/o John D. Buchanan, No. 45191, Hayes Poznanovic Korver, LLC, 700 17th street, Suite 1800, Denver, CO 80202 (303) 825-1980, john@hpkwaterlaw.com. **CONDITIONAL WATER RIGHTS** 2. **Name of Structure**: Raven Pump and Pipeline a. Original decree: Case No. 1998CW315, Water Division 5, entered November 26, 2011 (“98CW315 Decree”). b. Subsequent decree: A diligence decree was entered by the District Court, Water Division 6, in Case No. 17CW3037 on October 7, 2018 (“17CW3037 Decree”). c. Legal Description of Point of Diversion: Raven Pump and Pipeline is located in the SW1/4 of the NW1/4 of Section 21, Township 1 South, Range 98 West of the 6th P.M. at a point 830 feet from the West Section line and 2135 feet from the North Section line. d. Legal Description of Alternate Points of Diversion: i. Eagle Pump and Pipeline: The Eagle Pump and Pipeline is located in the NW1/4 of the NE1/4 of Section 29, Township 1 South, Range 98 West of the 6th P.M. at a point 1640 feet from the East Section line and 1345 feet from the North Section line. ii. 84 Ranch Pump and Pipeline: 84 Ranch Pump and Pipeline is located in the NE1/4 of the SW1/4 of Section 29, Township 1 South, Range 98 West of the 6th P.M. at a point 2147 feet from the West Section line and 2092 feet from the South Section line. e. Source: Yellow Creek, tributary to the White River. f. Amount: 1.0 cfs, conditional. g. Appropriation date: November 14, 1996. h. Uses: Industrial, domestic and to fill those reservoirs listed in paragraph 3 below for augmentation of current and future depletions to Yellow Creek associated with mining operations on the Sodium Leases. As noted above, augmentation use can only occur upon approval of a future plan for augmentation or approval of a substitute water supply plan or interruptible water supply agreement under C.R.S. §§ 37-92-308 and -309 or successor statutes that utilizes the subject water rights, or pursuant to paragraphs 56.c-d of the decree entered in Case No. 88CW420 on August 13, 1991, by the District Court in and for Water Division 5 (“88CW420 Decree”).

3. **Name of Structure**: Grouse Reservoir. a. Original decree: 98CW315 Decree. b. Subsequent decree: 17CW3037 Decree. c. Legal Description: The left dam abutment for Grouse Reservoir is located in the SW 1/4 of the NW 1/4 of Section 21, Township 1 South, Range 98 West of the 6th P.M., at a point 510 feet from the West Section line and 2010 feet from the North Section line. d. Legal Description of Alternate Points of Storage: i. Bobcat Pond: The East corner of Bobcat Pond is located in the SW 1/4 of the SW 1/4 of Section 20, Township 1 South, Range 98 West of the 6th P.M.at a point 500 feet from the West Section line and 360 feet from the South Section line. ii. Lynx Pond: The East corner of Lynx Pond is located in the SW 1/4 of the SW 1/4 of Section 20, Township 1 South, Range 98 West of the 6th P.M, at a point 810 feet from the West Section line and 775 feet from the South Section line. iii. Lion Pond: The East corner of Lion Pond is located in the SW 1/4 of the SW 1/4 of Section 20, Township 1 South, Range 98 West of the 6th P.M.at a point 1090 feet from the West Section line and 1190 feet from the South Section line. iv. Bobwhite Reservoir: The left dam abutment for Bobwhite reservoir is located in the NW 1/4 of the SE 1/4 of Section 20, Township 1 South, Range 98 West of the 6th P.M. at a point 1530 feet from the East Section line and 2300 feet from the South Section line. v. Magpie Reservoir: The left dam abutment for Magpie Reservoir is located in the SW 1/4 of the NW 1/4 of Section 29, Township 1 South, Range 98 West of the 6th P.M. at a point 780 feet from the West Section line and 2470 feet from the North Section line. vi. Lark Bunting Reservoir: The left dam abutment for Lark Bunting Reservoir is located in the NE 1/4 of the NE 1/4 of Section 19, Township 1 South, Range 98 West of the 6th P.M. at a point 760 feet from the East Section line and 600 feet from the North Section line. vii. Robin Reservoir: The left dam abutment for Robin Reservoir is located in the SE 1/4 of the NW 1/4 of Section 30, Township 1 South, Range 98 West of the 6th P.M. at a point 1900 feet from the West Section line and 2390 feet from the North Section line. e. Source: 1.0 c.f.s. from Yellow Creek, tributary to the White River. Grouse Reservoir and/or the alternate points of storage will be filled via the Raven Pump and Pipeline and/or the 84 Ranch Pump and Pipeline and/or the Eagle Pump and Pipeline. f. Appropriation date: November 14, 1996. g. Amount: 125 acre-feet, conditional. h. Uses: Industrial, domestic, and augmentation of current and future depletions to Yellow Creek associated with mining operations on the Sodium Leases. Augmentation use can only occur upon approval of a future plan for augmentation that utilizes the subject water rights, approval of a substitute water supply plan or interruptible water supply agreement under C.R.S. §§ 37-92-308 and -309 or successor statutes, or pursuant to paragraphs 56.c-d of the 88CW420 Decree. 4. **Detailed Outline of Work Performed to Complete Application of Water to Beneficial Use**. Applicant is the successor in interest with respect to the water rights described in paragraphs 2-3 (“Subject Water Rights”) and subsidiary of Natural Soda LLC (“Natural Soda”). Natural Soda operates a sodium bicarbonate mining operation in Rio Blanco County, Colorado. The Subject Water Rights are part of an integrated water supply system that is used to supply water to the sodium bicarbonate mining operation and other operations. The sodium bicarbonate mining is conducted through use of solution mining technologies. Sodium bicarbonate is used for human food, animal food, pharmaceutical, air pollution control, cleaning and many other uses. The Application contains a detailed outline of the activities taken during the diligence period (April 2017 to present) to develop the conditional water rights, and is available for inspection at the office of the Division 6 Water Clerk or via Colorado Courts E-filing. 5. **Name(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 is or Will be Constructed or Upon Which Water is or Will be Stored, Including Any Modification to the Existing Storage Pool.** Applicant; Bureau of Land Management, White River Field Office, 220 E. Market St., Meeker, Colorado 81641; Mahogany Energy Resources, LLC , 420 5th Avenue 5th Floor, New York, NY 10018. **WHEREFORE**, Mountain Water requests that the Court enter a decree finding and determining that Mountain Water’s actions and expenditures constitute a sufficient demonstration of reasonable diligence in attempting to put the conditional water rights described herein to beneficial use and continuing the said conditional water rights for an additional diligence period.

**2024CW3032** (16CW3034, 08CW140), White River and its tributaries. Rio Blanco County, Colorado. Application for Finding of Reasonable Diligence & to Make Absolute. Applicant: Rio Blanco Water Conservancy District, c/o Alden Vanden Brink, Manager, 2252 E. Main Street, Rangely, CO 81648; c/o Edward B. Olszewski, Esq., Olszewski & Massih, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Names of Structures: Rangely Power Conduit, Taylor Draw Reservoir 2nd filling, Taylor Draw Power Conduit, Taylor Draw Reservoir. **CLAIM FOR FINDING OF REASONABLE DILIGENCE** Describe conditional water rights from previous decrees:

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| **Name of Structure** | **Original Decree** | **Case No.** | **Court** | **Location** |
| Rangely Power Conduit | 11/21/1966 | CA1269 | Rio Blanco | NE Cor., Sec. 22, T.2N., R. 101 W. Bears N. 62 degrees 44’E. 513 feet. |
| Taylor Draw Reservoir 2nd filling | 05/28/1982 | 82CW022 | Water Div. 5 | Whence the witness Cor. to SE Cor. Sec. 27, T. 2 N., R. 101W., bears S. 63 degrees 37’E. a distance of 1,065 feet. Said Witness Cor. is located 353.1 feet S. of SE Cor. Sec. 27. |
| Taylor Draw Power Conduit | 07/05/1985 | 82CW383 | Water Div.5 | Whence the Witness Cor. For the SE Cor. Sec. 27, T. 2 N., R. 101 W. Bears S. 58 degrees 20’17” E. 1,470.31 feet. |
| Taylor Draw Reservoir | 06/24/1982 | 81CW144 | Water Div. 5 | Whence the Witness Cor. to SE Cor. Sec. 27, T. 2 N., R. 101W. bears S. 63 degrees 37’ E. a distance of 1065 feet. |

Subsequent decrees awarding findings of diligence: Case No. 02CW7, decreed on December 2, 2002; Case No. 08CW140, decreed on October 11, 2010; and Case No. 16CW3034, decreed on October 8, 2018. Sources, Appropriation Dates, Decree Amounts and Uses:

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| **Name of Structure** | **Source** | **Appropriation Date** | **Decree Amounts** | **Decreed Uses** |
| Rangely Power Conduit | White River | 07/03/1962 | 620 cfs | Manufacturing, irrigation, domestic, municipal, stockwatering, piscatorial, hydro-power generation, and other uses. |
| Taylor Draw Reservoir 2nd filling | White River | 11/20/1980 | 13,800 acre feet | Manufacturing, irrigation, domestic, municipal, stockwatering, piscatorial, hydro-power generation. |
| Taylor Draw Power Conduit | White River | 10/22/1982 | 900 cfs | Hydro-power generation |
| Taylor Draw Reservoir | White River | 07/03/1962 | 13,800 a.f. trans. Rangely Reservoir | Manufacturing, irrigation, domestic, municipal, stockwatering, piscatorial, hydro-power generation and other. |

Remarks: A portion of the above water rights were made absolute in Case No. 95CW059. These specific rights are as follows: Rangely Power Conduit in the amount of 620 cfs with an appropriation date of July 3, 1962, for power production in the 2-megawatt Taylor Draw Hydroelectric Generating Facility; Taylor Draw Power Conduit in the amount of 125 cfs with an appropriation date of October 22, 1982, for hydropower generation in said facility; Taylor Draw Reservoir in the amount of 13,800 acre feet, with an appropriation date of July 3, 1962, for power generation in said facility; and Taylor Draw Reservoir, Second Filling, for 3,550 acre feet for hydroelectric power generation. The Application contains an outline of what has been done for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures during the previous diligence period. Based upon the findings and conclusions of Applicant’s Water Supply Plan, Applicant intends to cancel the following uses associated with the subject water rights: Rangely Power Conduit (1962 right): cancel “municipal, irrigation, domestic, stock watering, manufacturing and other uses”. Taylor Draw Reservoir (first fill): cancel “domestic, manufacturing, and stock watering uses” in the amount of 6,180 acre feet. Taylor Draw Reservoir, Second Filling: cancel “domestic, manufacturing, and stockwatering uses” in the amount of 13,800 acre feet. The following water rights and uses are sought to be continued as conditional water rights: Rangely Power Conduit in the amount of 620 cfs with an appropriation date of July 3, 1962, for the conditional uses of piscatorial. Taylor Draw Power Conduit in the amount of 775 cfs with an appropriation date of October 22, 1982, for the conditional use of hydropower generation; Taylor Draw Reservoir in the amount of 6,180 acre feet, with an appropriation date of July 3, 1962, for the conditional uses of irrigation, municipal, and piscatorial; and Taylor Draw Reservoir, Second Filling, for 10,250 acre feet for hydroelectric power generation and 13,800 acre feet for the conditional uses of irrigation, municipal, and piscatorial. The decreed location for the Rangely Power Conduit was changed in Case No. 82CW384. The decreed point of diversion is now at the Taylor Draw Power Point Conduit as referenced above. Applicant continues to develop its conditional water rights and requests the Court find the Applicant has been reasonably diligent in the development of its conditional water rights. Landowner notification: N/A. Applicant is the landowner. **CLAIM TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE** During the diligence period, Applicant surveyed the remaining storage in Kinney Reservoir. Pursuant to C.R.S. 37-92-301(4)(e), Applicant claims 7,240 of the conditional water right decreed to Taylor Draw Reservoir, with an appropriation date of July 3, 1962, should be made absolute for the uses of manufacturing, irrigation, domestic, municipal, stockwatering, piscatorial, and other. WHEREFORE, the Applicant prays for a decree of this Court and finding the Applicant has exercised reasonable diligence toward completion of the aforementioned water rights, making a portion of those rights absolute and granting Applicant such other relief as the Court deems appropriate. (7 pages, 1 table, 1 map)

**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 **December 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

 Judicial Clerk II