**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 2025.**

**25CW11 (18CW8) ROUTT COUNTY** Application to Make Absolute. **Names:** Deborah Martin, 330 W Brown St, Lipan TX 76462, [m1a2r3t4@aol.com](mailto:m1a2r3t4@aol.com), 941-323-7296; Zachary Henrichs, PO Box 848, Clark CO, [zachhenrichs@gmail.com](mailto:zachhenrichs@gmail.com), 720-610-4058. **Structure:** Martin Diversion. **Type:** Ditch. **Date of Original Decree:** 7/26/2019. **Case No.:** 2018CW8. **Court:** Water Division 6. **Legals:** SW1/4 of the SE1/4 S1 T9N R86W 6thPM Zone 13, Routt County, CO. **Source:** Spring Trib to Unnamed Trib to Martin Diversion Trib to Red Creek Trib [00170440] @Steam Mile 3.91 to Willow Creek Trib to Elk River Trib to Yampa River. **Appropriation Date:** 8/14/2012. **Amount:** 0.6 CFS. **Use:** Irrigation. **What has been done toward completion of the appropriation and application of water to a beneficial use:** Irrigation of 11.42 acres as described in attached exhibit. Diversion headgate was constructed and measuring device was installed. See attached exhibits for details. **If claim to make absolute, date water applied to beneficial use:** 10/19/2020. **Amount:** 0.6 CFS. **Use:** Irrigation. **Description of place of use where water is applied to beneficial use:** Irrigation of 11.42 acres as described in attached exhibit. Water was diverted in-priority and applied to beneficial use. See attached exhibits for details. **UTM**: E332692 N4514406 aka 23600 Crane Lane, Clark CO 80428. **Owner:** Deborah Martin, 330 W Brown St, Lipan TX 76462, [m1a2r3t4@aol.com](mailto:m1a2r3t4@aol.com), 941-323-7296.

**25CW3003,** (20CW3030, 13CW3026, 05CW66). DISTRICT COURT, WATER DIVISION NO. 6, STATE OF COLORADO, Routt County Justice Center, 1955 Shield Drive, Unit 200, Steamboat Springs, CO. 80487. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF ALPINE MOUNTAIN RANCH METROPOLITAN DISTRICT, IN ROUTT COUNTY, COLORADO. **AMENDED APPLICATION FOR WATER RIGHT AND AMENDMENT OF EXISTING AUGMENTATION PLAN.** 1. Name and Address of Applicant:Alpine Mountain Ranch Metropolitan District (“District”), P.O. Box 773659, Steamboat Springs, CO. 80477, (970) 875-1200, Email: [skidaly100@gmail.com](mailto:skidaly100@gmail.com). Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Structure: Steamboat Alpine Pond No. 1. 3. Description of water right: (a) Steamboat Alpine Augmentation Pond No. 1: (1) Legal description: The center point of the dam is located in the SW1/4 NW1/4 of Section 3, Township 5 North, Range 84 West, of the 6th P.M., at a point 760 feet east of the west section line and 1,630 feet south of the north section line of said Section 3. Due to the irregularity of the section, the center point of the dam may instead be deemed to be located in the NW1/4 NW1/4 of said Section 3. The GPS coordinates of the center point of the dam are Northing 4476482, Easting 347014, UTM, NAD83. (2) Name and capacity of the ditch used to fill the pond: Priest Creek Pump and Pipeline No. 1 for 1.0 cfs; and the Steamboat Alpine Well No. 1 for 0.044 cfs (20 gpm), more particularly described in paragraph 3(b) and (c) below. (3) Source: Priest Creek and groundwater from Walton Creek, both tributary to the Yampa River. (4)Date of appropriation: January 31, 2025. (5) Amount: 40.0 acre feet conditional for the augmentation use. (6) Conditional Use: Augmentation. (7) Surface area of high waterline: 5 acres. (8) Maximum height of dam: 5 feet. (9) Length of dam: 1,000 feet. (10) Total capacity of pond: 40.78 acre feet. (11) Location map: The pond is depicted on the location map attached hereto as Figure 1. (b) Steamboat Alpine Well No. 1: (1) Legal description of well: The well is located in the SW1/4 NW1/4 of Section 3, Township 5 North, Range 84 West, of the 6th P.M. at a point 335 feet east of the west section line and 2,050 feet south of the north section line of said Section 3. Due to the irregularity of the section, the well may instead be deemed to be located in the NW1/4 NW1/4 of said Section 3. The GPS coordinates of the well are Northing 4476361, Easting 346855, UTM, NAD83. An application to change the location of this well is pending in Case No. 22CW3115. (2) Source: Walton Creek alluvium, tributary to the Yampa River. (3) Depth: 20 feet. (4) Date of appropriation: December 29, 2005. (5) Amount: 0.044 cfs (20 gpm), conditional. (6) Uses: recreation, piscatorial and livestock in Steamboat Alpine Pond No. 1. The well will be used to replace evaporative losses in the Steamboat Alpine Pond No. 1 at times when the Priest Creek Pump and Pipeline is not legally or physically allowed to do so. (c) Priest Creek Pump and Pipeline: (1) Legal description: The diversion is located in the NW1/4 NW1/4 of Section 3, Township 5 North, Range 84 West, of the 6th P.M. at a point 520 feet east of the west section line and 500 feet south of the north section line of said Section 3. The GPS coordinates of the point of diversion from Priest Creek are Northing 4476434, Easting 346879, UTM, NAD83. (2) Source: Priest Creek, a tributary of Walton Creek, a tributary of the Yampa River. (3) Date of appropriation: December 29, 2005. (4) Amount: 1.0 cfs made absolute by decree of the Water Court in Case No. 13CW3026. (5) Uses: Recreation, piscatorial and livestock in Steamboat Alpine Pond No. 1. The pump and pipeline will be used to fill and refill the Steamboat Alpine Pond No. 1. 4. Proposed Water Rights: By this amended application, the District seeks to obtain a conditional water right called the Steamboat Alpine Augmentation Pond No. 1 for augmentation use, with a date of the appropriation of January 31, 2025, the date of the filing of the original application in this case. 5. Augmentation Plan Amendment. In addition, the District seeks to amend the augmentation plan decreed by the District Court in and for Water Division No. 6 in Case No. 05CW66 to add this water right as a source of augmentation. 6. Land Ownership: The District is the owner of the land on which the Steamboat Alpine Augmentation Pond No. 1 is located. WHEREFORE, the District seeks a decree that (i) grants a water right for the Steamboat Alpine Augmentation Pond No. 1 for augmentation use; (ii) makes January 31, 2025 the date of appropriation for this water right ; (iii) amends the augmentation plan decreed in Case No. 05CW66 to add this water right as a source of augmentation water; and (iv) grants such other relief as the Court may provide.

**2025CW3024** (2016CW3024) **ROUTT COUNTY.** APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. **Applicant**. Weibel Land, LLC c/o John Weibel, Managing Member, PO Box 771676, Steamboat Springs, CO 80477; 970-367-6184. Serve all pleadings on: Jeffrey J. Kahn, Alison I. Gorevski, Lyons Gaddis, PC, PO Box 978, Longmont, CO 80502; 303-776-9900; jkahn@lyonsgaddis.com; agorsevski@lyonsgaddis.com 2. **Summary of the Application**: Applicant seeks a finding that it has been diligent with respect to completing the appropriation of a conditional water storage right for the Moon Hill Storage Pond (“Pond”) and a conditional underground water right for the Moon Hill Gallery Well (“Well”), and that Applicant is entitled to a decree continuing the subject conditional water rights for another six-year diligence period. 3. **Prior Decrees:** 3.1. **Original decree:** The original decree for the subject conditional water rights was entered in Case No. 2016CW3024, District Court, Water Division 6, on July 8, 2019. A corrected decree was entered on October 8, 2019. 3.2. **Subsequent decrees:** N/A **MOON HILL STORAGE RIGHT** 4. **Name of conditional storage right**: Moon Hill Storage Pond [WDID: 5803073] 4.1. **Legal Description of Center of Reservoir**: UTM coordinates: Easting 335723m; Northing 4495290m, Zone 13, NAD 83, estimated from CDSS. The Pond is located on property with the street address of 25490 County Road 52E, Steamboat Springs, CO 80487. A map showing the location of the Pond is attached as **EXHIBIT A**. 4.2. **Source:** Localized runoff tributary to the Elk River and groundwater from the Salt Creek alluvium. 4.3. **Appropriation** **date**: July 20, 2016. 4.4. **Amount:** 5.0 acre feet, CONDITIONAL, with the right to refill up to 1.1 acre feet. 4.5. **Rate**: 25 g.p.m., when filled from the Well. 4.6. **Uses:** Irrigation of one acre (domestic irrigation), replacement, and augmentation uses. 4.7. **Reservoir Specifications:**  4.7.1. *Surface Area at High Water Line:* 0.45 acres. 4.7.2. *Vertical Height of Dam*: 5.5 feet. 4.7.3. *Length of Dam*: 90 feet. 4.7.4. *Lining*: The Pond is lined in accordance with the State Engineer’s guidelines, and the Division Engineer approved the lining of the Pond in accordance with paragraph 10.7 of the Case No. 16CW3024 decree. **MOON HILL UNDERGROUND RIGHT** 5. **Name of conditional underground right**: Moon Hill Gallery Well [WDID: 5803074] 5.1. **Name of wells and permits:** Moon Hill Gallery Well, permit number 85864-F. 5.2. **Legal description of Well:**  UTM coordinates: Easting 335634m, Northing 4495620m. Zone 13, NAD 83. The Well is located on property with the street address of 25490 County Road 52E, Steamboat Springs, CO 80487. A map showing the location of the Well is attached as **EXHIBIT A**. 5.3. **Source of water:** Groundwater tributary to the Salt Creek alluvium, tributary to Elk River. The depth of the well is 11 feet. 5.4. **Appropriation date:** July 20, 2016.5.5. **Rate and amount:** 25 g.p.m., up to 9.936 acre-feet annually, CONDITIONAL. 5.6. **Uses**:Direct use for domestic irrigation, domestic use for two residences, and all commercial uses associated with a commercial dairy, and domestic irrigation, augmentation and replacement subsequent to storage. 5.7. **Augmentation plan**: The Well is augmented pursuant to the plan for augmentation decreed in Case No. 2016CW3024. 6. **Claim of Diligence**. Applicant seeks a decree finding that it has been diligent with respect to completing the appropriations of the subject conditional water rights described in ¶¶ 4 and 5, above. In support of its claim, Applicant completed the following activities between the date of entry of the decree in Case No. 2016CW3024 through the date of filing of this application (“Diligence Period”):6.1. Applicant completed the lining of the Pond, and on August 6, 2020, the Division Engineer, Water Division 6, determined, in writing, that the Pond was adequately lined.6.2. Between 2019 (approx.) and 2021, Applicant completed a stage area capacity curve for the Pond, installed an outlet structure, and installed a staff gage. 6.3. Applicant applied for and obtained well permit 85864-F, issued August 3, 2021.6.4. Applicant installed a pump in the Well on June 1, 2022, and all required documents were filed with the State Engineer’s Office.6.5. To protect the Pond and related infrastructure, Applicant installed a fence around the pond at a cost of $1,500. 6.6. Applicant maintained and submitted accounting records in 2022 (partial year), 2023, and 2024. 6.7. Applicant does not seek to make the subject water rights absolute in this application; however, the approved accounting records available from the Colorado Division of Water Resources website demonstrate that Applicant diverted a portion of the subject conditional water rights during the Diligence Period. Applicant reserves the right to claim in a future application that the subject conditional water rights were made absolute based on exercise of those rights during the Diligence Period. 7. **Name and address of owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or storage pool is or will be constructed or upon which water is or will be stored.** Moon Hill Storage Pond, Moon Hill Gallery Well, and the land on which all structures are located are owned by Applicant.  **WHERFORE,** Applicant respectfully requests that this Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the subject conditional water rights, continuing the subject conditional water rights in full force as decreed for an additional diligence period, and for such other and further relief as this Court deems just and proper. (5 pages + map)

25CW3025 (Former Case Nos. 18CW3021, 08CW11, 01CW81) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE OF DEERWOOD SERVICE COMPANY, LLC IN ROUTT COUNTY, COLORADO. 1. Name, address and telephone number(s) of Applicant:** Deerwood Service Company, LLC, c/o Theresa Audesirk, P.O. Box 775416, Steamboat Springs, CO 80477; (970) 879-7310. All correspondence and pleadings should be sent to undersigned counsel for the Applicant: Karl D. Ohlsen and Sarah B. Wiedemann, Carlson, Hammond & Paddock, L.L.C., 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203-4539; Phone: (303) 861-9000; Fax: (303) 861-9026; kohlsen@chp-law.com, swiedemann@chp-law.com. **2. Name of Structures:** DP Well No. 3, DP Well No. 4, DP Well No. 4B, Deerwood Pond. **3. Description of Conditional Water Rights:** A. Decree: 1. Date of Original Decree: February 11, 2002, Case No. 01CW81, District Court, Water Division No. 6. 2. Subsequent Decrees: A portion of the original water rights decreed to DP Well No. 4 was made absolute and a finding of reasonable diligence for the remaining conditional water rights decreed to DP Well No. 3, DP Well No. 4, and Deerwood Pond, Third Filling, was entered on April 20, 2012, in Case No. 08CW11, District Court, Water Division No. 6. A finding of reasonable diligence for the remaining conditional water rights decreed to DP Well No. 3, DP Well No. 4, and Deerwood Pond, Third Filling, was entered on July 28, 2019, in Case No. 18CW3021, District Court, Water Division No. 6. A decree was entered on March 31, 2022, in Case No. 21CW3001, adding an alternate point of diversion at DP Well No. 4B. B. Legal Description of Location: 1. DP Well No. 3: Located in Lot 12 of Tract 145 per the Resurvey (SE 1/4 NE 1/4 – original survey) Section 20, Township 5 North, Range 85 West of the 6th P.M. Located 4,170 feet from the west line and 2,691 feet from the south line of Section 20. Also located North 47 degrees, 37 minutes, 38 seconds East, 3992.24 feet from AP 3 Tract 159. Permitted as Well Permit No. 65617-F. Previously permitted as Permits No. 051797-F and 44332-F. A map setting forth the approximate location of this structure is attached as Exhibit A. 2. DP Well No. 4: Located in Lot 18 of Tract 159 per the Resurvey (SE 1/4 SW 1/4 – original survey) Section 20, Township 5 North, Range 85 West of the 6th P.M. Located 1,374 feet from the west line and 632 feet from the south line of Section 20. Also located North 13 degrees, 32 minutes, 51 seconds East, 650.88 feet from AP 3 Tract 159. Permitted as Well Permit No. 65618-F. Previously permitted as Permits No. 051976-F and 44333-F. A map setting forth the approximate location of this structure is attached as Exhibit B. 3. DP Well No. 4B: Located approximately 50 feet south of DP Well No. 4 in the SE1/4, SW1/4 Sec. 20, Twp. 5 N, Rng. 85 W, 6th P.M; GPS Well Location: Zone 13, Easting 334223.0, Northing: 4470729. Permitted as Well Permit No. 85673-F. A map setting forth the approximate location of this structure is attached as Exhibit B. 4. Deerwood Pond, Third Filling: SE 1/4 NW 1/4 Section 20, Township 5 North, Range 85 West of the 6th P.M. at a point bearing North 37 degrees, 16 minutes, 51 seconds East, 4389.78 feet from the Southwest Corner of said Section 20, Routt County, Colorado. The dam is located 1,770 feet South of the North section line of Section 20, and 2,670 feet East of the West section line of Section 20. A map setting forth the approximate location of this structure is attached as Exhibit C. C. Source: 1. DP Well No. 3, DP Well No. 4, and DP. Well No. 4B: Groundwater tributary to the Yampa River. 2. Deerwood Pond, Third Filling: Unnamed tributary to Trout Creek and groundwater produced by DP Well Nos. 3 and 4, described herein. D. Appropriation Date: June 13, 2001. E. Amount: 1. DP Well No. 3: 50 g.p.m., conditional. 2. DP Well No. 4 and 4B: 200 g.p.m.; 3.61 g.p.m. absolute, 196.39 g.p.m. conditional (Case No. 08CW11). 3. Deerwood Pond, Third Filling: 13.6 acre feet, conditional. F. Uses: 1. DP Well No. 3, DP Well No. 4, and DP Well No. 4B: Domestic, irrigation, stockwater, and fire protection for four lots within the following property: All of Lot 14, Section 28, and Tract 157, Sections 28, 29, and 33, all in Township 5 North, Range 85 West of the 6th P.M., Routt County, Colorado, according it to resurvey approved October 19, 1916 by the U.S. Surveyor General’s Office. (“Wilkerson Property”). Each of the four lots may include a primary and a secondary dwelling unit. Irrigation within the Wilkerson Property is limited to a maximum of 4,000 square feet per lot on four lots, for a total of 16,000 square feet (0.37 acres). 2. Deerwood Pond, Third Filling: Domestic, irrigation, stockwater, and fire protection, fishery, aesthetic, recreational, exchange, and augmentation in connection with the Wilkerson Property, described in Part F.1 above. G. Depth of Wells: 1. DP Well No. 3: 460 feet. 2. DP Well No. 4: 460 feet. 3. DP Well No. 4B: 478 feet. H. Well Permits. 1. DP Well No. 3: 65617-F. 2. DP Well No. 4: 65618-F. 3. DP Well No. 4B: 85673-F. I. Deerwood Pond Dam. 1. Height of dam: less than 10 feet. 2. Length of dam: approx. 425 feet. **4. Integrated System**: The Deerwood Service Company is the owner of various water rights decreed for the benefit of three adjacent subdivisions: Deerwood Ranches; Creek Ranch; and the Wilkerson Property. DP Well No. 3, DP Well No. 4, DP Well No. 4B, and the Deerwood Pond water structures are part of an integrated system of delivery of water to the developments served by the Applicant (the “Deerwood Water System”). The Deerwood Water System includes the DP Wells No. 3, No. 4, and No. 4B, with three separate appropriations adjudicated in Cases No. 94CW93 (01CW22, 08CW70, 15CW3042, 22CW3099), 99CW13 (05CW48, 12CW3017, and 21CW3005), 01CW81 (08CW11 and 18CW3021); and the Deerwood Pond, with three separate appropriations adjudicated in Cases No. 94CW148 (02CW16, 08CW40,15CW3028, and 22CW3080), 99CW13 (05CW48, 12CW3017, and 21CW3005), and 01CW81 (08CW11 and 18CW3021); as well as the augmentation plan that is the subject of Case No. 05CW23 and the water rights incorporated therein, including those water rights decreed to Whetstone Reservoir and the Whetstone Reservoir, First Enlargement, all in Water Division No. 6. **5. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** A. During the diligence period, Applicant continued to work to develop the integrated Deerwood Water System of which DP Well No. 3, DP Well No. 4, and Deerwood Pond, Third Filling, are a part. B. The Applicant expended approximately $296,000 on repairs, maintenance, and upgrades of the various structures comprising the Deerwood Water System during the diligence period. C. DP Well No. 4 is the primary source of water for the three subdivisions served by the Deerwood Water System. During the diligence period, in 2019, the Applicant discovered that the casing for DP Well No. 4 was failing, causing silt and debris to clog and potentially damage the well pump. Thereafter, Applicant incurred and paid in excess of $65,000 on engineering and consulting fees related to repair and/or replacement of DP Well No. 4 and more than $152,000 on expenses related to drilling and installation of a replacement well for DP Well No. 4. In addition, on January 11, 2021, the Applicant filed an Application for Change of Water Rights to Add Alternate Point of Diversion Well for DP Well No. 4 in Case No. 21CW3001, District Court, Water Division No. 6, to allow Applicant to use an existing well drilled pursuant to a monitoring well permit as an alternate point of diversion for the water rights decreed to DP Well No.4 in Case Nos. 94CW93, 99CW13, and 01CW81. As a part of this effort, Applicant obtained permit no. 85673-F for DP Well 4B, which was issued on June 23, 2021. A decree was entered on March 31, 2022 in Case No. 21CW3001, adding an alternate point of diversion at DP Well No. 4B. D. During the diligence period, water withdrawn from DP Well No. 4B continued to be supplied for beneficial use within the Wilkerson Property subdivision. As of the date of this Application, 3 out of 4 residential lots in the Wilkerson Property subdivision are connected to and served by the Deerwood Water System. In addition, construction has begun on a house on the fourth residential Wilkerson Property lot. This property is expected to be connected to the Deerwood Service Company’s Water System between the filing of this application and the issuance of an Order. E. During the diligence period, water withdrawn from DP Well No. 4B continued to be supplied for beneficial use within the Creek Ranch subdivision. As of the date of this Application, 23 out of 39 residential lots in the Creek Ranch subdivision are connected to and served by the Deerwood Water System. Three of these connections were added during the diligence period. F. During the diligence period, water withdrawn from DP Well No. 4B continued to be supplied for beneficial use within the Deerwood Ranches subdivision. As of the date of this Application, 18 out of 26 residential lots in the Deerwood Ranches subdivision are connected to and served by the Deerwood Water System. G. Water from the Deerwood Pond continues to be applied to beneficial use for livestock, recreation, fishery, and aesthetic purposes within the Deerwood Ranches subdivision. H. During the diligence period, on June 30, 2022, Applicant filed an application in Case No. 22CW3080 for a finding of reasonable diligence as to the conditional water rights originally decreed to Deerwood Pond (First Filing) in Case No. 94CW148. A decree was entered on March 17, 2024 continuing the conditional remaining water rights. I. During the diligence period, Applicant filed an application in Case No. 22CW3099 for a finding of reasonable diligence as to the conditional water rights originally decreed to DP Well No. 3, DP Well No. 4, and DP Well No. 4B in Case No. 94CW93 (Deerwood Ranches). A decree was entered on March 21, 2024 continuing the conditional remaining water rights. J. During the diligence period, Applicant filed an application in Case No. 21CW3005 for a finding of reasonable diligence as to the conditional water rights originally decreed to DP Well No. 3, DP Well No. 4, and Deerwood Pond (Second Filling) in Case No. 99CW13 (Creek Ranch Subdivision), and to make that DP Well No. 4 conditional right absolute in part. A decree was entered on March 31, 2022 in Case No. 21CW3005 making the water right decreed to DP Well No. 4 (05CW48) absolute in the amount of 41 g.p.m. for 6 additional lots, and continuing as conditional the remaining water rights decreed in Case No. 99CW13 to DP Well No. 3, DP Well No. 4, and Deerwood Pond (Second Filling). **6. Name(s) and address(es) of owner(s) or reputed owner(s) 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:** A. This Application does not involve any new diversion or storage structures or any modification to existing diversion or storage structures. B. Deerwood Pond is located on land owned by Patricia A. and David C. Mihaich, whose address is 1750 Timothy Drive, Steamboat Springs, CO 80487-2325. WHEREFORE, Applicant requests that the Court enter an order making a finding of reasonable diligence in the development of the remainder of the conditional water rights that are the subject of this application, including 50 g.p.m. from DP Well No. 3, 196.39 g.p.m. from DP Well No. 4 and 4B, and 13.6 acre feet for Deerwood Pond, Third Filling.

**2025CW3023 (2018CW3048) RIO BLANCO COUNTY**. APPLICATION TO MAKE WATER RIGHT ABSOLUTE OR IN THE ALTERNATIVE FOR A FINDING OF REASONABLE DILIGENCE. 1. Name, mailing address, email and telephone number of applicant: Collins Mountain Ranch, LLC, c/o Tim Collins, 100 S. University Blvd. Unit 3, Denver, CO 80209, Email: [t.collins320@comcast.net](mailto:t.collins320@comcast.net). Direct all pleadings to Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302. 2. Name of Structure: Stack Yard Ditch. 3. Description of conditional water right, with required information from the prior decree: Original decree: Dated December 16, 2019, Case No. 18CW3048, Water Court, Water Division 6 (“Original Decree”). This is the first diligence application filed for the subject water right. 4. Legal Description: From the west side of the Stack Yard Pond embankment (WDID 4303298), the point of diversion for the Stack Yard Ditch is described in UTM coordinates (NAD 83, Zone 13) as follows: Easting 254776, Northing 4431156. This point of diversion is located in Section 6, T. 1 South, R. 93 West of the 6th P.M. in Rio Blanco County, and is shown on Exhibit A. 5. Source: Evans Gulch, tributary to the White River. 6. Information Regarding Appropriation. A. Date of Appropriation: August 18, 1988. B. How appropriation was initiated: Diversion and operation of the Stack Yard Ditch from Stack Yard Pond; use of Stack Yard Ditch for irrigation. C. Date water applied to beneficial use: August 18, 1988. 6. Amount (cfs): 1.5 cfs conditional. 7. Uses: Irrigation and stock watering. A. Number of acres historically irrigated: 57.8 acres. The extent and location of irrigation is shown on Exhibit A. Legal description of irrigated acreage. The irrigated land is located in the center of Section 6, Township 1 South, Range 93 West, on the Collins Mountain Ranch. [See Exhibit A.] B Non-irrigation uses: Livestock watering. 8. Detailed outline of what has been done toward completions or for completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures: As confirmed in the Original Decree, the Stack Yard Ditch water right is part of Applicant’s integrated water supply system that provides legal, reliable water supplies to support Applicant’s irrigation, livestock watering, and wildlife habitat on the Collins Mountain Ranch properties, some of which are subject to a conservation easement, and all of which are managed together to meet the goals of the conservation easement. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Applicant has operated the Stack Yard Ditch water right, installed, cleaned and maintained the water system infrastructure related to the ditch and other water rights in the integrated system, including ponds, stock tank and trough, and measuring devices. In addition, during this diligence period, Applicant has expended in excess of $20,000 in legal fees and costs to confirm, maintain and protect Applicant’s water rights by obtaining decrees for diligence for other water rights owned by Applicant and by participating as an opposer in water rights applications filed by others in order to protect its water rights. Applicant has also expended in excess of $23,000 in legal fees related to its negotiations with the National Resource Conservation Service (“NRCS”) and engineering fees and construction costs during this diligence period to operate, measure, protect and maintain its water rights. 9. Claim to Make Absolute. During the diligence period, Applicant diverted the Stack Yard Ditch water right in priority and placed it to beneficial use, as follows: A. Date water applied to beneficial use: On or about May 13, 2023. B. Amount: 1.5 cfs. The Stack Yard Ditch diverted at a rate of 2.97 cfs on or about May 13, 2023; however, since this water right is decreed only for 1.5 cfs, Applicant only seeks to make 1.5 cfs absolute herein. C.Use: All uses described in Paragraph 7 above (irrigation and stockwatering). D. Description of place of use: Land described in Paragraph 7 above. A picture taken on or about May 13, 2023, showing the Parshall Flume reading for the Stack Yard Ditch water right at 0.98 head (feet) which equates to a flow rate of 2.97 cfs is attached as Exhibit B. The Division Engineer’s diversion records for May, 2023, only show a diversion rate of 0.62 cfs for that day, attached as Exhibit C. However, as shown in the attached photo, the diversion rate was as high as 2.97 cfs that day. Therefore, Applicant seeks herein to make the entire 1.5 cfs absolute. Name and address of owner of land: 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 2025** 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 L PARKISON

CLERK OF COURT

ROUTT COUNTY COMBINED COURT

WATER DIVISION 6

/s/ Carmma L. Parkison

Clerk of Court