**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 **August 2025.**

**2025CW3026** (2018CW3001, 2010CW74). **ROUTT COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Applicant: Donald Lee Johnson d/b/a Strawberry Park Hot Springs.** Attorneys for Applicant: Mark D. Detsky, Atty Reg. No. 35276, Lauren N. Davis, Atty. Reg. No. 58698. Dietze and Davis, P.C.; 2060 Broadway, Suite 400, Boulder, CO 80302, Phone Number: (303) 447-1375, E-mail: mdetsky@dietzedavis.com; ldavis@dietzedavis.com. 2. Name of structure: Strawberry Hot Springs Well No. 1. 3. Description of Conditional Water Right: A. Date of Original Decree: January 24, 2012, B. Case Number: 10CW74, District Court, Water Division 6. C. Subsequent decrees awarding findings of diligence: 18CW3001, August 10, 2019. D. Legal description: Strawberry Hot Springs Well No. 1 is located in the SW ¼ of the SE ¼ of Section 18, Township 7 North, Range 84 West of the 6th P.M., at a point approximately 800 feet from the south section line and 1600 feet from the east section line of said Section 18. E. Location Information in UTM format: UTM coordinates: Easting: 343493; Northing: 4491649 NAD 83 X Zone 13. F. Source: Groundwater tributary to Hot Springs Creek, tributary to the Elk River, tributary to the Yampa River. G. Appropriation Date: December 30, 2010. H. Amount: 45 gpm (0.1 cfs); 4.5 AF/year, of which 3.0 AF/year for augmentation use; 2.62 AF/year for all other uses, CONDITIONAL. The Court previously declared 15 gpm and 1.88 AF/year as ABSOLUTE. I. Uses: (1) Commercial uses, including: drinking, sanitation, and kitchen facilities in the Strawberry Park Hot Springs Resort (the “Resort”) that includes six cabins, two covered wagons, as well as camping areas located inside the facility and use in a food service area; (2) Domestic uses: household use in one single family dwelling (the Caretaker’s Cabin); (3) irrigation of not more than one acre of lawn and garden; (4) aesthetic uses; (5) fire protection; (6) augmentation; and (7) commercial uses associated with the improvement of the Resort. J. Depth: 492 feet. G. Remarks: In the decree in Case No. 10CW74, the Applicant was awarded an absolute water right for the Strawberry Hot Springs Well No. 1, which had been constructed pursuant to Well Permit No. 042817-F, at a pumping rate of 15 gpm and an annual withdrawal amount of 1.5 AF. The conditional water right granted in Case No. 10CW74 was for an increase in the pumping rate up to a cumulative 60 gpm rate of diversion and an increase in the annual volumetric amount of withdrawal up to a total of 4.5 AF, for the uses described above within the Resort’s property. The decree in Case No. 18CW3001 found that the Applicant diverted and beneficially used an additional 0.38 AF/year for the uses listed in ¶3(I), excluding augmentation use, resulting in the total perfected diversion of 1.88 AF/year for uses other than augmentation use. This application concerns a finding of diligence for the 45 gpm additional pumping rate and the remaining annual withdrawal amounts as set forth in ¶3, above, and for all amounts of withdrawal for augmentation use. 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, during the previous diligence period: During the diligence period, the Applicant continued to operate and maintain the Strawberry Hot Springs Well No. 1 which is necessary for both its absolute and conditional water rights. In addition, the Applicant consistently worked toward the completion of the appropriation to beneficial use as conditionally decreed. In connection therewith, the Applicant has expended approximately $599,486.78 on its integrated water system, as follows: A. The Applicant has continued to pay for operation and maintenance costs of the existing well, including electric costs as well as installing new water lines among other items, estimated to be approximately $127,500. B. In diligence cases, where there are integrated water rights, work on one aspect of the water rights indicates diligence towards all of the water rights. *City & Cnty. of Denver By & Through Bd. of Water Comm’rs v. Colorado River Water Conservation Dist.*, 696 P.2d 730, 750 (Colo. 1985). The water rights decreed in Case No. 10CW74 and 18CW3001 are part of an integrated water system on the Resort utilizing those rights decreed in Case Nos. 82CW40, 91CW22, 11CW45, 16CW3039 and those pending in Case No. 23CW3017. As a result, work done on any aspect of the water rights used at the Resort indicates diligence towards all of the water rights decreed for use at the Resort. During the diligence period, the following integrated water rights portfolio expenditures were incurred: a. Regarding its integrated system of water diversion structures, Applicant installed new safety railings along the ponds, made headgate repairs, and conducted pool cleanings at a cost of approximately $283,000. b. Applicant has paid engineering expenses in the amount of $33,495 as of July 2025. c. Applicant has paid legal expenses for the protection and furtherance of its various water rights in the amount of $155,491.78 as of July 2025. C. As part of its total legal and engineering expenses during the diligence period, and in further expanding its water rights portfolio, Applicant applied in active Case No. 23CW3017 on June 15, 2023 for absolute and conditional water storage rights for the Strawberry Cold Pond, including a conditional water storage right for the entire 0.34 AF capacity of the Strawberry Cold Pond for augmentation use (the “Strawberry Cold Pond Augmentation Right”). In connection with that application, the Applicant stated its intent to develop a plan for augmentation for the Resort’s water rights, which is a condition of making the Strawberry Cold Pond Augmentation Right absolute. Therefore, the Applicant has demonstrated a non-speculative intent to develop a plan for augmentation. As a result, augmentation use for the Strawberry Hot Springs Well No. 1 remains the non-speculative intent of the Applicant. The Court should find that the Applicant has been diligent in working to develop the augmentation use associated with the subject conditional water rights. 5. Description of place of use where water is applied to beneficial use. Water from the Strawberry Hot Springs Well No. 1 is or will be beneficially used on or for the benefit of property owned by the Applicant. 6. The well has been constructed and is on land owned by the Applicant. The Application consists of six pages. A map is available in the Court file.

**2025CW12 MOFFAT COUNTY**: **Application for Absolute Water Rights (Surface).** **Applicants**: David Satterwhite and Sharla Satterwhite; 1360 N 600 E, Nephi UT 84648; 970.629.2038; sharla\_satterwhite@yahoo.com. **Structure**: Satterwhite Spring. **Legals**: SW1/4 SW1/4 S33 T7N R91W, 6th PM, Moffat County. UTM: E278064 N4488373 Z13; 420 CR 64, Craig CO 81625, Weber Minor Subdivision, Lot 1. **Source of UTMs**: GPS with an accuracy of 20ft. **Source**: Natural Spring in Pine Ridge Gulch Trib to Satterwhite Spring Trib to Yampa River. **Date of Appropriation:** Date water was first used in the hour approximately 1980. **How appropriation was initiated**: Improved the spring, installed pipe to cistern and pipe to house. **Date water was applied to beneficial use**: date water was first used in the house approximately 1980. **Amount claimed**: Absolute 10 GPM. **List all uses or Proposed uses:** One residential house and adv in shop. **Number if acres irrigated**: <0.5. **Does the applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right?** No. **Legal Description of irrigated acreage**: less than 0.5 acres of lawn and garden adjacent to the house. **Non-irrigation purpose**: Domestic household use, watering of less than 0.5 acres of lawn, domestic livestock watering. **Owners**: Applicants

**2025CW3028, MOFFAT COUNTY: APPLICATION FOR CHANGE OF WATER RIGHT, CONCERNING THE APPLICATION FOR WATER RIGHTS OF APPLICANT: HUGH STANLEY TURNER. 1. Name, Address, E-mail Address and Telephone Number of Applicant:** Hugh Stanley Turner,P.O. Box 27,Maybell, CO 81640,susanht4@hotmail.com, With Copies To:Holly Strablizky, Esq.,Melinda H. Sherman, Esq.,Bryce K. Hinchman, Esq.,Sharp, Sherman & Engle LLC,P.O. Box 774608 / 401 Lincoln Ave., Steamboat Springs, CO 80477,holly@steamboatlawfirm.com, sherman@steamboatlawfirm.com, bhinchman@steamboatlawfirm.com, (970) 879-7600. **2. Decreed Water Rights for Which Change is Sought:** A. Name of Structure: Cross Mountain Ditch (WDID 4400582), as changed to Tisdel Ditch No. 2 (WDID 4400786),i. Date of Original and All Subsequent Decrees:Original Decree:Adjudicated on September 18, 1902, Case No. W386, Routt County District Court, Subsequent Decree (Change of Water Right):Adjudicated on June 7, 1973, Case No. W-386-72, Division No. 6 Water Court,ii. Legal Description of Structure as Described in Most Recent Decree:

Changed to Tisdel Ditch No. 2, at a point on the North bank of the Yampa River which is S 19° 15’ W., 1820 feet from Corner No. 5 of Lot 2 of Section 24, T. 7 N. R. 97 W., 6th P.M., *See* Exhibit A and C. iii. Decreed Source of Water: Yampa River. iv. Appropriation Date: September 9, 1900. v. Total Amount Decreed to Structure: 2.868 c.f.s., absolute, as transferred to Tisdel Ditch No. 2, vi. Decreed Use or Uses: Irrigation. vii. Amount of Water that Applicant Intends to Change: 2.868 c.f.s., absolute. B. Name of Structure: Tisdel Ditch No. 2 (WDID 4400786). i. Date of Original and All Subsequent Decrees: Original: Adjudicated September 1, 1960, Case No. CA1278, Routt County District Court, Enlargement: Adjudicated on November 10, 1976, Case No. W-983-76, Division No. 6 Water Court, ii. Legal Description of Structure as Described in Most Recent Decree: Located at a point on N. bank of Yampa River whence Cor. No. 5 of Lot 2 Sec. 24 T. 7 N. R. 97 W. 6th P.M. bears N. 19 deg. 15’ E. 1820 feet, *See* Exhibit A and C. iii. Decreed Source of Water: Yampa River, iv. Appropriation Date: Original: February 17, 1945, Enlargement: April 1, 1976, v. Total Amount Decreed to Structure: Original: 8.75 c.f.s., absolute, Enlargement: 2.38 c.f.s., absolute, vi. Decreed Use or Uses: Irrigation. vii. Amount of Water that Applicant Intends to Change: 8.75 c.f.s., absolute, 2.38 c.f.s., absolute. **3. Detailed Description of Proposed Change:** A. Complete statement of change: i. Amount to be changed: Cross Mountain Ditch as changed to Tisdel Ditch No. 2 (Pr. 103): 2.87 c.f.s. [Footnote 1: Applicant has always referred to the total amount diverted at Tisdel Ditch No. 2 as 14 c.f.s. and this has been acceptable to the Division 6 Engineer’s Office. Applicant rounded this number up from 2.868 to 2.87 c.f.s.], Original (Pr. 56): 8.75 c.f.s., Enlargement (Jr.): 2.38 c.f.s., Total Amount Proposed to be Changed: 14.0 c.f.s. The Applicant requests a change of all of the water rights diverted at Tisdel Ditch No. 2 to be diverted at the Turner Pump (WDID 4402534). The distance between the two points of diversion is approximately 1,315 feet. The original location will no longer be used. Applicant revised the subject water rights’ point of diversion a number of years ago, understanding that this move was acceptable from the Division 6 Engineer’s Office point of view. He was unaware that he needed to change the decreed location through a court process. He now understands that he is required to change the decreed location for these water rights through this court process. There is no water right at the Turner Pump and it has historically diverted only the subject water rights’ 14.0 c.f.s. Applicant has a measuring device in place to ensure that the amount will not exceed the rate being changed. The Applicant has historically irrigated 346 acres. He intends to continue to irrigate the exact same acreage. There is no change in use or place of use. The return flows remain the same and, as a result, there is no need for an historical consumptive use analysis for the subject water rights. As evidenced above, the Applicant will continue his historical use of the subject water rights in time, place and amount as described in Case Nos. W386 (as changed), CA1278 and W-983-76, and as historically occurred. Thus, this proposed change will not injuriously affect the owner of or persons entitled to use of water under a vested water right or decreed conditional water right. ii. Decreed Location for the Tisdel Ditch No. 2: Described above in Paragraphs 2.A.ii and 2.B.ii., *See* Exhibit A. iii. Legal Description of the Proposed Diversion at Turner Pump: Moffat County, Colorado: NW1/4 of the NW1/4, Section 25, Township 7 North, Range 97 West of the 6th P.M., UTM NAD38 Zone 13 Easting: 225330.0, Northing: 4492016.0., *See* Exhibit B and C. iv. Remarks: While the Turner Pump has a diversion structure ID of WDID 4402534, it does not have a water right associated with it. If the water court grants the Applicant’s request to change the location, the Turner Pump will divert the Tisdel Ditch No. 2 water rights. The amount and location of irrigated acreage will not change. v. Proposed Terms and Conditions: The amount diverted at the Turner Pump is limited to the extent that the subject water rights are physically and legally available at the original Tisdel Ditch No. 2 diversion point. **4. Name and Addresses of Owner of Land:** Applicant. **WHEREFORE**, Applicant requests the Court approve this Application upon such terms and conditions as are deemed just and proper by the Court.

**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 **October 2023** 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/ Carmma L. Parkison

 Clerk of Court