**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 **September 2025.**

**2025CW13 ROUTT COUNTY Application for Absolute Water Rights (Surface)** **Applicants**: Deborah Martin; 330 W Brown St., Lipan TX 76462; 941.323.7296; [m1a2r3t4@aol.com](mailto:m1a2r3t4@aol.com); Zachary Henrichs; PO Box 848 Clark, CO 80428; 720.610.4058; [zachhenrichs@gmail.com](mailto:zachhenrichs@gmail.com). **Structure**: ML3 Ranch Diversion. **Legals**: SW1/4 SE1/4 S7 T9N R85W, 6th PM, Routt County. **UTM**: E334286 N4512776 Z13; 57155 CR 62, Clark, CO 80428; Stevenson Subdivision, Parcel 1. **Source of UTMs**: GPS with an accuracy of 30ft. **Source**: Unnamed Trib to ML3 Ranch Diversion Trib to Cottonwood Gulch Trib to Elk River Trib to Yampa River. **Date of Appropriation:** 7/28/2025. **How appropriation was initiated**: Meeting w/Routt County Road & Water Commissioner regarding diversion. **Amount claimed**: Conditional 0.12 CFS. **List all uses or Proposed uses:** Irrigation. **Number of acres proposed to be irrigated**: 0.68 Acres. **Does the applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right?** No. **Owners**: Routt County Road & Bridge, 136 6th Street, Ste 103, Steamboat Springs, CO 80487; Deborah Martin, 330 W Brown St, Lipan TX 76462.

**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.**

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**2025CW3027** **(2016CW3056)** **APPLICATION FOR FINDING OF REASONABLE DILIGENCE OF COLOWYO COAL COMPANY L.P. IN MOFFAT COUNTY, COLORADO.** **1.** **Applicant:** Colowyo Coal Company L.P., c/o Thomas Kennedy, 5731 State Highway 13, Meeker, CO 81641; 303-254-3161. All correspondence and pleadings should be sent to undersigned counsel for the Applicant: Roger T. Williams, Tri-State Generation and Transmission Association, Inc., 1100 W. 116th Ave., Westminster, CO 80234; 303-968-0277; roger.williams@tristategt.org. **2. Name of Structures:** Wilson Creek Diversion, Section 25 Stormwater Pond, Sidehill Stormwater Pond, and Section 26 Stormwater Pond. **3. Description of Conditional Water Right:** A. Date, Case No. and Court: Each conditional water right subject to this application was decreed August 10, 2019 in Case No. 2016CW3056, Water Court, Water Division 6, State of Colorado. B. Prior Decrees: None. C. Legal Description of Locations: (i) Wilson Creek Diversion: The point of diversion is located in the SE/4 of the NE/4 of Section 21, T4N, R93W, 6th P.M., Moffat County, at a point that is 52 feet west of the east section line and 2,070 feet south of the north section line of Section 21; (ii) Section 25 Stormwater Pond: Easting 254431.8m, Northing 4463510.2m, Zone 13N, NAD 1983, NE1/4, SW1/4, Sec. 25, Twp. 4N, Rng. 94W of the 6th P.M., Moffat County; (iii) Sidehill Stormwater Pond: Easting 252801.6m, Northing 4463161.2m, Zone 13N, NAD 1983, SE1/4, SW1/4, Sec. 26, Twp. 4N, Rng. 94W of the 6th P.M., Moffat County; (iv) Section 26 Pond: Easting 253221.5m, Northing 4463536.4m, Zone 13N, NAD 1983, NW1/4, SE1/4, Sec. 26, Twp. 4N, Rng. 94W of the 6th P.M., Moffat County. D. Source of Water: (i) Wilson Creek Diversion: Surface water from Wilson Creek, tributary to Milk Creek, tributary to Yampa River; (ii) Section 25, Sidehill, and Section 26 Stormwater Ponds: Stormwater and precipitation runoff accruing to Little Collom Gulch or Collom Gulch, which are tributary to Morgan Gulch, tributary to Yampa River. E. Appropriation Date: (i) Wilson Creek Diversion: November 30, 2016. Amount: 3.0 cfs. (ii) Section 25, Sidehill, and Section 26 Stormwater Ponds: January 19, 2016. Amount: Collectively up to 20.8 acre-feet of stormwater and precipitation run-off, with the right to repeatedly fill and refill each pond as required under Colowyo’s sediment control plan. F. Use: (i) Wilson Creek Diversion: Water may be used for, or stored in interim or terminal storage facilities (that may be located near the point of diversion, near a place of use, or in the Collom Pit area) for later application to, the following fully consumptive, beneficial uses: Industrial and any other use related to mine development and operation, dust control, fire suppression, revegetation and reclamation, commercial and domestic uses (including but not limited to potable commercial and domestic water supply), augmentation and replacement uses, including storage prior to application for any of these uses. (ii) Section 25, Sidehill, and Section 26 Stormwater Ponds: Use in a sediment control plan required by the Colorado Division of Reclamation and Mining Safety (“DRMS”) for the Collom Pit and ancillary structures necessary to support and conduct mining activities. These ponds are constructed under that plan to collect and detain stormwater and precipitation runoff from areas associated with operations at the Collom Pit. They may retain that water for more than seventy-two hours after the end of a precipitation event in order to meet applicable water quality discharge requirements. **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:** A. Wilson Creek Diversion: A pump and piping for diversion and transport of water from Wilson Creek has been installed and operated. Colowyo modified nearby terrain to facilitate placement of the pump and water transport. Colowyo performed these tasks using its internal trained personnel and so has no specific invoices documenting the value of these tasks. B. Section 25, Sidehill, and Section 26 Stormwater Ponds: Colowyo has secured staff gages for each of the ponds during the diligence period. Also during the diligence period, for the Section 25 Pond, Colowyo has inspected the pond on a quarterly basis, repaired the primary discharge from the pond, and adjusted the discharge flume from the pond. For the Sidehill Pond, Colowyo inspected the pond on a quarterly basis. For the Section 26 Pond, Colowyo inspected the pond on a quarterly basis, dredged the pond in 2020, and has adjusted the discharge flume. Colowyo performed these tasks using its internal trained personnel, and so has no specific invoices documenting the value. C. Integrated System: The Water Court ruled at paragraph 7 of the decree in Case No. 2016CW3056 that the water rights decreed in that case, including the water rights for which diligence is sought herein, are part of Colowyo’s integrated water supply system. As a matter of law, work on one portion or feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. C.R.S. § 37-92-301(4)(b); see also Vail Valley Consol. Water District v. City of Aurora, 731 P.2d 665, 670 (Colo. 1987). Legal expenses incurred by Colowyo for its integrated water supply system total approximately $82,235 for prosecution of the applications for the D D & E Alternate Points of Diversion application in Case No. 18CW3051, the Milk Creek Exchange in Case No. 18CW3057, and the change of Milk Creek Ditch No. 1 and Hulett and Torrance Irrigating Ditch in 18CW3058, the statement of opposition and stipulation in the Measurement Rules litigation in 2022CW3012; issues concerning the Collom Mine expansion; and other legal expenses addressing Colowyo’s integrated water supply system. Engineering expenses incurred by Colowyo for its integrated water supply system total approximately $11,019.50 including payments to outside consultants for development and operation of, and accounting for, the Collom augmentation plan decreed in 16CW3056. Additional third party engineering expenses paid by Colowyo totaled approximately $15,944.25 for the D D & E Alternate Points of Diversion application in Case No. 18CW3051, the Milk Creek Exchange in Case No. 18CW3057, the change of Milk Creek Ditch No. 1 and Hulett and Torrance Irrigating Ditch in 18CW3058, and the statement of opposition and stipulation in the Measurement Rules litigation in 2022CW3012. **5. Can and Will:** Colowyo can and will complete the water rights subject to this Application within a reasonable time. Unappropriated water is available. Colowyo, as the appropriator of record, has a legally vested interest in the lands and facilities to be served by the Subject water rights. Colowyo has a specific plan and intent to divert, store, or otherwise capture, possess, and control the requested quantity of water for the described beneficial uses, including reclamation of the Mine. Each water right herein has been diverted and applied to beneficial use, demonstrating the specific plan and intent to divert, and that the water rights are physically, financially, and economically feasible. Permits have been issued by DRMS” and/or Colorado Department of Public Health and Environment for the stormwater ponds, proving the existence of a regulatory pathway to complete the subject Water Rights. **6. Claim to make absolute in whole or in part:** A. Date water applied to beneficial use; amount; use: (i) Wilson Creek Diversion: April 23, 2018; 350 gallons per minute; Industrial, including dust control. (ii) Section 25 Stormwater Pond: May 2023; 10.24 a.f.; Detention of precipitation and stormwater runoff. (iii) Sidehill Stormwater Pond: April 28, 2025; 3.50 a.f.; Detention of precipitation and stormwater runoff. (iv) Section 26 Stormwater Pond: June 14, 2022; 2.00 a.f.; Detention of precipitation and stormwater runoff. B. Supporting evident that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed: (i) Wilson Creek Diversion: see Attachments 1 and 2. (ii) Section 25 Stormwater Pond: see Attachment 3. (iii) Sidehill and Section 26 Stormwater Ponds: see Attachment 4. C. Description of place of use where water is applied to beneficial use: (i) Wilson Creek Diversion: water is used within the SMCRA Permit Boundary, including the Collom Pit and unpaved roadways, each as pictured in Figure 1 of the Decree in Case No 2016CW3056. (ii) Section 25, Sidehill, and Section 26 Stormwater Ponds: water is used in place as described in the Decree in 2016CW3056, and as pictured in Figure 1 attached thereto. **7. Names and address of owner 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:** Colowyo Coal Company L.P., 5731 State Highway 13, Meeker, CO 81641. **8. Remarks or any other pertinent information:** A. Collom Mine Dewatering System: The Decree in 16CW3056 decreed ten (10) wells for the Collom Mine Dewatering System (“System”). Colowyo is not applying for diligence for, or to make absolute, any of the System water rights. B. Collom Supply Well: The Decree in 16CW3056 decreed a Collom Supply Well. Colowyo is not applying for diligence for, or to make absolute, any portion of the Collom Supply Well. *“Attachments” filed with Application.*

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CARMMA L PARKISON

CLERK OF COURT

ROUTT COUNTY COMBINED COURT

WATER DIVISION 6

/s/ Carmma L. Parkison

Clerk of Court