# **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; Zachary Henrichs; PO Box 848 Clark, CO 80428; 720.610.4058; 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.*

**Case No. 2024CW3049**. **AMENDED APPLICATION TO CONFIRM DECREED ALTERNATE POINT OF DIVERSION OR IN THE ALTERNATIVE FOR A CHANGE OF WATER RIGHT, AND FOR ABSOLUTE STORAGE RIGHTS IN RIO BLANCO COUNTY.** 1. **Name and address of Applicant**: Westlands, LLC, a Delaware limited liability company (“Westlands”) c/o Geller Advisors, 909 Third Avenue, 15th Floor New York, NY 10022. Please direct all pleadings and correspondence to Westlands’ attorneys: John P. Justus, #40560 Nicoli R. Bowley, #58709, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234. Telephone: (303) 595-9441 Email: johnj@cjzwaterlaw.com; nicolib@cjzwaterlaw.com. **AMENDED APPLICATION TO CONFIRM USE OF DECREED ALTERNATE POINT OF DIVERSION OR ALTERNATIVELY FOR CHANGE OF WATER RIGHT** 2. **Nature of Claim**: a. Westlands is requesting that the Water Court confirm the use of the following structure as the alternate point of diversion for water rights decreed to the F.M. Taylor Ditch under the terms and conditions of the Findings of Fact, Conclusions of Law, Judgment and Decree entered in Case No. 94CW245 on September 11, 1997 by the Water Court in and for Water Division No. 5 (the “94CW245 Decree”), as the Golf Course Pump Station is at the same location and serves the same purpose and complies with all terms and conditions of the 94CW245 Decree as the pump on the North bank of the North Fork of the White River as described in the 94CW245 Decree as a decreed alternate point of diversion for the F.M. Taylor Ditch water rights. b. In the alternative, Westlands seeks a change in water right to obtain an alternate point and means of diversion for the below described F.M. Taylor Ditch water rights at the Golf Course Pump Station at the location described in paragraph 4 below at a maximum pumping rate of 123 gallons per minute, being 0.274 cubic feet per second of time (cfs). 3. **Name of Structure**: F.M. Taylor Ditch - Alternate Point of Diversion, also known as the Golf Course Pump Station (the “Golf Course Pump Station”) (Application Receipt 10040457). 4. **Location of Structure**: Generally described in the 94CW245 Decree as a “pump . . . at a point on the north bank of the North Fork of the White River approximately one-quarter mile upstream of the original headgate location of the F.M. Taylor Ditch,” the Golf Course Pumping Station is a shallow alluvial well structure consisting of four-foot diameter perforated concrete rings installed vertically below the ground surface to a depth of approximately 12 feet. The location of the installation is approximately 25 feet from the riverbank at this location. a. **PLSS**: Located in the SW ¼ NE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M., as illustrated in Exhibit A.1. b. **UTM**: Zone 13, Easting 278989.8, Northing 4430748.0, NAD 83, derived from GPS. 5. **Source**: North Fork of the White River, including alluvial groundwater tributary to the North Fork of the White River. 6. **Appropriations**: The following water rights originally decreed to the F.M. Taylor Ditch: a. 1.13 cfs from the North Fork of the White River for irrigation with an appropriation date of September 14, 1906, as Priority No. 298, pursuant to the decree entered by the Rio Blanco County District Court in Civil Action 478 on August 21, 1929 (the “CA478 Decree”). b. 1.0 cfs from the North Fork of the White River for irrigation with an appropriation date of September 14, 1907, as Priority No. 431, pursuant to the decree entered by the District Court in and for Rio Blanco County on May 26, 1942, in CA624. c. The appropriations described in paragraphs 6.a and 6.b were originally decreed to the F.M. Taylor Ditch, which diverted from a location on the south bank of the North Fork of the White River in the SW1/4 of the SW1/4 of the NE1/4 of Section 3, Township 1 South, Range 91 West of the 6th P.M.. The 94CW245 Decree added two alternate points of diversion as follows: i. A portable pump or pumps may be used at any point or points along the south bank of the North Fork of the White River between the original headgate location for the F.M. Taylor Ditch and the downstream point wherethe applicant’s property first crosses the North Fork of the White River in a north-south direction. The lands irrigated by this means of diversion are the historically irrigated lands and are delineated in the 94CW245 Decree and its Exhibit B as Areas 1, 2, and 3. ii. A pump located at a point on the north bank of the North Fork of the White River approximately one-quarter mile upstream of the original headgate location of the F.M. Taylor Ditch. The water pumped was to be piped to a sprinkler system of irrigation lands identified in the 94CW245 Decree and its Exhibit B as Area 4, consisting of approximately 7.5 acres. 7. **Use**: Applicant proposes to limit diversions of the F.M. Taylor Ditch water rights by way of the Golf Course Pump Station to the irrigation of up to 7.5 acres of golf course and landscaping on lands lying in the SW ¼ NE ¼ and the SE ¼ NE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M. as shown in Exhibit A.1, consistent with the 94CW245 Decree. 8. **Additional Comments and Request for Relief – Headgate Well Administration**: The Golf Course Pump Station is a structure that existed on Westlands’ acquisition of the property in 2020. It was constructed in approximately March of 2002, and consists of four-foot diameter perforated concrete rings installed vertically below the ground surface to a depth of approximately 12 feet. The location of the structure is approximately 25 feet from the riverbank. The embankment between the North Fork of the White River and the concrete rings was excavated to form an open free flowing channel, and then backfilled with sorted 1.5 inch river rock as a filtering media between the river and the pump. A pump is lowered into the concrete rings, and water is then pumped from the structure for irrigation of the golf course. The Golf Course Pump Station has a response time such that within 24 hours not less than 98.9% of the pumped volume is realized as a stream depletion to the North Fork of the White River, and allows the Golf Course Pump Station to be administered as a surface diversion, commonly known as a “headgate well,” as opposed to as a traditional alluvial well with delayed depletions continuing beyond operation or curtailment. Westlands is further requesting that the Water Court confirm this form of administration of the Golf Course Pump Station for diversion of the F.M. Taylor Ditch water rights as described in paragraphs 2 through 7 above. **APPLICATION FOR ABSOLUTE WATER STORAGE RIGHT – HENRY’S POND** 9. Name of Reservoir: Henry’s Pond. 10. **Location of Structure**: a. **PLSS**: SE ¼ SW ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M., as illustrated in Exhibit A.2. b. **Point of Diversion**: i. PLSS: SW ¼ SE ¼ SW ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M. ii. UTM: Zone 13, Easting 278438, Northing 4430014 NAD 83, derived from CDSS. 11. **Source**: Unnamed spring tributary to the North Fork of the White River. 12. **Appropriation**: a. **Date of appropriation**: Not later than December 31, 1991. b. **How appropriation was initiated**: Enlargement of natural beaver pond by excavation. c. **Date water applied to beneficial use**: April of 1992. 13. **Amount claimed**: 13.64 acre feet, absolute, along with the right to refill and successively fill, for up to a total of 29 acre feet of annual diversions. 14. **Uses claimed**: Storage, recreation, piscatorial, and fire protection purposes. 15. **Surface area of high water line**: ~2.36 acres. a. The pond is located on channel by excavation with no dam apparent or present. 16. **Total capacity of reservoir in acre-feet**: 13.64 acre feet. a. Active capacity: 13.64. b. Dead storage: 13.64. **APPLICATION FOR ABSOLUTE WATER STORAGE RIGHT – OFFICE POND** 17. **Name of Reservoir**: Office Pond. 18. **Location of Structure**: a. **PLSS**: Located in the SE ¼ NW ¼, NE ¼ SW ¼, NW ¼ SE ¼, and SW ¼ NE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M. at location illustrated in Exhibit A.1. 19. **Source**: Cherry Creek, tributary to the North Fork of the White River. 20. **If filled from a ditch**: a. **Name of structure used to fill reservoir**: Cherry Creek Ditch 1 & 2. b. **Location of Structure**: i. PLSS: NW ¼ SE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M., as illustrated in Exhibit A.1. ii. UTM: Zone 13, Easting 278914, Northing 4430650 NAD 83, derived from CDSS. 21. **Appropriation**: a. **Date of appropriation**: December 31, 1987. b. **How appropriation was initiated**: By construction, enlargement, and diversion of water to storage. c. **Date water applied to beneficial use**: December 31, 1987. 22. **Amount claimed**: a. **In acre feet**: 9.62 acre-feet absolute, along with the right to fill and successively fill, for up to a total of 30 acre feet of annual diversions. b. **If filled from a ditch, the rate of diversion in cfs**: 1.5 cfs, absolute. 23. **Uses claimed**: Supplemental irrigation of the approximately 9.3 acres of land shown in Exhibit A.1 located south of the North Fork of the White River in the SE ¼ NW ¼ and the NE¼ SW ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M., and for storage, recreation, piscatorial, and fire protection purposes. 24. **Surface area of high water line**: ~1.58 acres. a. **Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs on the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam**: 9.8 feet. b. **Length of Dam in feet**: 650’ 25. **Total capacity of reservoir in acre-feet**: 9.62. a. **Active capacity**: 9.62. b. **Dead storage**: 0.0. 26. **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**. Applicant is the owner of all 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. (7 pages, 2 exhibits)

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CARMMA L PARKISON

CLERK OF COURT

ROUTT COUNTY COMBINED COURT

 WATER DIVISION 6

 /s/ Carmma L. Parkison

 Clerk of Court