

**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 **APRIL 2021**.

2021CW4 ROUTT COUNTY Application for Simple Change in Surface Point of Diversion; Application for Change of Water Right. **Applicant:** Roger Stull and Ann Stull; 74885 RCR 129, Slater, CO 81653, 970.583-6643, rstull@stullgroup.com. **Structures:** Luchinger Ditch; Anderson Ditch 2; Anderson Ditch 2 (Alternate Point). **Date or Original Decree: Case No.:** 2504 Routt County. **Legal Description:** NE4 SE4 Sec: 16 T12N Range: 88W Principle Meridian: 6th(all structures); NE4 SW4 Sec: 17; T12N; Range 88W (all structures); Principal Meridian: 6th (all structures); NE4 SW4; Sec: 17 **Source:** Little Snake River (all structures) **Appropriation Date:** June 1, 1901; May 31, 1921(structure 2 and 3);. **Total Amount Decreed:** Absolute 10.8 cfs; 3.0 cfs. **Decreed Use:** Irrigation. **Amount that Applicant intends to change:** Absolute 10.8 cfs; 3.0 cfs. (structure 2 and 3). **Proposed Change in Point of Diversion:** The current location is incorrect, want to change the location to the correct area. We would like to add an alternate point of diversion for the water rights associated with the Anderson Ditch No 2 to gain better coverage of area irrigated. **UTM:** E309929, N4541352, Zone 13 (all structures); E307332, N4541361; E307549, N4541175. **Source of UTM:** GPS, Accuracy of location within 100 feet. **Owner:** Applicant.

2021CW3013 ROUTT COUNTY, Unnamed tributaries to Sage Creek, tributary to Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. **Name, mailing address, email address, telephone number of Applicant:** Ute Highlands Ranch, LLC, a Colorado limited liability company, 1001 Smith-Spring St., Signal Mtn., TN 37377 (“Ute Highlands Ranch, LLC”). All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, P.O. Box 881302, Steamboat Springs, CO 80488, Claire@ColoradoWaterMatters.com, 970.875.3370. 2. **Names and Types of Structures:** A. **Springs:** Rich’s Spring, Noah’s Spring, T&T Land and Cattle Co. Spring No. 1. B. **Reservoirs:** Noah’s Pond, T&T Land and Cattle Co. Pond No. 1. 3. **Description of Conditional Right:** A. **Original Decree:** Date of Decree: May 13, 2002; Case No. 99CW75, Water Court, Water Div. 6. B. **Subsequent Decree Awarding Finding of Diligence:** Date of Decree: April 7, 2016; Case No. 2008CW36, Water Court, Water Div. 6. C. **Legal Description (as provided in most recent decree)** (structures and approximate property boundary are depicted on the attached Exhibit 1, *Structure Locations and Approximate Property Boundary*): i. **Rich’s Spring:** NW¼ of the NE¼, Section 25, T6N, R88W, of the 6th P.M., Routt County, Colorado, at a point 370 feet from the North line and 2210 feet from the East line of said Section. ii. **Noah’s Spring:** SW¼ of the NE¼, Section 25, T6N, R88W, of the 6th P.M., Routt County, Colorado, at a point 1711 feet from the North line and 2500 feet from the East line of said Section. The actual location is NW4 NE4 Section 25, 566 feet from the North Section line and 1668 feet from the East Section line. iii. **T&T Land and Cattle Co. Spring No. 1:** SW¼ of the NE¼, Section 25, T6N, R88W, of the 6th P.M., Routt County, Colorado, at a point 1855 feet from the North line and 2725 feet from the East line of said Section. The actual location is SW4 NE4 Section 25, 1,649 feet from the North Section line and 2,558 feet from the East Section line. iv. **Noah’s Pond:** SW¼ of the NE¼, Section 25, T6N, R88W, of the 6th P.M., Routt County, Colorado, at a point 1710 feet from the North line and 2500 feet from the East line of said Section. The actual location is NW4 NE4 Section 25, 566 feet from the North Section line and 1,668 feet from the East Section line. v. **T&T Land and Cattle Co. Pond No. 1:** SE¼ of the NW¼, Section 25, T6N, R88W, of the 6th P.M., Routt County, Colorado, at a point 1855 feet from the North line and 2725 feet from the East line of said Section. The actual location is SW4 NE4 Section 25, 1,649 feet from the North Section line and 2,558 feet from the East Section line. 4. **Source of Water:** unnamed tributary, tributary to Sage Creek, tributary to Yampa River. 5. **Appropriation Dates and Amounts:** A. **Springs:** September 1, 1999; 0.05 cfs, conditional (each spring). B. **Reservoirs:** September 30, 1999; Noah’s Pond - 0.9 acre feet, conditional (0.1 acre feet decreed absolute in Case 2008CW36); T&T Land and Cattle Co. Pond No. 1 – 0.9 acre feet, conditional (0.1 acre feet decreed absolute in Case 97CW75). 6. **Uses:** A. **Springs:** irrigation of approximately 40 acres, stock watering, piscatorial, recreational, and wildlife watering. B. **Reservoirs:** stock watering, recreational, and wildlife watering. 7. **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:** Ute Highlands Ranch, LLC purchased the real property and appurtenant water rights on April 21, 2021. Prior to and after the purchase, Ute Highlands Ranch, LLC conducted field reviews to evaluate development of the conditional rights in concert with other water rights on the property. After the purchase, it retained legal counsel to review the water right decrees and governing Conservation Easement Deed, and prepare this *Application for Finding of Reasonable Diligence*. Expenses incurred to date are at least

\$1,000.00. 8. *Names and addresses of owners 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:* Ute Highlands Ranch, LLC. 9. *Remarks or any pertinent information:* A. Ute Highlands Ranch, LLC fully intends to develop the conditional rights of this case and those awarded in Water Div. 6 Case 2015CW3005 to maximize use of its property and maintain compliance with the Conservation Deed. B. Ute Mountain Ranch, LLC submits that given the recent purchase, the requirements of the Conservation Easement Deed, and the expenditures made to date, it has exercised reasonable diligence towards developing the conditional water rights. C. Ute Highlands Ranch, LLC requests the Water Court enter a decree: i. incorporating the updated legal descriptions; ii. finding that Ute Highlands Ranch, LLC has exercised due diligence towards development of the conditional water rights; iii. extending the conditional status of the conditional water rights; iv. continuing the determination that the conditional water rights of this case form an integrated water supply; and v. finding that the conditional water rights of this case and those awarded in Water Div. 6 Case 2015CW3005 form an integrated water system, see C.R.S. § 37-92-301(4)(b), and thus reasonable diligence proved for one of the system's water rights constitutes a finding of diligence for the others.

21CW3011 (14CW3003, 06CW176) RIO BLANCO COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE. NAME, ADDRESS AND TELEPHONE NUMBER OF APPLICANT: The Oil Shale Corporation ("TOSCO"), c/o Kenneth Moursund, Senior Counsel, ConocoPhillips Company, 925 North Eldridge Parkway, Houston, Texas 77079. Please forward all pleadings, correspondence, and inquiries regarding this matter to the attorneys for TOSCO: Alan E. Curtis, Virginia M. Sciabarrasi, Joseph C. Chase, White & Jankowski LLC, 1333 West 120th Avenue, Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441, Facsimile: (303) 825-5632, Email: alanc@white-jankowski.com, virginias@white-jankowski.com, josephc@white-jankowski.com.

2. SUMMARY OF APPLICATION: TOSCO seeks a finding of reasonable diligence for the Camp Bird No. 12A Well. **3. DESCRIPTION OF WATER RIGHT:** **a. Name of Structure:** Camp Bird No. 12A Well (WDID 4306105). **b. Date of Original Decree:** July 18, 1979, Case No. W-3575, Water Division No. 5. **c. Subsequent Diligence Decrees Awarding Findings of Diligence:** Subsequent diligence decrees for the Camp Bird No. 12A Well water right ("Camp Bird 12A Water Right") were awarded in the following Division 5 Water Court cases: (i) 83CW97 (August 22, 1983); (ii) 87CW73 (September 5, 1987); (iii) 93CW101 (October 25, 1995); (iv) 99CW212 (July 24, 2000); and (v) 06CW176 (January 7, 2008); and in Division 6 Water Court Case No. 14CW3003 (April 19, 2015) ("14CW3003 Decree"). **d. Location of Structure:** The Camp Bird No. 12A Well is located in the NE¼ NE¼ of Section 9, Township 4 South, Range 95 West of the 6th P.M., Rio Blanco County, Colorado, at a point 616 feet South of the North line and 442 feet West of the East line of said Section 9. UTM Coordinates: Northing 4401233.97, Easting 752595.54, Zone 12 NAD 83. See FIGURE 1 (Vicinity Map). **e. Source:** Groundwater tributary to Piceance Creek, tributary to the White River. **f. Appropriation Date:** October 4, 1973. **g. Uses:** Domestic, livestock, irrigation, industrial, commercial, mining, environmental, augmentation, recreation, storage and use of water for any of these purposes. **h. Decreed Storage Facilities:** The conditional decreed storage facilities for the Camp Bird 12A Water Right are: (i) Hunter Creek Reservoir (W-276); (ii) Miller Creek Reservoir (W-278); (iii) Miller Creek Reservoir First Enlargement (79CW352); (iv) Story Gulch Reservoir (W-277); and (v) Story Gulch Reservoir First Enlargement (79CW354). **i. Place of Use:** Lands leased or owned by TOSCO. See FIGURE 1. **j. Depth:** 987 feet. **k.**

Amount: 0.444 cfs, conditional. **4. BACKGROUND INFORMATION REGARDING TOSCO.** **a.** TOSCO's Corporate Structure. TOSCO is a Delaware Corporation qualified to do business in the State of Colorado. TOSCO is a wholly owned subsidiary of the ConocoPhillips Company ("Conoco") and has been since January 1, 2003. **b.** Need for Camp Bird 12A Water Right. TOSCO and Conoco hold interest in fee in over 37,700 acres of oil shale lands in Garfield and Rio Blanco counties in Colorado. The Camp Bird 12A Water Right was appropriated and is needed for the commercial development of TOSCO and Conoco's oil shale properties, including industrial, domestic, municipal, environmental, recreational, irrigation, power, mining, retorting, refining, dust control and reclamation uses associated with such development. **c.** Integrated Water Supply System. The Camp Bird 12A Water Right is part of the integrated water supply system needed for the commercial development of TOSCO and Conoco's oil shale properties ("River Water Development System"), which includes, without limitation, water rights associated with the following: **i.** Conditional Surface Water Rights. The Oil Shale Company Pipeline and Pumping Plant (C.A. 4914, Garfield County, alternate point of diversion W-2785, Water Division 5); Trail Gulch Reservoir (C.A. 6404, Garfield County, enlargement and alternate place of storage on Carr Creek, 79CW353, Water Division 5). **ii.** Conditional and Absolute Underground Water Rights. Bute No. 25 Well (W-3499, Water Division 5); Camp Bird No. 12 Well (W-3575, Water Division 5); Camp Bird No. 12A Well (W-3577, Water Division 5); Liberty Bell No. 12 Well (W-3578, Water Division 5); Ohio No. 41 Well (W-3576, Water Division 5); SG-20 Well (W-3543, Water Division 5); The Oil Shale Corporation Well, a.k.a. Oldland Well No. 3 (W-307, Water Division 5);

Oldland Brothers No. I-4 Well (W-3500, Water Division 5); TG 71-3 Well (W-3561, Water Division 5); TG 71-4 Well (W-3562, Water Division 5); TG 71-5 (W-3563, Water Division 5). **iii. Absolute Surface Water Rights.** MHM German Consolidated Ditch, Robert McKee Ditch, Last Chance Ditch, Gardenheir Ditch (C.A. 624), Piceance Creek Ditch, Oldland and Magor Ditch, Oldland No. 1 Ditch, Oldland No. 2 Ditch (C.A. 624), Oldland Ditch No. 3 (C.A. 624), Emily Ditch, Blue Grass Ditch (C.A. 133), Jessup Ditch No. 1, Jessup Ditch No. 2, Rye Grass Ditch (C.A. 133), Watson Thompson Ditch, East Stewart Gulch Ditches, BM&H Ditch, Belot Moffat Ditch, Florence Ditch, Forney Corcoran Ditch, McWilliams and George Ditch, Rullison–Miller Ditch, West Stewart Gulch Reservoir Ditches, and West Stewart Gulch Reservoir. **d. Purpose of River Water Development System.** The water rights and structures that comprise the River Water Development System have been acquired and developed to provide a flexible system of interdependent water diversions, reservoirs, pipelines, wells, and other rights to optimize the efficient beneficial use of water for oil shale development and other purposes and to minimize economic and environmental costs. When the River Water Development System is completed and the water appropriated is put to beneficial use, the water from these and other rights will be commingled in the various water structures owned by TOSCO. For this reason, work, and expenditures on any individual part of the River Water Development System is for purposes of putting both the River Water Development System water rights and the individual water rights that comprise it to beneficial use within a reasonable time. **5. DILIGENCE CLAIM. a. Diligence Period.** The most recent diligence period for the Subject Water Rights was from April 19, 2015 when the 14CW3003 Decree was entered, through April 30, 2021 (“Diligence Period”). **b. Integrated System.** This Court has previously ordered that TOSCO: develop a water rights plan that identifies how its conditional rights can be developed from a physical and legal standpoint for the decreed uses; describes the anticipated order of such development; analyzes the amount of water reasonably necessary to serve its needs and evaluates whether any of the conditional water rights will not be needed or usable and analyzes the amount of water physically and legally available at each point of diversion. Work on the water rights plan shall be considered evidence of [TOSCO’s] diligence towards development of its integrated system of conditional water rights and diligence toward development of any specific water rights discussed in the plan. 14CW3003 Decree ¶ 14, at 5-6. **c. Activities and Expenditures.** During the Diligence Period, TOSCO, with the assistance of White & Jankowski LLC, Jacques S. Ruda, BBA Water Consultants, Inc. (“BBA”) and other legal counsel and consultants, completed activities and expended funds exceeding One Million Ninety-Two Thousand Dollars (\$1,092,000.00). These actions and expenditures confirm TOSCO’s steady and diligent effort to complete the appropriation of the Camp Bird 12A Water Right. These activities and expenditures include, without limitation: **i. Water Rights Development Plan.** BBA prepared the water rights development plan required by the 14CW3003 Decree. **ii. BBA Ground Water Well Investigations.** During the Diligence Period: **1.** BBA performed on-site investigations for the TOSCO Piceance Creek ground water wells that are part of TOSCO’s integrated River Water Development System to: (i) observe and document the condition of the wells; (ii) estimate flow rates of flowing artesian wells; (iii) confirm water quality conditions; and (iv) consider current and potential uses at each well. **2.** TOSCO pump tested the Bute No. 25 Well and installed meters on the Bute No. 25 Well and Oldland I-4 Well. **3.** BBA analyzed the Bute No. 25 Well pump test data. **4.** BBA submitted annual meter readings and production summaries to the Division 6 Engineer for the Bute No. 25 Well and Oldland I-4 Well. **iii. Additional BBA Investigations.** During the Diligence Period, BBA performed on-site investigations for many of the other structures that are part of TOSCO’s integrated River Water Development System. **1.** BBA visited the Ertl Pipeline Gages annually to download stream stage data, perform maintenance on the measuring equipment, and gage the streamflows. **2.** BBA installed new, more robust, pressure transducers at the Buck Creek and Wagon Wheel Creek measuring stations. After each site visit, BBA calculated the streamflow in each creek using the stream stage and gaged streamflow data. **3.** In 2016 BBA compiled and summarized all of the data gathered for the Ertl Pipeline Gages since 1982, processed the raw data, developed stage-discharge correlations, and calculated streamflow for each station since 1982. **4.** BBA prepared a correlation analysis of the streamflows at the Ertl Pipeline Gages to six nearby active and inactive streamflow gages on the White River and South Fork of the White River in order to satisfy the requirements of the July 8, 1985 decree in Case No. 80CW503, paragraph 36, which spells out the methods authorized to estimate amounts of water available at the original points of diversion. **iv. Diligence Decrees.** TOSCO obtained findings of reasonable diligence for water rights that are part of TOSCO’s integrated River Water Development System in the following Division 6 Water Court decrees: (1) S.G. No. 20 Well (14CW3002); (2) Camp Bird 12 Well (14CW3004); (3) Ohio No. 41 Well (14CW3005); (4) TG 71-5 Well (14CW3006); (5) TG 71-4 Well (14CW3007); (6) TG 71-3 Well (14CW3008); and (7) Liberty Bell 12 Well (14CW3009); (8) Ertl Pipeline, Miller Creek Pumping Pipeline, Hunter Creek Reservoir, Miller Creek Reservoir and Miller Creek Reservoir First Enlargement, Story Gulch Reservoir and Story Gulch Reservoir First Enlargement, Ohio/Ertl Pipeline, and Story Gulch/Parachute Creek Pipeline (17CW3014); (9) Trail Gulch Reservoir (17CW3158); (10) Oldland Brothers I-4 Well (16CW3051); (11) Bute No. 25 Well (16CW3052) and (12) TOSCO Pipeline and Pumping Plant (17CW3106). **v. Protection of Water Rights.** TOSCO: (1) reviewed Water Divisions 5 and 6 resumes and substitute water supply plan

notices to identify applications requiring opposition; (2) filed statements of opposition and actively participated in numerous matters in Water Divisions 5 and 6 as necessary to protect TOSCO's water rights; (3) successfully defended 2,535 acres of oil shale lands against adverse possession and prescriptive easement claims; (4) without filing a statement of opposition, entered into a stipulation with the Yellow Jacket Water Conservancy District in Division 6 Case No. 20CW3031 to protect the water rights associated with TOSCO's River Water Development System; and (5) reviewed the 2020 Division 5 and 6 water rights abandonment lists and prepared objections to the same. **vi. Monitoring of Agency Actions and Rules.** TOSCO: (1) reviewed and commented on the Colorado State Water Plan; (2) reviewed the White River and Yampa Basin Implementation Plans; (3) monitored agency actions, Endangered Species Act listings, biological opinions, and recovery program activities; and (4) monitored rulemakings regarding the 1922 Colorado River Compact and 1948 Upper Colorado River Compact to determine potential impacts to TOSCO's River Water Development System. **vii. Studies, Gauging Equipment and Surveys.** TOSCO has invested in gaging and geotechnical studies, gauging equipment, site surveys and hydrological studies on its water rights in the Piceance Creek and White River basins. **viii. Commercial Oil Shale Development.** Commercial development of oil shale is a necessary prerequisite to beneficial use of water under the Camp Bird 12A Water Right. During the Diligence Period, TOSCO expended considerable effort toward commercial development of oil shale and oil shale plants of commercial size including, without limitation: **1.** Research regarding environmental, health and social issues related to development, assessment of available oil shale and water resources and availability of permits and other approvals. **2.** Engineering assessments regarding existing and new technology for commercial oil shale development. **3.** Engineering and geological assessments of the amount of recoverable oil from TOSCO's oil shale properties. **4.** Evaluation of technological feasibility of storage facilities and pump and pipeline facilities for TOSCO's integrated systems of water rights for oil shale development. **5.** Evaluations regarding the economic issues associated with oil shale development. **6.** Evaluation of water requirement evaluations for TOSCO's planned oil shale development. **7.** Technical feasibility evaluations of methods for retorting kerogen from oil shale. **6. REQUESTED RULING.** Based on the foregoing, TOSCO respectfully requests that the Water Court enter a decree finding that the entire 0.444 cfs Camp Bird 12A Water Right be continued in full force and effect for all decreed purposes. **7. NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF LAND UPON WHICH STRUCTURES ARE LOCATED.** All the facilities and structures identified in this Application are on land owned or leased by TOSCO. (7 pages, 1 Exhibit)

21CW3012 Rio Blanco County. In the White River. Application for Change of Water Right – Alternate Point of Diversion. Applicant: Flintstone, LLC ("Flintstone"), c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. **Summary of Application:** Flintstone seeks a change of water right and alternate point of diversion for the Jacobs Pump and Pipeline and for the White River Mesa Ditch. Maps of structure locations are on file with the court. **Structure: Jacobs Pump and Pipeline.** **Previous Decree Information:** Originally decreed in Case No. CA 999 entered by the District Court, Water Division No. 6 on November 26, 1958. **Legal Description:** As described in most recent decree that adjudicated the location: The headgate or site of location of pump and intake of said pipeline and point of diversion of water thereby, is located at a point whence Corner No. 3 of Tract 38, Sec 1, T 1 N, R 97 W of the 6th P.M. bears S 1°11'E. 2979.3 ft, being also described as being at a point whence the W Qtr Corner of Sec 1, T 1N, R 97 W 6th P.M. bears S. 45°14' W 5165.2 ft. The pipeline extends in a general southwesterly direction from said headgate, a distance of 3230 ft. **Source:** White River. **Date of Appropriation:** 8/5/1956. **Amt:** 4 cfs **Use:** Irr. **Proposed Change:** Applicant intends to change 4 cfs and requests an alternate point of diversion for the Jacobs Pump and Pipeline downstream at: A point located on the White River in the SE1/4, SE1/4, Sec 35, T 2 N, R 97 W 6th P.M. at the UTM Coordinates Zone 12, 735414.01 E, 4441593.73 N. **Historical Uses:** Water was used to irr. 200 ac of land currently owned by Applicant. This request is for an Alternate Point of Diversion and there is no change in place of use. **Structure: White River Mesa Ditch.** **Previous Decree Information:** Originally decreed in Case Nos. CA474 and CA624 entered by the District Court, Water Division No. 6 on August 20, 1929. **Legal Description:** As described in most recent decree that adjudicated the location: Headgate of said Extension of the White River Mesa Ditch is located at a point on the right bank of Piceance Creek from which it derives and diverts its supply of water, whenever the Southeast Corner of Sec 22 in T 1 N, R 97 W of the 6th P.M., bears S 47°17' E 1489 ft. **Source:** Piceance Creek. **Date of Appropriation:** 4/8/1917. **Amt:** 4.2 cfs **Use:** Irr. **Proposed Change:** Applicant intends to change 4 cfs and requests an alternate point of diversion for the White River Mesa Ditch downstream at: A point located on the White River in the SE1/4, SE1/4, Sec 35, T 2 N, R 97 W 6th P.M. at the UTM Coordinates Zone 12, 735414.01 E, 4441593.73 N. **Historical Uses:** Water was used to irrigate 211.04 ac. This request is for an Alternate Point of Diversion and there is no change in place of use. Name and Address of Owner 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 modifications to the existing storage pool: Applicant.

2021CW5 JACKSON COUNTY Application for Simple Change in Surface Point of Diversion Pursuant to §37-92-305(3.5), C.R.S. **Applicant:** Mark Penny and Deborah Penny, 236 CR 21, Walden, CO 80480, markpenny@gmail.com, 409.454.3591 Fax: 866.202.5823. **Structure:** Wait Ditch Diversion Point. **Date of Original and all Subsequent Decrees:** 12/31/1997, Case No.1997CW77; 06/18/2003, Case No 2002CW25; 05/16/2010, Case No. 2009CW27. **Legal Description:** SE ¼ of S9, T6N, R77W, 6th PM at a point 1280 feet from the East line and 1850 feet from the North line of said section. **Decreed Source:** Unnamed Trib to Wait Ditch Diversion Point Trib to No Name Creek. **Appropriation Date:** 9/11/1923. **Total Amount Decreed:** Absolute 2 cfs. **Decreed Use:** Irrigation of approximately 23 acres. **Amount of Water that Applicant Intends to Change:** Absolute 2 cfs to new location. **Statement of Change:** The change in location is necessitated by the construction of a pond that covered the original headgate thus requiring that the diversion point for the Wait Ditch be moved 752 ft. downstream from the current decreed point. The same water will be used to irrigate the same area of ground as decreed in 1998. This proposed change will not be injurious to other water users since all ponds, structures, and land is on our property. There is no additional water flow in or out of Wait Ditch between the two points. The Mason Ditch crosses our property but there is no interconnection with No Name Creek as No Name Creek is piped underneath Mason Ditch. **UTMs*:** E412397, N4484702, Zone 13, *coordinates provided by Randy Miller, P.E., P.L.S., President of North Park Engineering & Consulting, Inc. Cell: 970.218.4974. **Source of UTM:** GPS/Aerial. **Accuracy:** 0.1 foot. **Source of PLLS:** DWR GIS Mapviewer tools with assistance from District 47 Water Commissioner (S. Baroumand). **Owner:** 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 **JUNE 2021**, 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.

MARY ANN NINGER
CLERK OF COURT
ROUTT COUNTY COMBINED COURT
WATER DIVISION 6

/s/ Carmma L. Parkison
Deputy Court Clerk