

**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, 2022**.

**2022CW3096–ROUTT COUNTY. Application to Make Absolute in Whole or In Part And For Sexennial Finding of Reasonable Diligence.** Applicant: Ty Lockhart, 830 Lincoln Avenue, Steamboat Springs, CO 80487, telephone 970-879-1822, direct pleadings to Thomas R. Sharp, Esq., P.O. Box 774968, Steamboat Springs, CO 80477, telephone 970-846-8179, Email: [tom@tomsharp.com](mailto:tom@tomsharp.com). A. Application to make Absolute in Part: Name of Ditch Structure: **DUQUETTE DITCH ENLARGEMENT**; Location: The headgate of the Duquette Ditch Enlargement is located on the north bank of the Yampa River in the SE3SE3 of Section 3, T6N, R85W of the 6th P.M., at a point 1210 feet from the east line of such Section 3, and 1233 feet from the south line of such Section 3. From such headgate, water is diverted into a channel used in common by the Duquette Ditch, the Duquette Ditch Enlargement, the Sampson Ditch, and the Bamber Ditch, and flows westerly in such channel to a division structure where waters which have been diverted for Duquette Ditch Enlargement and the Sampson Ditch are diverted into the Sampson Ditch at a division gate located in the SW3SE3 of Section 3, T6N, R85W of the 6th P.M., at a point 1864 feet from the east line of such Section 3 and 1167 feet from the south line of such Section 3. Source: Yampa River. Date of appropriation: August 31, 1998. Original Water Court Decree in Case No. 98CW43 entered April 17, 2001, decreed 0.6 cfs conditional for irrigation of no more than 16.6 acres in Parcels A, B, C, D, E, F, G and H, Heritage Park Subdivision, Routt County, Colorado, with irrigation of Parcel F not to include the area within Parcel F that is the Christian Heritage School (now known as the Montessori Charter School) and the surrounding landscaping (all of such 16.6 acres being herein referred to as the “16.6 Acres”). On July 22, 2009, the Water Court for Water Division No. 6 in Case No. 2006CW48, made absolute .22 cfs, for the use of irrigation of 6 acres in Parcels A and B, Heritage Park Subdivision, and found due diligence and decreed continuation of the remaining 0.38 cfs. By this application, Applicant requests that an additional 0.15 cfs of Duquette Ditch Enlargement be decreed absolute for irrigation of the 16.6 Acres, in addition to the prior 0.22 cfs decreed absolute in Case 2006CW48. Date additional 0.15 cfs of water applied to beneficial use: July 25, 2022. Amount claimed to be made absolute: 0.15 cfs. Uses or Proposed Uses: Irrigation of the above-described 16.6 Acres. B. Application for Sexennial Finding of Reasonable Diligence: In addition, the Applicant seeks entry of a Court decree finding due diligence with respect to (a) 0.23 cfs of water in the Duquette Ditch Enlargement if the Court grants the application to make an additional 0.15 cfs absolute, or alternatively (b) 0.38 cfs of water in the Duquette Ditch Enlargement if the Court does not grant the application to make an additional 0.15 cfs absolute. The following is a 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:

The Applicant contracted with Mountain States Company of Craig for the installation of a new water pump in 2021, at a cost of \$11,574.65. The Applicant contracted with Alpine Irrigation LLC of Basalt, Colorado, in June and July of 2022 to evaluate the pumps and sprinkler equipment usable for sprinkler irrigation on Parcels A, B, and C of Heritage Park Subdivision, at a cost of \$3,624.83, and then to install sprinkler irrigation equipment on such Parcels at a cost of \$2,506.07. The description of additional diligence work on this water right is set forth in the Application and Exhibits in this case. **PRAYER FOR RELIEF:** Applicant requests that: (1) The Court find and decree that 69 gpm (0.15 cfs) of the remaining conditional Duquette Ditch Enlargement water right has been made absolute for diversion for beneficial use of irrigation on 16.6 acres in Parcels A, B, C, D, E, F, G and H, Heritage Park Subdivision, with irrigation of Parcel F not to include the area within Parcel F that is the Christian Heritage School (now known as the Montessori Charter School) and the surrounding landscaping; (2) the Court find that the Applicant has shown reasonable diligence in the development of the remaining 0.23 cfs of the original 0.6 cfs decreed appropriation, and such remaining conditional portion of the water right be continued in full force and effect, or, alternatively, if the Court does not award absolute status to the requested 0.15 cfs, that (3) the Court find that the Applicant has shown reasonable diligence in the development of all of the remaining 0.38 cfs of the original 0.6 cfs decreed appropriation, and such remaining conditional portion of the water right be continued in full force and effect, and (4) for such other and further relief as is appropriate.

**2022CW3095 Moffat County** CONCERNING THE APPLICATION FOR WATER RIGHTS OF UNITED STATES OF AMERICA IN THE GREEN RIVER OR ITS TRIBUTARIES, IN MOFFAT COUNTY, APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S. 1. Name, mailing address, email address and telephone number of applicant. United States of America, Department of the

Interior, U.S. Fish & Wildlife Service % Brian S. Caruso, Water Resources Division Chief P.O. Box 25486, Denver Federal Center, Mailstop 60189 Denver, Colorado 80225 (303) 226-4491 [Brian\\_Caruso@fws.gov](mailto:Brian_Caruso@fws.gov). **2. Overview:** The Browns Park National Wildlife Refuge (“Refuge”) is operated by the United States Fish & Wildlife Service (“USFWS”) and is located just north of Dinosaur National Monument. The Refuge was established to protect important water, ecological, cultural, and wildlife resources in the Cold Springs and Diamond Mountains region. The USFWS holds two water rights within the Refuge that divert from the Green River. The water rights are the Spitzie Ditches and Spitzie Ditches Enlargement #1. Both rights currently share the same point of diversion. Through this application, USFWS seeks a decree confirming a simple change in the surface point of diversion for both water rights, pursuant to section 37-92-305(3.5), C.R.S. (2022). The USFWS seeks no other changes to the water rights through this application. **3. Name of structure:** Spitzie Ditches.a. **Date of original and all relevant subsequent decrees:** Civil Action No. 1899 - Adjudication of the Priorities of Rights to the Use of Water District No. 56, Irrigation Division No. 6 (October 9, 1964). **(i) Case Numbers of Subsequent Decrees:** Subsequent Absolute Decree 81CW08 (November 22, 1982) and Subsequent Change of Point of Diversion Decree 92CW91 (June 23, 1993). A. **Legal description of point of diversion as described in most recent decree that adjudicated the location:** Case No. 92CW91: Northwest 1/4 of the Southwest 1/4 of Section 15, Township 10 North, Range 103 West, of the 6th Principal Meridian, Moffat County, Colorado, at a point 850 feet East of the West line and 2,000 feet North of the South line of said Section 15.B. **Decreed source of water:** Green River. C. **Appropriation Date:** March 10, 1960. D. **Total amount decreed to structure:** 9 c.f.s. E. **Decreed use:** Irrigation and propagation of waterfowl and wildlife. 4. **Name of structure:** Spitzie Ditches Enlargement No. 1.A. **Date of original and all relevant subsequent decrees:** Case No. 81CW08 (November 22, 1982). i) **Case Numbers of Subsequent Decrees:** Subsequent Change of Point of Diversion Decree 92CW91 (June 23, 1993). B. **Legal description of point of diversion as described in most recent decree that adjudicated the location:** Case No. 92CW91: Northwest 1/4 of the Southwest 1/4 of Section 15, Township 10 North, Range 103 West, of the 6th Principal Meridian, Moffat County, Colorado, at a point 850 feet East of the West line and 2,000 feet North of the South line of said Section 15. C. **Decreed source of water:** Green River. D. **Appropriation Date:** May 5, 1972. E. **Total amount decreed to structure:** 3 c.f.s. F. **Decreed use:** Irrigation and propagation of waterfowl and wildlife. **Detailed description of proposed simple change in point of diversion:** Both water rights currently share the same point of diversion, as described above. Through this application, the USFWS seeks to change the point of diversion for both rights to the point of diversion previously decreed in Civil Action No. 1899. The existing point of diversion, and the requested new point of diversion, are both located on land owned by the USFWS, located within the Refuge. The water is physically and legally available at the current place of diversion, and there are no intervening surface diversion points or inflow between the existing point of diversion and the requested new point of diversion. The requested change will not result in diversion of a greater flow rate or amount of water than has been decreed to two water rights described above, or a diversion of water that is greater than what is physically and legally available at the current point of diversion. Due to the location of the two water rights, the requested change will not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. **5. Location of the new point of diversion:** On the Easterly bank of the Green River whence the Southeast Corner of Section 15, Township 10 North, Range 103 West, Moffat County, bears South 74°10’ East 3,911 feet. A map indicating the proposed point of diversion is attached as **Exhibit 1**. **A. UTM:** Zone 12: Easting: 671408.973, Northing: 4520986.848. **Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed:** United States of America, United States Department of the Interior, Fish & Wildlife Service, Browns Park National Wildlife Refuge, 1318 Highway 318, Maybell, Colorado 81640.

**22CW3094 RIO BLANCO, CONCERNING THE APPLICATION OF THE OIL SHALE CORPORATION REGARDING GROUND WATER TRIBUTARY TO PICEANCE CREEK AND THE WEST FORK OF STEWART GULCH TRIBUTARY TO PICEANCE CREEK, BOTH TRIBUTARY TO THE WHITE RIVER IN RIO BLANCO COUNTY. APPLICATION FOR CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. 37-92-305(3.6)** 1. 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, Telephone: (281) 293-1298. Please forward all pleadings, correspondence and inquiries regarding this matter to the attorneys for TOSCO: Alan E. Curtis, Virginia M. Sciabbarrasi, White & Jankowski LLC, 1333 West 120th Avenue, Suite 302, Westminster, CO 80234. 2. **DECREE WATER RIGHTS FOR WHICH CORRECTIONS ARE SOUGHT.** a. Camp Bird No. 12 Well (WDID 4306106). i. Date of Original and Subsequent Relevant Decrees. July 17, 1979, Case No. W-3575, Water Division No. 5. Subsequent diligence decrees for the Camp Bird No. 12 Well water right were awarded in the following Division 5 Water Court cases: (a) 83CW96 (August 22, 1983); (b) 87CW71 (September 19, 1987); (c) 93CW100

(October 25, 1993); (d) 99CW211 (July 24, 2000); and (e) 06CW174 (January 7, 2008), and in Division 6 Water Court Case No. 14CW3004 (July 14, 2015) (14CW3004 Decree). ii. Legal Description From 14CW3004 Decree. “The well is located in the NE¼/NE¼ of Section 9, T. 4 S., R. 95 W. of the 6th P.M., Rio Blanco County, Colorado, at a point 616 feet South of the North line and 457 feet West of the East line of said Section 9. UTM Coordinates Northing 4401233.97, Easting – 752595.54, Zone 12 NAD 83.” 14CW3004 Decree ¶ 5, at 2. iii. Decreed Source of Water. Ground water tributary to Piceance Creek, tributary to the White River. iv. Appropriation Date. September 6, 1973. v. Total Amount Decree to Structure. 0.444 cfs, conditional. vi. Decreed Uses. Domestic, livestock, irrigation, industrial, commercial, mining, environmental, augmentation, recreation, storage and use of water for any of these purposes. b. Camp Bird No. 12A Well (WDID 4306105). i. Date of Original and Subsequent Relevant Decrees. July 18, 1979, Case No. W-3575, Water Division No. 5. Subsequent diligence decrees for the Camp Bird Well No. 12A water right were awarded in the following Division 5 Water Court cases: (a) 83CW97 (August 22, 1983); (b) 87CW73 (September 5, 1987); (c) 93CW101 (October 25, 1995); (d) 99CW212 (July 24, 2000); and (e) 06CW176 (January 7, 2008), and in Division 6 Case No. 14CW3003 (April 19, 2015) (14CW3003 Decree). ii. Legal Description From 14CW3003 Decree. “The well is located in the NE¼/NE¼ of Section 9, T. 4 S., R. 95 W. 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.” 14CW3003 Decree, ¶ 5 at 1-2. iii. Decreed Source of Water. Ground water tributary to Piceance Creek, tributary to the White River. iv. Appropriation Date. October 4, 1973. v. Total Amount Decree to Structure. 0.444 cfs, conditional. vi. Decreed Uses. Same as for Camp Bird Well No. 12 water right. c. TG 71-4 Well (WDID 4306114). i. Date of Original and Subsequent Relevant Decrees. July 17, 1979, Case No. W-3562, Water Division No. 5. Subsequent diligence decrees for the TG 71-4 Well water right were awarded in the following Division 5 Water Court cases: (a) 83CW102 (August 22, 1983); (b) 87CW75 (September 3, 1987); (c) 93CW96 (October 25, 1993); (d) 99CW207 (July 24, 2000); (e) 06CW183 (January 7, 2008), and in Division 6 Case No. 14CW3007 (July 13, 2015) (14CW3007 Decree). ii. Legal Description From 14CW3007 Decree. “The well is located in the NW¼/SW¼ of Section 6, T. 4 S., R. 96 W. of the 6th P.M., Rio Blanco County, Colorado, at a point 2,610 feet North of the South line and 105 feet East of the West line of said Section 6. UTM Coordinates Northing 4401536.78, Easting - 738436.42, Zone 12 NAD 83. 14CW3007 Decree ¶ 5, at 1-2. iii. Decreed Source of Water. Ground water tributary to the West Fork of Stewart Gulch, tributary to Piceance Creek, tributary to the White River. iv. Appropriation Date. December 3, 1971. v. Total Amount Decree to Structure. 0.888 cfs, conditional. vi. Decreed Uses. Same as for Camp Bird Well No. 12 water right. 3. DETAILED DESCRIPTION OF PROPOSED CORRECTIONS. a. Camp Bird No. 12 Well. i. Complete Statement of Bases For Proposed Correction. The existing location of the Camp Bird No. 12 Well was determined by BBA Water Consultants, Inc. (BBA) on September 8, 2016 using GPS. See BBA Memorandum attached as EXHIBIT A (BBA Memo) at 1. The existing location of the Camp Bird No. 12 Well is approximately 445 feet north of the decreed location of the well mapped by the Colorado Division of Water Resources (DWR). ii. Legal Description of the Corrected Point of Diversion. 1. Source of PLSS Information. GPS. See General Location Map attached to the BBA Memo (BBA Well Location Map). 2. Existing Point of Diversion. The existing point of diversion for Camp Bird No. 12 Well is 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 156 feet South of the North line and 410 feet West of the East line of said Section 9. UTM Coordinates Northing 4401246.48, Easting 752612.05, Zone 12 NAD 83. See BBA Well Location Map. b. Camp Bird No. 12A Well. i. Complete Statement of Bases For Proposed Correction. The existing location of the Camp Bird No. 12A Well was determined by BBA on September 8, 2016. See BBA Memo at 2-3. The existing location of the Camp Bird No. 12A Well is approximately 463 feet north of the decreed location of the well mapped by the DWR. ii. Legal Description of the Corrected Point of Diversion. 1. Source of PLSS Information. GPS. See BBA Well Location Map. 2. Existing Point of Diversion. The existing point of diversion for the Camp Bird No. 12A Well is 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 132 feet South of the North line and 405 feet West of the East line of said Section 9. UTM Coordinates: Northing 4401252.34, Easting 752613.36, Zone 12 NAD 83. See BBA Well Location Map. c. TG 71-4 Well. i. Complete Statement of Bases For Proposed Correction. The existing location of the TG 71-4 Well was determined by BBA on October 9, 2020. The existing location of the TG 71-4 Well is approximately 358 feet south of the decreed location of the well mapped by DWR. See BBA Memo at 2. ii. Legal Description of the Corrected Point of Diversion. 1. Source of PLSS Information. GPS. See BBA Well Location Map. 2. Existing Point of Diversion. The existing point of diversion for the TG 71-4 Well is in the NW¼SW¼ of Section 6, Township 4 South, Range 96 West of the 6th P.M., Rio Blanco County, Colorado, at a point 2,261 feet North of the South line and 31 feet East of the West line of said Section 6. UTM Coordinates Northing 4401536.78, Easting 738436.42, Zone 12 NAD 83. See BBA Well Location Map. 4. 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. (6 pages, 1 Exhibit)

**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, 2022**, 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