

**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 2021**.

**2021CW12 RIO BLANCO COUNTY** Application for Absolute Water Rights (Surface); **Applicant:** Diana K. Watson, PO Box 1056, Meeker CO 81641-1056, 970-629-0583, dwatson5898@gmail.com. **Name of Structure:** Rio Spring. **Legal Description:** Rio Blanco County; NE4 NW4; Sec: 16; T1S; R93W; 6<sup>th</sup> PM. **UTM Coordinate:** E257373 N4428844. **Source of UTM:** Garmin; **Accuracy of Location:** 200 Feet **Source of Water:** Rio Spring Tributary to, Tomlinson Draw Tributary to, White River Tributary. **Date of Appropriation:** August 2, 2021. **How Appropriation was Initiated:** By field visit with water commissioner. **Date Water Applied to Beneficial Use:** August 2. **Amount Claimed in Cubic Feet (cfs) Per Second or Gallons Per Minute (gpm):** Absolute 4 gpm. **List All Uses or Proposed Uses:** Livestock, deer, elk, other wildlife and birds, drinking water. **If Non-Irrigation Describe Purpose Fully:** Livestock, deer, elk, other wildlife and birds, drinking water. **Name of Landowner:** Applicant

**2021CW3030**, Spring in unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River, and unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE AND STORAGE)** 1. *Name, mailing address, email address, telephone number of Applicant:* Jerrit Dustan and Micaela Siqueira, 6511 Independence Court, Arvada, CO 80004, and Eric Martinez and Nicole Martinez: 8405 Alta Vista Dr., Arvada CO 80004 (collectively "Applicants"). 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](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. 2. *Names and Types of Structures:* Rustler's Spring Enlargement and Rustler's Diversion (Surface Structures); Rustler's Pond (Storage Structure). 3. *Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged)):* All structures are or will be located in Section 4, Township 8 North, Range 87 West, of the 6<sup>th</sup> Prime Meridian, in Routt County, Colorado and are depicted on the filed map (*see* Ex. 1, *Structure Locations, Irrigation Area, and Approximate Property Boundary*). The UTM coordinates (Zone 13, NAD83) were obtained using a 2021 survey and databases maintained by the Colorado Division of Water Resources: Rustler's Spring Enlargement SE4 NW4, 317716 mE 4505590 mN. Rustler's Diversion SE4 NW4, 317688 mE 4505590 mN. Rustler's Pond SW4 NW4, 317577 mE 4505430 mN. Rustler's Spring was previously adjudicated in Water Division 6 Case No. 81CW0193. If field inspections demonstrate the decreed location of Rustler's Spring is incorrect, through this Application, Applicants request the Water Court correct the location. 4. *Source of Water:* i. Rustler's Spring Enlargement: spring in unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River. ii.

Rustler's Diversion: unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River. iii. Rustler's Pond: unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River and flows from Rustler's Spring Enlargement and Rustler's Diversion.

5. ***If Reservoir Filled from a Ditch - Name, Capacity, Legal Description of Point of Diversion:*** Rustler's Diversion, 1.0 cfs, Legal Description as stated in this Application. 6. ***Appropriation:*** a. ***Date and Methodology of Appropriation:*** August 5, 2021 for all structures by purchase of property and consulting with legal counsel. b. ***Date Water Applied to Beneficial Use:*** N/A. 7. ***Amounts Claimed and Proposed Uses:*** a. Rustler's Spring Enlargement - 0.033 cfs conditional for domestic, fire mitigation and protection, irrigation, livestock, and wildlife, and to fill, refill, and provide freshening flows to Rustler's Pond. Rustler's Spring was previously adjudicated in Water Division 6 Case No. 81CW0193 in the amount of 0.011 cfs for domestic, stock, and piscatorial uses. Applicants claim additional flow and uses of Rustler's Spring. b. Rustler's Diversion - 1.0 cfs conditional for domestic, fire mitigation and protection, irrigation, livestock, and wildlife, and to fill, refill, and provide freshening flows to Rustler's Pond. c. Rustler's Pond - 10.0 AF conditional for aesthetics, fire mitigation and protection, irrigation, livestock, piscatorial, recreation, and wildlife. Applicants also claim the right to refill when in priority to maintain adequate storage for all uses and to compensate for evaporative loss. 8. ***If Irrigation Use:*** a. ***Acreage Historically Irrigated:*** None. b. ***Acreage Proposed to be Irrigated and Legal Description of Acreage:*** Applicants will use a combination of gravity, pumps, and pipelines to move water from one or more of the structures to irrigate approximately 15 acres located in the S2 NW4 of Section 4, Township 8 North, Range 87 West. The acreage to be irrigated is depicted on the filed map, Exhibit 1. c. ***If Non-Irrigation, Full Description of Uses:*** Rustler's Spring Enlargement and Rustler's Spring - domestic, fire mitigation and protection, livestock, and wildlife, and to fill, refill, and provide freshening flows to Rustler's Pond; Rustler's Pond - aesthetics, fire mitigation and protection, livestock, piscatorial, recreation, and wildlife, and refill to maintain adequate storage for all uses and to compensate for evaporative loss. 9. ***Surface Area of High Water Line, Vertical Height and Length of Dam, and Total Capacity of Reservoirs (active and dead storage):*** Rustler's Pond - Surface Area 1.0 ac. (estimated); Dam Height < 10 feet; Dam Length < 150 feet; Capacity 10.0 AF (estimated) (estimated 9.5 AF active and 0.5 AF dead storage). 10. ***Name and address of owner 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:*** Applicants own the land where the structures are located and upon which the water rights have been and will be used. 11. ***Remarks or Other Pertinent Information:*** The water rights described in this Application will be used in as the water supply system for the Applicants' property. Applicants thus claim all the water rights are integrated, pursuant to C.R.S. § 37-92-301(4)(b).

Case No.: 21CW3031 (14CW3031, 98CW39) **In ROUTT COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT PARTIALLY ABSOLUTE** 1. Name, address, and telephone number of Applicants:

Catamount Development, LLC (“Catamount”), c/o David Hill, P.O. Box 774707, Steamboat Springs, CO 80477, 970.875.2132 and Catamount Metropolitan District, (“District”), c/o Joel Anderson, Manager, 34035 East US Hwy 40, Steamboat Springs, CO 80487, 970.871.6989. Copies of all pleadings to: David S. Hayes, Esq., Hayes Poznanovic Korver, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, (303) 825-1980 and Mark E. Hamilton, Esq., Holland & Hart, LLP, 555 17<sup>th</sup> St. Suite 3200, Denver, CO 80202-3979, (303) 295-8282.

2. Name of structures: The following are collectively referred to as the “Subject Conditional Water Rights”: a. CR Well No. 1; b. CR Well No. 2; c. CR Well No. 3; d. CR Well No. 4; e. Yampa River Diversion; f. Golf Course Pond; g. Highline Beaver Ditch Catamount Enlargement; and h. Enterprise Ditch Catamount Enlargement. 3. Description of Subject Conditional Water Rights: a. Prior decrees: The original decree for the Subject Conditional Water Rights was entered on May 16, 2000, in Case No. 98CW39, District Court, Water Division No. 6. Subsequent decrees granting a finding of diligence and/or making a portion of the rights absolute were entered on October 3, 2008, in Case No. 06CW16, and on August 15, 2015, in Case No. 14CW3031, District Court, Water Division No. 6. b. Legal description: The following locations are depicted on the map attached to the Application as Exhibit A, and available for inspection at the office of the Division 6 Water Clerk or via Colorado Courts E-filing:

Name of structure	Township 6th P.M.	Range	Section	1/4	1/4	Feet from section lines	
						North/South	East/West
CR Well No. 1	5 North	84 West	4	NW	SE	2500 South	1600 East
CR Well No. 2	5 North	84 West	4	NW	SE	1700 South	2600 East
CR Well No. 3	5 North	84 West	4	SW	SE	900 South	2600 East
CR Well No. 4	5 North	84 West	4	SW	SE	150 South	2600 East
Yampa River Diversion	5 North	84 West	5	SW	SE	830 South	2051 East
Golf Course Pond	5 North	84 West	10	NE	NW	800 North	2150 West

Highline Beaver Ditch Catamount Enlargement: The existing headgate is located on the right and West bank of Beaver Creek near the North line of NE1/4 of SE1/4 Section 2, all in T. 5 N., R. 84 W., 6th P.M. in Routt County.

Enterprise Ditch Catamount Enlargement: The headgate is located on the West bank of Walton Creek at a point from which the NW1/4 corner of Section 10, T. 5 N., R. 84 W., 6th P.M. bears N. 65° 52’ W 3300 feet.

c. Source: i. CR Well Nos. 1-4: Ground water tributary to the Yampa River; ii. Yampa River Diversion: Yampa River; iii. Golf Course Pond: Diversions from the Yampa River, Walton Creek, and Beaver Creek, and ground water diverted from CR Well Nos. 1-4 and 1A. The Pond is lined and will not intercept ground water; iv. Highline Beaver Ditch Catamount Enlargement: Beaver Creek; and v. Enterprise Ditch Catamount Enlargement: Walton Creek. d. Appropriation date: August 28, 1998. e. Amounts and uses:

Water Right	Decreed (98CW39)	Absolute (06CW16)	Conditional
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Name	Rate/Amount	Decreed Use	Rate/Amount	Use	Rate/Amount	Use
CR Well No. 1	125.0 gpm	I, M, D, C	14.0 gpm	I, M, D, C	111.0 gpm	I, M, D, C
CR Well No. 2 (through alternate Well No. 2A)	125.0 gpm	I, M, D, C	55.1 gpm	I, M, D, C	69.9 gpm	I, M, D, C
CR Well No. 3	125.0 gpm	I, M, D, C	0.0 gpm	-	125.0 gpm	I, M, D, C
CR Well No. 4	125.0 gpm	I, M, D, C	0.0 gpm	-	125.0 gpm	I, M, D, C
Yampa River Diversion (for irrigation)	5.0 cfs	I	2.0 cfs	I	3.0 cfs	I
Yampa River Diversion (to Walton Creek)	5.0 cfs	R, F, A	2.45 cfs	R, F, A	2.55 cfs	R, F, A
Golf Course Pond	32 af	I, M, D, C, R, F, A, R&Aug	0 af	-	32 af	I, M, D, C, R, F, A, R&Aug
Golf Course Pond Refill	30 af	I, M, D, C, R, F, A, R&Aug	0 af	-	30 af	I, M, D, C, R, F, A, R&Aug
Highline Beaver Ditch Catamount Enlargement	1.0 cfs	I, M, D, C	1.0 cfs	I	1.0 cfs	M, D, C
Enterprise Ditch Catamount Enlargement	1.0 cfs	I, M, D, C	1.0 cfs	I	1.0 cfs	M, D, C

Key: gpm – gallons per minute, cfs – cubic feet per second, af – acre-feet, I – Irrigation, M – Municipal, D – Domestic, C – Commercial, R – Recreational, F – Fishery, A – Aesthetic, R&Aug – Replacement and Augmentation.

f. Alternate Points: The May 16, 2000 decree in Case No. 98CW39 provides that CR Well Nos. 1-4 may be operated as alternate points of diversion for each other, and, in addition, allows for the construction of additional wells as alternate points for the CR Well Nos. 1-4, including CR Well No. 1A, located in the NE1/4 SE1/4 of Section 4, T5N, R84W, 6<sup>th</sup> P.M. g. Additional well: Pursuant to Paragraph 11.c. of the May 16, 2000 decree in Case No. 98CW39 and confirmed by the decree entered on October 3, 2008, in Case No. 06CW16, Applicants identified the location of the following additional/ supplemental well within 1000 feet of the location of the CR Well No. 2: Well CR-2A, Permit No. 59461-F, is located in the NW1/4 SE1/4 of Section 4, Township 5 North, Range 84 West, 6<sup>th</sup> P.M., at a point 2500 feet from the South line and 2300 feet from the East line of said Section 4. In accordance with Paragraph 11.d. of the May 16, 2000 decree in Case No. 98CW39, no more than 500 g.p.m. at any one time and 200 acre-feet per year may be diverted from all or any combination of the CR Well Nos. 1 through 4, CR Well 1A, Well CR-2A, and any supplemental and additional wells provided for in said 98CW39 decree. 4. Location of additional

well: Pursuant to Paragraph 11.c. of the May 16, 2000 decree in Case No. 98CW39, Applicants identify the location of the following additional/supplemental well within 1000 feet of the location of the CR Well No. 1: CR Well 1B, Permit No. 82077-F, is located in the NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 4, Township 5 North, Range 84 West, 6<sup>th</sup> P.M., at a point 2,560 feet from the South line and 1,732 feet from the East line of said Section 4. UTM coordinates (NAD83 datum, Zone 13) 346218 Easting, 4475932 Northing. In accordance with Paragraph 11.d. of the May 16, 2000 decree in Case No. 98CW39, no more than 500 g.p.m. at any one time and 200 acre-feet per year may be diverted from all or any combination of the CR Well Nos. 1 through 4, CR Well 1A, Well 1B, Well CR-2A, and any supplemental and additional wells provided for in said 98CW39 decree. Applicants request a finding that no additional terms and conditions are necessary to avoid injury to other water rights based on the forgoing well location. 5. Evidence of reasonable diligence: As previously determined by this Court, the Subject Conditional Water Rights are part of a single integrated water system, together with other existing water rights, for the supply of water to Catamount Ranch and Catamount Golf Course developments in Township 5 North, Range 84 West, 6<sup>th</sup> P.M., in Routt County, Colorado, and other lands and facilities. The Applicants' efforts to develop this integrated water system and the Subject Conditional Water Rights support a finding of reasonable diligence. During the subject diligence period (August 2015 to the present), Applicants have spent considerable time and money developing the integrated water system. The Application contains a summary of projects and work undertaken during the diligence period prior to the filing of this Application with respect to the Subject Conditional Water Rights and the integrated water system of which they are a part, and is available for inspection at the office of the Division 6 Water Clerk or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 6. Claim to make absolute: Applicants diverted 44 gpm from CR Well 1B, which is an additional/supplemental well to CR Well 1, on August 8, 2020, and on other dates. Such diversions were applied to irrigation, municipal, domestic and commercial uses. Applicants claim 44 gpm absolute for CR Well 1 for irrigation, municipal and commercial uses, with 81 gpm remaining conditional. Exhibit C, attached to the Application and available for inspection at the office of the Division 6 Water Clerk or via Colorado Courts E-filing, presents the Pump Installation and Production Equipment Test Report for CR Well 1B, Permit No. 82077-F, documenting a 45 gpm pump capacity. Exhibit D, attached to the Application and available for inspection at the office of the Division 6 Water Clerk or via Colorado Courts E-filing, is a copy of the District's data sheet documenting a 44 gpm pumping rate on August 8 and 14, 2020, and September 7, 2020. 7. Names(s) and address(es) of owner(s) 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: a. The CR Well Nos. 1-4, 1A, 1B and 2A are located on property owned by the Applicant, District. b. The headgate of the Highline Beaver Ditch Catamount Enlargement is located on property owned by the U.S. Forest Service, 29587 West U.S. Hwy. 40, Steamboat Springs, CO, 80477. c. The headgate of the Enterprise Ditch Catamount Enlargement is located on property owned by the Applicant, CDI. d. The Golf Course Pond is located on property owned by the Applicant, CDI. e. The Yampa River Diversion and associated pipeline is located on property owned by John Moyer (1625 Mid Valley Drive, Unit 1, PMB #7, Steamboat Springs, CO 80487), Michael & Susan Holloran (P.O. Box 773600, Steamboat Springs, CO 80477), and Brett Rowan (PO Box 773597, Steamboat Springs, CO 80477-3597); Applicants have obtained easements for the structure across the property of the

foregoing persons. WHEREFORE, the Applicants respectfully request that this Court enter a decree approving this Application, making 44 gpm absolute for CR Well 1 as set forth above, and finding reasonable diligence for and continuing in full force and effect all remaining Subject Conditional Water Rights.

**2021CW3032 ROUTT COUNTY. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE.** 1. Name and Address of Applicant: City of Steamboat Springs (the "City"), attn: Water Resources Manager, P.O. Box 775088, Steamboat Springs, CO 80477. All pleadings should be directed to Karen Henderson at khenderson@bh-lawyers.com and Steve Bushong at sjbushong@bh-lawyers.com. 2. Overview: By this application, the City seeks a finding of reasonable diligence for its Steamboat Springs Elk River Diversion water right, as described in paragraph 3 below. 3. Description of the Conditional Water Right: a. Name: Steamboat Springs Elk River Diversion. b. Decree: The Steamboat Springs Elk River Diversion was decreed by the District Court in and for Water Division No. 6 ("Water Court") in Case No. 99CW68 entered on June 14, 2000. A subsequent decree confirming the exercise of reasonable diligence was entered by the Water Court in Case No. 06CW21 on November 17, 2007, and in Case No. 2013CW3029 on August 15, 2015. c. Location: On the East bank of the Elk River in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 22, Township 7 North, Range 85 West of the 6<sup>th</sup> P.M., Routt County, Colorado, at a point 2,350 feet East of the West section line and 850 feet North of the South section line of said Section 22. For convenience, the UTM Coordinates are NAD 83, Zone 13, Easting: 338429, Northing: 4490083. *See* Exhibit A. d. Source: The Elk River, a tributary of the Yampa River. e. Appropriation Date: December 14, 1999. f. Amount: 8 cfs, conditional. g. Uses: All municipal purposes within the City's present or future service area, including but not limited to domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, power generation, street sprinkling, recreation, fish and wildlife propagation, exchange, storage for later municipal use, maintenance of adequate storage reserves, maintenance of operating detention, replacement, augmentation, substitution, and other beneficial uses relating to the operation of the City's municipal water system. h. Remarks: This water right was decreed the right to be used, reused, successively used, and fully disposed of so long as the City maintains dominion and control over such water. 4. Detailed outline of work done to complete project and apply water to beneficial use: During the subject diligence period, the City has diligently worked toward applying the Steamboat Springs Elk River Diversion water right to beneficial use. Evidence of the City's diligence includes, but is not limited to: a. Given the importance of long-range planning to allow adequate time to plan, fund, and complete projects, the City updates its Water Supply Master Plan about every 10 years. The most recent Water Supply Master Plan, which included the subject water right, was prepared by Applegate Group and was finalized in August of 2019 (at a cost of \$75,000 to the City). b. In 2020, the City finalized a perpetual water storage contract with Public Service Company of Colorado to provide water out of Steamboat Lake to divert when the subject water right is not available to provide a more reliable supply of water. c. In 2020, the City initiated construction of the West Area Water Tank at a contracted cost of \$3,699,529. This tank will serve as one of two primary distribution tanks for the subject water right. d. In 2016, the City constructed \$329,357-worth of water distribution system improvements intended to connect diversions from the subject water right to the West Area Water Tank and the existing distribution system. e. In 2020, the City hired Baseline Engineering to update the City's Water and Wastewater Master Plan at a cost of \$120,370. f. In 2019, the City

completed a Water and Wastewater Rate Study with the help of Raftelis Consulting at a cost of \$60,000. g. In 2021, the City hired Carollo Engineers, Inc. to complete a Water and Wastewater Rate Study at a cost of \$110,026. h. In 2019, the City hired Applegate Group, Inc. to update a Water Conservation Plan at a cost of \$54,100. i. The subject water right is a critical part of the City's plan to meet its future municipal water demands within its allowable planning horizon. This includes large areas of land located immediately adjacent to and west of the existing City limits. Extensive work was performed on a proposed annexation that was conditionally approved by City Council and the voters. This annexation agreement later failed contractually, but another annexation petition is forthcoming with the Yampa Valley Housing Authority having acquired said land in August of 2021 with the intent to construct local workforce housing that would be connected to the City's water system. The City believes that it can and will complete the appropriation within a reasonable time and intends to perfect the subject water right for use by the City and its customers. [5 pages + map]

**2021CW3033**, Groundwater tributary to Aspen Gulch, tributary of Elk River, tributary of Yampa River, and groundwater tributary to Willow Creek, tributary of Elk River, tributary of Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. *Name, mailing address, email address, telephone number of Applicant*: Steamboat Lake Water & Sanitation District, P.O. Box 690, Clark, CO 80428, [admin@steamboatlakewater.com](mailto:admin@steamboatlakewater.com) (the "District"). 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](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. 2. *Names and Types of Structures*: Lot 124-1 Well, Lot 84-2 Well, Lot 63-2 Well (permitted wells). 3. *Description of Conditional Right*: A. *Original Decree*: Date of Decree: December 18, 2007; Case No. 2002CW94, Water Court, Water Division 6. B. *Subsequent Decree Awarding Finding of Diligence*: Date of Decree: August 5, 2015, Case No. 2013CW3042, Water Court, Water Division 6. C. *Legal Description (as provided in most recent decree)* all wells are located in Township 9 North, Range 85 West of the 6th P.M., in Routt County, Colorado wells and are depicted on the attached Exhibit 1, *Structure Locations and Approximate District Boundaries*: i. Lot 124-1 Well: SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 10, at a point 2,245 ft. from the North section line and 990 ft. from the West section line of said Section 10. ii. Lot 84-2 Well: SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 4, at a point 1,051 from the South section line and 1,192 from the East section line of said Section 4. iii. Lot 63-2 Well: NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 9, at a point 810 feet from the North section line and 785 feet from the East section line of said Section 9. D. *Sources of Water*: i. Lot 124-1 Well: Groundwater tributary to Aspen Gulch, tributary of Elk River, tributary of Yampa River. ii. Lot 84-2 Well: groundwater tributary to Willow Creek, tributary of Elk River, tributary of Yampa River. iii. Lot 63-2 Well: Groundwater tributary to Aspen Gulch, tributary of Elk River, tributary of Yampa River. E. *Appropriation Date*: July 1, 2002, for all wells. F. *Amounts and Uses*: i. Lot 124-1 Well: 25 gpm conditional for fire protection, piscatorial, wildlife, livestock watering, recreation, and general municipal uses within and without the Steamboat Lake Water and Sanitation District boundaries in Routt County, Colorado. General municipal uses include, without limitation, irrigation, domestic, commercial, industrial, and sewage treatment. ii. Lot 84-2 Well: a. 12 gpm absolute for fire protection and general municipal uses within and without Steamboat Lake Water and Sanitation District boundaries in Routt County, Colorado. General municipal uses include, without limitation, irrigation, domestic, commercial, industrial, and

sewage treatment. b. 38 gpm conditional for fire protection and general municipal uses within and without Steamboat Lake Water and Sanitation District boundaries in Routt County, Colorado. General municipal uses include, without limitation, irrigation, domestic, commercial, industrial, and sewage treatment. c. 50 gpm conditional for piscatorial, wildlife, livestock watering, and recreation within and without Steamboat Lake Water and Sanitation District boundaries in Routt County, Colorado. iii. Lot 63-2 Well: 25 gpm conditional for fire protection, piscatorial, wildlife, livestock watering, recreation, and general municipal uses within and without the Steamboat Lake Water and Sanitation District boundaries in Routt County, Colorado. General municipal uses include, without limitation, irrigation, domestic, commercial, industrial, and sewage treatment. G. **Depth of Wells**: Lot 124-1 Well: 320 ft.; Lot 84-2 Well: 380 ft.; Lot 63-2 Well: 300 ft. 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**: Steamboat Lake Water and Sanitation District supplies water utility services to lots in Filings 1 through 4 of the Steamboat Lakes Subdivision within its district boundaries, and water for limited use, such as fire protection, within and outside of its boundaries. During the diligence period, the District spent in excess of \$500,000.00 to maintain, repair, replace, monitor, and test its water collection, distribution, and treatment systems. The expended funds include costs of professional services (such as engineers, surveyors and attorneys) related to these operation systems and those incurred to study and evaluate future water needs, development of the District's conditional water rights, protection of its water supply system and water rights, and implementation and use of its *Augmentation Plan* (see *In re Application of Steamboat Lake Water District*, Case No. W-1056-76 (Water Div. 6), (decreed July 21, 1978), *Findings of Fact, Conclusions of Law, and Decree Approving Plan for Augmentation and Change of Water Rights*), including the integration of its conditional water rights. 5. **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**: i. Lot 124-1 Well: Donald W. Wendell and Pamela M. Wendell, 457 Christensen Circle, Littleton, CO 80123. ii. Lot 84-2 Well: Holt P. Fogarty, PO Box 1183, Clark, CO. iii. Lot 63-2 Well: Jason and April Weaver, 5586 Maryland Ave., LaMesa, CA 91942. 6. **Remarks or any pertinent information**: Steamboat Lake Water and Sanitation District requests the Water Court find that the District has exercised reasonable diligence towards developing and completing the appropriation of the conditional water right during the diligence period, determine that the conditional rights are an integrated component of the District's water system and that pursuant to C.R.S. § 37-92-301(4)(b) work done with regard to the conditional right supports finding that reasonable diligence has been shown for all the conditional rights that comprise the District's water system, and enter a decree continuing the conditional water right in full force and effect throughout the next diligence period.

**2021CW3036. GARFIELD COUNTY, EAST WILLOW CREEK, WILLOW CREEK, PICEANCE CREEK, COLORADO RIVER.** Chevron U.S.A. Inc. ("CUSA"). Attn:Robert Nunmaker, Chevron Land Area Manager,1400 Smith Street, Houston, TX 77002, (713) 372 – 3277, [robertnunmaker@chevron.com](mailto:robertnunmaker@chevron.com) C/O Kirsten M. Kurath,744 Horizon Court, Suite 115, Grand Junction 85726, 970-242-6262, [kmkurath@wth-law.com](mailto:kmkurath@wth-law.com) Application for Finding of



Reasonable Diligence. Structures: Getty Springs 3A, 3B and 3C. Original Decree: May 1, 1984; Case No. 83 CW 365-A; District Court, Water Division No. 5. Subsequent Decrees: Case No. 88CW060, August 18, 1988; Case No. 94CW045, September 9, 1994; Case No. 00CW180, March 7, 2001; and Case No. 07CW51, September 24, 2008; all in Water Division No. 5. Most recent diligence decree: Case No. 2014CW3023, August 17, 2015 in Water Division No. 6. Locations: Getty Spring 3A is located in the NW1/4 NW1/4 of Section 9, T. 5 S., R. 97 W. of the 6th P.M. at a point 850 feet South of the North line and 900 feet East of the West line of said Section 9; Getty Spring 3B is located in the NW1/4 NW1/4 of Section 9, T. 5 S., R. 97 W. of the 6th P.M. at a point 350 feet South of the North line and 1050 feet East of the West line of said Section 9; Getty Spring 3C is located in the NW1/4 NW1/4 of Section 9, T. 5 S., R. 97 W. of the 6th P.M. at a point 225 feet South of the North line and 1200 feet East of the West line of said Section 9. See Exhibit A attached to the Application. Source: Springs tributary to East Willow Creek, tributary to Willow Creek, tributary to Piceance Creek, tributary to the White River, for all three springs. App Date: July 1, 1983. Amounts: Getty Spring 3A: 0.01 c.f.s., absolute for domestic (stockwatering) purposes and conditional for the remaining decreed uses; Getty Spring 3B: 0.67 c.f.s.; absolute in the amount of 0.033 c.f.s. for domestic (stockwatering) purposes and conditional for all remaining amounts and uses. Getty Spring 3C: 0.03 c.f.s., absolute for domestic (stockwatering) purposes and conditional for the remaining decreed uses. Use: Domestic, recreational, irrigation, industrial, and manufacturing purposes. The Application contains 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 to the Getty Water Rights described above, including expenditures. CUSA, an indirect wholly owned subsidiary of Chevron Corporation, owns and manages the business and assets of Chevron Corporation as they relate to shale oil exploration, development and production on properties currently held by CUSA and on properties to be acquired in the future. CUSA is also responsible for advancing, through corporate affiliates and others, research and development activities related to shale oil exploration, development and production and for managing, developing and protecting these water rights. Most of the diligence activities are accomplished through Chevron Shale Oil Company, a division of CUSA. Each of the water rights described above constitutes a feature of the Getty Oil Company Water System, which includes other conditional water rights located in the Colorado River drainage. All work performed with respect to development of each of the conditional water rights in the Getty Oil Company Water System constitutes diligence toward each and all of the conditional decrees. See Paragraph 6, Case No. 2014CW3023 Decree. A decree finding that CUSA has exercised reasonable diligence in the development of the conditional water rights of the Getty Oil Company Water System that are located in the Colorado River drainage was entered on June 6, 2021, in Case No. 2020CW3099, District Court, Water Division 5. Name and address of owner(s) of land: Applicant. Applicant requests the Court enter a decree granting this Application, finding that it has exercised reasonable diligence in developing and completing the appropriation of the conditional portion of the water rights described above during the diligence period. (12 pages)

**21CW3034 RIO BLANCO COUNTY – Dugan Draw, Tributary to White River.** Application For Finding Of Reasonable Diligence. Applicant: RIDGE ESTATES HOMEOWNERS ASSOCIATION, INC., c/o Robert M. Noone, Esq., The Noone Law Firm, P.C., P.O. Box 39, Glenwood Springs, CO 81602. *Claim for Finding of Reasonable Diligence*: Structures: Ridge Estates Well No. 1 and Ridge Estates Well No. 2. Decree for Structures: Originally decreed by the Division 5 Water Court in Case No. 07CW107, October 19, 2008. *Conditional Rights*

**Descriptions: Ridge Estates Well No.1 Location:** SE 1/4 SW 1/4 Section 27, Township 1 North, Range 94 West, 6th P.M. at a point 140 feet from the South line and 1722 feet from the West line of said Section 27. **Ridge Estates Well No. 2 Location:** NW1/4 SW1/4 Section 27, Township 1 North, Range 94 West, 6th P.M. at a point 1760 feet from the South line and 577 feet from the West line of said Section 27. **Source for Ridge Estates Well No. 1 and Ridge Estates Well No. 2:** Groundwater tributary to Dugan Draw, tributary to the White River. **Appr. Date for Ridge Estates Well No. 1 and Ridge Estates Well No. 2:** December 7, 2006. **Amount/Uses for Ridge Estates Well No. 1 and Ridge Estates Well No. 2:** 100 g.p.m. (0.22 cfs; 35.3 AF/yr. cumulative for both wells), conditional, for Domestic uses associated with thirty-two (32) single family residence units and sixteen (16) town home units within the Development and domestic uses associated with up to four (4) single family residence units in the Mesa View Subdivision located in the S½ of Section 27 and the NE ¼ NE ¼ of Section 34, adjacent to the Development; Commercial uses associated with a fifty (50) seat restaurant at the adjacent Meeker Golf Course located in the SE ¼ SW ¼ of Section 27; Livestock watering for up to 32 head of livestock; and Fire protection in connection with the Development. **Outline of Diligent Efforts to Complete Appropriation:** During the diligence period, the Applicant has continued to expend funds in excess of \$34,000.00 in development costs and fees incurred in continuing to develop this integrated water supply system, including obtaining the required approvals from the Rio Blanco County Board of County Commissioners for the development of Ridge Estates Subdivision (Ridge Estates PUD Agreement, Rio Blanco County Clerk and Recorder's Reception No. 296818), the real property where the subject water rights are located and are to be used; continuing the construction of the internal roads of Ridge Estates Subdivision; completing the installation and permitting of the Ridge Estates Well No. 1 (Permit No. 68204-F) and Ridge Estates Well No. 2 (Permit No. 68203-F) for their decreed purposes and installing the infrastructure required to deliver water to the lots within Ridge Estates Subdivision for their decreed uses. In addition to the foregoing described work, the Developer and the previous owner of the water rights and related improvements serving the Ridge Estates development, Empty Enterprises, LLC, completed the transfer of the ownership of the Ridge Estates water system and related improvements to the Ridge Estates Homeowners Association, which has now assumed responsibility for completing the development of the water system and the related water rights. Pursuant to Local Rule 9, the "Notice of Transfer of Conditional Water Rights and Change of Address" for the Ridge Estates Well No. 1 and Well No. 2 has been filed with this Court and the Form No. GWS-11 08/2016 "Notice of Change in Owner Name/Mailing Address" for the Ridge Estates Well No. 1 and Well No. 2 have been filed with the Colorado Division of Water Resources. The Applicant also retained the services of the Noone Law Firm, P.C., during the diligence period to monitor water rights filings in Division 6 for potential adverse impacts to the claimed conditional water rights. (8 pp., Incl. Exhibits.)

**21CW3037, Rio Blanco County, White River.** Application for Findings of Reasonable Diligence. Mahogany Energy Resources, LLC c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. All structures: Original decree entered 11/05/07 in 03CW160; subsequent decree entered 08/27/15 in 13CW3030. Appropriation date: 05/21/02. Corral Gulch Borrow Area Pond ("Pond"): Location: at a point 2,320 ft N of S Sec Line and 620 ft W of E Sec Line of Sec 33, T 1 S, R 99 W 6<sup>th</sup> PM. Source: Water diverted from Corral Gulch through the Corral Gulch Borrow Area Ditch and the Corral Gulch Borrow Area Infiltration Gallery. Corral Gulch is trib to Yellow Creek, trib to White River. Amounts and uses: 21 af, total, consisting of: 9.26 af absolute and 11.74

af conditional for all decreed uses as described below (“Decreed Uses”), together with the right to fill and refill. Corral Gulch Lower Site Reservoir (“Reservoir”): Location: at a point 2,140 ft N of S Sec Line and 830 ft E of W Sec Line of Sec 34, T 1 S, R 99 W 6<sup>th</sup> PM. Source: Corral Gulch. Amount: 23 af, conditional, with the right to fill and refill. Corral Gulch Borrow Area Ditch (“Ditch”): Location: At a point approx 2,100 ft N of S Sec Line and 1,100 ft W of E Sec Line of Sec 33, T 1 S, R 99 W 6<sup>th</sup> PM. Source: Corral Gulch. Amounts and uses: 5.0 cfs, total, consisting of the following: 0.15 cfs absolute and 4.85 cfs conditional for all Decreed Uses. Corral Gulch Borrow Area Infiltration Gallery: Located approx 2,100 ft N of S Sec Line and 1,100 ft W of E Sec Line of Sec 33, T 1 S, R 99 W 6<sup>th</sup> PM. Source: Alluvial deposits under and adjacent to Corral Gulch. Estimated depth: 30 ft. Amount: 5.0 cfs, conditional, with max annual diversion of 50 af. The following is a description of Decreed Uses for the Pond, Reservoir, Ditch, and Infiltration Gallery: industrial and mining purposes in connection with the mining and production of oil and other products from oil shale, and for domestic and commercial purposes. Water stored in the Pond or Reservoir may be used by Applicant on or in connection with the development of lands in which Applicant currently has, or has a reasonable expectation of procuring, a legally vested interest. Water stored in the Pond and Reservoir may be used directly for the Decreed Uses, and it may also be used for augmentation of, for replacement of and/or by exchange for water diverted for Decreed Uses. The Application on file with the court includes a list of activities demonstrating diligence. Owner of land: Applicant. (11 pages)

**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 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.

CARMMA PARKISON  
CLERK OF COURT  
ROUTT COUNTY COMBINED COURT  
WATER DIVISION 6

/s/ Julie A. Edwards  
Deputy Court Clerk