

**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 **December 2022**.

**2022CW3114**, Colorado Water Conservation Board (“CWCB”), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Patrick L. Barker, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7<sup>th</sup> Floor, Denver, Colorado 80203. Telephone: (720) 508-6297. Email: patrick.barker@coag.gov. **APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN DEEP CREEK, A NATURAL STREAM IN THE UPPER YAMPA WATERSHED, IN ROUTT COUNTY, COLORADO. Name of water right:** Deep Creek Instream Flow (“ISF”) Water Right. **Summary of Application:** By this Application, the CWCB requests adjudication of an ISF Water Right to preserve the natural environment of Deep Creek, a natural stream tributary to Willow Creek, tributary to the Elk River, tributary to the Yampa River, tributary to the Green River, to a reasonable degree. **Legal description:** The Deep Creek ISF Water Right is located in the natural stream channel of Deep Creek from the headwaters of Deep Creek to the confluence with Steamboat Lake, a distance of approximately 2.45 miles. A map depicting the approximate location of the Deep Creek ISF Water Right reach is attached as **Exhibit 1. Upstream Terminus:** The headwaters of Deep Creek in the vicinity of: UTM: Northing: 4522646.30, Easting: 336333.41 (NAD 1983 Zone 13 North); Lat/Long: Latitude 40° 50' 18.71"N, Longitude 106° 56' 28.59"W. **Downstream Terminus:** The confluence of Deep Creek with Steamboat Lake at: UTM: Northing: 4519435.84, Easting: 334767.17 (NAD 1983 Zone 13 North); Lat/Long: Latitude 40° 48' 33.52"N, Longitude 106° 57' 32.36"W. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. **Source:** Deep Creek, tributary to Willow Creek, tributary to the Elk River, tributary to the Yampa River, tributary to the Green River. **Date of appropriation:** January 24, 2022. **How appropriation was initiated:** Appropriation and beneficial use occurred on January 24, 2022, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4), and (10), C.R.S. **Date water applied to beneficial use:** January 24, 2022. **Amount of water claimed:** Instream flow of 0.3 cfs (10/01 - 04/30), 2.5 cfs (05/01 - 07/31), and 0.95 cfs (08/01 - 09/30), absolute. **Proposed use:** Instream flow to preserve the natural environment to a reasonable degree. **Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB’s appropriation does not require diversion structures or storage. *See Colo. River Water Conservation Dist. V. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. The Deep Creek ISF Water Right is a surface water right. As such, the appropriation does not involve construction of a well. **Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4), and (10), C.R.S. The purpose of the CWCB’s appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on July 21, 2022, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Deep Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB’s water rights herein, if granted; and that such environment can exist without material injury to water rights.

**2022CW3115**, (20CW3030, 13CW3026, 05CW66). DISTRICT COURT, WATER DIVISION NO. 6, STATE OF COLORADO, Routt County Justice Center, 1955 Shield Drive, Unit 200, Steamboat Springs, CO. 80487. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF ALPINE MOUNTAIN RANCH METROPOLITAN DISTRICT, IN ROUTT COUNTY, COLORADO. **APPLICATION FOR CHANGE OF WATER RIGHTS.** 11. **Name and Address of Applicant:** Alpine Mountain Ranch Metropolitan District (“District”), P.O. Box 773659, Steamboat Springs, CO. 80477, (970) 875-1200, Email: [awilliams@alpinemountainranch.com](mailto:awilliams@alpinemountainranch.com); [skidaly100@gmail.com](mailto:skidaly100@gmail.com). Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. **Name of Structure:** Steamboat Alpine Well No. 1. 3. **Description of conditional water right:** (a) **Previous Decrees:** The subject right was originally decreed by the District Court in and for

Water Division No. 6 entered in Case No. 05CW66 on October 17, 2007. The subject water right obtained findings of diligence in Case No. 13CW3026 and Case No. 20CW3030. (b) Decreed Location: Steamboat Alpine Well No. 1: The well is located in the SW1/4 NW1/4 of Section 3, T. 5 N., R. 84 W. of the 6<sup>th</sup> P.M. at a point 335 feet east of the west section line and 2,050 feet south of the north section line of said Section 3. Due to the irregularity of the section, the well may instead be deemed to be located in the NW1/4 NW1/4 of said Section 3. In any event, the well will be located within 100 feet of the nearest bank of Walton Creek. The GPS coordinates of the well are Northing 4476361, Easting 346855, UTM, NAD83. A map of the well is attached as Exhibit A. (c) Source: Steamboat Alpine Well No. 1: Walton Creek alluvium, tributary to the Yampa River. (d) Appropriation Date: December 29, 2005. (e) Amount: Steamboat Alpine Well No. 1: 0.044cfs (20 gpm), conditional. (f) Uses: Steamboat Alpine Well No. 1: Recreation, piscatorial and livestock watering in Steamboat Alpine Pond No. 1 described above. The well will be used to replace evaporative losses in the Steamboat Alpine Pond No. 1 at times when the Priest Creek Pump and Pipeline is not legally or physically allowed to do so, subject to the terms and conditions set forth in the decree entered in Case No. 05CW66. (g) Remarks: In Case No. 05CW66 the subject water right was augmented. 4. Proposed Change of Water Right: The District seeks to change the location of the Steamboat Alpine Well No. 1 to a location in the NW1/4 NW1/4 of Section 3, T. 5 N., R. 84 W., of the 6<sup>th</sup> P.M. at a point 539.50 feet east of the west section line and 1574.49 feet south of the north section line of said Section 3. This is a distance of 535.39 feet from the decreed location. See Exhibit A. The GPS coordinates are Northing 40.42517, Easting 106.80458, UTM, NAD83. In addition, the District seeks to amend and change the augmentation plan decreed in Case No. 05CW66 to include this new location. 5. Land Ownership: The District is the owner of the land on which the Steamboat Alpine Well No. 1 is currently located and the proposed new location. Wherefore, the District seeks a decree that (i) changes the location of the Steamboat Alpine Well No. 1 to the location set forth in paragraph 4 above; (ii) amends the augmentation plan decreed in Case No. 05CW66 to cover and include this new location; and (iii) grants such other relief as the Court may provide.

**2022CW3116**, Colorado Water Conservation Board (“CWCB”), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Bruce C. Walters, Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6255. Email: bruce.walters@coag.gov. APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN WATSON CREEK, A NATURAL STREAM IN THE UPPER YAMPA WATERSHED, IN ROUTT COUNTY, COLORADO. Name of water right: Watson Creek Instream Flow Water Right. Legal description: The Watson Creek Instream Flow Water Right is located in the natural stream channel of Watson Creek from the confluence of Moody Creek to the Hardscrabble Ditch headgate, a distance of approximately 5.86 miles. A map depicting the approximate location of the Watson Creek ISF Water Right reach is attached as Exhibit 1. Upstream Terminus: The confluence of Moody Creek, located at: UTM: Northing: 4442915.57; Easting: 331641.39 (NAD 1983 Zone 13 North) Lat/Long: Latitude 40° 07' 10.98"N; Longitude 106° 58' 32.63"W Downstream Terminus: The Hardscrabble Ditch headgate, located at: UTM: Northing: 4447907.65; Easting: 335946.66 (NAD 1983 Zone 13 North) Lat/Long: Latitude 40° 09' 55.86"N; Longitude 106° 55' 35.42"W Remarks: The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). Source: Watson Creek, tributary to the Yampa River, tributary to the Green River. Information regarding the appropriation: Date of appropriation: January 24, 2022. How appropriation was initiated: Appropriation and beneficial use occurred on January 24, 2022, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4), and (10), C.R.S. C. Date water applied to beneficial use: January 24, 2022. Amount of water claimed: Instream flow of 1.1 cubic feet per second (“cfs”) (08/16 - 03/31), absolute, and 1.9 cfs (04/01 - 06/21), absolute. Proposed use: Instream flow to preserve the natural environment to a reasonable degree. Appropriation subject to present uses or exchanges of water: In accordance with section 37-92-102(3)(b), C.R.S., the appropriation of the Watson Creek Instream Flow Water Right shall be subject to the present uses or exchanges of water being made by other water users pursuant to appropriation or practices in existence on the date of such appropriation, whether or not previously confirmed by court order or decree. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located: The notice required by section 37-92-302(2)(b), C.R.S., to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. As an instream flow water right, the CWCB’s appropriation does not require diversion structures or storage. See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd., 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. The Watson Creek Instream Flow

Water Right is a surface water right and, as such, this appropriation does not involve the construction of a well. Remarks: This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4), and (10), C.R.S. The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 17, 2022, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S., that the natural environment of Watson Creek will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights.

**2022CW3119 APPLICATION FOR UNDERGROUND WATER RIGHTS (ABSOLUTE), CONCERNING THE APPLICATION FOR WATER RIGHTS OF: R.A.D. LAND AND CATTLE LLC, IN ROUTT COUNTY, COLORADO.** **1. Name, address, e-mail address and telephone number of applicant:** R.A.D. Land and Cattle LLC, a Texas limited liability company, c/o Trent Taylor, 1815 Central Park Dr., Ste. 110, PMB 133, Steamboat Springs, CO 80487, [trent.taylor@hotmail.com](mailto:trent.taylor@hotmail.com), With copies to: Melinda H. Sherman, Esq., Bryce K. Hinchman, Esq., Sharp, Sherman & Engle LLC, P.O. Box 774608 / 401 Lincoln Ave., Steamboat Springs, CO 80477, [sherman@steamboatlawfirm.com](mailto:sherman@steamboatlawfirm.com), [bhinchman@steamboatlawfirm.com](mailto:bhinchman@steamboatlawfirm.com), (970) 879-7600. **2. Name(s) of well(s) and permit, registration, or denial number(s).** SWSE Pond. Permit Number: 85605-F. **3. Location of Structure:** A. Public Land Survey System (PLSS): The SWSE Pond is located in SW ¼ SE ¼, Section 17, Township 6 North, Range 85 West of the 6th Prime Meridian, in Routt County, Colorado. B. Point of Diversion: 1. Location information in UTM format: The pond is located in UTM Zone 13, having coordinates of Easting 335078.0 and Northing 4481959.0, and street address of 38005 Rollinghills Lane, Steamboat Springs, CO 80487. Source of UTMs: CDSS Map Viewer. 2. Distance from Section Lines: SW ¼ SE ¼ of Section 17, Township 6 North of the 6th Prime Meridian, Range 85 West, at a point 2,438 feet from the East section line and 644 feet from the South section line, in Routt County, Colorado. **4. A. Source of water:** Groundwater tributary to Yampa River. B. Depth of well pond, if completed: The maximum depth of the pond is 15 feet, with a maximum surface area of 0.37 acres. **5. A. Date of appropriation:** July 19, 2018. B. How appropriation was initiated: The SWSE Pond is an excavated pond that intercepts groundwater. In developing the SWSE Pond, the Applicant has completed the following steps manifesting the intent to appropriate such waters. On July 19, 2018, the Applicant engaged a water resources consulting firm, Jehn Water Consultants, Inc., for purposes of developing and enhancing water resources located on the Applicant's property. The Applicant engaged NTB Associates, Inc. to prepare a boundary and topographical survey in connection with the development of the SWSE Pond. The Applicant engaged NorthWest Colorado Consultants, Inc., a geotechnical engineering firm, to perform a soil investigation for the location of the SWSE Pond in July of 2021. The Applicant applied for and received Well Permit No. 85605-F, issued on June 8, 2021. Upon the issuance of the well permit in 2021, the Applicant obtained bids and ultimately hired Sand Creek Enterprises LLC to construct the SWSE Pond and install the required infrastructure. Pond outlet and piping infrastructure was purchased on October 15, 2021 and installed on November 16, 2021, consisting of a 12-inch overflow downpipe and an outlet with a gate valve and separate intake filter connected to one-inch hydrant lines. The pond construction was completed on November 18, 2021. The Applicant submitted proof of construction to the Colorado Division of Water Resources on December 28, 2021. In total, the Applicant expended a sum of approximately \$38,302.14 in developing the SWSE Pond, which amount does not include connecting the pond's infrastructure to electric and water pipelines, and which amount does not include consultation with legal counsel. C. Date water applied to beneficial use: November 13, 2021. **6. Does the well withdraw tributary groundwater:** Yes. A. Amount claimed in gallons per minute: 1.859 gpm, absolute. B. Amount claimed in acre feet annually: 3 acre feet, absolute. **7. Does the well withdraw nontributary groundwater:** No. **8. Does the well operate pursuant to a decreed plan for augmentation:** No. **9. List all uses or proposed uses:** Livestock watering and evaporation. A. Irrigation: N/A. B. If non-irrigation, describe purpose fully: The Applicant uses the SWSE Pond for livestock watering and evaporation. Presently, the Applicant uses water from the SWSE Pond to water two horses and three mules which are kept on the Applicant's property year round, along with seasonal use by cattle consisting of 20 cow-calf pairs. **10. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which the structure is located and upon which water is used and/or stored:** The SWSE Pond is located upon the Applicant's property located at 38005 Rollinghills Lane, Steamboat Springs, CO 80487, and water from the SWSE Pond is used upon that property for the uses described herein. **11. Remarks or any other pertinent information:** WHEREFORE, Applicant seeks a Decree of this Court: 1. Granting absolute water rights to SWSE Pond as described above for livestock watering and evaporation. 2. In the alternative, should the Court not find as stated in the previous sentence, then Applicant prays that the Court grants conditional water rights to the SWSE Pond for any uses and/or amounts not made absolute. 3. For such further relief as the Court may deem proper.

**2022CW3120:** Martha Ventilla, P.O. Box 771408, 200 Lincoln Avenue, Steamboat Springs, Colorado 80487, Telephone: (347) 899-5241, Telephone: (415) 320-7774. **APPLICATION FOR CONDITIONAL WATER RIGHTS** in ROUTT COUNTY. Please send all pleadings and correspondence to: Brian M. Nazareus, Esq., Stacy L. Brownhill, Esq., NAZAREUS STACK & WOMBACHER LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, Telephone: (720) 647-5661. 2. Description of Conditional Water Rights. 2.1. Melmon Spring. 2.1.1. Name of Structure. Melmon Spring. 2.1.2. Original Decrees. Melmon Spring was originally decreed in Case No. 94CW66 on July 12, 1995 for 0.033 cfs by the District Court for Water Division No. 6 (“Water Court”). The spring was decreed absolute for domestic and livestock and conditional for irrigation of approximately 20 acres. In Case No. 01CW49 on July 16, 2009, the Water Court determined the conditional irrigation right had been abandoned. 2.1.3. Legal Description of Point of Diversion. NW1/4 SW1/4 of Section 22, Township 8 North, Range 85 West, of the 6th P.M., at a point 200 feet from the west section line and 2000 feet from the south section line of said Section 22. 2.1.4. Source. Tributary to Elk River and Yampa River. 2.1.5. Amount. 0.033 cfs, conditional. 2.1.6. Date of Appropriation. July 1, 1986. 2.1.7. How Appropriation Was Initiated. Putting the water to beneficial use. 2.1.8. Use. Irrigation. 2.2. Melmon Well Field No. 1. 2.2.1. Name of Structure. Melmon Well Field No. 1. 2.2.2. Original Decree. Melmon Well Field No. 1 was originally decreed in Case No. 02CW23 on September 15, 2003 for 0.066 cfs cumulatively as to all wells in the well field, not to exceed 20 acre-feet annually. The well field was decreed for irrigation (not to exceed 20 acres located within Parcels 8A and 10A of the Moonhill Highlands Subdivision), stockwatering of cattle and livestock, and domestic purposes (not to exceed two single family residences and two guest houses) within the boundaries of the two parcels. On October 21, 2009, the Water Court determined that the conditional well field right had been abandoned. 2.2.3. Legal Description of Point of Diversion. The well field (containing up to 2 wells) is located solely within the boundaries of Applicant’s property known as Parcel 8A, Moonhill Highlands Subdivision, which parcel is located in the SE1/4 of Section 21, and the SW1/4 of Section 22, Township 8 North, Range 85 West, of the 6th P.M. 2.2.4. Source. Groundwater tributary to Elk River and Yampa River. 2.2.5. Amount. 0.066 cfs, cumulatively as to all wells in the well field, not to exceed 20 acre-feet annually. 2.2.6. Date of Appropriation. September 30, 2001. 2.2.7. How Appropriation Was Initiated. Putting the water to beneficial use. 2.2.8. Uses. Irrigation (not to exceed 20 acres located within Parcels 8A and 10A of the Moonhill Highlands Subdivision), stockwatering of cattle and livestock, and domestic purposes (not to exceed two single family residences and two guest houses) within the boundaries of the two parcels. 2.3. Perce Spring. 2.3.1. Name of Structure. Perce Spring. 2.3.2. Original Decree. Perce Spring was originally decreed in Case No. 87CW01 on September 17, 1987 for 0.006 cfs by the Water Court. The spring was decreed absolute for stock water and conditional for domestic uses. On August 5, 1993, the Water Court determined that the conditional domestic right had been abandoned. 2.3.3. Legal Description of Point of Diversion. NE1/4 of Section 20, Township 8 North, Range 85 West, of the 6th P.M., at a point 1750 feet from the north section line and 1170 feet from the east section line of said Section 20. 2.3.4. Source. Tributary to Yampa River. 2.3.5. Amount. 0.006 cfs. 2.3.6. Date of Appropriation. July 1, 1975. 2.3.7. How Appropriation Was Initiated. Putting the water to beneficial use. 2.3.8. Uses. Domestic and irrigation. 3. Name and Address of the Owner of the Structures and Underlying Lands Listed Above. Applicant or legal entities controlled by Applicant. WHEREFORE, Applicant respectfully requests that the Court enter a decree granting the conditional water rights claimed herein. (5 pages, 0 exhibits).

**2022CW3121 APPLICATION FOR SURFACE WATER RIGHTS (ABSOLUTE), CONERNING THE APPLICATION FOR WATER RIGHTS OF: R.A.D LAND AND CATTLE LLC, IN ROUTT COUNTY, COLORADO.** 1. Name, address, e-mail address and telephone number of applicant: R.A.D Land and Cattle LLC, a Texas limited liability company, c/o Trent Taylor, 1815 Central Park Dr., Ste. 110, PMB 133, Steamboat Springs, CO 80487, [trent.taylor@hotmail.com](mailto:trent.taylor@hotmail.com), With copies to: Melinda H. Sherman, Esq., Bryce K. Hinchman, Esq., Sharp, Sherman & Engle LLC, P.O. Box 774608 / 401 Lincoln Ave., Steamboat Springs, CO 80477, [sherman@steamboatlawfirm.com](mailto:sherman@steamboatlawfirm.com), [bhinchman@steamboatlawfirm.com](mailto:bhinchman@steamboatlawfirm.com), (970) 879-7600. 2. Name of structure: SWSE Spring 1, Structure type: spring. 3. Location of structure: A. Public Land Survey System: The SWSE Spring 1 is located in SW ¼ SE ¼, Section 17, Township 6 North, Range 85 West of the 6th Prime Meridian, in Routt County, Colorado. B. Point of diversion: 1. Location in UTM format: The SWSE Spring 1 is located in UTM Zone 13, having coordinates of Easting 335051.0 and Northing 4481911.3, and street address of 38005 Rollinghills Lane, Steamboat Springs, CO 80487. Source of UTM: CDSS Map Viewer. 2. Distance from Section Lines (if not providing a UTM coordinate above): See UTM coordinates above. 4. Source: Unnamed tributary to Yampa River. 5. A. Date of appropriation: May 8, 2015. B. How appropriation was initiated: In May 2015, the Applicant purchased the subject property upon which the SWSE Spring 1 is located. Certain water improvements for livestock were already in existence at that time but had not been filed with the Colorado Division of Water Resources. The Applicant made use of such existing improvements upon acquiring the property. On May 20, 2015, the Applicant diverted water from the

SWSE Spring 1 into a 5-gallon bucket to evaluate the rate of flow, and subsequently diverted the water into a surface watering hole for use by livestock and wildlife. On July 19, 2018, the Applicant engaged a water resources consulting firm, Jehn Water Consultants, Inc., for purposes of developing and enhancing water resources located on the Applicant's property, including the SWSE Spring 1. Materials and infrastructure improvements for the SWSE Spring 1 were purchased in September of 2020. On November 3, 2020, the Applicant completed the installation of a vertical culvert and piping system for the SWSE Spring 1 to utilize a separate stock tank and for filling portable tanks for use in other pastures located upon the Applicant's property. In total, the Applicant expended a sum of approximately \$4,353.32 in developing the SWSE Spring 1, which amount does not include connecting the water infrastructure to electric and connecting water pipelines, and which amount does not include consultation with legal counsel. C. Date water applied to beneficial use: May 20, 2015. **6. Amount claimed in cubic feet per second (cfs) or gallons per minute (gpm):** 3 gallons per minute, absolute. **7. List all uses or proposed uses:** Livestock, domestic, fire protection, and wildlife uses. A. If irrigation, complete the following: N/A. B. If non-irrigation, describe purpose fully: The Applicant uses the SWSE Spring 1 for livestock, domestic, fire protection, and wildlife use. Presently, the Applicant uses water from the SWSE Spring 1 to water two horses and three mules which are kept on the Applicant's property year-round, along with seasonal use by cattle consisting of 20 cow-calf pairs. Water remains available for wildlife watering, with mule deer, elk, and other wildlife species commonly observed watering from the stock tanks filled by the SWSE Spring 1. The Applicant uses water from the SWSE Spring 1 for domestic uses at a mobile home trailer temporary located on the property. Water also remains available for fire protection purposes, and water from the SWSE Spring 1 was used in 2021 to prevent the spread of fire sparked by haying equipment on the Applicant's property. **8. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which the structure is located and upon which water is used and/or stored:** The SWSE Spring 1 is located upon the Applicant's property located at 38005 Rollinghills Lane, Steamboat Springs, CO 80487, and water from the SWSE Spring 1 is used upon that property. **9. Remarks or any other pertinent information:** WHEREFORE, Applicant seeks a Decree of this Court: 1. Granting absolute water rights to SWSE Spring 1 as described above for livestock, domestic, fire protection, and wildlife uses. 2. In the alternative, should the Court not find as stated in the previous sentence, then Applicant prays that the Court grants conditional water rights to the SWSE Spring 1 for any uses and/or amounts not made absolute. 3. For such further relief as the Court may deem proper.

**2022CW3122 APPLICATION FOR SURFACE WATER RIGHTS (ABSOLUTE), CONERNING THE APPLICATION FOR WATER RIGHTS OF: T BAR FARM AND RANCH, LLC, IN ROUTT COUNTY, COLORADO.** **1. Name, address, e-mail address and telephone number of applicant:** T Bar Farm and Ranch, LLC, a Texas limited liability company, c/o Trent Taylor, 1815 Central Park Dr., Ste. 110, PMB 133, Steamboat Springs, CO 80487, [trent.taylor@hotmail.com](mailto:trent.taylor@hotmail.com), With copies to: Melinda H. Sherman, Esq., Bryce K. Hinchman, Esq., Sharp, Sherman & Engle LLC, P.O. Box 774608 / 401 Lincoln Ave., Steamboat Springs, CO 80477, [sherman@steamboatlawfirm.com](mailto:sherman@steamboatlawfirm.com), [bhinchman@steamboatlawfirm.com](mailto:bhinchman@steamboatlawfirm.com), (970) 879-7600. **2. Name of structure:** SESE Spring 1, **Structure type:** spring. **3. Location of structure:** A. Public Land Survey System: The SESE Spring 1 is located in SE ¼ SE ¼, Section 17, Township 6 North, Range 85 West of the 6th Prime Meridian, in Routt County, Colorado. B. Point of diversion: 1. Location in UTM format: The SESE Spring 1 is located in UTM Zone 13, having coordinates of Easting 335564.9 and Northing 4482052.6, and street address of 38007 Rollinghills Lane, Steamboat Springs, CO 80487. Source of UTM's: CDSS Map Viewer. 2. Distance from Section Lines (if not providing a UTM coordinate above): See UTM coordinates above. **4. Source:** Unnamed tributary to Yampa River. **5. A. Date of appropriation:** March 24, 2021. B. How appropriation was initiated: In March 2021, the Applicant purchased the subject property upon which the SESE Spring 1 is located from R.A.D Land and Cattle LLC, a Texas limited liability company. Certain water improvements for livestock were already in existence at that time but had not been filed with the Colorado Division of Water Resources. The Applicant made use of such existing improvements upon acquiring the property. On May 2, 2021, the Applicant diverted water from the SESE Spring 1 into a 5-gallon bucket to determine the rate of flow, and subsequently directed the flow into a surface watering hole for livestock. In June of 2021, the Applicant purchased materials and infrastructure to enhance the existing spring development. A vertical culvert was installed on October 2, 2021 to collect water in a separate stock tank and to fill portable tanks for use on pastures located elsewhere on the Applicant's property. In total, the Applicant expended a sum of approximately \$2,678.95 in developing the SESE Spring 1, which amount does not include connecting the water infrastructure to electric and connecting water pipelines, and which amount does not include consultation with legal counsel. C. Date water applied to beneficial use: May 2, 2021. **6. Amount claimed in cubic feet per second (cfs) or gallons per minute (gpm):** 5 gallons per minute, absolute. **7. List all uses or proposed uses:** Livestock, domestic, fire protection, and wildlife uses. A. If irrigation, complete the following: N/A. B. If non-irrigation, describe purpose fully. The Applicant currently uses the SESE Spring 1 for livestock, domestic, fire protection, and wildlife use. Water

flow was measured by the Applicant using a 5-gallon bucket and a timer, reflecting a rate of flow of 5 gallons per minute. Presently, the Applicant uses water from SESE Spring 1 to water two horses and three mules which are kept on the Applicant's property year-round, along with seasonal use by cattle consisting of 20 cow-calf pairs. Water remains available for wildlife watering, with mule deer, elk, and other wildlife species commonly observed watering from the stock tanks filled by the SESE Spring 1. Water also remains available for fire protection. The Applicant uses water from the SESE Spring 1 for domestic use at a temporary mobile home trailer located upon the property. **8. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which the structure is located and upon which water is used and/or stored:** The SESE Spring 1 is located upon the Applicant's property located at 38007 Rollinghills Lane, Steamboat Springs, CO 80487, and water from the SESE Spring 1 is used upon that property. **9. Remarks or any other pertinent information:** WHEREFORE, Applicant seeks a Decree of this Court: 1. Granting an absolute water right to SESE Spring 1 for livestock, domestic, fire protection, and wildlife uses as described above. 2. In the alternative, should the Court not find as stated in the previous sentence, then Applicant prays that the Court grants conditional water rights to the SESE Spring 1 for any uses and/or amounts not made absolute. 3. For such further relief as the Court may deem proper.

**2022CW3123**, Unnamed tributary, tributary to Yampa River or Groundwater tributary to unnamed tributary, tributary to Yampa River in ROUTT COUNTY, COLORADO, **FIRST AMENDED APPLICATION FOR WATER RIGHT (STORAGE, OR IN THE ALTERNATIVE, UNDERGROUND). OVERVIEW:** Applicant Kimberly Jeselle Shales claims a water right for Cloudbreak Pond, an existing pond located on her property. Applicant Shales has not yet confirmed whether the pond intercepts groundwater. Applicant Shales will conduct testing to determine if the pond is a storage structure or well pond and will proceed with her application according to those results. 1. ***Name and mailing address of Applicant:*** Kimberly Jeselle Shales, 27940 US Hwy 40, Steamboat Springs, CO 80487 ("Shales"). All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, PLLC, P.O. Box 881302, Steamboat Springs, CO 80488, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. 2. ***Name of Structure:*** Cloudbreak Pond. 3. ***Legal Description (PLSS and Zone 13 UTM Coordinates (not averaged)):*** SW4 NW4 Section 2, and SE4 NE4 Section 3, Township 6 North, Range 85 West of the 6<sup>th</sup> PM, in Routt County, Colorado. a. Center of dam UTM coordinates: 339244 mE and 4485794 mN. b. Center of pond UTM coordinates: 339216 mE and 4485820 mN. c. Legal descriptions determined using "Map Viewer" database maintained by the Division of Water Resources. d. Locations of Cloudbreak Pond and the irrigation areas are depicted on the filed map. ***See Ex. 1, Structure Location, Irrigation Areas, and Approximate Property Boundary.*** 4. ***Source of Water:*** a. **Storage Water Right:** Unnamed tributary, tributary to Yampa River and overland flow within drainage basin of said unnamed tributary. b. **Underground Water Right:** Groundwater tributary to unnamed tributary, tributary to Yampa River. Cloudbreak Pond is approximately 7 feet deep. 5. ***If Reservoirs are filled from a Ditch, Name, Capacity, Legal Description of Point of Diversion:*** n/a. 6. ***Appropriation and Beneficial Use Date:*** December 20, 2016 by purchasing property and using Cloudbreak Pond for recreation (including aesthetics) and wildlife watering. 7. ***Amounts Claimed and Uses:*** a. **Storage Water Right:** 3.36 acre-feet absolute for recreation (including aesthetics) and wildlife; conditional uses fire mitigation and protection, irrigation, and livestock. Refill in the amount of 9.6 acre-feet, conditional, based on estimated needs for irrigation (9.2 acre-feet), livestock (0.22 acre-foot (10 head)), and evaporation (3.53 acre-feet). b. **Underground Water Right:** Absolute 3.53 acre-feet / year (evaporation loss from 1.2 acres surface area), recreation (including aesthetics) and wildlife; conditional 9.42 acre-feet (irrigation 9.2 acre-feet, livestock 0.22 acre-foot (10 head)). c. **Irrigation Use:** i. **Acreage Historically Irrigated:** none. ii. **Acreage Proposed to be Irrigated and Whether Supplemental Irrigation:** Shales will pump water from Cloudbreak Pond to irrigate 4.5 acres of pasture and to provide supplemental irrigation for 1.0 acre lawn and garden around the residential area. Irrigation areas are shown on Exhibit 1. iii. **Legal Description of Acreage:** 5.5 acres within SW4 NW4 Section 2, and E2 NE4 Section 3, Township 6 North, Range 85 West. d. **If Non-Irrigation, Full Description of Uses:** fire mitigation and protection, livestock (10 head), recreation (including aesthetics) and wildlife. 8. ***Surface Area of High Water Line, Vertical Height of Dam from Lowest Ground Level to Crest of Emergency Spillway, Length of Dam, and Total Capacity of East Elk Pond (active and dead storage):*** Surface Area 1.2 acres; Dam Height and Dam Length: N/A (excavated); Current Capacity 3.36 acre-feet (all dead storage). 9. ***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:*** Shales owns the own the land upon which Cloudbreak Pond is located and where the water right will be used. 10. ***Remarks or Other Pertinent Information:*** Shales filed a General Purpose Well Permit Application (GWS 45) for a well pond permit in December 2022, to address the possibility that groundwater is intercepted.

**2022CW19 Moffat County APPLICATION FOR CONDITIONAL AND ABSOLUTE UNDERGROUND WATER RIGHTS . Applicant:** Fleming Living Trust c/o Dave Fleming, P.O. Box 472 Craig, CO 81626, 970-629-5157, [dfleming0730@gmail.com](mailto:dfleming0730@gmail.com). **Name of Wells and Permits:** Fleming Ponds 3 and 4 are permitted but have not been constructed. **Structure 1:** Fleming Pond 1, **Structure 2:** Fleming Pond 2, **Structure 3:** Fleming Pond 3, **Structure 4:** Fleming Pond 4, **Structure 5:** Fleming Pond 5, **Structure 6:** Fleming Pond 6. **UTM Coordinates:** E162496, N4540243; E162534, N4540252; E162594, N4540386; E162624, N4540458; E162664, N4540440; E162711, N4540426 Zone 13; Source of UTM's DWR. **Legal Description:** Moffat County: SW ¼ of the NW ¼, S5, T11N, R103W, of the 6<sup>th</sup> PM. **Decreed Source of water:** Groundwater trib to 2-Bar Creek trib to Beaver Creek trib to Green River. **Depth of Well, if Completed:** Fleming Pond 1 =12', Fleming Pond 2=10', Fleming Pond 5 = 16', Fleming Pond 6 = 6'. **Appropriation Date:** 6/2021. **Appropriation Initiated:** By locating pond sites and engaging consultant and excavator. **Date Water Applied to Beneficial Use:** Fleming Ponds 1, 2, 5 & 6 for Livestock and Wildlife watering on or before October 21, 2021. Well withdraws tributary Groundwater. **Claimed Uses and Groundwater Depletions:** **Structure 1:** 0.31 ac-ft/year, absolute claim for livestock, wildlife and evaporation; and conditional claim for fish. **Structure 2:** 0.31ac-ft/year, absolute claim for livestock, wildlife and evaporation; and conditional claim for fish. **Structure 3:** Conditional claim use and/or depletion of 0.46 ac-ft/year for livestock, wildlife, fish and evaporation. **Structure 4:** Conditional claim use and/or depletion of 0.65 ac-ft/year for livestock, wildlife, fish and evaporation. **Structure 5:** 0.3ac-ft/year, absolute claim for livestock, wildlife and evaporation; and conditional claim for fish and 3.5ac-ft/year at a rate of 50 g.p.m for irrigation of 1.4 acres of land. **Structure 6:** 0.2 ac-ft/year, absolute claim for livestock, wildlife and evaporation; and conditional claim for fish and 3.5 ac-ft/year at a rate of 50 g.p.m for irrigation of 1.4 acres of land. Well does not withdraw non tributary groundwater. Well does not operate pursuant to a decreed plan for augmentation. **Uses and Proposed Uses:** Livestock and wildlife watering, fish and irrigation. **Number of Acres proposed to be irrigated:** 1.4 acres, not already irrigated under another water right. **Non-Irrigation Usage:** Well Ponds are currently used for livestock watering of up to 10 head or 5 pairs of cattle, less than 10 horses and wildlife watering. Pond will be used for recreational fishing. **Remarks:** Applicant anticipates pumping from Fleming Pond 5 and/or 6 at a rate of approximately 50 g.p.m to irrigate 1.4 acres land with up to 30" of water per year with one big gun-gun sprinkler. If ponds are insufficiently deep for year-round fish population, applicant may provide aeration via solar power. A decree for recharge of Fleming Pond 1 by Fleming Spring (21CW20) is currently pending. Photos of constructed Fleming Ponds 1, 2 ,5 and 6 are attached. **Landowner:** Applicant

**2022CW3118 MOFFAT COUNTY. Application for Absolute Water Rights, Appropriative Rights of Exchange, and Approval of Plan for Augmentation.** Applicant: Colowyo Coal Company L.P., 5731 State Highway 13, Meeker, CO 81641. (970) 824-1573. Please direct communications regarding this case to: Roger Williams, Tri-State Generation and Transmission Ass'n, Inc., 1100 W. 116th Avenue, Westminster, CO 80234, Phone Number: 303-254-3218, Email: [rwilliams@tristategt.org](mailto:rwilliams@tristategt.org); and Gail L. Wurtzler, Davis Graham & Stubbs LLP, 1550 Seventeenth St., Ste. 500, Denver, CO 80202, Phone Number: 303-892-9400, Email: [gail.wurtzler@dgsllaw.com](mailto:gail.wurtzler@dgsllaw.com). **APPLICATION FOR WATER RIGHT. 1. Name of water right/structure:** East Taylor Spring, a spring. **2. Legal description:** The point of diversion is in the SE/4 of the NW/4 in Section 4, Township 3 North, Range 93 West, 6th Principal Meridian, Moffat County. UTM coordinates (NAD 83 Zone 13 (meters)): Northing 4460485 and Easting 258995. A USGS topographic map illustrating the location of the East Taylor Spring is attached to the Application as Exhibit 1. **3. Source:** Ground water tributary to Taylor Creek, tributary to Wilson Creek, tributary to Milk Creek, tributary to the Yampa River. **4. Date of appropriation:** April 1, 2018. **5. How appropriation was initiated:** Since April 2018, water flowing from the East Taylor Spring has been collected and managed by Colowyo prior to discharge under Colorado Discharge Permit System (CDPS) individual wastewater and stormwater permit CDPS #CO-0045161. The Colorado Department of Public Health and Environment (CDPHE) published notice of the draft CDPS permit for public comment on April 12, 2018 on the CDPHE website at [www.colorado.gov/cdphe/wqcd](http://www.colorado.gov/cdphe/wqcd). Notice of appropriation was also provided by posting a sign next to County Road 17, near where Wilson/Taylor Creeks cross the county road on December 29, 2022. **6. Date water applied to beneficial use:** April 1, 2018. **7. Amount claimed:** 200 gpm or 0.45 cfs. Exhibit 2 attached to the Application consists of records of diversion from East Taylor Spring beginning in October 2020. Although water was initially diverted from East Taylor Spring at an earlier date, Applicant did not have a measuring device in place until October 2020. The entire flow of the spring is diverted to a sedimentation pond and then discharged to Taylor Creek under CDPS #C-0045161. **8. Uses:** Industrial and any other use related to mine development and operation, including dust control, fire suppression, mined land reclamation, and including storage prior to application for any of these uses. Water from the spring exceeds state water quality standards. As part of Colowyo's ongoing efforts to reclaim previously mined areas, water from the spring is collected and managed prior

to discharge under CDPS Permit #CO-0045161. Colowyo is in the process of seeking a UIC Permit from USEPA to allow disposal of the East Taylor Spring water via a Class V underground injection well to deep underground formations that do not provide potable water supplies. **APPLICATION FOR APPROPRIATIVE RIGHTS OF EXCHANGE.** **Description of Appropriative Rights of Exchange.** Water that is available under rights that Tri-State Generation and Transmission Ass'n, Inc. ("Tri-State") owns in Elkhead Reservoir will be released from that reservoir and delivered via Elkhead Creek to the Yampa River and then to the confluence of the Yampa River and Milk Creek, located as more particularly described below. Colowyo owns water rights in the Milk Creek drainage that have been decreed previously for industrial use in connection with Colowyo's mining operations and that have previously been decreed as Exchange-To Points in Case No. 18CW3057 (Water Division 6), including but not limited to the Colowyo Taylor Creek Pump Plant No. 1. Colowyo also owns the East Taylor Spring, a water right in the Milk Creek drainage for which it is seeking a decree in this Application. Colowyo seeks the right to divert water available under Tri-State's Elkhead Reservoir rights or available from Elkhead Reservoir under separate contract by exchange at the to-be-decreed point of diversion of East Taylor Spring. **Legal Description of Exchange Reaches.** **A. Exchange-From Points (downstream points of exchange):** **1. Confluence of the Yampa River and Milk Creek.** Water from Elkhead Reservoir, an on-stream reservoir located in Moffat County on Elkhead Creek, tributary to the Yampa River, will be released to Elkhead Creek, carried to its confluence with the Yampa River and then carried in the Yampa River to the Exchange-from Point, the Yampa River's confluence with Milk Creek, located in the SE/4 of Section 7, Township 5 North, Range 92 West, 6th P.M., in Moffat County, with UTM coordinates (NAD83 Zone 13 North (meters)): Northing 4475254 and Easting 265849. The PLSS location of the Yampa River-Milk Creek confluence was cartographically measured from GIS-based digitized USGS/BLM section lines. The UTM coordinates were picked from GIS system mapping and are expected to be accurate to within 500 feet or less. **2. Colowyo Taylor Creek Pump Plant No. 1.** The Colowyo Taylor Creek Pump Plant No. 1 is located in the SW/4 of the NW/4 of Section 27, Township 4 North, Range 93 West, 6th P.M., Moffat County. The UTM coordinates (NAD83 Zone 13 North (meters)) are: Northing 4463818 and Easting 260607. The UTM coordinates were picked from GIS system mapping and are expected to be accurate to within 500 feet or less. **B. Exchange-To Point (upstream point of exchange):** **1. East Taylor Spring.** East Taylor Spring is located in the SE/4 of the NW/4 of Section 4, Township 3 North, Range 93 West, 6th P.M., Moffat County, and as more particularly described above. **Source of Water Diverted by Exchange.** The source of water to be diverted by exchange is water rights in Elkhead Reservoir acquired by Tri-State from the Colorado River Water Conservation District ("River District") pursuant to the Acquisition Agreement-Storage Capacity and Water Rights in Elkhead Reservoir, dated September 9, 2014, and the deeds from the River District to Tri-State effectuating that agreement. Under that acquisition agreement, Tri-State acquired 2,500 acre-feet decreed to the second enlargement of Elkhead Reservoir as well as 192.3 acre-feet of the refill right decreed to that second enlargement in Case No. 02CW106 (Water Division 6). In addition, the acquisition agreement provides that Tri-State entered into the agreement "as part of its overall plan to secure a steady, reliable source of water for . . . Tri-State owned facilities located within the River District's boundaries, including the Colowyo Mine." Also, the River District continues to own water rights in Elkhead Reservoir and, under its Water Marketing Program, makes water available from Elkhead Reservoir within River District boundaries through short-term and long-term water supply contracts. In 2018, under such a contract, Colowyo obtained 100 a-f of replacement water for exchange from the River District's Yampa River Basin Supply from Elkhead Reservoir, pursuant to the water right decree dated May 9, 2005, in Case No. 02CW106 (Water Division 6). Any use by Colowyo of River District supplies in Elkhead Reservoir by exchange or otherwise shall be conditioned on the existence of a valid contract between Colowyo and the River District, which contract shall be subject to availability and the River District's Water Marketing Policy then in effect. **Appropriation Date:** December 29, 2022. **How Appropriation was Initiated.** The appropriation was initiated through the formation of intent and taking of overt acts that constituted the first step toward diversion and application of the claimed appropriative right of exchange to a beneficial use. Such acts include the September 9, 2014 Acquisition Agreement and the operation of the exchange decreed in Case No. 18CW3057 (Water Division 6) beginning on September 10, 2018 by release of water from Elkhead Reservoir for delivery to the confluence of Yampa River and Milk Creek (the Exchange-From Point in 18CW3057) and exchange of that water to the Colowyo Taylor Creek Pump Plant No. 1 Exchange-To Point (an Exchange-To Point in 18CW3057). In addition, a sign notifying the public of the Exchange-From Points and the Exchange-To Point identified in this Application was posted near those locations on December 29, 2022. **Amount:** Conditional: 200 gpm or 0.45 cfs. **Uses:** All uses decreed in Case No. 18CW3057 (Water Division 6), specifically industrial and any other use related to mine development and operation, dust control, fire suppression, revegetation and reclamation, augmentation and replacement uses, including storage prior to application for any of these uses. **APPLICATION FOR APPROVAL OF PLAN OF AUGMENTATION.** **1. Structure to be augmented:** East Taylor Spring. **2. Augmentation supplies, if needed:** a. Water from the water rights decreed in Case No. W-1122-77 (Water Division 6) for augmentation use in connection with Colowyo's energy



development project; b. Water from the appropriative right of exchange decreed in Case No. 18CW3057 (Water Division 6) for augmentation use from the confluence of Yampa River and Milk Creek (the Exchange-From Point in 18CW3057) and the Colowyo Taylor Creek Pump Plant No. 1 (an Exchange-To Point in 18CW3057). This water will be further exchanged from the Colowyo Taylor Creek Pump Plant No. 1 to the East Taylor Spring under the appropriative right of exchange sought in this Application. In the alternative, water may be exchanged from the confluence of the Yampa River and Milk Creek to the East Taylor Spring under the appropriative right of exchange sought in this Application; or c. As permitted by C.R.S. § 37-92-305(8)(c), water from other Colowyo water rights decreed for augmentation or replacement uses. 3. Statement of plan for augmentation. The East Taylor Spring water right is expected to be in priority most of the time. In the event that the East Taylor Spring water right requires augmentation, it will be augmented according to the plan described herein. Until a decree is entered in this case, and if required by the State Engineer, this structure will operate under a substitute water supply plan approved by the State Engineer under C.R.S. § 37-92-308(4). a. East Taylor Spring depletions: For purposes of this plan for augmentation, all water from the East Taylor Spring will be deemed to be fully consumed. Colowyo will account for and replace any out-of-priority depletions as required by law. b. Replacement Water. Colowyo may provide replacement water above any calling water right under water rights previously decreed in Case No. W-1122-77 (Water Division 6) for augmentation use in Colowyo's energy development project. The water available for augmentation use under those rights totals 1,006 acre-feet/yr, which exceeds both the historic amounts required to be released for augmentation of the junior rights referenced in that decree, the decrees in Case Nos. 16CW3056 and 17CW3044 (Water Division 6), and the anticipated out-of-priority depletions under the East Taylor Spring water right. Augmentation water available under Case No. W-1122-77 will be delivered at a location upstream from the calling water right: (i) via a pipeline or other conveyance to Taylor Creek; or (ii) to Milk Creek and its tributaries at the outlet of Wilson Reservoir. Colowyo also may provide replacement water above any calling water right under the appropriative right of exchange decreed in Case No. 18CW3057 (Water Division 6) and the further appropriative right of exchange requested in this Application. Augmentation water from other Colowyo water rights decreed for augmentation or replacement uses, as permitted by C.R.S. § 37-92-305(8)(c), also may be delivered above any calling water right. Colowyo will keep records of the measured diversions, calculated out-of-priority depletions, and measured deliveries of replacement water on forms acceptable to the Division Engineer. **NAME AND ADDRESS OF OWNER OR REPUTED OWNER OF THE LAND UPON WHICH ANY NEW OR EXISTING DIVERSION OR STORAGE STRUCTURE IS LOCATED;** Colowyo Coal Company L.P. or its affiliates, 5731 State Highway 13, Meeker, CO 81641.

**2022CW3113 CONCERNING THE APPLICATION FOR WATER RIGHTS OF UNITED STATES OF AMERICA IN THE ILLINOIS RIVER, IN JACKSON 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, CO 80225 (303) 236-5322 [Brian.Caruso@fws.gov](mailto:Brian.Caruso@fws.gov) 2. Overview: The Arapaho National Wildlife Refuge ("Refuge") was established in 1967 and is administered by the United States Fish & Wildlife Service ("USFWS"). One of the water rights that USFWS holds within the Refuge diverts from Illinois River. The water right is the Ward Ditch No. 2 water right. However, the Illinois River has changed course at the location of the original diversion structure for the Ward Ditch No. 2. As a result, the original diversion structure is now located in a bog and is no longer operational. Through this application, USFWS seeks a decree confirming a simple change in the surface point of diversion for Ward Ditch No. 2, pursuant to section 37-92-305(3.5), C.R.S. (2022). The USFWS seeks to change the point of diversion for the Ward Ditch No. 2 to a different location downstream, at the decreed point of diversion for the Dryer Ditch, also owned by the USFWS and located within the Refuge. The USFWS seeks no other changes to the Ward Ditch No. 2 through this application. 3. Name of structure. Ward Ditch No. 2 (WDID 4700941). A. Date of original and all relevant subsequent decrees: Civil Action No. 922, In the Matter of the Adjudication of the Priority of Right to the Use of Water for Irrigation, in Water District No. 47, District Court of the Eighth Judicial District of the State of Colorado (September 19, 1892). B. Legal description of point of diversion as described in most recent decree that adjudicated the location: From the Illinois River, a tributary of the North Platte River, with headgate upon the left bank of said stream and situated on the SE ¼ of the NE ¼ of Section 16, Township 8 North, Range 79 West, Sixth PM. C. Decreed source of water: Illinois River. D. Appropriation Date: June 7, 1889 (Priority No. 170). E. Total amount decreed to structure: 0.5 c.f.s., absolute. F. Decreed use: Irrigation. 4. Detailed description of proposed simple change in point of diversion: The USFWS requests to change the point of diversion for the Ward Ditch No. 2 to the decreed point of diversion for the Dryer Ditch (WDID 4700597), with headgate located on the east bank of the Illinois River at a point whence the northeast corner of Section 16, Township 8 North, Range 70 West bears north

1,320 feet and west 275 feet. The Dryer Ditch point of diversion was decreed in Civil Case No. 1519, dated April 23, 1902. The USFWS is the sole owner of both the Ward Ditch No. 2 and the Dryer Ditch. The new point of diversion and the originally-decreed point of diversion are depicted in Exhibit A. Aside from the requested simple change in point of diversion, the USFWS seeks no other changes to the Ward Ditch No. 2 in this Application. There are no intervening surface diversion points or inflows between the decreed point of diversion for the Ward Ditch No. 2 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 Ward Ditch No. 2, or a diversion of water that is greater than what is physically and legally available at the original point of diversion. Due to the location of the Ward Ditch No. 2, 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: A UTM: Easting 394045 Northing 4502638 Zone 13. B. PLSS: NWNW of Section 15, Township 8 North, Range 79 West, Sixth PM. 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: Not applicable. The new headgate location is located on federal land within the Refuge.

**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 **February 2023** 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.

#### **SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST**

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSP") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for following-leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80-124(10)(a)(II)(E), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP or Produced Nontributary Groundwater notification lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

CARMMA PARKISON  
CLERK OF COURT

ROUTT COUNTY COMBINED COURT  
WATER DIVISION 6

/s/ Julie A. Edwards  
Deputy Court Clerk