

**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 **February 2023**.

2023CW2 Routt County Application for Finding of Reasonable Diligence. **Applicant:** James and Michele Ingwersen, 3548 CR 2415, Kremmling, CO, 80459; 719-492-2200; jim@ccisys.net. **Structures:** Lower Buckhead Spring; Lower Buckhead Pond. **Date of Original Decree:** 12/12/01. **Case No.:** 00CW84, Water Division 6. **List all Subsequent Decrees:** 08/31/09;12/23/16. **Case No.:** 07CW106; 15CW3040 **Legal Descriptions:** Lower Buckhead Spring; Lower Buckhead Pond: SE ¼ of the SE ¼ S9, T9N, R85W, of the 6th PM, Routt County. **Lower Buckhead Spring** at a point 170 feet North of South section line and 785 feet West of the East section line. **Lower Buckhead Pond** at a point 190 feet North of South section line and 780 feet West of the East section line. **Source: Lower Buckhead Spring;** Unnamed tributary of the Elk River, tributary to the Yampa River; **Lower Buckhead Pond;** Localized runoff tributary to the Elk River and water from Lower Buckhead Spring. **Appropriation Date:** September 1, 2000. **Amount: Lower Buckhead Spring;** 0.10 cfs; **Lower Buckhead Pond;** 0.65 acre feet. **Use: Lower Buckhead Spring;** Irrigation, wildlife and filling of Lower Buckhead Pond; **Lower Buckhead Pond;** Irrigation, recreational and wildlife. **What has been Done for Completion of Appropriation:** Applicant purchased the property and acquired the water rights which are the subject of diligence herein on May 13, 2021, from John K. Colby and Ann Marie Colby, who purchased the property from the original claimant, Geoff Kinne. All deeds are recorded in the real estate records for Routt County at Reception Nos. 55328, 562620 and 824614. Applicant has begun building what will be their primary residence on the property. In conjunction with the adjudication for Lower Buckhead Spring and Lower Buckhead Pond, Kinne adjudicated other springs and ponds which served a neighboring property in a separate proceeding. These include Buckhead Pond, Upper Buckhead Spring and Upper Buckhead Pond adjudicated in Case No. 00CW8, Case No. 00CW86 and Case No. 07CW104. Kinne also made these water rights the subject of an Agreement Concerning Water Rights entered into on April 8, 2002 and recorded at Reception No 562326 in the Offices of the Routt County Clerk and Recorder on that same date. During the period of Applicant's ownership, they have begun the process of building a home located adjacent to the point of diversion for Lower Buckhead Spring. This has included preparation of all related site, soils, water and wastewater, structural and civil engineering plans. Applicant has obtained a Driveway/Entry Permit from the Routt County Department of Public Works, an On-site Wastewater Permit from the Routt County Environmental Health Department, and a Building Permit from the Routt County Building Department. Additionally, Applicant has completed a Replat of the property recorded at Reception No. 841859 in the Offices of the Routt County Clerk and Recorder as well as a Reciprocal Easement Agreement recorded at Reception No. 843341. Including purchase of a pre-manufactured home awaiting delivery to construction site, total expenditures to date are \$904,957.37. Applicant has explored options related to diverting and storing water that is the subject of these conditional water rights as part of their property development effort and intends to irrigate land surrounding their building site as indicated on the attached sketch. **Additional Remarks:** Applicant Requests a Decree which: A. Finds that all notice and jurisdictional requirements have been met, including and without limitation, those as required pursuant to C.R. S. Section 37-92-302; B. Confirms and decrees that the above-described rights for Lower Buckhead Spring and Lower Buckhead Pond have been diligently pursued and that they will continue as conditional water rights in full force and effect. C. Grants to Applicant such other relief as the Court deems just and proper. **Landowner:** Applicant.

The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute, or be forever barred.

You are hereby notified that you will have until the last day of **April 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.

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

/s/ Tess M. Bedell
Deputy Court Clerk