

**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 **May 2021**.

2021CW6 ROUTT COUNTY Application for Absolute Water Storage Right. **Applicant:** Zachary Henrichs, PE.0054639, PO Box 848, Clark, CO 80428, zachhenrichs@gmail.com. **Name of Reservoirs:** ML3 Ranch Pond #1 and ML3 Ranch Pond #2. **UTMs:** Pond #1: E334153 N4512718 Z13; Pond #2: E334411 N4512839 Z13. **Source of UTMs & PLLS:** Routt County GIS. **Accuracy:** 30'. **Legals:** Pond #1 & #2 SW1/4 SE1/4 S7 T9N R85W 6th P.M., Routt County. **Source:** Pond #1: Unnamed Trib to Cottonwood Gultch Trib to ML3 Ranch Pond #1 Trib to Elk River Trib to Yampa River; Pond #2: Unnamed Trib to Cottonwood Gultch Trib to ML3 Ranch Pond #2 Trib to Elk River Trib to Yampa River **Appropriation Dates:** Pond #1: September 4, 1996; Pond #2: June 10, 2005. **How Appropriated:** Property was purchased with existing pond and storage water was applied for beneficial use. **Dates Applied:** Pond #1: May 1, 1997; Pond #2: July 1, 2005. **Amount Claimed:** Pond #1: Absolute 0.75 acre feet; Pond #2: Absolute 0.62 acre feet. **Use(s):** Livestock watering and fire protection. **Purpose if Non-Irrigation:** The existing water storage pond has been historically used as a livestock watering tank. The existing structure was constructed by the previous owner prior to the date of appropriation. Tank fills one each year, in-priority, during spring snow melt. See Attachments for ML3 Ranch Pond #1: and ML3 Ranch Pond #2: Location Map and Historical Aerial Imagery. **Surface Area of High-Water Line:** Pond #1: 7,146 SF; Pond #2: 5,382 SF. **Vertical Height:** Pond #1: 8.2 feet; Pond #2: NA. **Length of Dam:** Pond #1: 96.5 feet; Pond #2: N/A. **Capacity:** Pond #1: 0.75 acre feet; Pond #2: 0.62 acre feet. **Dead Storage:** Pond #1: 0.75 acre feet; Pond #2: 0.62 acre feet. **Owners:** Applicant, Deborah Martin, 14178 HWY 16 N, Medina, TX 78055, mla2r3t4@aol.com, 941.323.7296; Molly Martin, 16477 N CR 7, Wellington, CO 80549, martinmolly799@gmail.com, 941.441.6400.

2021CW3015 ROUTT COUNTY APPLICATION FOR CORRECTIONS OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINTS OF DIVERSION

PURSUANT TO C.R.S. 37-92-305(3.6), 1. Name, mailing address, email address, telephone number of applicants: David J. Evans, 9228 E. Wesley Ave., Denver, CO 80231, (303) 880-7961, david.j.evans@rbc.com 2. Decreed water right for which correction is sought: A. Name of Structure: Evans Yampa Diversion B. Date of original and all relevant subsequent decrees: Case No. 2007CW107, decreed by the District Court in and for Routt County, Water Division No. 6, on July 18, 2011. C. Legal description of structure as described in most recent decree that adjudicated the location: located in the SW1/4 NE1/4 of Section 13, Township 6 North, Range 86 West of the 6th P.M. at a point approximately 927 feet North of the South section line and 468 feet East of the West section line of said Section 13. See, proposed point of diversion #1 on Map, attached as Exhibit A. D. Decreed source of water: Yampa River E. Appropriation date: June 14, 1994. F. Total amount decreed to structure: 1.00 cfs, absolute. G. Decreed use: irrigation 3.A. Detailed description of proposed correction to established but erroneously described point of diversion: The proposed correction represents the actual point of diversion for the Evans Yampa Diversion. Water is taken directly from the Yampa and pumped up to a point on the property where it flows through a ditch located on the property for irrigation purposes. The decreed location erroneously locates the point of diversion on a heavily wooded hill on the other side of the Yampa River. B. The legal description of the corrected point of diversion: 1. Public Land Survey System (PLSS): **Legal Description:** County: Routt NE1/4 of the NW1/4 Section 13 Township 6 N Range 86 W 6th PM Point of diversion: **a.** Location information in UTM format : **UTM coordinates** Northing 4483118 Easting 331863**Zone13** Street Address: 23385 W. Yamatika Ln Subdivision: The Meadows at Saddle Mtn. Subdivision Lot 4 Source of UTMs: Div. 6 Water

Commissioner 4. 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. Applicant

2021CW3016, Springs in unnamed tributaries, 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; and Groundwater in 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 ABSOLUTE WATER RIGHTS (SURFACE AND STORAGE) AND CONDITIONAL WATER RIGHTS (SURFACE, STORAGE, AND UNDERGROUND) AND APPROVAL OF PLAN OF AUGMENTATION.**

Summary of Application: Yellow Dog Ranch, LLC, a Colorado limited liability company, with a mailing address of 83 Hillside Dr., Steamboat Springs, CO 80487, files this *Application for Absolute Water Rights (Surface and Storage) and Conditional Water Rights (Surface, Storage, and Underground) and Approval of Plan of Augmentation* [“Application”] to request: (1) absolute surface and storage water rights for YDR Elk Wallow Spring, Lone Spruce Spring, YDR Pond 1, YDR Pond 2, YDR Pond 3, YDR Pond 4; (2) conditional surface, storage, and underground water rights for YDR Spring, Mill Creek Pond 1, Mill Creek Pond 2, Mill Creek Beaver Pond 1, Mill Creek Beaver Pond 2, and Mill Creek Well; and (3) approval of an augmentation plan to release water from Mill Creek Pond 1 and Mill Creek Pond to offset out of priority depletions from Lone Spruce Spring, all four YDR Ponds, and Mill Creek Well. All pleadings and documents concerning this Application are to be sent to Claire E. Sollars, Esq., P.O. Box 881302, Steamboat Springs, CO 80488, Claire@ColoradoWaterMatters.com, 970.875.3370.

FIRST CLAIM: APPLICATION FOR ABSOLUTE WATER RIGHTS (SURFACE AND STORAGE) AND CONDITIONAL WATER RIGHTS (SURFACE, STORAGE, AND UNDERGROUND)

1. **Names of Structures:** a. **Surface Structures:** YDR Elk Wallow Spring, YDR Spring, Lone Spruce Spring. b. **Storage Structures:** Mill Creek Pond 1, Mill Creek Pond 2, Mill Creek Beaver Pond 1, Mill Creek Beaver Pond 2, YDR Pond 1, YDR Pond 2, YDR Pond 3, YDR Pond 4. c. **Well:** Mill Creek Well. 2. **Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged)):** All structures are located in Township 8 North, Range 87 West, of the 6th Prime Meridian, in Routt County, Colorado and are depicted on the filed map (see Ex. 1, *Structure Locations, Area of Proposed Irrigation, and Approximate Property Boundary*). The following UTM coordinates (Zone 13, NAD83) and PLSS legal descriptions were obtained by surveys or use of “Map Viewer” database maintained by the Colorado Division of Water Resources.

Structure Name	Sec.	Qtr. Qtr.	Easting	Northing
YDR Elk Wallow Spring	10	NE	320084	4504424
YDR Spring	10	NE NW	319455	4504382
Lone Spruce Spring	10	NE NW	319468	4504188
Mill Creek Pond 1	10	NE NW	319387	4504425
Mill Creek Pond 2	10	NE NW	319322	4504504
Mill Creek Beaver Pond 1	10	NW	318801	4504511
Mill Creek Beaver Pond 2	10	NW	318825	4504535

YDR Pond 1	10	SE NW	319384	4504155
YDR Pond 2	10	SE NW	319185	4504143
YDR Pond 3	10	SW NW	319085	4504052
YDR Pond 4	9	SE NE	318705	4503952
Mill Creek Well	10	NE NW	320917	4504265

In Water Division 6 Case 2015CW12, the legal description for Lone Spruce Spring was stated as “NE ¼ of the NW ¼, Section 10, T8N, R87W of the 6th PM, Routt County, Colorado, at point 1329 feet from the North line and 2598 feet from the East line of said Section 10.” Based on the “Map Viewer” database maintained by the Division of Water Resources, the UTM coordinates are 319468 mE and 4504188 mN. Yellow Dog Ranch, LLC requests the Water Court amend the previously-decreed legal description to that stated in this Application. 3. **Source of Water and Depth of Well:**

Structure Name	Source
YDR Wallow Spring	Spring in unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River
YDR Spring	Spring in unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River
Lone Spruce Spring	Spring in unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River
Mill Creek Pond 1 and Mill Creek Pond 2	Unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River, and YDR Spring
Mill Creek Beaver Pond 1 and Mill Creek Beaver Pond 2	Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River
YDR Pond 1, YDR Pond 2, YDR Pond 3, and YDR Pond 4	Unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River, and Lone Spruce Spring
Mill Creek Well	Groundwater of unnamed tributary, tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River; estimated depth 400 ft.

In Water Division 6 Case 2015CW12, the source of water for Lone Spruce Spring was decreed as “Spring, tributary to Mill Creek, tributary to Cottonwood Creek, tributary to Elkhead Creek, tributary to the Yampa River.” The unnamed tributary in which Lone Spruce Spring emanates is tributary to Mill Creek, tributary to Dry Fork Elkhead Creek, tributary to Elkhead Creek, tributary to Yampa River. Yellow Dog Ranch, LLC requests the Water Court amend the previously-decreed source of water to the actual source as stated in this Application. 4. **If Reservoirs are filled from a Ditch, Name, Capacity, Legal Description of Point of Diversion:** N/A. 5. **Appropriation and Beneficial Use:** a. **Dates and Methodolities of Appropriation:** i. YDR Elk Wallow Spring: July 19, 2007 by purchasing property. ii. Lone Spruce Spring, YDR Pond 1, YDR Pond 2, YDR Pond 3, and YDR Pond 4: Feb. 16, 2007 by purchasing property. iii. YDR Spring, Mill Creek Pond 1, Mill Creek Pond 2, Mill Creek Beaver Pond 1, Mill Creek

Beaver Pond 2, Mill Creek Well: Jan. 14, 2021 by developing long-term ranch management and water development plans with the assistance of legal counsel and a water engineer. b. ***Date Water Applied to Beneficial Use:*** i. YDR Elk Wallow Spring: July 19, 2007 by maintaining spring for wildlife use. ii. Lone Spruce Spring, YDR Pond 1, YDR Pond 2, YDR Pond 3, and YDR Pond 4: Feb. 16, 2007 by using existing ponds for aesthetics, recreation, and wildlife watering. 6. ***Amounts Claimed and Proposed Uses:***

Structure Name	Amount	Absolute / Conditional	Uses
YDR Elk Wallow Spring	0.02 cfs	Absolute	Wildlife
YDR Spring	0.05 cfs	Conditional	Wildlife, and fill, refill, and provide freshening flows to Mill Creek Ponds 1 and 2
Lone Spruce Spring	n/a	Absolute	Fill, refill, and provide freshening flows to YDR Ponds 1, 2, 3, and 4
Mill Creek Pond 1	4.0 AF	Conditional	Aesthetics, augmentation, fire mitigation and protection, stock water and wildlife
Mill Creek Pond 2	4.0 AF	Conditional	Aesthetics, augmentation, fire mitigation and protection, stock water and wildlife
Mill Creek Beaver Pond 1	0.8 AF	Conditional	Stock water and wildlife
Mill Creek Beaver Pond 2	0.8 AF	Conditional	Stock water and wildlife
YDR Pond 1	3.8 AF	Absolute	Aesthetics, fire mitigation and protection, irrigation, piscatorial, stock water, and wildlife
YDR Pond 2	2.9 AF	Absolute	Aesthetics, fire mitigation and protection, irrigation, piscatorial, stock water, and wildlife
YDR Pond 3	0.6 AF	Absolute	Aesthetics, fire mitigation and protection, irrigation, stock water, and wildlife.
YDR Pond 4	2.8 AF	Absolute	Aesthetics, fire mitigation and protection, irrigation, piscatorial, stock water, and wildlife
Mill Creek Well	15 gpm (est.)	Conditional	Domestic, fire mitigation and protection, irrigation, stock water, and wildlife

a. YDR Spring will be used by wildlife at the developed site and spring water will be conveyed in pipelines to fill, refill, and provide freshening flows to Mill Creek Ponds 1 and 2 for the end uses of aesthetics, fire mitigation and protection, stock water, wildlife, and augmentation. b. In Water Division 6 Case 2015CW12, Lone Spruce Spring was decreed in the amount of 0.033 cfs for livestock and domestic uses. Lone Spruce Spring also fills, refills, and provides freshening

flows to YDR Ponds 1, 2, 3, and 4. c. Mill Creek Pond 1 and Mill Creek Pond 2 will be used to augment depletions from Lone Spruce Spring, all four YDR Ponds, and Mill Creek Well. d. Yellow Dog Ranch, LLC claims the right to refill all storage structures to maintain adequate storage for the respective uses of each pond and to compensate for evaporative loss. 7. ***If Irrigation Use:*** a. ***Acreage Historically Irrigated:*** None. b. ***Acreage Proposed to be Irrigated and Legal Description of Acreage:*** Approximately 25 acres located in the NE4 of Section 9 and NW4 of Section 10 as depicted on Exhibit 1. Yellow Dog Ranch, LLC will use gravity and pipelines to move water from Lone Spruce Spring, all four YDR Ponds, and Mill Creek Well to irrigate the residential area. c. ***If Non-Irrigation, Full Description of Uses:*** aesthetics, domestic, fire mitigation and protection, piscatorial, recreation, stock water, wildlife, fill and refill ponds, and provide freshening flows to ponds to maintain adequate storage for all uses and to compensate for evaporative loss. Additionally, Mill Creek Pond 1 and Mill Creek Pond 2 will be used for augmentation. 8. ***Surface Area of High Water Line, Vertical Height and Length of Dam, and Total Capacity of Reservoirs (active and dead storage):***

Structure Name	Area of HWL	Dam Height	Dam Length	Capacity (active and dead storage)
Mill Creek Pond 1	1.0 ac.	< 10 feet	< 200 ft.	4.0 AF (active)
Mill Creek Pond 2	1.0 ac.	< 10 feet	< 200 ft.	4.0 AF (active)
Mill Creek Beaver Pond 1	0.6 ac.	< 10 feet	< 100 feet	0.8 AF (active)
Mill Creek Beaver Pond 2	0.6 ac.	< 10 feet	< 100 feet	0.8 AF (active)
YDR Pond 1	0.7 ac.	< 10 feet	225 ft.	3.8 AF (active)
YDR Pond 2	0.5 ac	< 10 feet	105 ft.	2.9 AF (active)
YDR Pond 3	0.2 ac	< 10 feet	100 ft.	0.6 AF (active)
YDR Pond 4	0.8 ac.	< 10 feet	220 ft.	2.8 AF (active)

SECOND CLAIM: APPLICATION FOR APPROVAL OF PLAN OF AUGMENTATION 9.

Structures to be Augmented: Lone Spruce Spring, all four YDR Ponds, and Mill Creek Well.

10. ***Water Rights to be Used for Augmentation:*** Mill Creek Pond 1 and Mill Creek Pond 2, as described in this Application. 11. ***Statement of Plan for Augmentation:*** Yellow Dog Ranch will release water from either or both of Mill Creek Pond 1 and Mill Creek Pond 2 in amounts and at times necessary to replace out-of-priority depletions that may result from use of Lone Spruce Spring, all four YDR Ponds, and Mill Creek Well.

a. ***Depletions:*** Evaporation losses from the four YDR Ponds and Mill Creek Pond 1 and Mill Creek Pond 2 are approximately 4.0 acre feet, as shown on the attached Exhibit 2. Yellow Dog Ranch is developing a model to estimate additional depletions associated with irrigation, domestic, and stockwater uses; a replacement schedule will be prepared to address those depletions. b. ***Replacements:*** Mill Creek Pond 1 and Mill Creek Pond 2 will be located on an unnamed tributary of Mill Creek, below YDR Spring and upstream of the other structures to be augmented. Yellow Dog Ranch will release water from one or both of the Mill Creek Ponds to the unnamed tributary of Mill Creek, the confluence of which is approximately 3,700 feet upstream of the confluence of Mill Creek and the unnamed tributary in which Lone Spruce Spring, all four YDR Ponds, and Mill Creek Well are located. c. ***Measurements:*** Yellow Dog Ranch will install and maintain measuring devices and implement accounting procedures as may be required to verify that the amount of augmentation water equals or exceeds the amount of out-of-priority depletions. 12. ***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: Yellow Dog Ranch, LLC owns the land where the springs, ponds, and well are or will be located and the land upon which the water rights will be used. 13. **Remarks or Other Pertinent Information:** Yellow Dog Ranch, LLC claims all conditional water rights are integrated, pursuant to C.R.S. § 37-92-301(4)(b).

2021CW7 Moffat County Application for Absolute Water Storage Right and Absolute Water Rights (Surface) **Applicant:** KAMA Investments, LLC C/O Lonnie Gustin, 304 West Victory Way, Craig, CO 81625, gustin3353@hotmail.com, 970.629.0520. **Name of Reservoirs and Structure:** KAMA 1, 2 & 3; KAMA Spring 1. **Legal Descriptions:** KAMA 1, 2 & 3: NE1/4 NW1/4 S30 T7N R91W 6th P.M. Z13. KAMA Spring 1: SW1/4 SW1/4 S19 T7N R91W 6th P.M. Z13. **UTMs:** KAMA 1: N4491302 E275390; KAMA 2: N4491194 E275481; KAMA 3 N4490976 E275558; KAMA Spring 1: E275165.0 N4491404.4. **Source of UTM:** KAMA 1, KAMA 2, KAMA 3: GIS Based on GPS site survey location +/- 15 ft. See attached Map. KAMA Spring 1: OnX GPS +/- 15ft. **Distance from Section Lines:** KAMA Spring 1: 180 ft from S and 970 ft from W. **Sources:** KAMA 1 and KAMA 2: Unnamed Trib to Pine Ridge Gulch Trib to KAMA 1 Spring Trib to Yampa River; KAMA 3: Unnamed Trib to Pine Ridge Gulch Trib to Pine Ridge Spring No. 1 (4400838) Trib to KAMA 1 Spring Trib to Yampa River. KAMA Spring 1: Unnamed Trib to KAMA Spring 1 Trib to Pine Ridge Gulch Trib to Yampa River. **Date of Appropriation:** KAMA 1: 1977, KAMA 2: May 1, 1967, KAMA 3: August 2019, KAMA Spring 1: January 2021. **How Appropriation Initiated:** KAMA 1&2 by beneficially using the stored water. KAMA 3: by siting the pond and engaging a contractor. KAMA Spring 1: by developing spring. **Date Water Applied:** KAMA 1: 1977, KAMA 2: May 1, 1967, KAMA 3: February 2021. KAMA Spring 1: January 2021. **Amount Claimed:** KAMA 1: Absolute 0.5 ac-ft, KAMA 2: Absolute 2.5 ac-ft, KAMA 3: Absolute 4.7 ac-ft, KAMA Spring 1: Absolute 20 gpm. **Uses:** KAMA 1, 2 & 3: esthetics, recreation, fire protection, piscatorial, irrigation, stock and wildlife water. KAMA Spring 1: stock water and wildlife, filling, re-filling, and freshening flows for KAMA 1, 2 & 3 Ponds for end uses of aesthetics, recreation, fire protection, piscatorial, irrigation, stock water, and wildlife water. **Does another intend to use this water:** KAMA 1, 2&3 and KAMA Spring 1: No. **Surface of high-water line:** KAMA 1: 0.15 acre area, 5 ft high, 60 ft long, 0.5 ac-ft total capacity, 0.5 ac-ft inactive capacity, 0.0 ac-ft active capacity. KAMA 2: 0.48 acre area, 6 ft high, 105 ft long, 2.5 ac-ft total capacity, 0.5 ac-ft inactive capacity, 2.0 ac-ft active capacity. KAMA 3: 1.07 acre area, 8 ft high, 395 ft long, 4.7 ac-ft total capacity, 0.9 ac-ft inactive capacity, 3.8 active capacity. **Remarks or any other pertinent information:** KAMA Spring 1: Historic irrigation was from KAMA 2 Pond, see Exhibit A. **Owner:** Applicant.

21CW3014 RIO BLANCO COUNTY, In Red Wash, Tributary to the White River in RIO BLANCO COUNTY, **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. Name, address and telephone number of Applicant: Blue Mountain Energy, Inc., Attn: Jeff Dubbert and Kurt Blunt, 3607 County Road 65, Rangely, CO 81648, (970) 675-4322. Please address all correspondence to: Peter D. Nichols, Megan Gutwein, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl St., Boulder, CO 80302, (303) 402-1600, pdn@bhgrlaw.com; mg@bhgrlaw.com. 2. Description of Conditional Water Rights: A. Name of structure: Deserado Mine Sediment Pond RP-5. B. Date of original decree: March 15, 1994, Case No. 93CW219, Water Div. 5. C. Date of subsequent diligence decrees: December 4, 2000, Case No. 00CW38, Water Div. 5 (10.0 cfs made absolute); June 28, 2008, Case No. 06CW259, Water Div. 5; May 3, 2015, Case No. 14CW3017, Water Div. 6. D. Location: The pond is located in

the SW1/4 SW1/4 of Section 23, Township 3 North, Range 101 West of the 6th P.M., Rio Blanco County, Colorado. The discharge point for such pond lies North 37° 27' East 1100 feet from the southwest corner of said Section 23, Township 3 North, Range 101 West of the 6th P.M. Distance from section lines: the pond is located approximately 745 feet North of the South line and 535 feet East of the West line of said Section 23, Township 3 North, Range 101 West of the 6th P.M. The embankment is approximately 490 feet long and approximately 5.5 feet high. The pond storage capacity (acre-feet) is as follows:

	Total Storage	Dead Storage	Active Storage
At Primary Spillway	10.8	10.8	0.0
At Emergency Spillway	14.3	10.8	3.5
Top of Embankment	17.7	10.8	6.9

E. Decreed source of water: Runoff from the Deserado Mine RP-5 disposal area and natural runoff tributary to Red Wash, tributary to the White River. F. Appropriation Date: July 1, 1993. G. Amount: 21.43 acre-feet total; 10.0 acre-feet, absolute; 11.43 acre-feet, conditional. H. Decreed uses: Sediment control and subsequent discharge of water associated with the Deserado Mine operations. I. Land ownership information: Applicant leases the land from the United States of America via coal leases administered by the Bureau of Land Management, White River Field Office, 220 E. Market St., Meeker, CO 81641. 3. Application for Finding of Reasonable Diligence: Applicant seeks a finding of reasonable diligence for the Deserado Mine Sediment Pond RP-5. Outline of Work Done Toward Completion of Project and Application of Water to Beneficial Use: The Deserado Mine Sediment Pond RP-5 is an integral part of Applicant's unified water supply system, including the Gross-Nichols Ditch, the Moon Lake Pipeline, the Moon Lake-Staley Mine Pipeline and Reservoir, the Enlargement of Moon Lake-Staley Mine Pipeline and Reservoir, Deserado Mine Water System, Deserado Mine Water System Enlargement, Deserado Mine Sediment Pond DP-1, Deserado Mine Sediment Pond RP-1, Deserado Mine Sediment Pond RP-2/3, Deserado Mine Sediment Pond RP-4, and Railroad Loadout Loop Sediment Pond, supporting development of its coal mining properties and that maintenance of said right is necessary to ensure that water needs are met for the Deserado Mine and adjacent properties. During the interval of time since this Court's last finding of diligence, in continuing the development of the water right that is the subject of this Application, Applicant has continued development of Refuse Area 5A, runoff from which is stored in the subject water right. Work performed to develop the subject conditional water right includes, but is not limited to: A. The handling and transport of coal refuse material to the site as well as the spreading, compaction, and general upkeep of the coal refuse storage facility. B. The handling and transport of coal refuse material to the Refuse areas as well as the spreading, compaction, and general upkeep of the coal refuse storage facility. C. Upgrade of the pumping and water handling facilities at SDH-3 investing an estimated \$157,100. D. Replacement of the pump and associated down hole materials at an investment of approximately \$70,000. E. Action in support of the Applicant's unified water system, including monitoring of applications for water rights which could adversely affect the Applicant's water rights. WHEREFORE, Applicant prays this Court enter a decree: a) Granting the requested finding of reasonable diligence; and b) Granting such other and further relief as the Court deems proper. (5 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 **July 2021** to file with the Water Court a Verified Statement of Opposition, setting forth facts as to why a certain Application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must be served on the Applicant or the Applicant's Attorney, with an affidavit or certificate of such service being filed with the Water Court, as prescribed by Rule 5, C.R.C.P. The filing fee for the Statement of Opposition is \$192.00, and should be sent to the Clerk of the Water Court, Division 6, 1955 Shield Dr. Unit 200, Steamboat Springs, CO 80487.

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

/s/ Julie A. Edwards
Deputy Court Clerk