

**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 **November 2022**.

**2022CW17 Routt County** Application for Finding of Reasonable Diligence. **Applicant:** JMKM Management Trust c/o Krista Miller, 24170 Way Out West Trail Steamboat Springs, CO 80487, 803-322-0127, [millersinsteaiboat@gmail.com](mailto:millersinsteaiboat@gmail.com). **Structure 1:** North Spring Lot 7. **Structure 2:** South Spring Lot 5. **Date of Original Decree and all Relevant Subsequent Decrees:** 02/12/2010. **Case Nos.:** 16CW3004 / 16CW3005 Water Division 6.. **Legal Description:** Routt County: NW ¼ of the NE ¼, S1, T6N, R86W, of the 6<sup>th</sup> PM, SE ¼ of the NE ¼, S1, T6N, R86W, of the 6<sup>th</sup> PM. **Decreed Source of water:** Elk River Tributary to Yampa River; **Appropriation Date:** 09/27/2007. **Decreed Use or Uses:** Irrigation, Domestic, Domestic Livestock Watering, Fire Protection, Wildlife Propagation by Immediate Application or by Diversion and Storage. **Amount of Water Application intends to Use:** 0.033 c.f.s. or 15 q.p.m. Conditional. **Detailed Description of Application for Finding of Reasonable Diligence:** The current owners purchased the property in April 2021. At that time, the springs were fully developed described in 2016CW3004 and 2016CW3005. North Spring Lot 7 is diverted into a system with two cisterns and a hydrant. Water from this Hydrant will be used for irrigation of new tree plantings across the property and for agricultural chemical mixing. Both Springs can divert for supplemental domestic use for a single dwelling. The owners intend to apply for absolute rights in the future after observing the production of the springs over several years to ensure the amount is accurate (continued diligence). In 2022, these springs were used to water domestic livestock and wildlife. **Remarks:** Per conversation with Engineer Erin Light at the Division of Water Resources, Sections 5-7 are not required for this application and the two existing cases for conditional rights on the two springs are combined herein into one case: 2016CW3004 (08CW72) and 2016CW3005 (08CW73) **Landowner:** Applicant

**2022CW3104** in Routt County, Colorado. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name and Address of Applicant: Madison E. Bond, Lisa A. Bond, 616 Ocean Palm Way, St. Augustine, FL 32080. Please direct all correspondence, motions and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. **FIRST CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of Structure: *Bull Run Wastewater.* Date of Original Decree: September 3, 2002, in Case No. 02CW19, in the District Court in and for Water Division 6. Subsequent Decrees Awarding Findings of Diligence: November 30, 2009, in Case No. 2008CW59, and November 6, 2016, in Case No. 2015CW3044 in the District Court in and for Water Division No. 6. Legal Description: A point in the NW1/4 of the NW1/4 of Section 32, Township 8 North, Range 85 West of the 6th P.M., at a point 100 feet south of the North section line and 400 feet east of the West section line of said Section 32. Source: Irrigation tailwater from the ranch adjoining Applicant's property to the north, tributary to the Elk River. Appropriation Date: October 15, 2001. Amount and Uses: 2.6 c.f.s., conditional, out of 3.0 cfs total decreed for stock water, recreational and piscatorial uses. Place of Use: Applicant's property located in the NW1/4 of the NW1/4 of Section 32, Township 8 North, Range 85 West of the 6th P.M., including a pond ("Pond") on Applicant's property located approximately 706 feet south of the North section line and 500 feet east of the West section line of said Section 32. The Pond's location can also be described as being at the following UTM Zone 13 coordinates, NAD83 Datum: Northing: 4497855. Easting: 334636. Remarks: In Case No. 2008CW59, 0.045 c.f.s. of the stock water use of the Bull Run Wastewater water right was made absolute. In Case No. 2015CW3044, the Court found the Bull Run Wastewater water right absolute in the amount of 0.4 c.f.s. for stock water, recreational and piscatorial uses. The Pond is permitted under Colorado Division of Water Resources Well Permit No. 57734-F due to its interception of groundwater. Under Well Permit No. 57734-F, the Pond may have a surface area of up to 1.0 acre and withdraw up to 2.2 acre-feet of groundwater annually. The Pond currently has a surface area of approximately 0.2 acres, capacity of approximately 0.3 acre feet, and is estimated to withdraw 0.31 acre feet of water annually. Claim for Diligence: Applicant requests a finding of diligence for 2.6 c.f.s., conditional, for the Bull Run Wastewater water right for stock water, recreational, and piscatorial uses. **SECOND CLAIM - APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of Structure: *Bull Run Diversion.* Date of Original Decree: September 3, 2002, in Case No. 02CW18, in the District Court in and for Water Division 6. Subsequent Decrees Awarding Findings of Diligence: November 24, 2009, in Case No. 2008CW60, and November 6, 2016, in Case No. 2015CW3044 in the District Court in and for Water Division 6. Legal Description: A point in the NW¼ of the NW¼ of Section 32, Township 8 North, Range 85 West of the 6th P.M., at a point 100 feet south of the North section line and 100 feet east of the West section line of said Section 32.

Source: Elk River. Appropriation Date: October 15, 2001. Amount and Uses: 2.955 c.f.s., conditional, out of 3.0 c.f.s. total decreed for stock water use; and 3.0 c.f.s., conditional, out of 3.0 c.f.s. total decreed for recreational and piscatorial uses. Place of Use: Applicant's property located in the NW1/4 of the NW1/4 of Section 32, Township 8 North, Range 85 West of the 6th P.M., including the Pond on Applicant's property described above. Remarks: In Case No. 2008CW60, 0.045 c.f.s. of the stock water use of the Bull Run Diversion was made absolute. The Pond has the attributes described above. Claim for Diligence: Applicant requests a finding of diligence for 2.955 c.f.s., conditional, for the Bull Run Diversion for stock water, recreational, and piscatorial uses. Names and addresses of owners of land upon which structures are located: Applicant. The following exhibits are on file with the Water Court: a map depicting the location of the structures (Exhibit A), and detailed outline of what has been done toward completion of the appropriation and application to beneficial use of the Bull Run Wastewater and Bull Run Diversion water rights, including expenditures (Exhibit B) (pp. 7 with exhibits).

Case Number: **22CW3105**(15CW3039, 08CW25, 00CW22), Water Division 6, DISTRICT COURT, WATER DIVISION NO. 6, STATE OF COLORADO, Routt County Justice Center  
1955 Shield Drive, Unit 200, Steamboat Springs, CO 80487, CONCERNING THE APPLICATION OF SIDNEY PEAK RANCH OWNERS' ASSOCIATION, INC., IN ROUTT COUNTY, COLORADO. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name, Address, and Telephone Number of Applicant: Sidney Peak Ranch Owners' Association, Inc. ("Applicant") c/o Property Manager, P.O. Box 312, Craig, CO 81626 (970) 826-1400, Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, CO 80302. 2. Names of Structures: 2.1. Sidney Peak Ranch Infiltration Gallery; 2.2. Sidney Peak Ranch Well; and 2.3. Sidney Peak Ranch Pond. Sidney Peak Ranch Infiltration Gallery, Sidney Peak Ranch Well, and Sidney Peak Ranch Pond are collectively referred to herein as the "Structures." The Structures are part of a plan for augmentation with conditional appropriative rights of exchange called the Suttle Ditch Exchanges, Stagecoach Reservoir Exchange, and Sidney Peak Ranch Pond Exchange (collectively, the "Exchanges"). The Exchanges are conditional water rights that are also subject to this Application. 3. Description of Conditional Water Rights Associated with the Structures: 3.1. Decrees: Water rights for the Structures were originally decreed by the District Court in and for Water Division No. 6, State of Colorado ("Water Court") in Case No. 00CW22 on April 3, 2002 (the "00CW22 Decree"). Portions of the water rights for the Structures were made absolute with findings of reasonable diligence entered on the remaining conditional portions in Water Court Case Nos. 08CW25 on October 21, 2009 (the "08CW25 Decree") and 15CW3039 on November 7, 2016 (the "15CW3039 Decree"), 3.2. Legal Descriptions of Structures: 3.2.1. Sidney Peak Ranch Infiltration Gallery. The decreed location is in the alluvium of Oak Creek in Section 19, T. 5 N., R. 84 W., of the 6<sup>th</sup> P.M., at a point approximately 1,400 feet from the West section line and 350 feet from the North section line of said Section 19. *See Exhibit A*, 3.2.2. Sidney Peak Ranch Well. The decreed location is adjacent to Oak Creek in Section 19, T. 5 N., R. 84 W., of the 6<sup>th</sup> P.M., at a point approximately 1,510 feet from the West section line and 315 feet from the North section line of said Section 19. *See Exhibit A*, 3.2.3. Sidney Peak Ranch Pond. The decreed location is adjacent to Oak Creek in Section 19, T. 5 N., R. 84 W., of the 6<sup>th</sup> P.M., at a point approximately 1,510 feet from the West section line and 315 feet from the North section line of said Section 19. *See Exhibit A*, 3.3. Decreed Sources: The source for the Sidney Peak Ranch Infiltration Gallery and the Sidney Peak Ranch Well is alluvial groundwater tributary to Oak Creek, tributary to the Yampa River, and the source for the Sidney Peak Ranch Pond is Oak Creek, 3.4. Decreed Amounts for Structures: 3.4.1. Sidney Peak Ranch Infiltration Gallery: 150 gpm, 3.4.2. Sidney Peak Ranch Well: Right to continuously divert water for freshening flows at the rate of infiltration (up to 0.50 cfs) and to fill and/or refill the structure. The surface area of the Well is approximately 2.6 acres. Diversions consist of groundwater and alluvial inflows from Oak Creek, 3.4.3. Sidney Peak Ranch Pond: 24 acre-feet of storage and the right to continuously divert water from Oak Creek for freshening flows, to maintain storage levels of 24 acre-feet, and to fill and/or refill at a rate of up to 0.5 cfs. The surface area of the Pond is approximately 2.6 acres. 3.5. Appropriation Dates: 3.5.1. Sidney Peak Ranch Infiltration Gallery: March 30, 2000, 3.5.2. Sidney Peak Ranch Well: June 15, 1994, 3.5.3. Sidney Peak Ranch Pond: June 15, 1994, 3.6. Decreed Uses: 3.6.1. Sidney Peak Ranch Infiltration Gallery. Conditional for domestic, commercial, irrigation, recreation, fire protection and stock watering, 3.6.2. Sidney Peak Ranch Well. Conditional for recreation, aesthetic, piscatorial, wildlife, stock watering, evaporation, irrigation (either within the Development or up to one acre adjacent to the Well), and fire protection, 3.6.3. Sidney Peak Ranch Pond. Conditional for storage, recreation, aesthetic, piscatorial, wildlife, stock watering, evaporation, irrigation (either within the Development or up to one acre adjacent to the Well), domestic, commercial, fire protection, augmentation and exchange, 3.7. Remarks: The Sidney Peak Ranch Well and the Sidney Peak Ranch Pond are the same physical structure. Per the 00CW22 Decree, the Sidney Peak Ranch Pond shall remain conditional until the structure is lined with an impervious layer. Once lined, the structure will no longer intercept groundwater and will cease to be a well,

in which case the Sidney Peak Ranch Well will be considered abandoned and replaced by the Sidney Peak Ranch Pond, 3.8. Prior Decrees Making Water Rights for Structures Partially Absolute and Retaining Conditional Amounts: The Sidney Peak Ranch Infiltration Gallery was most recently made absolute at a rate of 60 gpm for all decreed uses pursuant to the 15CW3039 Decree. In the 08CW25 Decree, the Sidney Peak Ranch Well water right was made fully absolute in its full decreed amount for all uses except for irrigation. The remaining conditional portions of the water rights were most recently retained in the 15CW3039 Decree as follows: (i) 90 gpm of the Sidney Peak Ranch Infiltration Gallery water right for all uses; (ii) the Sidney Peak Ranch Well water right in its full decreed amount for irrigation use only; and (iii) the Sidney Peak Ranch Pond water right in its full decreed amount and all uses. 4. Descriptions of the Exchanges: The Exchanges were originally adjudicated in the 00CW22 Decree and subsequent findings of reasonable diligence were entered in the 08CW25 Decree and the 15CW3039 Decree. The Exchanges remain fully conditional for all decreed uses and amounts, 4.1. Suttle Ditch Exchanges. In the 00CW22 Decree, the Association quantified historical depletion credits associated with its interest in the Suttle Ditch that is allowed to be used in the following exchanges: From the diversion point of the Suttle Ditch on the Yampa River downstream to the confluence with Oak Creek, then exchanged up Oak Creek to the Sidney Peak Ranch Infiltration Gallery at a rate of 150 gpm and/or exchanged up to the Sidney Peak Ranch Pond at a rate of 0.5 cfs, for the uses decreed for each Structure as described above, with an appropriation date of May 31, 2000. The decreed point of diversion for the Suttle Ditch is on the West bank of the Yampa River on the SE 1/4 of SE1/4 of Section 21, T. 5 N., R. 84 W. of the 6<sup>th</sup> P.M. in Routt County, 4.2. Stagecoach Reservoir Exchange. In the 00CW22 Decree, the Association's contract right to 20 acre-feet of water stored in Stagecoach Reservoir was allowed to be used in the following exchanges: From Stagecoach Reservoir on the Yampa River downstream to the confluence of Oak Creek, then exchanged up Oak Creek to the Sidney Peak Ranch Infiltration Gallery at a rate of 150 gpm and/or exchanged up to the Sidney Peak Ranch Pond at a rate of 0.5 cfs, for the uses decreed for each Structure as described above, with an appropriation date of May 31, 2000. Stagecoach Reservoir is located on the Yampa River in the SW 1/4 SE 1/4 of Section 29, T. 4 N., R. 84 W., of the 6<sup>th</sup> P.M., 4.3. Sidney Peak Ranch Pond Exchange. Exchange from the Sidney Peak Ranch Pond upstream to the Sidney Peak Ranch Infiltration Gallery at a rate of 150 gpm for the uses described for said Infiltration Gallery, with an appropriation date of May 31, 2000. 5. Request for Findings of Reasonable Diligence: Applicant seeks findings that it has exercised reasonable diligence toward the development of the remaining conditional portions of water rights associated with the Structures as follows: (i) 90 gpm of the Sidney Peak Ranch Infiltration Gallery water right for all uses; (ii) the Sidney Peak Ranch Well water right in its full decreed amount for irrigation use only; and (iii) the Sidney Peak Ranch Pond water right in its full decreed amount and uses. Applicant also requests findings of reasonable diligence for the Exchanges in their full decreed conditional amounts and uses. 6. Diligence Activities: Applicant operates an integrated water supply system designed to provide water service to thirty-two lots within the Sidney Peak Ranch subdivision. The water rights associated with the Structures and the Exchanges are a part of that integrated water supply system. Therefore, as this Court previously determined, any activities to develop any component of the integrated water system shall demonstrate diligence to all conditional water rights that are a part of such system. Since the entry of the 15CW3039 decree, Applicant has undertaken the following specific activities that demonstrate reasonable diligence with regard to the subject conditional water rights: 6.1. During the diligence period, an additional seven homes were constructed on lots within the Sidney Peak Ranch subdivision and connected into Applicant's potable water supply system. As a result, there are currently fifteen homes and the bunkhouse constructed and connected into Applicant's potable water supply system. In 2023, it is anticipated that construction on at least one additional home will be completed and connected to Applicant's water system, 6.2. In 2019, Applicant installed Advanced Metering Infrastructure ("AMI") on its water supply system at a total expense of approximately \$45,000. The AMI allows Applicant to better collect and manage customer water usage data in real time, 6.3. In 2021, Applicant conducted an engineering review of the water utility distribution system at an expense of approximately \$100,000, 6.4. In 2022, Applicant conducted a comprehensive engineering, design, and regulatory compliance of the water utility at an expense of approximately \$300,000. Such efforts resulted in the design of a tie-in for an additional water supply well, modernization of a surface water treatment plant, an addition of approximately 4,500 feet of distribution line into the water system, and the addition of an 80,000-gallon water storage facility. These facilities will be constructed in 2023 at a total estimated cost of \$3.9 million, 6.5. Applicant has contracted with an engineering firm to design the conversion of the Sidney Peak Ranch Well into the Sidney Peak Ranch Pond by lining the structure with an impervious layer as contemplated in the 00CW22 Decree. The engineering design and study will be done in 2023 at an estimated cost of approximately \$80,000. Such construction is estimated to cost \$800,000 in total and will be commenced after completion of the necessary engineering, 6.6. Applicant conducts routine annual maintenance on its water infrastructure, including annual cleaning of its irrigation ditches and yearly maintenance to keep each headgate in good condition. Such maintenance included replacement of various water pumps within Applicant's water supply

system in 2021 at a total cost of approximately \$30,000, 6.7. Applicant maintained its contract with the Upper Yampa Water Conservancy District to secure the water necessary for operation of the Stagecoach Reservoir Exchange, 6.8. Applicant conducts yearly maintenance on the roads and fences within the Sidney Peak Ranch subdivision that connect the various lots that will be developed in exercising the remaining conditional water rights. Annual road maintenance costs approximately \$50,000 per year, and fence maintenance conducted during the diligence period cost approximately \$60,000, 6.9. Applicant also invested in infrastructure upgrades associated with its equestrian center and horse barn. The flooring in the equestrian arena was replaced at an expense of approximately \$50,000 during the diligence period. Applicant also constructed a building for storage of hay at a cost of approximately \$80,000. 7. Land Ownership: The Structures are located on a parcel owned by one of Applicant's members with a mailing address as follows: Acanthus Design IV, LLC, 570 Hayne Road, Hillsborough, CA 94010. (7 pages + Exhibits)

**Case Number: 2022CW3106 (15CW3025, 08CW024, 01CW08, 90CW165, Water Division 6) IN ROUTT COUNTY - APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE**

Dakota Ridge Homeowners Association ("Dakota Ridge HOA") c/o Richard J. Mehren, Lindsey A. Ratcliff, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 240, Boulder, Colorado 80302

2. Description of conditional water right: The conditional water right that is the subject of this application is decreed to the Dakota Ridge Water Supply Well and is described in paragraphs 2.1 through 2.3 and 2.5 through 2.10, below ("Subject Conditional Water Right"). 2.1 Name: Dakota Ridge Water Supply Well (WDID: 5805065). 2.2 Original Decree: Case No. 90CW165, entered February 22, 1995, District Court for Water Division No. 6, State of Colorado. 2.3 Previous Diligence Decrees: Case No. 01CW08, entered April 17, 2002, District Court for Water Division No. 6, State of Colorado; Case No. 08CW024, entered July 22, 2009, District Court for Water Division No. 6, State of Colorado; and Case No. 15CW3025, entered November 6, 2016, District Court for Water Division No. 6, State of Colorado ("15CW3025 Decree"). 2.4 Other Decree: Case No. 05CW16, entered October 6, 2005, District Court for Water Division No. 6, State of Colorado. 2.5 Legal description of structure: The Dakota Ridge Water Supply Well is an infiltration gallery located in the NE 1/4 of the NE 1/4 of Section 29, Township 6 North, Range 84 West, 6<sup>th</sup> P.M. at a distance of 630 feet west of the east section line and 1,320 feet south of the north section line of said Section 29, in Routt County, Colorado. A map showing the location of the Dakota Ridge Water Supply Well is attached as **Exhibit A**. 2.6 Source: Yampa River alluvium. 2.7 Appropriation date: October 11, 1982. 2.8 Amount: 140 gpm, ABSOLUTE, 110 gpm, CONDITIONAL. 2.9 Uses: The Dakota Ridge Water Supply Well is used to provide a year-round supply of water for domestic, irrigation, livestock, and fire protection uses, and all other uses customarily associated with a subdivision, within the Dakota Ridge Subdivision. The Dakota Ridge Subdivision includes 74 lots on 437 acres in Sections 29 and 32, Township 6 North, Range 84 West, 6<sup>th</sup> P.M., in Routt County, Colorado. The subject water right decreed to the Dakota Ridge Water Supply Well in Case No. 90CW165 provides water for 73 of the 74 lots and approximately 402 of the 437 acres. The water right decreed to the Dakota Ridge Water Supply Well First Enlargement in Case No. 05CW16 provides water for use by 1 of the 74 lots and approximately 35 acres. The total irrigation supplied by the Dakota Ridge Water Supply Well within the subdivision is approximately 15 acres. 2.10 Depth of Well: 25 feet. 3. Detailed outline of work and expenditures toward completion of the appropriation and application of the water to beneficial use: 3.1 In Paragraph 7.1 of the 15CW3025 Decree, the Water Court for Water Division No. 6 found that Dakota Ridge HOA's water system is a single "project or integrated system" for the purpose of determining reasonable diligence. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). Consequently, all work and expenditures by Dakota Ridge HOA in connection with its integrated system constitute part of Dakota Ridge HOA's reasonable diligence in developing the Dakota Ridge Water Supply Well. 3.2 Between November 2016 and November 2022 ("Diligence Period"), Dakota Ridge HOA worked diligently to develop the Subject Conditional Water Right, complete the appropriation, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures: 3.2.1 The water system was installed at the time the Dakota Ridge Subdivision was platted. Accordingly, all of the water mains and other structures providing water service for the entire Dakota Ridge Subdivision have already been installed. As additional houses are built within the Dakota Ridge Subdivision, service lines must be installed between the new homes and the Dakota Ridge Subdivision's existing water mains. During this Diligence Period, construction began at two new homes within the Dakota Ridge Subdivision. Consequently, Dakota Ridge HOA installed two new water main taps and service lines during the Diligence Period. A total of 61 homes are currently connected to the water system. 3.2.2 During the Diligence Period, Dakota Ridge HOA has spent \$612,136 on water system disinfection improvements, including construction of a chlorine contact basin, installation of new pumps, and renovation of the pump house for the Dakota

Ridge Water Supply Well, repairs to water mains, fire hydrant repairs, and leak repairs. The water system disinfection improvements project included an increase of the physical pumping capacity of the Dakota Ridge Water Supply Well to more than 250 gpm. 3.2.3 During the Diligence Period, Dakota Ridge HOA has spent \$241,412 to operate and maintain its water system. These operations and maintenance costs included costs for labor to operate and maintain the water supply system, as well as costs for electricity and chemicals and for routine maintenance such as tank cleaning, quality testing, road maintenance, and hydrant-flushing. 3.2.4 During the Diligence Period, Dakota Ridge HOA has spent a total of \$257,454 for water system improvements, including \$72,049 for a smart meter project. Other water system improvements include acoustic water testing and a leak detection program. 3.2.5 Each year during this Diligence Period, to augment out-of-priority diversions from the Dakota Ridge Water Supply Well in accordance with the augmentation plan decreed in Case No. 90CW165, and as amended in Case No. 05CW16, Dakota Ridge HOA purchased 50 acre-feet of augmentation water from the Upper Yampa Valley Water Conservancy District out of its Stagecoach Reservoir supply. This augmentation water covers both the absolute and the conditional portions of the Dakota Ridge Water Supply Well. From 2016 through 2021, the annual cost of the augmentation water from Stagecoach Reservoir was \$1,750. From 2021 through 2022, the annual cost of the augmentation water from Stagecoach Reservoir was \$4,100. Accordingly, Dakota Ridge HOA expended \$5,850 during this Diligence Period on augmentation water. 3.2.6 Dakota Ridge HOA has also incurred more than \$11,711 in legal fees related to the defense and maintenance of its water rights during this Diligence Period including the Subject Conditional Water Right. 3.2.7 The Subject Conditional Water Right is an integral part of an overall water supply system for the Dakota Ridge Subdivision. The operation of Dakota Ridge HOA's water supply system is governed by the terms of Dakota Ridge HOA's plan for augmentation as decreed in Case No. 90CW165 and as amended in Case No. 05CW16. Development of the Dakota Ridge Subdivision is expected to occur over a number of years, and as described in paragraph 4, below, Dakota Ridge HOA has completed the development the Subject Conditional Water Right as part of its unified water project. 4. Claim to make absolute: 4.1 Dakota Ridge Water Supply Well (WDID: 5805065): 4.1.1 Dates water diverted in priority and placed to beneficial use: There were numerous days during the Diligence Period when the Subject Conditional Water Right was diverted in priority and placed to beneficial use including, without limitation, on each of the following days: July 1, 2019 through August 30, 2019; October 1, 2019 through April 30, 2020; June 1, 2020 through July 31, 2020; June 1, 2021 through June 30, 2021; September 3, 2021 through September 28, 2021; and June 2, 2022 through June 11, 2022. A complete list of dates during the Diligence Period that the Subject Conditional Water Right was diverted in priority and placed to beneficial use is attached as **Exhibit B**. 4.1.2 Amount diverted in priority and placed to beneficial use: 250 gpm. 4.1.3 Uses: All uses described in paragraph 2.9. 4.1.4 Place of beneficial use: The Dakota Ridge Subdivision as shown on attached **Exhibit A**. 4.1.5 Evidence of in-priority diversion and beneficial use: During the Diligence Period, the daily call records maintained by the Colorado Division of Water Resources, attached as **Exhibit C**, identified a call on the Yampa River senior to the priority of the Subject Conditional Water Right for only the following three periods of time: September 4, 2018 through September 26, 2018, August 25, 2020 through September 3, 2020, and July 30, 2021 through August 2, 2021. On the dates identified in paragraph 4.1.1, above, the Dakota Ridge Water Supply Well was pumped in-priority at a rate of at least 250 gpm based on Dakota Ridge HOA's records of the rates and volumes of water diverted at the Dakota Ridge Water Supply Well. 4.1.6 Rate claimed as absolute: Based on Dakota Ridge HOA's in-priority diversion at the rate of 250 gpm or more and direct application of the water to beneficial use, Dakota Ridge HOA claims the additional 110 gpm (i.e., the Subject Conditional Water Right) as absolute. 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: Not applicable. WHEREFORE, Dakota Ridge HOA respectfully requests that the Court enter a decree (i) granting this Application; (ii) finding that Dakota Ridge HOA has exercised reasonable diligence in developing and completing the appropriation of the Subject Conditional Water Right during the Diligence Period, and (iii) making the Subject Conditional Water Right decreed fully-absolute as set forth in paragraph 4 above, or in the alternative continuing as conditional any portion of the Subject Conditional Water Right not made absolute in full force and effect for an additional diligence period.

22CW3107 Routt County. Application for Finding of Reasonable Diligence and to Make Absolute, In Part. Applicant: Upper Yampa Water Conservancy District, c/o Scott Grosscup and Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. In this Application, Applicant seeks a finding of reasonable diligence on the conditional appropriative rights of exchange decreed in 06CW49, Dist. Ct., Water Div. 6, herein referred to as (the "Subject Water Rights"). Applicant further requests Area A-2 Yampa River between Stagecoach Reservoir Dam and the RICD Structures Within the City of Steamboat Springs and Area A-3 Yampa River Between the RICD Structures of the City of Steamboat Springs and Confluence of the Yampa River with Trout Creek

be made absolute, in part, as further described below. Claim for Finding of Reasonable Diligence. Appropriative Rights of Exchange. The conditional appropriative rights of exchange allow the District contractees to continue diversion at their respective points of diversion during an administrative water rights call pursuant to the plan for augmentation decreed in 14CW3042 and 06CW49. That plan augments depletions from four sub-areas of Area A. Area A-1 Upper Yampa River Above Stagecoach Reservoir Dam: The exchange reach associated with Area A-1 extends from the outlet of Stagecoach Reservoir upstream of the uppermost boundaries of Area A-1, as shown on Exhibit A-A1 on file with the Water Ct. and described as follows: Middle Creek: from its confluence with Stagecoach Reservoir and the Yampa River in the SE1/4 SE1/4, Sec. 31, T. 4 N., R. 84 W. of the 6th P.M., upstream to the headgate of the Howe Ditch located in the NE1/4 NW1/4, Sec. 7, T. 3 N., R. 84 W. of the 6th P.M., including all areas tributary to Middle Creek and the Yampa River within this reach. That portion of Middle Creek and its tributaries above the headgate of the Howe Ditch are in Area B. Raspberry Creek: from its confluence with the Yampa River in the SW1/4 NW1/4, Sec. 2, T. 3 N., R. 85 W. of the 6th P.M., upstream to the headgate of the C W Ditch located in the SW1/4 SW1/4, Sec. 2, T. 3 N., R. 85 W. of the 6th P.M., including all areas tributary to Raspberry Creek and the Yampa River within this reach. That portion of Raspberry Creek and its tributaries above the headgate of the C W Ditch are in Area B. Whipple Creek: from its confluence with the Yampa River in the SW1/4 SW1/4, Sec. 16, T. 3 N., R. 85 W. of the 6th P.M., upstream to the headgate of the Stark Irrigation Ditch located in the NW1/4 SW1/4, Sec. 22, T. 3 N., R. 85 W. of the 6th P.M., including all areas tributary to Whipple Creek and the Yampa River within this reach. That portion of Whipple Creek and its tributaries above the headgate of the Stark Irrigation Ditch are in Area B. Lawson Creek: from its confluence with the Yampa River in the SE1/4 NE1/4, Sec. 28, T. 3 N., R. 85 W. of the 6th P.M., upstream to the headgate of the Lawson Creek Ditch located in the NE1/4 SE1/4, Sec. 34, T. 3 N., R. 85 W. of the 6th P.M., including all areas tributary to Lawson Creek and the Yampa River within this reach. That portion of Lawson Creek and its tributaries above the headgate of the Lawson Creek Ditch are in Area B. Bear River: from its confluence with the Yampa River in the SW1/4 NW1/4, Sec. 11, T. 2 N., R. 85 W. of the 6th P.M., upstream to the point where the Bear River crosses the Medicine Bow-Routt National Forest Property Boundary in the NW1/4 SW1/4, Sec. 6, T. 1 N., R. 85 W. of the 6th P.M., including all areas tributary to Bear River and the Yampa River within this reach, with the following exception above the Pat Lucas Ditch: Moore Park Creek: from its confluence with the Bear River in the NE1/4 NW1/4, Sec. 28, T. 2 N., R. 85 W. of the 6th P.M., upstream to the headgate of the Pat Lucas Ditch located in the NW1/4 NW1/4, Sec. 28, T. 2 N., R. 85 W. of the 6th P.M., including all areas tributary to Moore Park Creek and Bear River within this reach are located within Area A, but that portion of Moore Park Creek and its tributaries above the headgate of the Pat Lucas Ditch are in Area B. That portion of Bear River and its tributaries above the Medicine Bow-Routt National Forest property boundary are in Area B. Watson Creek: from its confluence with the Yampa River in the NW1/4 SW1/4, Sec. 34, T. 3 N., R. 85 W. of the 6th P.M., upstream to the headgate of the Watson Creek Ditch located in the SW1/4 NW1/4, Sec. 3, T. 2 N., R. 85 W. of the 6th P.M., including all areas tributary to Watson Creek and the Yampa River within this reach. That portion of Watson Creek and its tributaries above the headgate of the Watson Creek Ditch are in Area B. Meadowbrook Creek: from its confluence with the Yampa River in the NW1/4 NE1/4, Sec. 28, T. 3 N., R. 85 W. of the 6th P.M., upstream to the headgate of the Meadowbrook D 3 Ditch located in the SW1/4 NE1/4, Sec. 28, T. 3 N., R. 85 W. of the 6th P.M., including all areas tributary to Meadowbrook Creek and the Yampa River within this reach. That portion of Meadowbrook Creek and its tributaries above the headgate of the Meadowbrook D 3 Ditch are in Area B. Little White Snake Creek: from its confluence with the Yampa River in the SW1/4 SW1/4, Sec. 9, T. 3 N., R. 85 W. of the 6th P.M., upstream to the headgate of the C R Brown Ditch located in the SE1/4 SE1/4, Sec. 7, T. 3 N., R. 85 W. of the 6th P.M., including all areas tributary to Little White Snake Creek and the Yampa River within this reach. That portion of Watson Creek and its tributaries above the headgate of the Little White Snake Creek and its tributaries above the C R Brown Ditch are in Area B. Jack Creek: from its confluence with Stagecoach Reservoir and the Yampa River in the NE1/4 SW1/4, Sec. 30, T. 4 N., R. 84 W. of the 6th P.M., upstream to its headwaters, including all areas tributary to Jack Creek and the Yampa River. Martin Creek: from its confluence with the Yampa River in the NW1/4 SW1/4, Sec. 34, T. 3 N., R. 85 W. of the 6th P.M., upstream to the headgate of the Martin Ditch located in the NW1/4 NE1/4, Sec. 25, T. 4 N., R. 85 W. of the 6th P.M., including all areas tributary to Martin Creek and the Yampa River within this reach. That portion of Martin Creek and its tributaries above the headgate of the Martin Ditch are in Area B. Little Morrison Creek: from its confluence with Stagecoach Reservoir and the Yampa River in the NW1/4 SW1/4, Sec. 32, T. 4 N., R. 84 W. of the 6th P.M., upstream to its headwaters, including all areas tributary to Little Morrison Creek. Rate of Exchange: 3.5 c.f.s., conditional, for the entire Area A-1 and not to exceed 1.0 c.f.s. within any one of the eleven (11) tributaries located within Area A-1. Uses: The exchanges are used to serve the consumptive use amts associated with diversions by District contractees within Area A-1 as decreed in 14CW3042 and 06CW49. Date of Approp.: 05/21/2004. Adjudication Date: 12/31/2006, per CRS § 37-92-306. Terms and Conditions: The District recognizes that the Colorado Water Conservation Board ("CWCB") holds an instream flow right on Little Morrison Creek, decreed in

77CW1324 for 1 c.f.s., with an approp. date of 09/23/1977 (the "Little Morrison ISF Right"). The District agrees not to issue any contracts pursuant to the plan for aug. decreed in 14CW3042 and 06CW49 on Little Morrison Creek, described above, unless and until: Facilities to divert water from Morrison Creek under the conditional water right for the Little Morrison Diversion and Little Morrison Diversion Alternate, have been constructed and are operational to deliver water into Little Morrison Creek sufficient to augment a call placed by the CWCB for the Little Morrison ISF Right; OR The District or the Morrison Creek Metropolitan Water and Sanitation District (the "Metro District") has obtained a water Ct. decree to divert directly from Bushy Creek or from storage on Morrison Creek or storage on bushy Creek or from another water source into Little Morrison Creek sufficient in time and amt. to supply shortages in the Little Morrison ISF Right when and if called by the CWCB, and the District or the Metro District has constructed facilities pursuant to such water right which are fully operational to deliver water into CWCB for the Little Morrison ISF Right. The District recognizes that CWCB holds an instream flow right on the Bear River, decreed in 77CW1315 for 12 c.f.s. with an approp. date of 09/23/1977. The District agrees not to issue any contracts pursuant to this plan for augmentation occurring on this stream reach described in Paragraph 7.B.(1)(i)(e) unless and until an adequate quantity of water is stored in Yamcolo Reservoir to augment such contracts issued under the plan decreed herein. Area A-2 Yampa River Between Stagecoach Reservoir Dam and the RICD Structures within the City of Steamboat Springs: The exchange reach associated with Area A-2 extends from the "D-hole" of the RICD structures of the City of Steamboat Springs RICD decree immediately downstream from the confluence of Soda Creek and the Yampa River at Steamboat Springs upstream to the outlet of Stagecoach Reservoir. Furthermore, Area A-2 includes all tributaries to the Yampa River in this reach extending to the uppermost boundaries of Area A as shown on Exhibit A-A2 on file with the Water Ct. and described as follows: Morrison Creek: from its confluence with the Yampa River in the NE1/4 SW1/4, Sec. 28, T. 4 N., R. 84 W. of the 6th P.M., upstream to the headgate of the Morrison Creek Ditch 1 located in the SW1/4 SE1/4, Sec. 28, T. 4 N., R. 84 W. of the 6th P.M., including all areas tributary to Morrison Creek and the Yampa River within this reach. That portion of Morrison Creek and its tributaries above the headgate of the Morrison Creek Ditch 1 are in Area B. McKinnis Creek: from its confluence with the Yampa River in the NW1/4 NE1/4, Sec. 17, T. 5 N., R. 84 W. of the 6th P.M., upstream to the headgate of the First Ditch located in the SE1/4 NW1/4, Sec. 15, T. 5 N., R. 84 W. of the 6th P.M., including all areas tributary to McKinnis Creek and the Yampa River within this reach. That portion of McKinnis Creek and its tributaries above the headgate of the First Ditch are in Area B. Walton Creek: from its confluence with the Yampa River in the SE1/4 NW1/4, Sec. 28, T. 6 N., R. 84 W. of the 6th P.M., upstream to the headgate of the Excelsior Ditch located in the SE1/4 SE1/4, Sec. 33, T. 6 N., R. 84 W. of the 6th P.M., including all areas tributary to Walton Creek and the Yampa River within this reach. That portion of Walton Creek and its tributaries above the headgate of the Excelsior Ditch are in Area B. Butcherknife Creek: from its confluence with the Yampa River in the NE1/4 NW1/4, Sec. 17, T. 6 N., R. 84 W. of the 6th P.M., upstream to its headwaters, including all areas tributary to Butcherknife Creek and the Yampa River. Soda Creek: from its confluence with the Yampa River in the SW1/4 SW1/4, Sec. 8, T. 6 N., R. 84 W. of the 6th P.M., upstream to the National forest boundary in Sec. 28, T. 7 N., R. 84 W. of the 6th P.M., including all areas tributary to the Yampa River and Soda Creek within this reach, within the following exception for the drainage of the Soda Creek tributary, Gunn Creek, above the headgate of Woodchuck Ditch on Gunn Creek: Gunn Creek: from its confluence with Soda Creek in the NE1/4 NE1/4, Sec. 32, T. 7 N., R. 84 W. of the 6th P.M., upstream to the headgate of Woodchuck Ditch located in the SE1/4 NW1/4, Sec. 28, T. 7 N., R. 84 W. of the 6th P.M., including all areas tributary to Gunn Creek and Soda Creek within this reach are located within Area A, but that portion of Gunn Creek and its tributaries above the headgate of the Woodchuck Ditch are in Area B. Agate Creek: from its confluence with the Yampa River in the SE1/4 NE1/4, Sec. 32, T. 6 N., R. 84 W. of the 6th P.M., upstream to the headgate of the Agate Creek Ditch in the NW1/4 SW1/4, Sec. 32, T. 6 N., R. 84 W. of the 6th P.M., including all areas tributary to Agate Creek and the Yampa River within this reach. That portion of Agate Creek and its tributaries above the headgate of the Agate Creek Ditch are in Area B. Oak Creek: from its confluence with the Yampa River in the NE1/4 SW1/4, Sec. 5, T. 5 N., R. 84 W. of the 6th P.M., upstream to the headgate of the Lyon Ditch in the SW1/4 SE1/4, Sec. 18, T. 5 N., R. 84 W. of the 6th P.M., including all areas tributary to Oak Creek and the Yampa River within this reach. That portion of Oak Creek and its tributaries above the headgate of the Lyon Ditch are in Area B. Grouse Creek: from its confluence with the Yampa River in the SW1/4 SE1/4, Sec. 17, T. 5 N., R. 84 W. of the 6th P.M., upstream to the headgate of the Grouse Creek Ditch in the SE1/4 SW1/4, Sec. 36, T. 5 N., R. 84 W. of the 6th P.M., including all areas tributary to Grouse Creek and the Yampa River within this reach. That portion of Grouse Creek and its tributaries above the headgate of the Grouse Creek Ditch are in Area B. Dry Creek: from its confluence with Catamount Lake and the Yampa River in the NE1/4 NW1/4, Sec. 33, T. 5 N., R. 84 W. of the 6th P.M., upstream to its headwaters, including all areas tributary to Dry Creek and the Yampa River. Rate of Exchange: The rate of exchange is 3.0 c.f.s., conditional, for the entire Area A-2 and not to exceed 0.75 c.f.s. within any one of the nine (9) tributaries located within Area A-2. This amt. does not include the amt. of exchange for Area A-1, which is upstream of and tributary to Area A-2. Uses: the exchanges are used to serve

the consumptive use amts. associated with diversions by District contractees within Area A-2 as decreed in 14CW3042 and 06CW49. Approp. Date: 05/21/2004. Adjudication Date: 12/31/2006. Terms and Conditions: The District recognizes that Sidney Peak Ranch Owners' Association has appropriative rights of exchange from the Yampa River up Oak Creek and decreed in 00CW22 and 02CW107, Dist. Ct., Water Div. 6, which rights are senior to the appropriative rights of exchange described above. The District recognizes that Opposer, Steamboat Alpine Development, LLC has appropriative rights of exchange from the Yampa River up Walton Creek and Priest Creek and decreed in 97CW78, 05CW66, and 06CW10, Dist. Ct., Water Div. 6, which rights are senior to the appropriative rights of exchange described above. The District and Opposer Dequine Family, LLC, Flying Diamond Resources, and Kim Singleton stipulated and agreed that the District will not operate exchanges pursuant to the plan for augmentation decreed in 06CW49 in the Morrison Creek drainage to points within that portion of the Morrison Creek Metropolitan Water and Sanitation District that is tributary to the Morrison Creek watershed. Area A-3 Yampa River Between the RICD Structures of the City of Steamboat Springs and Confluence of the Yampa River with Trout Creek: The exchange reach associated with Area A-3 extends from the confluence of Trout Creek and the Yampa River upstream to the City of Steamboat Springs RICD structures immediately below the confluence of Soda Creek and the Yampa River, excluding the Elk River and all of its tributaries. Furthermore, Area A-3 includes all tributaries to the Yampa River (including tributaries of Trout Creek) in this reach extending to the uppermost boundaries of Area A. The area served by the exchange is shown on Exhibit A-A3 on file with the Water Ct. and described as follows: Trout Creek: from its confluence with the Yampa River in the NW1/4 SE1/4, Sec. 15, T. 6 N., R. 86 W. of the 6th P.M., upstream to the headgate of the Tempke Ditch in the NE1/4 NW1/4, Sec. 25, T. 6 N., R. 86 W. of the 6th P.M., including all areas tributary to Trout Creek and the Yampa River within this reach. That portion of Trout Creek and its tributaries above the headgate of the Tempke Ditch are in Area B. Cow Creek: from its confluence with the Yampa River in the SW1/4 NW1/4, Sec. 9, T. 6 N., R. 85 W. of the 6th P.M., upstream to its headwaters, including all areas tributary to Cow Creek and the Yampa River. Slate Creek: from its confluence with the Yampa River in the NW1/4 SW1/4, Sec. 1, T. 6 N., R. 85 W. of the 6th P.M., upstream to its headwaters, including all areas tributary to Slate Creek and the Yampa River. Rate of Exchange: 0.5 c.f.s., conditional, for the entire Area A-3 and not to exceed 0.25 c.f.s. within any one of the three (3) tributaries located within Area A-3. This amt. does not include the amt. of exchange for Area A-1 or Area A-2, both of which are upstream of and tributary to Area A-3. Uses: The exchanges are used to serve the consumptive use amts. associated with diversions by District contractees within Area A-3 as decreed in 14CW3042 and 06CW49. Approp. Date: 05/21/2004. Adjudication Date: 12/31/2006. Area A-4 Yampa River Between its Confluence with Trout Creek and its Confluence with Elkhead Creek: The exchange reach associated with Area A-4 includes the Yampa River from a point immediately above its confluence with Elkhead Creek upstream to a point immediately downstream from its confluence with Trout Creek. Furthermore, Area A-4 includes all tributaries to the Yampa River in this reach extending to the uppermost boundaries of Area A. The area served by the exchange is shown on Exhibit A-A4 on file with the Water Ct. and described as follows: Coal Bank Gulch: from its confluence with the Yampa River in the SW1/4 SE1/4, Sec. 4, T. 6 N., R. 88 W. of the 6th P.M., upstream to its headwaters, including all areas tributary to Coal Bank Gulch and the Yampa River. Morgan Creek: from its confluence with the Yampa River in the SE1/4 SE1/4, Sec. 36, T. 7 N., R. 88 W. of the 6th P.M., upstream to the headgate of the Morgan Creek Ditch 2 in the SE1/4 NW1/4, Sec. 32, T. 8 N., R. 87 W. of the 6th P.M., including all areas tributary to Morgan Creek and the Yampa River within this reach. That portion of Morgan Creek and its tributaries above the headgate of the Morgan Creek Ditch are in Area B. Goose Creek: from its confluence with the Yampa River in the SW1/4 SW1/4, Sec. 31, T. 7 N., R. 87 W. of the 6th P.M., upstream to its headwaters, including all areas tributary to Goose Creek and the Yampa River. Wolf Creek: from its confluence with the Yampa River in the NE1/4 SW1/4, Sec. 15, T. 6 N., R. 87 W. of the 6th P.M., upstream to the outlet of the Wolf Mountain Reservoir located in the NW1/4 NE1/4, Sec. 13, T. 7 N., R. 87 W. of the 6th P.M., including all areas tributary to Wolf Creek and the Yampa River within this reach. That portion of Wolf Creek and its tributaries above the outlet of the Wolf Mountain Reservoir are in Area B. Butcherknife Gulch: from its confluence with the Yampa River in the NW1/4 NE1/4, Sec. 13, T. 6 N., R. 87 W. of the 6th P.M. upstream to its headwaters, including all areas tributary to Butcherknife Gulch and the Yampa River. Tow Creek: from its confluence with the Yampa River in the SE1/4 NE1/4, Sec. 17, T. 6 N., R. 86 W. of the 6th P.M. upstream to the headgate of the Tow Creek Ditch 1 located in the NE1/4 NW1/4, Sec. 8, T. 6 N., R. 86 W. of the 6th P.M., including all areas tributary to Tow Creek and the Yampa River within this reach. That portion of Tow Creek and its tributaries above the headgate of the Tow Creek Ditch 1 are in Area B. Cheney Creek: from its confluence with the Yampa River in the SE1/4 NE1/4, Sec. 16, T. 6 N., R. 86 W. of the 6th P.M. upstream to the headgate of the Cheney Ditch located in the SE1/4 SW1/4, Sec. 10, T. 6 N., R. 86 W. of the 6th P.M., including all areas tributary to Cheney Creek and the Yampa River within this reach. That portion of Cheney Creek and its tributaries above the headgate of the Cheney Ditch are in Area B. Coal View Gulch: from its confluence with the Yampa River in the NE1/4 NE1/4, Sec. 14, T. 6 N., R. 87 W. of the 6th P.M. upstream to its headwaters, including all areas tributary to Coal

View Gulch and the Yampa River. Grassy Creek: from its confluence with the Yampa River in the NE1/4 NE1/4, Sec. 16, T. 6 N., R. 87 W. of the 6th P.M. upstream to its headwaters, including all areas tributary to Grassy Creek and the Yampa River. Sage Creek: from its confluence with the Yampa River in the NW1/4 SW1/4, Sec. 9, T. 6 N., R. 87 W. of the 6th P.M. upstream to the outlet of the Sage Creek Reservoir Outlet Ditch located in the SE1/4 SE1/4, Sec. 35, T. 6 N., R. 88 W. of the 6th P.M., including all areas tributary to Sage Creek and the Yampa River within this reach. That portion of Sage Creek and its tributaries above the outlet of Sage Creek Reservoir Outlet Ditch are in Area B. Dry Creek: from its confluence with the Yampa River in the NE1/4 NE1/4, Sec. 8, T. 6 N., R. 88 W. of the 6th P.M. upstream to the headgate of the Dry Creek Diversion located in the SW1/4 SE1/4, Sec. 10, T. 6 N., R. 88 W. of the 6th P.M., including all areas tributary to Dry Creek and the Yampa River within this reach. That portion of Dry Creek and its tributaries above the headgate of the Dry Creek Diversion are in Area B. Smuin Gulch: from its confluence with the Yampa River in the SW1/4 SW1/4, Sec. 7, T. 6 N., R. 88 W. of the 6th P.M. upstream to the headgate of the Temple Diversion 1 located in the NW1/4 NW1/4, Sec. 18, T. 6 N., R. 88 W. of the 6th P.M., including all areas tributary to Smuin Gulch and the Yampa River within this reach. That portion of Smuin Gulch and its tributaries above the headgate of the Temple Diversion 1 are in Area B. Rate of Exchange: 0.6 c.f.s., conditional, for the entire Area A-4 and not to exceed 0.3 c.f.s. within any one of the twelve (12) tributaries located within Area A-4. This amt. does not include the amt. of exchange for Area A-1, Area A-2, or Area A-3, all three of which are upstream of and tributary to Area A-4. Uses: The exchanges are used to serve the consumptive use amts. associated with diversions by District contractees within Area A-4 as decreed in 14CW3042 and 06CW49. Approp. Date: 05/21/2004. Adjudication Date: 12/31/2006. In the six years preceding the filing of the Application, Applicant has diligently pursued development of the subject water rights. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Second Claim to Make Absolute. Name of Exchange: Area A-2 Yampa River Between Stagecoach Reservoir Dam and the RICD Structures Within the City of Steamboat Springs. Date of Beneficial Use: 07/31/2021. Uses: The exchanges are used to serve the consumptive use amts. associated with diversions by District contractees within Area A-2 as decreed in 14CW3042 and 06CW49. Amt. Claimed as Absolute: 0.103 c.f.s. of 3.00 c.f.s. for the entire Area A-2 and not to exceed 0.75 c.f.s. within any one of the nine (9) tributaries located within Area A-2. Amt. Remaining Conditional: 2.897 c.f.s. for the entire Area A-2 and not to exceed 0.75 c.f.s. within any one of the nine (9) tributaries located within Area A-2. Name of Exchange: Area A-3 Yampa River Between the RICD Structures of the City of Steamboat Springs and Confluence of the Yampa River with Trout Creek. Date of Beneficial Use: 07/31/2021. Uses: The exchanges are used to serve the consumptive use amts. associated with diversions by District contractees within Area A-3 as decreed in 14CW3042 and 06CW49. Amt. Claimed as Absolute: 0.018 c.f.s. of 0.5 c.f.s. is to be made absolute, not to exceed 0.25 c.f.s. within any one of the three (3) tributaries located within Area A-3. Amt. Remaining Conditional: 0.482 c.f.s. not to exceed 0.25 c.f.s. within any one of the three (3) tributaries located within Area A-3. WHEREFORE, Applicant respectfully requests the Ct. enter a Decree (1) finding that Applicant has been reasonably diligent in the development of the conditional appropriate rights of exchange decreed in 14CW3042 and 06CW49 and described above; (2) finding that the subject conditional appropriate rights shall remain in full force and effect for an additional six years; (3) confirming that Area A-2 and A-3 be made absolute in part; and (4) for such other relief as the Ct. deems proper.

22CW3108 Routt County. Morrison Creek, tributary to the Yampa River. Application for Finding of Reasonable Diligence. Applicant: Upper Yampa Water Conservancy District, c/o Scott Grosscup and Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. In this Application, Applicant seeks a finding of reasonable diligence in the development of its interests in the Little Morrison Diversion and the Little Morrison Diversion Alternate Point. Name of Structures: Little Morrison Diversion and Little Morrison Diversion Alternate Point. Original decree: 94CW149, Dist. Ct., Water Div. No. 6 on 03/18/1998, as corrected on 07/14/2003. Subsequent Diligence Decrees: Case Nos. 04CW10 and 15CW3007, Dist. Ct., Water Div. No. 6. Legal descriptions: Little Morrison Diversion: SE1/4 SW1/4 of Sec. 14, T. 3 N., R. 84 W. of the 6th P.M. at a point 400 ft. from the S. line and 1,500 ft. from the W. line of Sec. 14. Little Morrison Diversion Alternate Point: N1/2 NE1/4 NW1/4 of Sec. 23, T. 3 N., R. 84 W. of the 6th P.M., 300 ft. S. of the N. Sec. line and 1,950 ft. E. of the W. sec. line of Sec. 23. Source: Morrison Creek, tributary to the Yampa River. Date of Approp.: 12/30/1994. Amt.: 50 c.f.s., conditional. Uses: Muni., industrial, dom., irr., stock watering, power production, rec., fishery, and aesthetic purposes, and for use by exchange or for aug. purposes, including diversion into Little Morrison Creek for such uses, including later releases from storage for such uses. Limitation: The Little Morrison Diversion, Little Morrison Diversion Alternate Point water right is conditionally decreed subject to the condition that the Upper Yampa Water Conservancy District shall not divert water from Morrison Creek at either decreed point of diversion if such diversion would reduce the stream flow immediately below the point of diversion below 15 c.f.s., provided that this limitation shall not apply to any alternate point of diversion where the headgate is located outside T. 3 N., R. 84 W. of the 6th P.M. decreed by the Ct. in a

change case. In the six years preceding the filing of the Application, Applicant has diligently pursued development of the subject water rights. The application on file with the Ct. contains a detailed outline of the work performed during the diligence period. Owners of Land Upon Which the Structures are all Located: Little Morrison Diversion is located on land owned by Allen Beltshaw & Catherine Johnson, 3010 Heavenly View, Steamboat Springs, CO 80487. Little Morrison Diversion Alternate Point is located on land owned by John & Angela Wilkinson, 20505 County Road 16, Oak Creek, CO 80467.

**2022CW3109 ROUTT COUNTY. APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND FOR A FINDING OF REASONABLE DILIGENCE.** Name and Address of Applicant: Step Rock Ranch, LLC (“Step Rock Ranch”), P.O. Box 19441, Avon, CO 81620. All pleadings should be directed to Karen Henderson at khenderson@bh-lawyers.com and Cassidy Woodard at cwoodard@bh-lawyers.com. 2. Overview: By this application, Step Rock Ranch seeks to make a portion of the Royle Elk Springs Pond water right absolute and a finding of reasonable diligence on any amount not made absolute, as more specifically described below. 3. Description of the Water Right: 3.1 Name of Water Right and Structure: Royle Elk Springs Pond. 3.2 Original Decree: The Royle Elk Springs Pond water right was decreed in Case No. 2015CW3046 by the District Court in and for Water Division No. 6, entered on November 5, 2016. 3.3 Prior Diligence & Absolute Decrees: None. 3.4 Location: The UTM Coordinates for the centerline of the dam are NAD 83, Zone 13, Easting: 322984.83, Northing: 4456717.68. The source of the UTM information is a Trimble R8 GLONASS GPS with accuracy of .05”. This location can also be described as being in the SE¼ of the SE¼ of Section 7, Township 3 North, Range 86 West of the 6<sup>th</sup> P.M., approximately at a point 652 feet from the South section line and 1,297 feet from the East section line of said Section 7. A map generally depicting this location is attached as Exhibit A. 3.5 Source: An unnamed tributary (including irrigation and surface runoff) to Trout Creek, a tributary of the Yampa River. 3.6 Adjudication Year: 2015 3.7 Appropriation Date: November 27, 2015. 3.8 Amount: 9 acre-feet, conditional, with the right to refill up to 53 acre-feet for a total combined fill and refill on a year-round basis up to 62 acre-feet (annual volumetric limit). 3.9 Uses: Stock-watering, irrigation, fire protection, wildlife watering, and piscatorial purposes. 4. Claim to Make Absolute. Construction of the Royle Elk Springs Pond began in mid-August of 2016, and was completed in a timely fashion. The pond was first reported as full on or before June 4, 2017. The as-built capacity of the pond is 5.31 acre-feet with a surface area of 1.34 acres. The pond is on-channel and has an agri-drain that allows for the release of any out-of-priority inflow or storage from the pond. Water stored or bypassed through the pond can either be released to the unnamed tributary or delivered by ditch to Trout Creek. The ditch gate consists of a steel grate that has a system of plates to control the flow (or block the flow) into the ditch. A parshall flume was also installed on the associated ditch on or about June 12, 2020. Accordingly, Step Rock Ranch seeks to make 5.31 of the 9 acre-feet decreed to the Royle Elk Springs Pond absolute pursuant to C.R.S. § 37-92-301(4)(e) (“[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure.”). 5. Claim for a Finding of Reasonable Diligence. Step Rock Ranch requests a finding of reasonable diligence with respect to any portion of the Royle Elk Springs Pond water right that is not made absolute. Evidence of Step Rock Ranch’s diligence includes, but is not limited to, the construction of the pond in 2016, completion of an as-built survey in 2017, installation of a parshall flume on the associated ditch in 2020. The general operation is to fill and refill the pond as needed to keep it full, except when there is an applicable call on the river. [4 pages + map]

**2022CW3110 (2013CW3032) APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN PART AND FINDING OF REASONABLE DILIGENCE IN PART, CONCERNING THE APPLICATION FOR WATER RIGHTS OF: LAEL JEAN HOLDINGS, LLC, IN ROUTT COUNTY, COLORADO.** 1. Name, Address, E-mail Address and Telephone Number of Applicant: Lael Jean Holdings, LLC, a Delaware limited liability company, c/o William Scholle, 1815 Central Park Dr., Ste. 110, PMB 362, Steamboat Springs, CO 80487, [bill@billscholle.com](mailto:bill@billscholle.com), (970) 690-0000, 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. Names of Structures - Surface Structures: (1) White Cloud Spring 1, (2) White Cloud Spring 2, Type: Spring. 3. Description of Conditional Water Rights: WHITE CLOUD SPRING 1. A. Date of Original Decree: October 31, 2016, Case No. 2013CW3032, District Court, Water Division No. 6, Colorado. B. Subsequent Decrees Awarding Findings of Diligence: N/A. C. Legal Description: The spring is located in SW ¼ NW ¼, Section 18, Township 5 North, Range 84 West, of the 6<sup>th</sup> Prime Meridian, 1438 feet from the North section line and 170 feet from the West section line. Easting: 341925, Northing: 4473237, Routt County, Colorado, on Lael Jean Holdings, LLC, a Delaware limited liability company’s property [formerly WESTLAKE 32605 CR 35, LLC, a Texas limited liability company] known as 32605 County Road 35, Steamboat Springs, CO 80487. A map depicting the location of White Cloud Spring 1 is

attached hereto as Exhibit 1. D. Source of Water: Spring, an unnamed tributary of Oak Creek, tributary to the Yampa River. E. Appropriation Date: December 13, 2013. F. Amount: 0.033 c.f.s., conditional. G. Use: Livestock watering, wildlife watering, fire control, and irrigation of approximately 25 acres in the East ½ of the NW ¼ of Section 18, Township 5 North, Range 84 West of the 6th P.M. WHITE CLOUD SPRING 2. A. Date of Original Decree: October 31, 2016, Case No. 2013CW3032, District Court, Water Division 6, Colorado. B. Subsequent Decrees Awarding Findings of Diligence: N/A. C. Legal Description: The spring is located in NW ¼ NW ¼, Section 18, Township 5 North, Range 84 West, of the 6th Prime Meridian, 1103 feet from the North section line and 767 feet from the West section line. Easting: 342110, Northing: 4473336, Routt County, Colorado, on Lael Jean Holdings, LLC, a Delaware limited liability company's property [formerly WESTLAKE 32605 CR 35, LLC, a Texas limited liability company] known as 32605 County Road 35, Steamboat Springs, CO 80487. A map depicting the location of White Cloud Spring 2 is attached hereto as Exhibit 2. D. Source of Water: An unnamed tributary of Oak Creek, tributary to the Yampa River. E. Appropriation Date: December 13, 2013. F. Amount: 0.033 c.f.s., conditional. G. Use: Livestock watering, wildlife watering, fire control, and irrigation of approximately 25 acres in the East ½ of the NW ¼ of Section 18, Township 5 North, Range 84 West, of the 6th Prime Meridian. **4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period**: Lael Jean Holdings, LLC, a Delaware limited liability company (the "Applicant") acquired the conditional water rights that are the subject of this application from Westlake 32605 CR 35, LLC, a Texas limited liability company, by bargain and sale deed recorded on December 20, 2018 at Reception No. 796139 in the records of the Routt County, Colorado, Clerk and Recorder's Office. Since that time, the Applicant has worked diligently to develop the conditional water rights in the manner contemplated by the conditional decree awarded in Water Division No. 6, Case No. 2013CW3023. The Applicant has performed the activities described below in furtherance of the development of these water rights, which activities may be supplemented with additional evidence. A. White Cloud Spring 1. The Applicant raises Highland cattle on a 144-acre ranch in Routt County. The White Cloud Spring 1, as developed and applied to beneficial use by the Applicant, provides an important source of stock water to support the property's active agricultural operation. Water is piped from the spring to the surface where it is collected in a mobile storage tank. The Applicant estimates that the spring can generate 120 gallons in 8 minutes, or a flow rate of approximately 15 gallons per minute. Once collected, the Applicant uses a water trailer to transport and deposit it into watering troughs located around the property for use by livestock and wildlife. Presently, the Applicant's agricultural operation consists of 12 head of Highland cattle; of which seven are registered with the American Highland Cattle Association, with two calves currently seeking registration pending DNA test results. The Applicant also waters four pigs, six goats, and four horses with water captured from the developed White Cloud Spring 1. Big game species have also been documented watering from the livestock troughs, with a herd of roughly 80 head of elk observed watering upon and migrating through the Applicant's property in November of 2019. In addition to use by livestock and wildlife, water captured from the White Cloud Spring 1 remains available for fire control purposes. Lastly, for topographical reasons, the White Cloud Spring 1 naturally sub-irrigates the corner of a hay pasture located on the Applicant's property. The Applicant seeks to expand the irrigation use of the White Cloud Spring 1 in the future and desires to continue this use of the water right as conditional, with all other uses of the White Cloud Spring 1 made absolute. The Applicant has expended over \$7,100.00 in purchasing equipment and materials to develop and apply to beneficial use the White Cloud Spring 1 in the manner contemplated by the decree. The largest expenditure in this project to date has been the purchase of a 500-gallon ABI water trailer, a sum of \$5,762, which trailer may also be used in connection with the White Cloud Spring 2 once fully developed. A true and correct copy of the invoice for said water trailer is attached hereto as Exhibit 3. The Applicant also purchased a pump, curb stop, piping, hoses, multiple 150-gallon watering troughs, and fencing materials in connection with the development of White Cloud Spring 1, and has expended additional financial resources in consulting with legal counsel and preparing this Application as further evidence of its diligence in developing the conditional water rights for the property. B. White Cloud Spring 2. The Applicant has engaged legal counsel and the services of a professional water engineer to develop the White Cloud Spring 2 water right that is the subject of this diligence application. Tyler Andrew of Raindrop Pump and Well, Inc. has prepared a project proposal and CAD rendering of the design in developing the White Cloud Spring 2, at an estimated cost of \$10,622.74 to the Applicant consisting of excavation services and infrastructural improvements. A true and correct copy of the project estimate is attached hereto as Exhibit 4. Currently, seepage from White Cloud Spring 2 naturally sub-irrigates portions of the Applicant's property and drains into a shallow pond which is used by livestock and wildlife, providing recharge to the pond. The Applicant desires to expand upon this use by developing and utilizing the White Cloud Spring 2 in a similar manner to the White Cloud Spring 1. The concept is to excavate a roughly 100-foot-long trench, line the trench with gravel, and capture spring water in a storage tank using a frost-free hydrant to fill troughs with water for use by livestock and wildlife, as well as fire control purposes. The improvements to be installed include pipes, a curb

box, a curb stop, rock bedding, casing, and float valve. The project proposal describes the scope of work as: “100’ 4” perforated pipe; placing a minimum of 2’ of gravel or entire water bearing layer over the perf pipe; a dig depth of less than 10’ as per state requirement for spring development; run minimum grade of 1/8” per foot downhill to discharge at tank; directly feed an open above ground tank at least 80-gal capacity; [and] control water flow with both underground curb stop and mechanical float valve in tank.” A CAD rendering of the general design is attached hereto as Exhibit 5. **5. If claim to make absolute in whole or in part:** A. Date water applied to beneficial use: September 30, 2018, Amount: 0.033 c.f.s., absolute, Use: Livestock watering, wildlife watering, fire control. B. Supporting evidence: Evidence that the Applicant diverted water and applied such water to the beneficial uses in the amounts claimed: is attached hereto as Exhibit 6, with photographs depicting such uses. An improvement survey plat for the Applicant’s property depicting the springs and locations of stock tanks is attached hereto as Exhibit 7. C. Description of place of use where water is applied to beneficial use: Water is applied to beneficial use on the Applicant’s property located at 32605 County Road 35, Steamboat Springs, Colorado. **6. If the actual location of the structure is different from the location in paragraph 3.C above, provide the actual description:** N/A. **7. 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:** Applicant. **8. Remarks or any other pertinent information:** WHEREFORE, Applicant seeks a Decree of this Court: 1. Granting Applicant’s prayer that the Court find Applicant has exercised reasonable diligence in developing the appropriation of the conditional water right for the White Cloud Spring 1 water right for irrigation use, and the conditional status of said water right shall be continued and extended; 2. Granting Applicant’s prayer that the Court finds Applicant’s appropriations have been completed for the White Cloud Spring 1 as to the stock watering, fire control, and wildlife watering, that the water has been applied to beneficial use, and that the water right shall be decreed absolute for such uses. In the alternative, should the Court not find as stated in the previous sentence, then Applicant prays that the Court find Applicant has exercised reasonable diligence in developing the appropriation of the conditional water right for the White Cloud Spring 1 for stock watering, fire control, and wildlife watering; 3. Granting applicant’s prayer that the Court find Applicant has exercised reasonable diligence in developing the appropriation of the conditional water right for the White Cloud Spring 2 water right for the uses of irrigation, stock watering, fire control, and wildlife watering, and the conditional status of said water right shall be extended; and 4. For such further relief as the Court may deem proper.

2021CW16 AMENDED APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE), CONCERNING THE APPLICATION FOR WATER RIGHTS OF: OVERLOOK, LLC, IN JACKSON COUNTY, COLORADO. 1. Name, address, e-mail address, and telephone number of Applicant: Overlook, LLC, c/o Scott Miller, P.O. Box 882, Walden, CO 80480, With copies to: Melinda H. Sherman, Elizabeth H. Hinchman, Sharp, Sherman & Engle LLC, P.O. Box 774608 / 401 Lincoln Ave., Steamboat Springs, CO 80477, [sherman@steamboatlawfirm.com](mailto:sherman@steamboatlawfirm.com), [hinchman@steamboatlawfirm.com](mailto:hinchman@steamboatlawfirm.com), (970) 879-7600. 2. Name of Structure: Wyatt Spring Moore Enlargement, Type: spring. 3. Location of Structure: A. Public Land Survey System (PLSS): NE 1/4 of the SE 1/4 of Section 3, Township 8 North, Range 79 West of the 6<sup>th</sup> P.M, Jackson County, Colorado. B. Point of Diversion: 1. UTM Coordinates: Easting 395193; Northing 4505213; Zone 13, Source: GPS device. 2. Distance from Section Lines: 1968 feet from the South Section line and 1283 feet from the East Section line, Source: field survey, Street Address: State Highway 14, Walden, CO 80480. The location for Wyatt Spring as decreed in Case No. 79CW79 is at a point 1100 feet west of the east section line and 2090 feet north of the south section line. Applicant will be filing an Application for Correction of an Established but Erroneously Described Point of Diversion pursuant to C.R.S. § 37-92-305(3.6) to correct the location of Wyatt Spring so that it is the same as the above legal description for Wyatt Spring Moore Enlargement. 4. Source: spring tributary to the Illinois River, tributary to the Michigan River, tributary to the North Platte River. 5. A. Date of Appropriation: October 29, 2021. B. How appropriation was initiated: By filing the original application in this case. C. Date water applied to beneficial use: N/A. 6. Amount Claimed: 0.033 cfs, conditional. 7. Use: Domestic, to serve one dwelling, including one acre of lawn and garden irrigation. 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: Applicant. 9. Remarks or other pertinent information: Wyatt Spring was originally decreed in Case No. 79CW79 for water rights in the amounts of 0.01 cfs, absolute, for stock water use and 0.033 cfs, conditional, for domestic use. The original applicants did not file an application for finding of reasonable diligence by the deadline, so the Court cancelled the conditional water right on March 8, 1984. Applicant, the current owner of the property on which Wyatt Spring is located, is applying for a new conditional water right for domestic use of the spring. WHEREFORE, Applicant seeks a Decree of this Court: 1. Granting a conditional water right to Wyatt Spring Moore Enlargement as described above; and 2. For such further relief as the Court may deem proper. RESPECTFULLY SUBMITTED this 15th day of November, 2022. SHARP, SHERMAN & ENGLE LLC, Attorneys for Applicant, By: /s/ Elizabeth H. Hinchman, Reg. No. 48045.

**2021CW18 JACKSON COUNTY** Application for Change of Water Right. Applicant: James A. Murphy, PO Box 677, 1688 County Rd. 12E, Walden, CO. 80480, 970.819.5594, [jmurphyjackson55@gmail.com](mailto:jmurphyjackson55@gmail.com). **Structure:** Hugh Griffith Ditch. **Date of Original Decree:** 3/6/1923. **Case No.** CA3571. **Court:** Division 1. **Legal Description:** NW4 NE4; Sec: 35; T9N; Range: 79W; 6<sup>th</sup> PM at a point on the right bank of Michigan stream whence the quarter corner of the north boundary of said section bears 16\* 15'396 feet. **Decreed Source:** Michigan River. **Appropriation Date:** 5/1/1888. **Amount Decreed:** Absolute 5.4 cfs. **Decreed Use:** Irrigation. **Amount of Water that Applicant Intends to Change:** 5.4 cfs. **Statement of Change:** The applicant proposes to change the point of diversion of the Hugh Griffith Ditch with an original decree date of 3/6/1923 from UTM coordinates X-395827, Y-4507674 to UTM coordinates X-394548, Y-4508677, which is approximately one-mile downstream. The source of the water for the original point of diversion and the new point of diversion is the Michigan River. The applicant has provided a USGS topographic map, attached as Exhibit A, of the original point of diversion and the new point of diversion. The map also includes historical acreage irrigated at the original point of diversion and historically irrigated acreage at the proposed new point of diversion. The applicant has provided records of historical use, Exhibit B, and summaries of records of historical acreage irrigated, Exhibit C. The new point of diversion has a working headgate and flume. The new point of diversion has been in use since 1973. The new point of diversion has historically been turned on the first week of May, when in priority, and turned off the first week of July or sooner when out of priority. The applicant prays that the Court approves this new point of diversion as the applicant genuinely believes that this change will be the most beneficial use of this decree. **UTMs:** E395827 N4507674, Z13. 1688 CR 12E, Waldon, CO 80480. **Source of UTM:** CDSS Map Viewer. **Landowner:** Applicant.

2022CW3103 APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S., CONCERNING THE APPLICATION FOR WATER RIGHTS OF: OVERLOOK, LLC, IN THE ILLINOIS RIVER OR ITS TRIBUTARIES IN JACKSON COUNTY, COLORADO. 1. Name, address, e-mail address, and telephone number of Applicant: Overlook, LLC, c/o Scott Miller, P.O. Box 882, Walden, CO 80480, With copies to: Melinda H. Sherman, Elizabeth H. Hinchman, Sharp, Sherman & Engle LLC, P.O. Box 774608 / 401 Lincoln Ave., Steamboat Springs, CO 80477, [sherman@steamboatlawfirm.com](mailto:sherman@steamboatlawfirm.com), [hinchman@steamboatlawfirm.com](mailto:hinchman@steamboatlawfirm.com), (970) 879-7600. 2. Decreed water right for which correction is sought: A. Name of structure: Wyatt Spring. B. Date of original and all relevant subsequent decrees: April 10, 1980, Case No: 79CW79, Court: Water Division No. 6. C. Legal description of structure as described in most recent decree that adjudicated the location: The spring is located in the NE1/4 of the SE1/4 of Section 3, T. 8 N., R. 79 W., 6<sup>th</sup> P.M., Colorado at a point 1100 feet west of the east section line and 2090 feet north of the south section line. D. Decreed source of water: Illinois River. E. Appropriation date: June 15, 1978. F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute 0.01 cfs (conditional 0.033 cfs for domestic use was originally decreed but cancelled by the Court on March 8, 1984, for failure to apply for finding of reasonable diligence). G. Decreed use or uses: stock water. H. Amount of water decreed: Absolute 0.01 cfs (conditional 0.033 cfs for domestic use was originally decreed but cancelled by the Court on March 8, 1984). 3. Detailed description of proposed correction to an established but erroneously described point of diversion: A. Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. See § 37-92-305(3.6)(a) & (b), C.R.S. The applicant is encouraged to provide evidence to support such information with this application. The physical location of Wyatt Spring is approximately 219 feet in a southwesterly direction from the decreed location described in Case No. 79CW79. A survey showing the location of Wyatt Spring is attached hereto as Exhibit A. The physical point of diversion has not been relocated, and the diverter has beneficially used diversions for stock water use. Neither a natural surface stream that is tributary to the diverted stream nor another surface water right is located between the decreed location and its physical location. B. The legal description of the corrected point of diversion: 1. Public Land Survey System (PLSS): NE 1/4 of the SE 1/4 of Section 3, Township 8 North, Range 79 West of the 6<sup>th</sup> P.M., Jackson County, Colorado. 2. Point of diversion: a. UTM Coordinates: Easting 395193; Northing 4505213; Zone 13, Street Address: State Highway 14, Walden, CO 80480, Source: GPS device. b. Distance from Section Lines: 1968 feet from the South Section line and 1283 feet from the East Section Line, Source: field survey, Street Address: State Highway 14, Walden, CO 80480. 4. Name(s) and address(es) of owner(s) or reputed owner(s) 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. RESPECTFULLY SUBMITTED this 18th day of November, 2022. SHARP, SHERMAN & ENGLE LLC, Attorneys for Applicant, By: /s/ Elizabeth H. Hinchman, Reg. No. 48045.

**2022CW3112 CONCERNING THE APPLICATION FOR WATER RIGHTS OF: UNITED STATES OF AMERICA, IN JACKSON COUNTY, APPLICATION FOR FINDING OF DILIGENCE AND TO MAKE ABSOLUTE IN PART. Name, mailing address, and telephone number of applicant:** United States of America. U.S. Department of the Interior; Fish and Wildlife Service; P.O. Box 25486; Denver Federal Center, Denver, CO 80225. 303 844-1375. **Background on Ownership:** The three water rights in this application are co-owned by Blaine and Judy Evans (“Evans”) and the United States Fish and Wildlife Service (“United States”) (jointly “co-owners”). The co-owners cooperate under a management agreement, sharing responsibility for maintenance, operations, accounting, and monthly reporting of all three water rights. Historically, the co-owners have filed separate diligence applications. However, use by either owner can perfect a portion or all of the entire water right, and the absolute portion is still co-owned equally. Regardless of which party’s application makes a water right absolute, each decree has expressly recognized that the portion made absolute is half owned by each co-owner, and has expressed the flow rate or volume in halves. Continued delineations of half-ownership are unnecessary. In this application, the United States describes the quantities conditional and absolute without dividing them in half. The co-owners intend to cooperate in this next diligence period in meeting the heightened measurement and storage accounting requirements, and wish to increase the efficiency for themselves and the Court by aligning their diligence schedules and/or combining their diligence applications. The latest deadline in Evans’ current diligence application (Case No. 2020CW3007) was extended pending receipt of this application. The United States supports alignment of the schedules of these two cases. **Name of Structures:** A. Howard Ditch B. MacFarlane Extension Ditch C. MacFarlane Reservoir. **Describe conditional water right (as to each structure) giving the following from the Referee’s Ruling and Judgment and Decrees:** A. **Date of Original Decree as to all structures:** March 5, 1987, in Consolidated Case No. 84CW156 and 84CW157, District Court, Water Division 6. B. **Date of Subsequent Decrees:** The dates of the decrees obtained by the United States: November 27, 2000: Case No. 99CW38, District Court, Water Division 6. November 17, 2008: Case No. 06CW41, District Court, Water Division 6. November 9, 2016: Case No. 14CW3035, District Court, Water Division 6. The dates of the decrees obtained by the Evans: August 5, 1993: Case No. 93CW14, District Court, Water Division 6. November 27, 2000: Case No. 99CW36, District Court, Water Division 6. February 10, 2014: Case No. 06CW42, District Court, Water Division 6. \_\_\_\_\_ (pending): Case No. 20CW3007, District Court, Water Division 6. C. **Legal Description:** (see also map attached as Exhibit 1) i. Howard Ditch: The headgate is located on the West Bank of Willow Creek 1450 feet East of the West section line and 1800 feet North of the South section line in the NE1/4 of the SW1/4 of Section 12, Township 6 North, Range 79 West, 6th P.M. in Jackson County, Colorado. ii. MacFarlane Extension Ditch: The headgate is located on the West Bank of the Illinois River, 2740 feet East of the West section line and 750 feet South of the North section line in the NW1/4 of the NE1/4, Section 13, Township 6 North, Range 79 West, 6th P.M. in Jackson County, Colorado. iii. MacFarlane Reservoir: The approximate center of the existing dam is 750 feet due South of the Northeast corner, Section 30, Township 7 North, Range 79 West, 6th P.M., in Jackson County, Colorado. D. **Source:** Tributaries of the North Platte River (all structures). More specifically, the source of water for Howard Ditch is Willow Creek of the Illinois River of the Michigan River of the North Platte River; and the source of water for MacFarlane Extension Ditch is this Illinois River of the Michigan River of the North Platte River. MacFarlane Reservoir is located on Soap Creek, a tributary of Grizzly Creek of the North Platte River and can be filled through the Howard Ditch right or MacFarlane Extension Ditch right. Water diverted into the MacFarlane Extension Ditch is released into Willow Creek and then is diverted into the Howard Ditch, released into the channel of Soap Creek, and transported to MacFarlane Reservoir. E. **Appropriation Date:** June 8, 1984 (all structures). Amounts decreed Conditional in Consolidated Case Nos. 84CW156 and 84CW157: i. Howard Ditch: 70 CFS Conditional. ii. MacFarlane Extension Ditch: 70 CFS Conditional. iii. MacFarlane Reservoir: 6,833 acre-feet Conditional for annual refill. Amounts decreed Absolute and continued Conditional in Case Nos. 99CW38 (United States) and 99CW36 (Evans): i. Howard Ditch: 11 CFS Absolute (with half decreed in each of the two cases), 59 CFS continued Conditional. ii. MacFarlane Extension Ditch: 70 CFS continued Conditional. iii. MacFarlane Reservoir: 628 acre-feet Absolute (with half decreed in each of the two cases) and 6,205 acre-feet continued Conditional. Amounts decreed Absolute and continued Conditional in Case Nos. 06CW41 (United States) and 06CW42 (Evans): i. Howard Ditch: 59 CFS continued Conditional. ii. MacFarlane Extension Ditch: 70 CFS continued Conditional. iii. MacFarlane Reservoir: 1,159 AF Absolute (with half decreed in each of the two cases) and 5,046 AF continued Conditional. A total of 1,787 acre-feet is now Absolute for annual refill, in addition to 6,507 acre-feet Absolute for annual first fill. Amounts decreed Absolute and continued Conditional in Case No. 14CW3035 (United States) (Note: Evans did not have a companion case because its application in 06CW42 was not granted until 2014): i. Howard Ditch: 59 CFS continued Conditional. ii. MacFarlane Extension Ditch: 70 CFS continued Conditional. iii. MacFarlane Reservoir: 5,046 acre-feet continued Conditional. F. **Decreed Uses:** These three rights were decreed in Case No. 84CW156 for direct flow irrigation, recreation, and piscatorial use, including improvement of wildlife and piscatorial habitat, and storage in MacFarlane Reservoir for irrigation,

recreation, and piscatorial use, including improvement of wildlife and piscatorial habitat. The water diverted through the Howard Ditch and MacFarlane Extension Ditch under these water rights is conveyed to the MacFarlane Reservoir junior storage right, and is or will be used in the Reservoir for recreation and piscatorial use, including improvement of wildlife and piscatorial habitat. The water stored under these water rights and released from MacFarlane Reservoir is or will be used for irrigation, wildlife habitat and recreation. 4. **Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** These three water rights are parts of an integrated system comprised of several features. Water leaving the MacFarlane Extension Ditch flows through Willow Creek and the Howard Ditch and then the Soap Creek channel before entering MacFarlane Reservoir. Work on any of these features constitutes diligence as to all three water rights. C.R.S. § 37-92-301(4)(b); see, e.g., Finding of Fact ¶ 7.2, Case No. 14CW3035 (dated Sept. 26, 2016) and prior decrees. Work performed by co-owner Evans counts toward diligence on the entire water right, not just half. The United States incorporates by reference the work described by Evans in Case No. 2020CW3007. In addition, during the diligence period, the United States has performed substantial work on facilities necessary for the beneficial use of the conditional water rights at issue in this matter, including but not limited to: 2015 Howard Ditch: The United States contributed to the cost and installation of a new 8-foot Parshall flume at the Howard Ditch. MacFarlane Reservoir: The United States secured a contract with W. W. Wheeler & Associates to complete a final design package, including specifications, drawings, permits, and construction estimates for the Dam rehabilitation. The United States funded the contract for \$183,757.00 plus an additional \$3,000 for a contract modification. Additionally, access road improvements were completed in August to allow for Dam rehabilitation activities planned for 2016. Road base, rock, and water truck rental cost the United States \$84,765.00. 2016 MacFarlane Reservoir: The United States and its co-owner secured a second contract with W. W. Wheeler & Associates to provide engineering services for the Dam rehabilitation, for which the United States contributed \$87,414.00. 2017 MacFarlane Reservoir: Dam rehabilitation was completed under a contract with Rocky Mountain Excavating, Inc. The total cost of dam rehabilitation was \$1,182,361.00. (The original contract was for \$1,160,437.54, plus a modification for \$21,924.00.) This included a new spillway (raised to account for sediment in the reservoir), new toe drains, a new terminal outlet structure, and a new staff gauge. The existing outlet gauge was repaired, fill was added, and the backside of the reservoir was sloped. Riprap was repaired and added. The United States (BLM and FWS) contributed \$630,724.70. The Bureau of Reclamation also completed other miscellaneous activities, including repair of landscaping and seeding disturbed ground. 2018 MacFarlane Reservoir: As required by the Colorado Department of Natural Resources, Division of Water Resources, a new flume was installed below the Dam to measure outflow of the refuge water allotment. The United States purchased additional riprap from High Country Rock LLC in the amount of \$12,286.00. 2019 Howard Ditch: The United States installed a data logger on Howard Ditch. The parties enlarged and cleaned the ditch. 2020 Howard Ditch: The United States purchased a FlowTracker2 at a cost of \$9,350 to improve the accuracy of flow measurements. MacFarlane Extension Ditch: The MacFarlane Extension Ditch headgate and flume were removed and replaced as required by the Colorado Department of Natural Resources, Division of Water Resources, at a total cost of \$109,840.00. Ducks Unlimited contracted the removal and replacement work and was assisted by Fish and Wildlife Service Realty survey crew for initial engineering design. A beaver deceiver was placed around the flume to reduce plugging. A new weir was purchased and installed for \$3,248.30. **If claim to make absolute in whole or in part:** In addition to the request in the Evans' pending application in Case No. 2020CW3007, the United States asks to make absolute the following portions of the three conditional rights: A. Howard Ditch: Date water applied to beneficial use: May 30, 2019 Amount: The maximum diversion rate from Willow Creek through the Howard Ditch was 29.78 cfs on May 30, 2019. The senior storage right had been filled on May 29, 2019 and water from that pool was being released for irrigation. Because 11 cfs of the Howard Ditch conditional right has already become absolute, an additional 18.78 cfs are now absolute. The remaining 30.22 cfs should be continued as conditional. Use: Storage in MacFarlane Reservoir for the improvement of wildlife and piscatorial habitat and recreation and for irrigation below the reservoir for the same purposes. B. MacFarlane Extension Ditch: Date water applied to beneficial use: June 22, 2019 Amount: During the diligence period, the maximum amount diverted through MacFarlane Extension Ditch and then delivered to the Reservoir through the Howard Ditch was 53.69 cfs on June 22, 2019, at 06:30. Therefore, 53.69 cfs is now absolute and the remaining 6.41 cfs remains conditional. Use: Storage in MacFarlane Reservoir for the improvement of wildlife and piscatorial habitat and recreation and for irrigation below the reservoir for the same purposes. C. MacFarlane Reservoir: Date water applied to beneficial use: November 15, 2019 Amount: A total of 2282 acre-feet was stored in MacFarlane Reservoir under the junior refill right in 2019, starting on 5/29/2019 and continuing through 11/15/2019. Subtracting the 1787 acre feet of the refill right that are already absolute, an additional 495 acre-feet are now absolute. The remaining 4551 acre-feet remain conditional. Use: Storage in MacFarlane Reservoir for the improvement of wildlife and piscatorial habitat and recreation and for irrigation below the reservoir for the same purposes. 6. N/A 7. **Name(s) and address(es) of owners(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.** The headgate of the Howard Ditch is located on land owned by E. Howard, 1803 Co. Rd. 27, Walden, Co., 80480. The headgate of the MacFarlane Extension Ditch is located on land owned by Steve and Karen Deline, 7631 Highway 125, Walden, CO, 80480. The MacFarlane Reservoir is located on land owned by the United States of America, Bureau of Land Management, Kremmling Resource Area, 2103 E. Park Avenue, P.O. Box 68, Kremmling, CO 80459. The lands irrigated by water from these structures are owned by the Applicant and Blaine and Judy Evans, Walden, Colorado. 8. **Remarks or any other pertinent information:** The Arapaho National Wildlife Refuge refills the MacFarlane Reservoir for wildlife and piscatorial habitat purposes when it can do so in priority or under free river conditions. Voluminous evidence of wildlife use in and around MacFarlane Reservoir demonstrates the need for these water rights. Wildlife species that have recently been documented using the reservoir include 117 species of birds, including nine duck species (cinnamon teal, green-winged teal, blue-winged teal, gadwall, mallard, northern shoveler, redhead, northern pintail, and American wigeon) as well as the greater sage-grouse, peregrine falcon, bald eagle, greater sandhill crane, and long-billed curlew. Piscivorous birds that rely on the presence of fish in the reservoir include the American white pelican, double-crested cormorant, common merganser, red-breasted merganser, western grebe, Forster's tern, and black-crowned night-herons. American white pelican and double-crested cormorant have been documented nesting on the reservoir. The northern leopard frog, a species of special concern in Colorado, is documented using habitat in the Soap Creek tract. Pronghorn and moose also utilize the area immediately surrounding MacFarlane Reservoir for fawning and calving, and during low water periods.

22CW3111 (WD-6, 15CW3027; WD-5, 08CW65, 01CW093, 94CW229, 88CW154, 84CW147, 80CW186, W-2973, CA 1269) **BLUE MOUNTAIN ENERGY, INC. Attn: Joel Riggins and Kurt Blunt, 3607 County Road 65, Rangely, CO 81648, (970) 675-4322. APPLICATION FOR FINDING OF REASONABLE DILIGENCE in the White River, in RIO BLANCO COUNTY.** 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 structures: i. Moon Lake-Staley Mine Pipeline and Reservoir. ii. Enlargement of Moon Lake-Staley Mine Pipeline and Reservoir. B. Date of original decree: November 21, 1966, C.A. No. 1269, Rio Blanco County District Court. C. Date of subsequent diligence decrees: Case No. W-2973, Water Div. 5; Case No. 80CW186, Water Div. 5; March 2, 1987, Case No. 84CW147, Water Div. 5; October 12, 1988, Case No. 88CW154, Water Div. 5; March 13, 1995, Case No. 94CW229 (0.2 cfs of original right and 0.1 cfs of Enlargement made absolute), Water Div. 5; May 6, 2002, Case No. 01CW093, Water Div. 5; July 17, 2009, Case No. 08CW065, Water Div. 5; November 28, 2016, Case No. 15CW3027, Water Div. 6; August 22, 1991, Case No. 91CW036, Water Div. 5, changed 0.2 cfs and 0.1 cfs to the Deserado Surface Mine Pump. D. Locations: The originally decreed point of diversion for both water rights is located on the West bank of the White River at a point whence Corner No. 6 of P.D.S. No. 3015 in Sec. 11, T.2N., R.101W., 6th P.M. bears S. 30° 46' E. a distance of 1975.47 feet. In Case No. 91CW036, the point of diversion for the 0.2 cfs consumptive use portion of original water right and 0.1 cfs consumptive use portion of the Enlargement were changed to the Deserado Surface Mine Pump located in the NE 1/4 SW 1/4 of Section 11, T.2N, R.101W, 6th P.M., at a point 2098 feet North of the South section line and 2600 feet East of the West section line of said Section 11. E. Decreed source of water: White River, for both water rights. F. Appropriation Dates: i. Moon Lake-Staley Mine Pipeline and Reservoir: November 14, 1961. ii. Enlargement of Moon Lake-Staley Mine Pipeline and Reservoir: April 13, 1964. G. Amount: i. Moon Lake-Staley Mine Pipeline and Reservoir: 125.2 cfs, of which 0.2 cfs is consumptive in nature and was made absolute in Case No. 94CW229 (Water Div. 5); 125.0 cfs remains conditional. ii. Enlargement of Moon Lake-Staley Mine Pipeline and Reservoir: 55.1 cfs, of which 0.1 cfs is consumptive in nature and was made absolute in Case No. 94CW229 (Water Div No. 5); 55.0 cfs remains conditional. H. Decreed uses: generation of electrical power and industrial uses. 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. Most Recent Finding of Reasonable Diligence: In the last diligence proceeding concerning the water rights that are the subject of this Application, Case No. 15CW3027, this Court ruled that reasonable diligence had been shown in the development of the subject water rights, and granted the application for a finding of reasonable diligence on November 28, 2016. The Court also found that the subject water rights are an integral part of Applicant's unified water supply system plan. Prior to that ruling, at timely intervals as required by statute, the Applicant has shown to the Court that reasonable diligence had been exercised in the development of these conditional water rights, and the Court ruled in Case Nos. W-2973, 80CW186, 84CW147, 88CW154, 94CW229, 01CW093, and 08CW65 (all in Water Div. 5) that said water rights be continued in full force and effect. 4. Application for Finding of Reasonable Diligence:

Applicant seeks a finding of reasonable diligence for the Moon Lake-Staley Mine Pipeline and Reservoir and the Enlargement of Moon Lake-Staley Mine Pipeline and Reservoir. Outline of Work Done Toward Completion of Project and Application of Water to Beneficial Use: The conditional water rights that are the subject of this Application are an integral part of the Applicant's unified water supply system plan, 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 RP-1, Deserado Mine Sediment Pond[s] RP-2 and RP-3, Deserado Mine Sediment Pond RP-4, and the 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 Deserado Mine and adjacent properties. This Court has previously found that diligence on one part of this system is diligence on the entire system. Case No. 06CW259, Water Division. No.5, at 7.A (June 28, 2008). Map A shows the locations of these structures. These water rights go to support and maintain the industrial and domestic uses necessary for the continued operation of the Deserado Mine. The Deserado Mine is an underground coal mine operated by Blue Mountain Energy, Inc. (BME) in western Rio Blanco County, Colorado. Coal is transported approximately 35-miles to the Bonanza Station south of Vernal, Utah by electric railroad to generate power for Deseret Generation and Transmission (DG&T). DG&T was formed to supply affordable power to a six member rural electric cooperative covering portions of Colorado, Utah, Wyoming, Nevada, and Arizona. BME and the Bonanza Station are both owned by DG&T. At the Deserado Mine coal is primarily mined through longwall mining methods. This is the most efficient means of coal extraction with the greatest percent recovery of the resource of any underground mining method. The second method, continuous mining, is used to prepare large blocks of coal for the longwall miner. Coal is transported out of the mine by conveyors. Sensors determine if the coal is of a high enough quality to send directly to the Bonanza Station or if it must be "washed" to remove contaminating rock to improve the thermal heating value of the coal. The wash process is a complex float:sink method to separate the heavier rock from the coal. The 'refuse' or rock removed from the coal is transported by truck to the refuse areas for permanent disposal. Washed coal is transported by conveyor 3.5 miles to the railroad loadout where it is loaded onto an electric train for transport to the Bonanza Station. Water use for these operations is primarily for dust control and washing coal. Other uses include domestic water for workers, longwall shield hydraulic fluid, mine-wide fire suppression, and storm-water storage in sediment ponds to protect surface water quality. Within the mine, water is used only in the active portions, which includes the one longwall and one or two continuous miner sections. The specific locations change as mining advances. 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 and use of the subject water rights. 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 Refuse areas as well as the spreading, compaction, and general upkeep of the coal refuse storage facility. B. 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. 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. Upgrade of the mine-wide fire suppression system, investing approximately \$152,703. F. Upgrade of the pumping system at the raw water lagoon, investing approximately \$34,942. G. Continued evaluation of the Taylor Draw Pump Storage Project - Power Generation Alternative as a means to develop these conditional water rights. WHEREFORE, Applicant prays this Court enter a decree: a) Granting the requested finding of reasonable diligence in the development of the Moon Lake-Staley Mine Pipeline and Reservoir as to 125.0 cfs, conditional; b) Granting the requested finding of reasonable diligence in the development of the Enlargement of Moon Lake-Staley Mine Pipeline and Reservoir as to 55.0 cfs, conditional; and c) Granting such other and further relief as the Court deems proper. (8 pages, including 1 exhibit)

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

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