

**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 2021**.

Case Number: **21CW 3045** (14CW3033, 07CW02, 97CW78), DISTRICT COURT, WATER DIVISION NO. 6, STATE OF COLORADO, Routt County Justice Center, 1955 Shield Drive, Unit 200, Steamboat Springs, CO. 80487. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF ALPINE MOUNTAIN RANCH METROPOLITAN DISTRICT IN ROUTT COUNTY, COLORADO. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE.** 1. Name and Address of Applicant: Alpine Mountain Ranch Metropolitan District (“District”), P.O. Box 773659, Steamboat Springs, CO., (970) 875-1200. Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Structure: Priest Creek Well. 3. Description of conditional water right: A. Previous Decrees: Findings of Fact, Conclusions of Law, and Ruling of the Referee for Underground Water Right and Approval of Plan of Augmentation in Case No. 97CW78 dated November 30, 2000, as confirmed and approved on January 9, 2001, by the District Court in and for Water Division No. 6, State of Colorado (“Water Court”). Previous finding of reasonable diligence were entered on October 29, 2008, in Case No. 07CW02, and on November 8, 2015, in Case No. 14CW3033.

B. Location: In the NE1/4SE1/4 of Section 33, Township 6 North, Range 84 West of the 6th P.M. at a point 1,375 feet from the South Section Line and 780 feet from the East Section Line, in Routt County, Colorado. By decree of the Water Court dated October 28, 2007, in Case No. 06CW10, the following five wells located in the SE1/4 of said Section 33 were decreed as alternate and supplemental points of diversion for the subject conditional water right:

<u>Well No.</u>	<u>Distance from South Section Line</u>	<u>Distance from East Section Line</u>	<u>Well Permit No.</u>
1	1,000 ft.	1,200 ft.	75779-F
2	300 ft.	1,200 ft.	67724-F
3	700 ft.	1,800 ft.	67723-F
4	1,400 ft.	1,800 ft.	75778-F
5	1,800 ft.	1,200 ft.	275157-F

By decree in Case No. 08CW74 dated September 13, 2011, the decreed locations for Well Nos. 1 and 4 were changed to the following:

<u>Well No.</u>	<u>Distance from South Section Line</u>	<u>Distance from East Section Line</u>	ft.
	1,211 ft.	11,216	
4	127 ft.	1,786	

The above five wells along with the Priest Creek Well are sometimes referred to herein as the “Subject Wells”. A map depicting the location of the Subject Wells is attached here to as Figure

1. C. Source: Alluvium of Walton Creek, tributary to the Yampa River. D. Priest Creek Well Permit: 51623-F E. Appropriation Date: June 24, 1997. F. Amount: 0.3 cfs (135 gpm) absolute plus 0.1444 (65 gpm) conditional. G. Uses: Domestic and household uses; irrigation of lands and landscaping adjacent of residences; stock water for livestock; and fire protection. 4. Claim to Make Portion of Conditional Water Right Absolute. The Subject Wells have been diverted in priority and placed to their decreed uses at a maximum combined rate of 150 gpm. Accordingly, an additional 15 gpm decreed to the Subject Wells should be made absolute for a total absolute amount of 150 gpm (135 gpm and 15 gpm). 5. Claim for Diligence as to Remainder of Right. During the subject diligence period the District has installed new pumps on the Subject Wells and diverted and placed to a beneficial use an additional amount of the Subject Wells. In addition, the Alpine Mountain Ranch Special Improvement District Number 2 was formed and a related Alpine Mountain Ranch bond issue was closed in July, 2021, which raised funds for the

following water system upgrades: (a) Planning, procurement, and installation of remote sensing water meters. This project commenced in 2021 and will be completed in 2022, at a cost of \$44,000.00. (b) Engineering was completed on the upgrades to the Alpine Mountain Ranch water treatment plant. The upgrades will begin in 2022, at a cost of \$240,000.00. (c) The District installed new pumps in two cisterns in the treatment plant at a cost of \$9,790.00. (d) Radio/daughterboard assembly was replaced and upgraded in September 2021, at a cost of \$26,000.00. Therefore, the District claims that it has been reasonable diligent toward placing the remaining amount of the Subject Wells (20 gpm) to the decreed beneficial uses, that the appropriation is not speculative, and that the appropriation can and will be completed within a reasonable time. Accordingly, it is entitled to an award of diligence with respect to the remaining 20 gpm, or such other amount not made absolute. 6. Land Ownership. The District is the owner of or has easements for the Priest Creek Well, and its alternative points of diversion. WHEREFORE, the District seeks a decree that (i) makes absolute an additional 15 gpm decreed to the Subject Wells; (ii) grants a finding a reasonable diligence for any remaining conditional amount of the Subject Wells not made absolute; and (iii) grants such other relief as the Court may provide.

2021CW3047, Elk River, tributary of Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. *Name, mailing address, email address, telephone number of Applicant*: shellsteve, l.l.c., P.O. Box 776370, Steamboat Springs, CO 80477, (630) 244-4153, alhoogs40@gmail.com. All pleadings and court-related documents are to be directed to Claire E. Sollars, Esq., P.O. Box 881302, Steamboat Springs, CO 80488-1302, Claire@ColoradoWaterMatters.com, (970) 875-3370. 2. *Names of Storage Structure*: Shellsteve Pond #3. 3. *Description of Water Rights*: A. Original Decree: Four Shellsteve Ponds were originally decreed in Water Div. 6 Case No. 2009CW12 on November 18, 2009. Shellsteve Pond #1 and Shellsteve Pond #2 were decreed absolute in part for certain capacities and uses, and conditional in part for additional capacity and other uses. Shellsteve Pond #3 and Shellsteve Pond #4 were decreed as conditional water rights. B. Subsequent Diligence Decree: This is the first diligence application for these water rights. Shellsteve, l.l.c. requests a finding of reasonable diligence only for Shellsteve Pond #3; it relinquishes all remaining conditional rights for Shellsteve Pond #1 and Shellsteve Pond #2, and all conditional rights for Shellsteve Pond #4. C. Shellsteve Pond #3: i. Location: NE ¼ SW ¼ Section 33, Township 8 North, Range 85 West, at a distance of 1,449 feet from the South section line and 1,819 feet from the East section line of said Section 33. ii. Source: Elk River (through lateral of Keller Ditch), tributary of Yampa River. iii. Rate of Fill: 1.0 cfs. iv. Appropriation Date: April 30, 2009. v. Amount: 10 AF, conditional, all dead storage, with the total aggregate of initial fill and refill for Shellsteve Ponds #1, #2 and #3 limited to 133 AF / yr. vi. Uses: piscatorial, stock water, wildlife watering, recreation, aesthetics, domestic, fire protection, and irrigation of approximately 20 acres located in the SE ¼ of Section 32, T8N, R85W, with the right to fill and continuously refill when in priority. vii. Surface Area at High Water Line: 1.1 acres. viii. Maximum Height of Dam: 9.0 ft. ix. Maximum Length of Dam: 230.0 ft. 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*: During the past diligence period, shellsteve, l.l.c. hired professionals to evaluate the conditional rights of Shellsteve Pond #1, Shellsteve Pond #2, and Shellsteve Pond #4. Based on that review and additional field investigations, shellsteve, l.l.c. will relinquish all remaining conditional rights for Shellsteve Pond #1 and Shellsteve Pond #2, and all conditional rights for Shellsteve Pond #4. Additionally, shellsteve, l.l.c. incurred legal fees and costs to prepare and file this *Application for Finding of Reasonable Diligence*. The cost to date for professional services exceeds \$1,500.00. 5. *Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool*: shellsteve, l.l.c. owns the land where the water rights are located and upon which the water rights will be used. 6. *Remarks or any pertinent information*: shellsteve, l.l.c. requests the Water Court enter a decree in which it determines shellsteve, l.l.c. exercised due diligence towards development of the Shellsteve Pond #3 and continues the Shellsteve Pond #3 conditional water rights in full force and effect.

2021CW17 MOFFAT COUNTY Applicant: Greystone Community Water Company, 341 CR 60 Maybell, CO 81640-8601, gcwc14mem@outlook.com, 970.734.5900. **Structures**: Ducey Well No 1 and Ducey Well No 2. **Date of Original Decree**: 01/07/2008; **Case No.** 06CW63, **Subsequent Decrees awarding findings of Diligence Date**: 11/18/2015, **Case No.** 2013CW21. **Legal Description**: Ducey Well No 1: SE ¼ of the NW ¼, S6, T7N, R100W, 6th PM, Moffat County, at a point 2885 ft from the South line and 1617 feet from the West line of said section; Ducey Well No 2: SE ¼ of the NW ¼, S6, T7N, R100W of the 6th PM, Moffat County at a point 2002 ft from the North and 2351 ft from the West line of said section. **Source**: Ducey Well No 1 and Ducey Well No 2: Unnamed Trib to

Ducey Well No 1 and Ducey Well No 2 Trib to Rye Grass Draw Trib to Conway Draw Trib to Green River. **Appropriation Dates:** 5/3/2006. **Amounts:** Ducey Well No 1: .033 cfs; Ducey Well No 2: .022 cfs. **Use:** Ducey Well No 1: 15 gpm, not to exceed 5.67 af in combination with Ducey Well No 2, absolute for domestic use and stock water uses for 6 family dwellings; conditional, for domestic use and stock water use for an additional 8 single family dwellings, and irrigation of up to 14,000 sf of lawn and garden. Stock water use is limited to no more than 2 animals per residence. Ducey Well no 2: 10 gpm, not to exceed 5.67 af in combination with Ducey Well No 1, absolute for stock water uses for 6 family dwellings; conditional, for domestic use and stock water use for 8 single family dwellings, and irrigation of up to 14,000 sf of lawn and garden. Stock water use is limited to no more than 2 animals per residence. **Depth:** Ducey Well No 1: 210 Feet; Ducey Well No 2: 105 Feet. **Outline of what has been done toward completion an application of water to a beneficial use:** The following has been done during the previous diligence period toward the completion of the appropriation. Four new tap owners went on the water system for a new total of 10 family dwellings on the water system. The remaining 4 taps are sold but not developed. Routine maintenance of the water storage tank including insulation repairs, tank painting and float switch replacement has been done. Ongoing monitoring of the water system components including but not limited to the wells, water meters, water lines, water pump, pump house insulation, pump house. Expenditure amount is \$1911.98. If all is not to be made absolute, then Greystone Community Water Company wants to remain conditional. **Date water applied to beneficial use:** 7/19/2006. **Amount:** Request is only for uses. Domestic, stock water for 10 family dwellings. Irrigation of up to 14,000 sf of lawn and garden. **Place of beneficial use:** The water is being applied to beneficial use in the Greystone area of Moffat County. See attached Exhibit A for the legal description of the properties comprising the service area of the water company. Ten properties are using the water, and the remaining 4 taps are sold but not developed. **Owners:** Kim L. Bishop, 35489 N HWY 13, Craig, CO 81625; Neil Wayne Roberts, Remington Dean Roberts, Raleigh Daniel Roberts: 3251 E 5300 S, Vernal UT 84078

2021CW3046 THE YAMPA PARTICIPANTS, c/o Tri-State Generation and Transmission Association, Inc. (“Tri-State”) on behalf of the Yampa Participants, Attn: Kelly M. Beal, Generation Land and Water Resources Manager, 1100 West 116th Ave., Westminster, Colorado 80234; E-mail: kbeal@tristategt.org; Telephone: (303) 452-6111. Please direct all correspondence concerning this Application to: Aaron S. Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; E-mail: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151; and Roger T. Williams, Esq., Tri-State Generation and Transmission Association, Inc., 1100 West 116th Avenue, Westminster, Colorado 80234; E-mail: rwilliams@tristategt.org; Telephone: (303) 254-3218. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN MOFFAT COUNTY.** c. Tri-State is the operator of the Craig Station Power Plant and is acting in this matter as a member of the Yampa Project Participants and on behalf of the other Yampa Project Participants (collectively, “Applicants”). The Yampa Project Participants members include: (1) Tri-State Generation and Transmission Association, Inc., a Colorado cooperative corporation; (2) PacifiCorp, an Oregon Corporation, d/b/a PacifiCorp Electric Operations; (3) Platte River Power Authority, a Colorado Political Subdivision and Power Authority; (4) Public Service Company of Colorado, a Colorado Corporation; and (5) Salt River Project Agricultural Improvement and Power District, an Arizona Agricultural Improvement District. 2. Names of Structures: Craig Station Ditch and Pipeline. 3. Description of Conditional Water Right: a. Original Decree: The Craig Station Ditch and Pipeline water rights were originally decreed in Case No. W-723-74, in the District Court, Water Division No. 6, on November 7, 1975. b. Point of Diversion: Alternate points of diversion are located on the south bank of the Yampa River in Moffat County, Colorado, in the NE1/4 NW1/4 of Section 16, Township 6 North, Range 91 West of the 6th P.M., more particularly described as follows: i. Diversion Point No. 1: A point located on the South bank of the Yampa River from which the Southwest Corner of Section 16, Township 6 North, Range 91 West of the 6th P.M., bears South 22°49’01” West, a distance of **4,325.85 feet in Moffat County.** (1) Supplemental Description: Diversion Point No. 1 is located at 0278536 mE, 4484459 mN in UTM Zone 13 (WGS 84). ii. Diversion Point No. 2: A point located on the South bank of the Yampa River from which the Southwest Corner of Section 16, Township 6 North, Range 91 West of the 6th P.M., bears South 23°26’51” West, a distance of **4,402.45 feet in Moffat County.** (1) Supplemental Description: Diversion Point No. 2 is located at 0278555 mE, 4484469 mN in UTM Zone 13 (WGS 84). iii. Diversion Point No. 3: A point located on the South bank of the Yampa River from which the Southwest Corner of Section 16, Township 6 North, Range 91 West of the 6th P.M., bears South 24°35’ West, a distance of **4,825 feet in Moffat County.** (1) Supplemental Description: Diversion Point No. 3 is located at 0278623 mE, 4484575 mN in UTM Zone 13 (WGS 84). iv. Additional Alternate Point of Diversion (a/k/a Diversion Point No. 4): An additional alternate point of diversion for the Craig Station Ditch and Pipeline was decreed in Case No. 98CW045 in the District Court, Water Division No. 6, on March 19, 2001. Springs and tributary groundwater are diverted through a French drain (Well Permit No. 53524-F), which is located in the SE1/4 SE1/4 of Section 22, Township 6 North, Range 91 West of the 6th P.M., in Moffat County,

approximately 1,177 feet from the East line and 171 feet from the South line of said Section 22. Diversions from Diversion Point No. 4 are limited to the amount physically available in priority at the original point of diversion, in combination with all other points of diversion decreed for the Craig Station Ditch and Pipeline. (1) Supplemental Description: Diversion Point No. 4 is located at 0280742 mE, 4481633 mN in UTM Zone 13 (WGS 84). c. Source: Yampa River. d. Appropriation Date: November 1, 1972. e. Decreed Amounts and Use: 60 cfs total, of which the Applicants own 45 cfs, which 45 cfs is decreed as follows: i. 0.89 cfs absolute, decreed in Case No. W-723-77, for domestic, irrigation, municipal, commercial, industrial, mining, recreation, and all other beneficial uses, including storage in an on-site reservoir for use at the Craig Station Power Plant; ii. 29.04 cfs absolute, decreed in Case No. 79CW142, for industrial and uses associated with power generation; iii. 15.07 cfs conditional, for commercial, industrial, mining, and for temporary storage and retention of any or all of said water in an on-site reservoir located at the Craig Station Power Plant. f. A map showing the location of Craig Station Ditch and Pipeline is attached as **Exhibit A. 4. Previous Diligence Decrees**: Timely applications for findings of reasonable diligence have been filed in compliance with Colorado law, and each has been granted by final decree. The most recent decree determining reasonable diligence was entered on November 19, 2015, in Case No. 14CW3036, District Court, Water Division No. 6, State of Colorado. 5. Amounts Claimed Absolute: Applicants do not seek to make any amounts of the conditional portions decreed in W-723-74 absolute in this application. 6. Detailed outline of what has been done towards completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: a. Craig Station Power Plant (“Craig Station”) is a base-load power source that provides a total of 1,304 megawatts of relatively low cost, reliable electricity from a total of three generating units. The Applicants collectively own Craig Station Power Plant Units 1 and 2. Tri-State operates Craig Station Power Plant Units 1 and 2 on behalf of the Applicants. b. Power generated by Units 1 and 2 is apportioned among the five Yampa Participants in accordance with their percentage ownership of those units. Each Yampa Participant entity relies on the electricity produced at Craig Station to supply their respective customers’ base-load demand for electricity. c. A diverse portfolio of water rights is required to ensure the uninterrupted operation of Craig Station. Prudent utility planning requires long-term water supply planning to guarantee that the necessary water supply will be available when needed to support the ongoing and future operation of Craig Station and at the Craig Station property. The conditional portion of the Craig Station Ditch and Pipeline water right has been and is diligently maintained to supply the anticipated water demands at the Craig Station. Applicants desire to continue the subject conditional water right in full force and effect to ensure a water supply for Applicants’ needs. d. The Craig Station Ditch and Pipeline is part of the water supply system for the Craig Station, both as it is currently constructed and as improvements are made in the future. “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 water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). In Case No. 03CW14, the subject water right, together with the following conditional water rights, were found to be part of the integrated supply system for the Craig Station Power Plant under C.R.S. 37-92-301(4)(b): Four Counties Ditch No. 3, Headgate No. 8 (originally decreed in Civil Action No. 3538 by the District Court of Routt County, Colorado, on March 30, 1964); California Park Reservoir (originally decreed in Civil Action No. 2259 by the District Court of Moffatt County on May 30, 1972); and Juniper Reservoir (originally decreed in Civil Action No. 1278 by the District Court of Moffatt County, Colorado, on June 22, 1962). e. Applicants have put forth substantial effort and spent substantial sums of money during the diligence period for work related to ensuring adequate water supplies and related water supply facilities for the Craig Station, including legal, environmental and other work. Specific examples of Applicants’ efforts to complete appropriation of the subject water right during the diligence period are as follows: i. Applicants expended more than \$377,000 for raw water and river water systems maintenance and capital improvements to the Craig Generating Station integrated system. ii. Applicants routinely participate in federal and state proceedings and processes, the outcomes of which have the potential to impact various aspects of Craig Station’s operations, including the availability and use of its water resources. During the diligence period, Applicants have participated in the following: (1) Applicants underwent environmental permitting under the federal Clean Air Act, 42 U.S.C. § 7401, *et seq.*, that is essential for the continued operation of the Craig Station and the subject water right. For example, Applicants participated in the regional haze rulemaking conducted by the Colorado Department of Public Health and Environment and are presently engaged in the installation of retrofit technologies and environmental upgrades at the Craig Station, the cost of which has exceeded \$140 million during the diligence period. (2) Applicants participated in Yampa River Flow Coordination meetings and efforts to adjust reservoir releases to maintain and enhance Yampa River flows to Craig Station and the Colowyo Mine and for the benefit of other regional efforts on the Yampa River. (3) At the state level, Tri-State, individually and on behalf of Applicants, has participated in the Yampa/White Basin Roundtable (“Yampa BRT”) process. iii. Applicants hold certain water rights – including the conditional California Park and Juniper rights that are part of Craig Station’s integrated system – which are storable

at Elkhead Reservoir. Applicants have the right to store 8,408 acre-feet of water in Elkhead Reservoir. During the diligence period, Applicants have paid an annual service charge for their use of reservoir storage and release facilities at Elkhead Reservoir. The service charge incurred by Applicants over the diligence period totaled over \$348,000. iv. Since the beginning of the diligence period for the Craig Station Ditch and Pipeline in December, 2015, Applicants and Tri-State have been awarded diligence decrees by this Court for the following features of their integrated water supply system: (1) Applicants were granted a diligence decree for their California Park water right in Case No. 18CW3032 in November 2019; and (2) Applicants were granted a diligence decree for their Juniper Reservoir water right in Case No. 12CW3008 in March 2021. v. Expenditures for legal services for these diligence projects and other legal requirements for the Craig Station exceeded \$190,000, in addition to the substantial efforts of Tri-State employees; vi. Expenditures for water rights engineering services for Craig Station exceeded \$10,500, in addition to the substantial efforts of Tri-State employees. f. In addition to the activities above directly related to continuation of generation at Craig Station, Applicants are also evaluating future alternative generation technologies at Craig Station utilizing the subject conditional water rights, including pumped-storage hydropower generation and hydrogen production and power generation. i. Specifically, Tri-State responded to the U.S. Department of Energy's (DOE) Hydrogen Program Request for Information for input on DOE's Hydrogen Energy Earthshot initiative, wherein Tri-State described its proposal for a green hydrogen demonstration project at the Craig Station, to show hydrogen's potential to maintain electric production reliability while reducing emissions supporting Tri-State's effort to decarbonize. At the same time, repurposing Craig Station may preserve critical employment and economic opportunities in the Craig community. Tri-State's response received letters of support from a diverse group of governmental and nongovernmental entities. The Response to the Request for Information required significant staff time and resources for which no independent expenditure figure can be provided. ii. The hydrogen project described above may be developed in parallel with the existing operations at Craig Station, requiring additional rates of diversion. In later stages, these hydrogen activities may be operated in parallel with pumped-storage hydropower operations, providing additional renewable energy inputs to the process. g. Tri-State reserves the right to provide additional evidence of its diligence activities as necessary in pursuing this diligence application. 7. 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: All lands upon which the Craig Station Ditch and Pipeline water rights are located are owned by the Applicants. WHEREFORE, Applicants request that the Court enter a decree finding that Applicants have been reasonably diligent under all the facts and circumstances with respect to the development of 15.07 cfs of Craig Station Ditch and Pipeline conditional water right, and continuing the same for another diligence period. (10 pgs., 1 Exhibit)

2021CW19 RIO BLANCO COUNTY Application for Absolute Water Rights (Storage); **Applicant:** Diana K. Watson, PO Box 1056, Meeker CO 81641-1056, 970-629-0583, dwatson5898@gmail.com. **Name of Structures:** Purebred 1 Pond; Unnamed Spring 1; Unnamed Spring 2. **Legal Description:** Rio Blanco County; SW4 SE4; Sec: 18; T1S; R93W; 6th PM (All structures). **UTM Coordinate:** E254589 N4427851; E254585 N4427843; E254620 N4427871 Zone 13 (All Structures). **Source of UTM's:** Garmin; **Accuracy of Location:** 200 Feet **Source of Water:** Purebred 1 Pond Tributary to, Unnamed Springs 1 and 2 Tributary to, Evans Gulch Tributary to White River; Unnamed Springs 1 and 2 tributaries to Evans Gulch tributary to White River. **If filled from a ditch: Name of ditch used to fill reservoir and capacity in cubic feet of water per second:** Two unnamed springs. **Date of Appropriation:** July 10, 2021. **How Appropriation was Initiated:** Capture of spring flow with use of dozer. **Date Water Applied to Beneficial Use:** July 10, 2021. **Amount Claimed in Acre Feet:** Absolute .33 acre feet. **If filled from a ditch, rate of diversion in cubic feet per second (cfs) or gallons per minute (gpm) for filling reservoir:** Absolute 1 gpm. **List All Uses or Proposed Uses:** To be used for drinking water for livestock, elk, deer and other wildlife. **If Non-Irrigation Describe Purpose Fully:** The Springs became more accessible when a trail was created with a dozer in that area. It appeared that the springs flowed on the surface and then went underground. A small dam was created as a dyke for the trail. At the current time the pond is not sealed, and excess water is seeping from the bottom of the pond, running under the dyke. The pond is holding enough water to be useful for wildlife and livestock. We plan to put in a can to allow water to flow through the dyke. We met with our water commissioner, Shanna Lewis to discuss what would be appropriate. Weather permitting, this will be done late this fall or in the spring or early summer of 2022. **Surface area of high-water line:** .01 acres. **Vertical height:** 6.50 feet. **Length of dam:** 30 feet. **Total capacity of reservoir in acre feet:** .33 acre feet. **Active capacity:** N/A. **Dead capacity:** .33. **Name of Landowner:** Applicant

2021CW3044 RIO BLANCO COUNTY Application for Simple Change in Surface Point of Diversion pursuant to §37-92-305(3.5), C.R.S. Applicant: Matt Brennan, 3414 Bedford Ave, Midland , TX 79703; 432-438-9338. Structure: Thomas Ditch 2 (WDID 4300966); Date of original Decree- CA0624, 5/26/1942; Subsequent decrees CA1269, 11/21/1966, all in Water Division 6. Existing Legal Description of Structure - the left bank of said White River at a point whence the southwest corner of Section 25, Township 1 North, Range 96 West of the 6th P. M., bears South 83° West 1805 feet; Appropriation dates - 11/13/1899, 12/14/1990, and 7/1/1958; Amount decreed 9.67cfs absolute; amount to change 1.30cfs ; Use – irrigation. Decreed source: White River. Proposed change: pump water directly from the white river from a point on applicant’s property as an alternative to diverting at headgate and conveying through ditch across neighbors’ properties. UTM coordinates: 40°01'36.0"N, 108°07'23.0"W Zone 12; Street address 1749 and 1751 Brightwater Lane, Meeker, CO 81641. Source of UTM: Google Earth. Changed Legal Description: SENE S26-T1N-R96W; Parker Minor Subdivision No. 2; Lot 2A and 2B; Applicant is owner. Remarks: See Court file for detailed information.

2021CW16 JACKSON COUNTY Application for Absolute Water Rights (Surface); **Applicant:** Overlook, LLC, Attention: Alisha Herrera; PO Box 840, Tulsa OK 74101, 918-606-2470, alisha.herrera@mooreholdings.us. **Name of Structure:** Moore Spring. **Legal Description:** Jackson County; NE4 SE4; Sec: 3; T8N; R79W; 6th PM. **Distance form Section Lines:** 2090 Feet from North and 1100 Feet from West. **Street Address:** State Highway 14, Walden CO 80480. **Source of Water:** Moore Spring Tributary to, Illinois River. **Date of Appropriation:** 06/15/78; **How Appropriation was Initiated:** Case #79CW79; **Date Water Applied to Beneficial Use:** March 8, 1984. **Amount Claimed in Cubic Feet (cfs) Per Second or Gallons Per Minute (gpm):** Absolute .033 cfs. **List All Uses or Proposed Uses:** Domestic Use. **If Non-Irrigation Describe Purpose Fully:** Domestic Use **Name of Landowner:** Applicant.

2021CW18 JACKSON COUNTY Applicant: James A. Murphy, PO Box 677, 1688 County Rd. 12E, Walden, CO. 80480, 970.819.5594, jmurphyjackson55@gmail.com. **Structure:** Hugh Griffith. **WDID:** 4700677. **Date of Original Decree:** 5/1/1888. **Case No.** CA3571. **Court:** Division 1. **Legal Description:** NW ¼ of S35, T9N, R79W of the 6th PM at a point on the right bank of the Michigan stream whence the ¼ corner of the north boundary of said section bears north 16° 15’ east 396 feet. **Source:** Unnamed trib to Hugh Griffith trib to 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:** There are no other points of diversion between these two points and the source of water is the same, the Michigan River. Land for both diversion points are owned by applicant. The new point of diversion has a working headgate and flume. **UTMs:** E394547.9 N4508677.8, Z13. 1688 CR 12E, Walden, CO 80480. **Source of UTM:** CDSS Map Viewer. **Owner:** Applicant.

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

You are hereby notified that you will have until the last day of **January 2022** 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/ Elsy Moore
Deputy Court Clerk