

**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 **October, 2021**

2021CW3027 Routt County. Application for Finding of Reasonable Diligence and to Make Absolute. Applicant: STB 2012 GST Exempt Trust and XTY 2012 GST Exempt Trust, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Summary: Applicants seek findings of reasonable diligence and to make absolute in whole for the development of the Heron Pond, the Wood Duck Pond, and the Sandhill Crane Pond; to make all conditional uses absolute regarding the Heron and Wood Duck Ponds; and make conditional storage right in Sand Hill Crane absolute. Maps of structure locations are on file with the court. Previous Decree Information: Originally decreed in Case No. 2011CW43, entered by the District Court, Water Division No. 6 on 7/14/2015. Structure: Heron Pond. Decreed Location: Dam centerline located in the SW1/4SE1/4 Sec. 23, T 7 N, R 85 W of 6th P.M., approx. 1885 ft. from E line and 1210 ft. from S line of Sec. 23. Source: Unnamed trib. to Elk River, trib. to Yampa River. Date of Appropriation: 4/30/1974, for rec. piscatorial, wildlife and stock watering; 4/1/1995 for cond. uses of irr., dom, and aug. Amt: 9.0 af, absol. in 2011CW43; 9.0 af cond. Use: Rec., piscatorial, stock and wildlife watering, irr., dom., aug. Surface Area of High Water Line: Approx. 130 ac. Max. Height of Dam: Approx. 9 ft. Length of Dam: Approx. 165 ft. Total Capacity: 9.0 af. Active: 0 af. Dead Storage: 9.0 af. Structure: Wood Duck Pond. Decreed Location: Dam centerline located in the NW1/4SE1/4 Sec. 23, T 7 N, R 85 W of 6th P.M., approx. 2120 ft. from E line and 1450 ft. from S line of Sec. 23. Source: Unnamed trib. to Elk River, trib. to Yampa River. Date of Appropriation: 6/1/1980, for rec. piscatorial, wildlife and stock watering; 9/1/1995 for cond. uses of irr., dom, and aug. Amt: 9.0 af, absol. in 2011CW43; 9.0 af cond. Use: Rec., piscatorial, stock and wildlife watering, irr., dom., aug. Surface Area of High Water Line: Approx. 1.1 ac. Max. Height of Dam: Approx. 9 ft. Length of Dam: Approx. 360 ft. Total Capacity: 9.0 af. Active: 8.0 af. Dead Storage: 1.0 af. Structure: Sand Hill Crane Pond. Decreed Location: Dam centerline located in the NE1/4SW1/4 Sec. 23, T 7 N, R 85 W of 6th P.M., approx. 1230 ft. from W line and 1680 ft. from S line of Sec. 23. Source: Ditch originating from an unnamed trib. to Elk River, trib. to Yampa River. Date of Appropriation: 6/1/2011, initiated by physical inspection of pond perimeter, removal of vegetation from a portion of its surface, and initiation of test hole excavation. Amt: 8.0 af, cond. Use: Rec., piscatorial, stock and wildlife watering, irr., dom., aug. Surface Area of High Water Line: Approx. 1.0 ac. Max. Height of Dam: Approx. 9 ft. Length of Dam: Approx. 650 ft. Total Capacity: 8.0 af. Active: 7.5 af. Dead Storage: 0.5 af. Name and Address of Owners of Land upon which structures are located: Applicants.

2021CW3043, Unnamed tributaries, tributary to Cow Creek, tributary to Yampa River, and Cow Creek, tributary to Yampa River, and groundwater tributary to Cow Creek, tributary to Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR ABSOLUTE (STORAGE) AND CONDITIONAL WATER RIGHTS (STORAGE AND UNDERGROUND) 1. Name, mailing address, email address, telephone number of Applicants:** Larry Dominguez and Denise Dominguez, 376 Chestnut Ridge Rd., Mount Kisco, NY 10549 (“Dominguez”). All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, P.O. Box 881302, Steamboat Springs, CO 80488, Claire@ColoradoWaterMatters.com, 970.875.3370. 2. **Names of Structures and Types:** Cow Creek Pond #1, Cow Creek Pond #2, Cow Creek Pond #3, Cow Creek Pond #8 (well ponds - permit applications to be filed); Cow Creek Pond #4, Cow Creek Pond #5, Cow Creek Pond #6, Cow Creek Pond #7 (storage structures). 3. **Legal Descriptions (PLSS and Zone 13 UTM Coordinates (not averaged)):** All structures are located in the SE4 of Section 3, Township 5 North, Range 85 West, of the 6th Prime Meridian, in Routt County, Colorado and are depicted on the filed map (see Ex. 1, *Structure Locations, Irrigation Area, and Approximate Property Boundary*). The UTM coordinates (Zone 13, NAD83) were obtained by surveys, geologic studies, or use of “Map Viewer” database maintained by the Colorado Division of Water Resources: Cow Creek Pond #1 (well pond) SE4 SE4, 338665 mE 4475642 mN. Cow Creek Pond #2 (well pond) SE4 SE4, 338524 mE 4475668 mN. Cow Creek Pond #3 (well pond) SE4 SE4, 338504 mE 4475562 mN. Cow Creek Pond #4 (storage structure) SE4 SE4, 338400 mE 4475434 mN. Cow Creek Pond #5 (storage structure) SW4 SE4, 338139 mE 4475520 mN. Cow Creek Pond #6 (storage structure) NW4 SE4, 338053 mE 4475791 mN. Cow Creek Pond #7 storage structure) NW4 SE4, 338021 mE 4475917 mN. Cow Creek Pond #8 (well pond) NW4 SE4, 338274 mE 4475867 mN. 4. **Source of Water and Depth (Well Ponds):** a. Cow Creek Pond #1 and Cow Creek Pond #2- groundwater tributary to Cow Creek, tributary to Yampa River, and freshening flow from Cow Creek. b. Cow Creek Pond #3 - groundwater tributary to unnamed tributary, tributary to Cow Creek, tributary to Yampa River. c. Cow Creek Pond #8 - groundwater tributary to unnamed tributary, tributary to Cow Creek,

tributary to Yampa River. d. Estimated Depth: Dominguez expects the depth of the ponds will not exceed 12 feet. 5. **Source of Water**: a. Cow Creek Pond #4 - unnamed tributary, tributary to Cow Creek, tributary to Yampa River. b. Cow Creek Pond #5 - Cow Creek, tributary to Yampa River, and freshening flow from Cow Creek. c. Cow Creek Pond #6 and Cow Creek Pond #7 - unnamed tributary, tributary to Cow Creek, tributary to Yampa River. 6. **If Reservoir Filled from a Ditch - Name, Capacity, Legal Description of Point of Diversion**: n/a. 7. **Appropriation and Beneficial Use**: a. **Date and Methodology of Appropriation**: April 1, 2021, for all structures by purchase of property and developing long-term ranch management and water development plans with the assistance of water engineers, legal counsel, and land managers. b. **Date Water Applied to Beneficial Use**: April 1, 2021, for Cow Creek Pond #5 (structure developed sometime prior to 1999). 8. **Amounts Claimed and Proposed Uses**: a. Cow Creek Pond #1, Cow Creek Pond #2, Cow Creek Pond #3, Cow Creek Pond #8 (well ponds) – 54.5 acre-feet conditional for aesthetics, fire mitigation and protection, irrigation, piscatorial, recreation, stock water, and wildlife (total acre feet groundwater depletion for consumptive uses - well ponds will be used as an integrated system), and 1.6 acre-feet evaporation for each well pond. b. Cow Creek Pond #4, Cow Creek Pond #6, and Cow Creek Pond #7 (storage structures): 1.5 AF conditional for aesthetics, fire mitigation and protection, irrigation, piscatorial, recreation, stock water, and wildlife. Dominguez also claims the right to refill when in priority to maintain adequate storage for all uses and to compensate for evaporative loss. c. Cow Creek Pond #5 (storage structure): i. 1.4 acre-feet absolute for aesthetics, fire mitigation and protection, recreation, stock water, and wildlife. ii. 1.4 acre-feet conditional for piscatorial and irrigation. iii. Dominguez also claims the right to refill when in priority to maintain adequate storage for all uses and to compensate for evaporative loss. 9. **If Irrigation Use**: a. **Acreage Historically Irrigated**: None. b. **Acreage Proposed to be Irrigated and Legal Description of Acreage**: Dominguez will use a combination of gravity, pumps, and pipelines to move water from one or more of the structures to irrigate approximately 45 acres located in the SE4 of Section 3 owned by Dominguez. The acreage to be irrigated is depicted on the filed map, Exhibit 1. c. **If Non-Irrigation, Full Description of Uses**: aesthetics, fire mitigation and protection, piscatorial, recreation, stock water, and wildlife, and freshening flows and refill to maintain adequate storage for all uses and to compensate for evaporative loss. 10. **Surface Area of High Water Line, Vertical Height and Length of Dam, and Total Capacity of Reservoirs (active and dead storage)**: a. Cow Creek Pond #5 - Surface Area 0.72 ac.; Dam Height 6.8 feet; Dam Length 140 feet; Capacity 1.4 AF (all dead storage). b. Cow Creek Pond #4, Cow Creek Pond #6, Cow Creek Pond #7 - Surface Area < 1.2 acre; Dam Height < 10 feet; Dam Length < 225 feet; Capacity 1.5 AF (estimated 1.2 AF active and 0.3 dead storage). 11. **Name and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool**: Dominguez owns the land where the ponds and well ponds are or will be located and upon which the water has been and will be used. 12. **Remarks or Other Pertinent Information**: The water rights described in this Application are used and will be used in as the water supply system for the Dominguez property. Dominguez thus claims all the water rights are integrated, pursuant to C.R.S. § 37-92-301(4)(b).

2021CW15 MOFFAT COUNTY Application for Absolute Water Rights (Surface) **Applicant**: Randall L. and Deena S. Armstrong, 1065 Washington Street, Craig CO 81625, 970-589-7107, muleskinner5728@yahoo.com. **Name of Structures**: Spring. **Legal Description**: Moffat County; SW4 SW4; Sec: 13; T7N; R91W; 6th PM; **UTM Coordinates**: E283436.4 N4492978.6 Zone 13; **Street Address**: County Road 105; **Source of UTMs**: GPS; **Accuracy of Location**: Within 3 Meters; **Source of Water**: Spring **List All Uses or Proposed Uses**: Domestic and Livestock. **If Non-Irrigation**: Livestock water and Domestic water. **Name of Landowner**: Applicant

2021CW3041 Rio Blanco County. North Fork of the White River, trib. to the White River. **Application for Absolute Storage Rights**. Applicant: Three Crown Ranch, LLC, c/o Scott Grosscup, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. **Summary of Application**: Applicant seeks absolute storage rights for three existing ponds, the North Pond, South Pond and Crooks Creek Pond as depicted on **Exhibit A**. **Name of Storage Structure**: **North Pond**. **Legal Description**: located in Tract 60, Sec. 31, T. 1 N., R. 90 W. of the 6th P.M., at a point whence the S.W. Corner of said Sec. 31, also being AP3 of said Tract 60, bears S61°30'33" W. a distance of 1,569.93 ft., said point being located 1,364 ft. E. of the W. Line and 784 ft. N. of the S. Line of said Sec. 31. UTM Zone 13N easting: 283656, northing: 4431577. **Source**: Crooks Creek, tributary to the North Fork of the White River, tributary to the White River, and irr. return flows from the Alta Vista Ditch No. 2, decreed in Civil Action 1296 in the amt. of 1.2 c.f.s. absolute for irr., stock water. and dom. purposes. **Amt.**: 1 a.f. **Use**: stock water, wildlife water, aug., fire suppression, dom. purposes. **Date and method of Approp.**: 06/16/2005, creation of the pond. **Date applied to beneficial use**: 06/16/2005. **Reservoir Physical Characteristics**: **Height of dam**: 5 ft. **Length of dam**: 170 ft. **Total Surface Area**: 0.2 acres. **Total Capacity**: 1 a.f. **Name of Storage Structure**: **South Pond**. **Legal description**: located in Tract 37, Sec.

6, T. 1 S., R. 90 W. of the 6th P.M., at a point whence the W. Quarter Corner of said Sec. 6 bears S68°07'07"W a distance of 817.69 ft., said point being located 753 ft. E. of the W. Line and 2,141 ft. S. of the N. Line of said Sec. UTM Zone 13N easting: 283059, northing: 4430706. Source: Forbes Creek tributary to the North Fork of the White River, tributary to the White River and irrigation return flows from Alta Vista Ditch No. 1, decreed in the amt. of 2.7 c.f.s. absolute in Civil Action 1269 for irr., stock water, and dom. purposes. Amt.: 1 a.f. Use: stock water, wildlife water, aug., fire suppression, dom. purposes. Date and method of Approp.: 06/16/2005, creation of the pond. Date applied to beneficial use: 06/16/2005. Reservoir Physical Characteristics: Height of dam: 7 ft. Length of dam: 170 ft. Total Surface Area: 0.15 acres. Total Capacity: 1 a.f. Name of Storage Structure: **Crooks Creek Pond**. Legal description: located in Government Lot 7, Sec. 36, T. 1 N., R. 91 W. of the 6th P.M., at a point whence the S.E. Corner of said Sec. 36 bears S21°27'19"E a distance of 1,055.26 ft., said point being located 406 feet W. of the E. Line and 966 ft. N. of the S. Line of said Sec. 36. UTM Zone 13N easting: 283118, northing: 4431651. Source: Crooks Creek, tributary to the North Fork of the White River. Amt.: 0.25 a.f. Use: stock water, wildlife water, aug., fire suppression, aesthetic. Date and method of Approp: 06/28/2014, creation of the pond. Date applied to beneficial use: 06/28/2014. Reservoir Physical Characteristics: Height of dam: 5 ft. Length of dam: 80 ft. Total Surface Area: 0.05 acre. Total Capacity: 0.25 a.f. Owner of the land upon which all existing pond structures are located: Applicant. Remarks: Both the North Pond and South Pond are filled, at least partially, by irrigation return flows from Alta Vista Ditch Nos. 1 and 2, which were originally decreed in Civil Action 1269. The headgate for the Alta Vista Ditch No. 1 is also the subject of a companion change case to reflect the headgate's actual location. WHEREFORE, Applicant request the Court enter a decree recognizing storage rights in the amounts, and for the uses, specified above for the North Pond, South Pond and Crooks Creek Pond.

2021CW3042 Rio Blanco County. North Fork of the White River, trib. to the White River. **Application for Change of Water Right to Correct Location and Source, and to Correct an Established but Erroneously Described Point of Diversion Pursuant to § 37-92-305(.6)**. Applicant: Three Crown Ranch, LLC, c/o Scott Grosscup, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Description of water right: **Indian Spring Reservoir**. Orig. Decree: W-2983, Water Div. 5, 8/31/1979. Legal Description: The dam is located on B.L.M. Lots 28 and 29; in Sec. 36, T. 1 N., R. 91 W. of the 6th P. M. at a point 271 ft. N. and 1,862 ft. W. of the E. Quarter Corner of said Sec. 26. Source: Indian Spring, tributary to Forbes Creek, tributary to the White River. Date of Approp.: 05/20/1976. Amt.: 2 a.f. Use: piscatorial. Claim for change of water right: Applicant requests a change in the decree to reflect the actual location of the Indian Spring Reservoir and to correctly reflect its primary source, which were erroneously referenced in the decree. Actual location: The Indian Springs Reservoir is located in Government Lots 28 & 29 of Sec. 36, T. 1 N., R. 91 W. of the 6th P.M., at a point whence the S.W. Corner of Said Sec. 36 bears S66°46'15E a distance 896.00 ft., said point being located 816 ft. E. of the W. Line and 374 ft. N. of the S. Line of said Sec. 36. Additional Source: The Applicant wishes to clarify that both Indian Springs and Forbes Creek are sources for the Indian Springs Reservoir. Description of water right: **Alta Vista Ditch No. 1 Headgate**. Orig. Decree: Civil Action No. 1269 Alta Vista Ditch No. 1 Headgate. Amt.: 2.7 c.f.s. Legal description of structure as described in most recent decree that adjudicated the location: at a point on the E. Bank of Forbes Creek whence the S.W. corner of Sec. 31 T. 1 N., R. 90 W. of the Sixth P.M. bears N. 3°54' E. 3469.3 ft. Decreed source of water: Forbes Creek, a tributary of the N. Fork of the White River. Date of Approp.: 08/21/1964. Amt.: 2.7c.f.s. Decreed Uses: Irr., stock water, dom. Detailed description of proposed correction to an established but erroneously described point of diversion. The Applicant requests a correction to an established but erroneously described point of diversion to reflect the actual location of the Alta Vista Ditch No. 1 headgate pursuant to C.R.S. § 37-92-305(3.6)(a) & (b). The Applicant is the diverter and the owner of the decreed water rights in C.A. 1269, which describes the decreed point of diversion for the Alta Vista Ditch No. 1 Ditch. Applicant reasonably believe the point of diversion described in C.A. 1269 to be in error. Although the actual headgate is approximately 277' N.W. of the decreed location, and with neither a natural surface stream that is tributary to the diverted stream nor another surface water right located between the decreed location and its physical location; the Applicant wishes to correct the decreed location. The legal description of the correct point of diversion in UTM format: UTM Zone 13N easting: 283095, northing 4430360. The legal description in Public Land Survey System (PLSS) format: The point of diversion is located in the N.W. Quarter of the S.W. Quarter of Sec. 6, T. 1 S., R. 90 W. of the 6th P.M., at a point on the E. bank of Forbes Creek, whence the W. Quarter Corner of said Sec. 6 bears N46°41'01"W a distance of 1,214 ft., said point being located 907 ft. E. of the W. Line and 1,822 ft. N. of the S. line of said Sec. 6. Owner of the land upon which both existing structures are located: 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 **December, 2021** to file with the Water Court a Verified Statement of Opposition, setting forth facts as to why a certain Application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must be served on the Applicant or the Applicant's Attorney, with an affidavit or certificate of such service being filed with the Water Court, as prescribed by Rule 5, C.R.C.P. The filing fee for the Statement of Opposition is \$192.00, and should be sent to the Clerk of the Water Court, Division 6, 1955 Shield Dr. Unit 200, Steamboat Springs, CO 80487.

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

/s/ Carmma L. Parkison
Clerk of Court