

**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 **September 2022**.

2022CW16 Routt County Application for Change of Water Right. **Applicant:** Leigh Rickert, 21550 CR 132-A, Oak Creek, CO 80467, 970-736-8166, leighrickert@gmail.com. **Structure:** Knott Spring No. 2. **Date of Original Decree and all Relevant Subsequent Decrees:** Case No.: 82CW27 Water Division 6. **UTM Coordinates:** E322248, N4455772 Zone 13; Source of UTM;s DWR. **Legal Description:** Routt County: SE ¼ of the NW ¼, S18, T3N, R86W, of the 6th PM,. **Decreed Source of water:** Yampa River; **Appropriation Date:** 6/1/1932. **Total Amount Decreed Absolute:** 0.1 CFS. **Decreed Use or Uses:** livestock, now residential. **Amount of Water Application intends to Change:** Absolute 0.1 CFS. **Detailed Description of Proposed Change in water right:** The home we now own since 2013, was originally built in 1999 and the spring water has been used at the residence since then. I would like to have the decree changed from livestock usage to residential. **Landowner:** Applicant

22CW3097, Routt County. Applicant: Prima Ranches LLC, 3575 Cherry Creek North Drive Denver, CO 80209, Telephone: 303-478-7453. Please address all correspondence to: Peter D. Nichols, Geoffrey M. Williamson, Megan Gutwein, Berg Hill Greenleaf Ruscitti LLC, 1712 Pearl Street, Boulder, Colorado 80302, Telephone: 303-402-1600. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE 2.** Names of Structures: A. Alpha Ditch Pinnacle Peak Ranch Enlargement. B. Pinnacle Peak Pond Nos. 1 through 4. 3. Date of original decree: Originally decreed on March 18, 2002, in Case No. 00CW62, Water Division 6, for all structures. 4. Date of subsequent decree awarding finding of diligence: May 26, 2009, Case No. 08CW16, Water Division No. 6, for all structures; September 10, 2016, Case No. 15CW3018, Water Division No. 6, for all structures. 5. Description of Conditional Water Rights: A. Structure: Alpha Ditch Pinnacle Peak Ranch Enlargement: i. Legal Description: As stated in Case No. 209 (Routt County District Court), the original decree for the Alpha Ditch, the point of diversion is at Oak Creek on the northwesterly bank of said creek in Section 19, Township 3 North, Range 86 West, 6th P.M. The point of diversion is more accurately described as being at a point in the SE1/4 SE1/4, Section 19, Township 3 North, Range 86 West, 6th P.M., at a point 700 feet from the South line and 1,200 feet from the East line of said Section 19. The general location of the Alpha Ditch Pinnacle Peach Ranch Enlargement water right is shown on the U.S.G.S. topographic map attached as Exhibit A. ii. Source: Oak Creek, tributary to Yampa River. iii. Appropriation Date: March 31, 2000. iv. Amount: 2.8cfs, conditional. v. Decreed Uses: Stockwater, wildlife watering, aesthetic, piscatorial, and to fill and refill the Pinnacle Peak Pond Nos. 1-4 (collectively, "Pinnacle Peak Ponds"), including at the decreed alternate storage locations. B. Structure: Pinnacle Peak Pond Nos. 1 through 4. i. Legal Descriptions: a. Pinnacle Peak Pond No. 1: a point on the centerline of the dam is described as NE1/4 SE1/4, Section 19, Township 3 North, Range 86 West, 6th P.M., at a point 2,250 feet from the South line and 200 feet from the East line of said Section 19. b. Pinnacle Peak Pond No. 2: a point on the centerline of the dam is described as NW1/4 SW1/4, Section 20, Township 3 North, Range 86 West, 6th P.M., at a point 2,500 feet from the South line and 400 feet from the West line of said Section 20. c. Pinnacle Peak Pond No. 3: a point on the centerline of the dam is described as SW1/4 NW1/4, Section 20, Township 3 North, Range 86 West, 6th P.M., at a point 2,600 feet from the North line and 1,100 feet from the West line of said Section 20. d. Pinnacle Peak Pond No. 4: a point on the centerline of the dam is described as SE1/4 SE1/4, Section 17, Township 3 North, Range 86 West, 6th P.M., at a point 100 feet from the South line and 1,200 feet from the East line of said Section 17. e. Alternate Locations: (1) Pinnacle Peak Pond Alternate A: located in the SE1/4 NW1/4, Section 20, Township 3 North, Range 86 West, 6th P.M. at a point 2,550 feet from the North line and 1,500 feet from the West line of said Section 20. (2) Pinnacle Peak Pond Alternate B: located in the SE1/4 SE1/4, Section 19, Township 3 North, Range 86 West, 6th P.M. at a point 1,050 feet from the South line and 950 feet from the East line of said Section 19. (3) Pinnacle Peak Pond Alternate C: located in the SE1/4 NW1/4, Section 20, Township 3 North, Range 86 West, 6th P.M. at a point 2,500 feet from the North line and 2,000 feet from the West line of said Section 20. The general locations of the Pinnacle Peak Ponds are shown on the U.S.G.S. topographic map attached as Exhibit A. ii. Applicant may construct the Pinnacle Peak Ponds in any combination and at any of the locations described above. iii. The Pinnacle Peak Ponds are off-channel structures, and will be filled by the Alpha Ditch Pinnacle Peak Ranch Enlargement originally decreed in Case No. 00CW62. iv. Source: Oak Creek, tributary to Yampa River. v. Appropriation Date: March 31, 2000. vi. Amount: Total storage capacity of any number and combination of ponds at the locations described above will not exceed 7.6 acre feet under the priority decreed in Case No. 00CW62. All capacity is active storage. vii. Decreed Uses: Stockwater, wildlife watering,

piscatorial and aesthetic. The Pinnacle Peak Ponds will be filled and refilled when in priority. viii. Surface Area: Surface area of high water line for any combination of the ponds at the locations described above will not exceed 1.92 surface acres. ix. Maximum height of dam: less than 9.5 feet for each structure. C. Integrated System. The Subject Water Rights are individual components of Applicant's integrated water project. See paragraph 8 of the Decree in Case No. 00CW62 and paragraph 7 of the Decree in Case No. 15CW3018. Consequently, work on any one feature of Applicant's water project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of Applicant's water project. See C.R.S. § 37-92-301(4)(b). D. Previous findings of reasonable diligence. Findings of reasonable diligence on the conditional water rights were entered by decree of the District Court, Water Division 6 in Case No. 08CW16, entered on May 26, 2009; and Case No. 15CW3018, entered on September 10, 2016. 6. Request for Finding of Reasonable Diligence: In 2016, Applicant acquired the subject conditional water rights together with the property now known as the G Double H Ranch. Applicant purchased the property in part because of its water rights with the intent to fully develop the water rights and use them for their decreed purposes. Part of Applicant's due diligence in obtaining ownership of the property and water rights included hiring consultants for the purpose of ensuring that they would be able to develop the water rights and coordinate all of the different water rights to best suit their plans for the property. In addition to the subject rights, these water rights include the Alpha Ditch, Rich Ditch, Chapman Reservoir, Pinnacle Peak Spring Nos. 3 through 7, and available groundwater. During the diligence period, Applicant has taken steps to diligently develop the subject water rights including, without limitation, the activities described in the list below. This list is not intended to be inclusive and may be supplemented by additional evidence. A. Applicant retained Resource Engineering Inc. and legal counsel to provide an analysis of the water rights on the G Double H Ranch. These services included reviewing available documents and data, conducting interviews, and providing recommendations for developing an adequate water supply for the proposed uses of the G Double H Ranch. This water supply includes the subject conditional water rights. B. Applicant retained SGM Inc. to provide consulting services relating to the development and maintenance of the water rights that are used to supply G Double H Ranch, including the water rights that are the subject of this Application. C. Applicant has expended approximately \$8,500 in engineering costs for the preliminary design of two of the subject conditional Pinnacle Peak Pond water rights. D. Applicant has expended \$1,650 for a survey of the planned locations of the subject conditional water rights. E. Applicant has spent time and resources maintaining and repairing the existing Alpha Ditch, including but not limited to repairing leaks, cleaning the ditch, and adding culverts as needed to improve irrigation efficiency and overall operation of the infrastructure. F. Applicant applied for and obtained from this Water Court findings of reasonable diligence for the Pinnacle Peak Spring Nos. 3 through 7 in Case No. 18CW3031, which water rights are part of Applicant's integrated system. G. Applicant has also incurred legal and engineering fees associated with maintaining and developing the subject conditional water rights, as well as monitoring other applications in Division No. 6 that could potentially injure their interests. 7. Owner of Land Upon Which Structures are Located: Applicant.

WHEREFORE, Applicant respectfully requests that this Court enter a decree finding the Applicant has exercised reasonable diligence as to all of the subject conditional water rights, and continuing the conditional water rights described herein in full force and effect, and such other and further relief as the Court may deem appropriate. (8 pages incl. exhibits)

22CW3098 Routt County. **Application for Findings of Reasonable Diligence.** Applicant: Mabel Farms, LLC ("Applicant"), c/o Scott A. Grosscup and Blake C. Peterson, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence in the development of its interests in the Spring Dale Pond No. 1, Spring Dale Pond No. 2, and the Spring Dale Springs, First Enlargement, herein referred as (the "Subject Water Rights"). Claim of Finding of Reasonable Diligence. Original Decree: 07CW56, entered by the Dist. Ct., Water Div. 6 on 07/28/2009. Subsequent Diligence Decree: 15CW3026 Dist. Ct., Water Div. 6 on 09/09/2016. Name of Structure: **Spring Dale Pond No. 1.** Legal Description: SW1/4 SE1/4 of Sec. 6, T. 5 N., R. 85 W., of the 6th P.M., at a distance of 505 ft. from the S. Sec. Line and 1,337 ft. from the E. Sec. Line of said Sec. 6, Routt Cty., CO, in accordance with 15CW3026, and as shown in Exhibit 1 on file with the Water Ct. Source: unnamed tributaries to Trout Creek, tributary to Yampa River. Date of Approp.: 09/29/1997. Amt: 2.5 AF, conditional. Uses: Irr. of up to 3.1 acres (cumulative with Spring Dale Pond No. 2, see Exhibit 2 on file with the Water Ct.), stock watering, wildlife watering. Name of Structure: **Spring Dale Pond No. 2.** Legal Description: SW1/4 SE1/4 of Sec. 6, T. 5 N., R. 85 W., of the 6th P.M., at a distance of 1,700 ft. W. of the E. Sec. Line and 690 ft. N. of the S. Sec. Line of said Sec. 6, Routt Cty., CO, in accordance with 15CW3026, and as shown in Exhibit 1 on file with the Water Ct. Source: unnamed tributaries to Trout Creek, tributary to Yampa River. Date of Approp.: 09/29/1997. Amt: 4.0 AF, conditional. Uses: Irr. of up to 3.1 acres (cumulative with Spring Dale Pond No. 1; see Exhibit 2 on file with the Water Ct.); stock watering; wildlife watering. Name of Structure: **Spring Dale Springs, First Enlargement.** Legal

Description: SE1/4 SE1/4 of Sec. 6, T. 5 N., R. 85 W. of the 6th P.M., at a distance of 528 ft. from the S. Sec. Line and 1,219 ft. from the E. Sec. Line of said Sec. 6, Routt Cty., CO. Source: Spring tributary to unnamed tributaries to Trout Creek, tributary to Yampa River. Date of Approp.: 09/29/1997. Amt: 0.033 c.f.s., conditional. Uses: Dom. (at Ludlows Mountainview Ranch headquarters), fire protection, irr. of up to 3.1 acres (as depicted on Exhibit 2 on file with the Water Ct.), stock watering, wildlife watering, provide freshening flows to Spring Dale Pond No. 1 and 2. Owner of Land Upon Which the Structures are all Located: Applicant. Integrated System: The subject conditional water rights are part of an integrated water supply system for the Applicant. 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 six years preceding the filing of the Application, Applicants have 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. (5 pages of original application, Exhibits 1 & 2)

22CW3099 (Former Case Nos. 15CW3042, 08CW70, 01CW22, 94CW93) – ROUTT COUNTY. Application for Finding of Reasonable Diligence. 1. Applicant: Deerwood Service Company, c/o Teresa Audesirk, P.O. Box 775416, Steamboat Springs, CO 80477, (970) 879-7310. All correspondence and pleadings should be sent to Carlson, Hammond & Paddock, L.L.C., Karl D. Ohlsen, Katrina B. Fiscella, and Sarah B. Wiedemann, 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203-4539; Phone Number: (303) 861-9000; Fax: (303) 861-9026; kohlsen@chp-law.com, kfiscella@chp-law.com, swiedemann@chp-law.com. 2. Names of Structures: DP Well No. 3, DP Well No. 4, DP Well No. 4B. 3. Description of Conditional Water Rights: A. Original Decree: May 31, 1995, Case No. 94CW93, District Court, Water Division No. 6. B. Subsequent Decrees: A portion of the original water rights decreed to DP Well No. 4 was made absolute and a finding of reasonable diligence for the remaining conditional water rights decreed to DP Well No. 3 and DP Well No. 4 was entered on October 9, 2002, in Case No. 01CW22, District Court, Water Division No. 6. A finding of reasonable diligence for the water rights decreed to DP Well No. 3 and the remaining conditional water rights decreed to DP Well No. 4 was entered on October 9, 2009, in Case No. 08CW70, District Court, Water Division No. 6. A finding of reasonable diligence for the water rights decreed to DP Well No. 3 and the remaining conditional water rights decreed to DP Well No. 4 was entered on September 9, 2016, in Case No. 15CW3042, District Court, Water Division No. 6. A decree was entered on March 31, 2022, in Case No. 21CW3001, adding an alternate point of diversion at DP Well No. 4B. C. Legal Description of Location: i. DP Well No. 3: Located in Lot 12 of Tract 145 per the Resurvey (SE1/4NE1/4 – original survey) Section 20, Township 5 North, Range 85 West of the 6th P.M. Located 4,170 feet from the west line and 2,691 feet from the south line of Section 20. Also located North 47 degrees, 37 minutes, 38 seconds East, 3992.24 feet from AP 3 Tract 159. Permitted as Well Permit No. 65617-F. Previously permitted as Permits No. 051797-F and 44332-F. A map setting forth the approximate location of this structure is attached as Exhibit A. ii. DP Well No. 4: Located in Lot 18 of Tract 159 per the Resurvey (SE1/4SW1/4 – original survey) Section 20, Township 5 North, Range 85 West of the 6th P.M. Located 1,374 feet from the west line and 632 feet from the south line of Section 20. Also located North 13 degrees, 32 minutes, 51 seconds East, 650.88 feet from AP 3 Tract 159. Permitted as Well Permit No. 65618-F. Previously permitted as Permits No. 051976-F and 44333-F. A map setting forth the approximate location of this structure is attached as Exhibit B. iii. DP Well No. 4B: Located approximately 50 feet south of DP Well No. 4 in the SE1/4, SW1/4 Sec. 20, Twp. 5 N, Rng. 85 W, 6th P.M.; GPS Well Location: Zone 13, Easting 334223.0, Northing: 4470729. Permitted as Well Permit No. 85673-F. A map setting forth the approximate location of this structure is attached as Exhibit B. D. Source: Groundwater tributary to the Trout Creek, tributary to the Yampa River. E. Appropriation Date: i. DP Well No. 3: May 24, 1994. ii. DP Well No. 4 and 4B: May 31, 1994. F. Amount: i. DP Well No. 3: 50 g.p.m., conditional. ii. DP Well No. 4 and 4B: 200 g.p.m.; 142 g.p.m. absolute, 58 g.p.m. conditional (Case No. 01CW22). G. Use: Central domestic water supply serving 26 lots in the Deerwood Ranches subdivision. H. Depth: i. DP Well No. 3: 460 feet. ii. DP Well No. 4: 460 feet. iii. DP Well No. 4B: 478 feet. 4. 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: A. The Deerwood Service Company is the owner of various water rights decreed for the benefit of three adjacent subdivisions: Deerwood Ranches; Creek Ranch; and the Wilkerson Property. DP Well No. 3, DP Well No. 4, DP Well No. 4B, and the Deerwood Pond water structures are part of an integrated system of delivery of water to the developments served by the Applicant (the “Deerwood Water System”). The Deerwood Water System includes the DP Wells No. 3, No. 4, and No. 4B, with three separate appropriations adjudicated in Cases No. 94CW93 (01CW22, 08CW70 and 15CW3042), 99CW13 (05CW48, 12CW3017, and 21CW3005), 01CW81 (08CW11 and 18CW3021); and the Deerwood Pond, with three separate appropriations adjudicated in Cases No. 94CW148 (02CW16, 08CW40, 15CW3028, and 22CW3080), 99CW13 (05CW48, 12CW3017, and 21CW3005), and 01CW81 (08CW11 and 18CW3021); as well as the augmentation plan that is the subject of Case No. 05CW23 and the water rights

incorporated therein, including those water rights decreed to Whetstone Reservoir and the Whetstone Reservoir, First Enlargement, all in Water Division No. 6. B. During the diligence period, the Applicant continued to work to develop the integrated Deerwood Service Company water system of which DP Well No. 3, No. 4, and No. 4B are a part. C. The Applicant expended approximately \$559,781 for repairs, maintenance, and upgrades of the various structures comprising the Deerwood Water System. D. DP Well No. 4 is the primary source of water for the three subdivisions served by the Deerwood Water System. During the diligence period, in 2019, the Applicant discovered that the casing for DP Well No. 4 was failing, causing silt and debris to clog and potentially damage the well pump. Thereafter, Applicant incurred and paid in excess of \$65,000 on engineering and consulting fees related to repair and/or replacement of DP Well No. 4 and more than \$152,000 on expenses related to drilling and installation of a replacement well for DP Well No. 4. In addition, on January 11, 2021, the Applicant filed an Application for Change of Water Rights to Add Alternate Point of Diversion Well for DP Well No. 4 in Case No. 21CW3001, District Court, Water Division No. 6, to allow Applicant to use an existing well drilled pursuant to a monitoring well permit as an alternate point of diversion for the water rights decreed to DP Well No. 4 in Cases No. 94CW93, 99CW13, and 01CW81. As a part of this effort, Applicant obtained permit no. 85673-F for DP Well 4B, which was issued on June 23, 2021. A decree was entered on March 31, 2022 in Case No. 21CW3001, adding an alternate point of diversion at DP Well No. 4B. E. During the diligence period, water withdrawn from DP Well No. 4 continued to be supplied for beneficial use within the Creek Ranch subdivision. As of the date of this Application, 23 out of 39 residential lots in the Creek Ranch subdivision are connected to and served by the Deerwood Water System. Seven of these connections were added during the diligence period. F. During the diligence period, water withdrawn from DP Well No. 4 continued to be supplied for beneficial use within the Deerwood Ranches subdivision. As of the date of this Application, 18 out of 26 residential lots in the Deerwood Ranches subdivision are connected to and served by the Deerwood Water System. One of these connections was added during the diligence period. G. During the diligence period, water withdrawn from DP Well No. 4 continued to be supplied for beneficial use within the Wilkerson Property subdivision. As of the date of this Application, 3 out of 4 residential lots in the Wilkerson Property subdivision are connected to and served by the Deerwood Water System. H. Water from the Deerwood Pond continues to be applied to beneficial use for livestock, recreation, fishery, and aesthetic purposes within the Deerwood Ranches subdivision. I. During the diligence period, on June 30, 2022, Applicant filed an application in Case No. 22CW3080 for a finding of reasonable diligence as to the conditional water rights originally decreed to Deerwood Pond (First Filing) in Case No. 94CW148. J. During the diligence period, Applicant filed an application in Case No. 18CW3021 for a finding of reasonable diligence as to the conditional water rights originally decreed to DP Well No. 3, DP Well No. 4, and Deerwood Pond (Third Filing) in Case No. 01CW81 (Wilkerson Property subdivision). A decree finding reasonable diligence in that case was entered by the Court on June 5, 2019. K. During the diligence period, Applicant filed an application in Case No. 21CW3005 for a finding of reasonable diligence as to the conditional water rights originally decreed to DP Well No. 3, DP Well No. 4, and Deerwood Pond (Second Filing) in Case No. 99CW13 (Creek Ranch Subdivision), and to make that DP Well No. 4 conditional right absolute in part. A decree was entered on March 31, 2022 in Case No. 21CW3005 making the water right decreed to DP Well No. 4 (05CW48) absolute in the amount of 41 g.p.m. for 6 additional lots, and continuing as conditional the remaining water rights decreed in Case No. 99CW13 to DP Well No. 3, DP Well No. 4, and Deerwood Pond (Second Filing). 5. 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: Not applicable. WHEREFORE, Applicant requests that the Court enter an order making a finding of reasonable diligence in the development of the remainder of the conditional water rights that are the subject of this application, including 58 g.p.m. from DP Well No. 4 and 50 g.p.m. from DP Well No. 3 for service to the Deerwood Ranches Subdivision.

2022CW3100 (2015CW24) (08CW58) APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN PART AND FINDING OF REASONABLE DILIGENCE IN PART, CONCERNING THE APPLICATION FOR WATER RIGHTS OF: TIMBERS VILLAGE HOMEOWNERS ASSOCIATION, IN ROUTT COUNTY, COLORADO. 1. Name, address, e-mail address, and telephone number of Applicant: Timbers Village Homeowners Association, c/o Michael Goudreau, P.O. Box 881007, Steamboat Springs, CO 80488, 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, hinchman@steamboatlawfirm.com, (970) 879-7600. 2. Name of Structure: Timber Spring #1 (a/k/a Timbers Spring #1), Type: spring. 3. Description of Conditional Water Right: A. Date of Original Decree: November 30, 2009, Case No. 08CW58, District Court, Water Division 6. B. Date of Subsequent Decree: September 7, 2016, Case No. 2015CW24, District Court, Water Division 6. C. Legal Description: NW 1/4 of the SE 1/4, Section 22, T5N, R84W, of the 6th P.M. at a point 2390 feet from the South line and 1570 feet from the East line of said Section. D. Source of Water: Spring, tributary to unnamed tributary to

Yampa River. E. Appropriation Date: August 1, 2008. Amount: 0.022 cfs, conditional. F. Use: Irrigation of approximately 1.0 acres in the area comprising the Timbers Village Homeowners Association, firefighting. G. Depth (if well): N/A. 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: During the previous diligence period, Applicant began using Timber Spring #1 for irrigation on its property. Applicant pumped water out of the spring through a hose to irrigate. Applicant hired Kelly Colfer, a consultant, to evaluate the wetlands on its property and to prepare a mitigation plan in the event of a fire. 5. If claim to make absolute in whole or in part: A. Date water applied to beneficial use: August 23, 2022. Amount: 0.0178 cfs, or 8 gpm. Use: Irrigation of approximately 1.0 acre in the area comprising the Timbers Village Homeowners Association. B. Supporting evidence that Applicant has diverted water in-priority and applied such water to beneficial use is as follows: Applicant pumped from the spring through a hose at a rate of 8 gallons per minute for 90 minutes on August 23, 2022, to irrigate approximately 1.0 acre on its property. A photo of the diversion is attached hereto as Exhibit A. C. Water is applied to beneficial use on property owned by Applicant. A map showing the irrigation area is attached hereto as Exhibit B. 6. If actual location of the structure is different from the location 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 other pertinent information: N/A. 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 Timber Spring #1 for the use of firefighting and for the remainder of the conditional water right for the Timber Spring #1 for the use of irrigation of approximately 1.0 acre in the area comprising the Timbers Village Homeowners Association, which is 0.0042 cfs, and the conditional status of said water right shall be continued and extended; 2. Granting Applicant's prayer that the Court find Applicant's appropriations have been completed for the Timber Spring #1 as to the use of irrigation of approximately 1.0 acre in the area comprising the Timbers Village Homeowners Association for the amount of 0.0178 cfs. 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 Timber Spring #1 for the use of irrigation of approximately 1.0 acre in the area comprising the Timbers Village Homeowners Association; and 3. For such further relief as the Court may deem proper. Respectfully submitted this 30th day of September, 2022. SHARP, SHERMAN & ENGLE LLC, Attorneys for Applicant, By: /s/ Melinda H. Sherman, Reg. No. 23259.

2022CW3101, Springs tributary to unnamed tributaries, tributary to Trout Creek, tributary to Yampa River; and unnamed tributaries, tributary to Trout Creek, tributary to Yampa River in ROUTT COUNTY, COLORADO, **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. **Applicants**: Mountainair Ranch, LLC, a Colorado limited liability company, 34115 County Road 33, Steamboat Springs, CO, 80487, 970.819.2576, mountainviewr@aol.com; K-K Holdings, LLC, a Colorado limited liability company, P.O. Box 770119, Steamboat Springs, CO 80477, 970.846.6438, kk3857@gmail.com. Direct all pleadings and court-related documents to Claire E. Sollars, Esq., Colorado Water Matters, PLLC, P.O. Box 881302, Steamboat Springs, CO 80488-1302, Claire@ColoradoWaterMatters.com, 970-875-3370. 2. **Names and Types of Structures**: Spring Dale Spring First Enlargement (spring); Powerline Spring No. 1 (spring); Powerline Pond No. 1 (storage structure). 3. **Descriptions of Conditional Water Rights**: A. **Original Decree**: July 28, 2009, District Court, Water Division No. 6, Case No. 2007CW56. The Water Court awarded conditional water rights for Spring Dale Spring First Enlargement, Powerline Spring No. 1, Spring Dale Pond No. 1, Spring Dale Pond No. 2, and Powerline Pond No. 1. B. **Subsequent Diligence Decree**: September 9, 2016, District Court, Water Div. No. 6, Case No. 2015CW3026. The Water Court entered a decree through which portions of the conditional rights were cancelled; the remaining conditional rights for all five structures were continued in full force and effect. C. **Structures for Which Applicants Request a Finding of Reasonable Diligence**: i. The original applicant no longer owns the real property where structures are or will be located and where the water rights are or will be used. K-K Holdings, LLC now owns the real property where Spring Dale Spring First Enlargement will be used. Mountainair Ranch, LLC now owns the real property where Powerline Spring No. 1 and Powerline Pond No. 1 are located and where the water rights will be used. ii. Neither Applicant owns the real property where the Spring Dale Pond No. 1 and Spring Dale Pond No. 2 would be located and used. 4. **Legal Descriptions of Points of Diversion and Dam Centerline as decreed in Case No. 2015CW3026 (all structures are located in Section 6, Township 5 North, Range 85 West of the 6th P.M., in Routt County, Colorado), UTM coordinates Zone 13, NAD83**: Spring Dale Spring First Enlargement (spring), SE4 SE4, 333565 mE, 4475559 mN. Powerline Spring No. 1 (spring), SW4 NE4, 333235 mE, 4476589 mN. Powerline Pond No. 1 (storage structure), NE4 NW4, 333038 mE, 4476627 mN. 5. **Sources of Water**: Spring Dale Spring First Enlargement - spring tributary to unnamed tributary, tributary to Trout Creek, tributary to Yampa River. Powerline Spring No. 1: spring tributary to

unnamed tributary, tributary to Trout Creek, tributary to Yampa River. Powerline Pond No. 1: surface flows, Powerline Spring No. 1, and unnamed tributary, tributary to Trout Creek, tributary to Yampa River. 6. **Appropriation Dates, Amounts and Uses**: A. Spring Dale Spring First Enlargement - September 29, 1997; 0.033 cfs, conditional; domestic (at K-K Holdings, LLC ranch headquarters); fire protection; irrigation of up to 3.1 acres, stock watering, and wildlife watering. K-K Holdings, LLC relinquishes the right to use the spring to provide freshening flows to Spring Dale Pond No. 1 and Spring Dale Pond No. 2. B. Powerline Spring No. 1 - December 15, 2005; 0.033, conditional; irrigation of up to 0.8 acres, stock watering, wildlife watering, and provide freshening flows to Powerline Pond No. 1. C. Powerline Pond No. 1 - December 15, 2005; 3.0 acre-feet, conditional; stock watering, and wildlife watering. 7. **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**: In 2019, Mountainair Ranch, LLC, hired a water engineer to inspect the Spring Dale Spring Enlargement and provide recommendations to improve the system. Mountainair Ranch, LLC did not have the opportunity to act on the recommendations before transferring ownership of the ranch headquarters parcel and water rights to K-K Holdings, LLC. In September 2022, K-K Holdings, LLC conducted its site review and determined the current Spring Dale Spring collection system is not functioning properly. K-K Holdings, LLC will evaluate options, including the engineer's recommendations, to repair or replace the system. In September 2022, Mountainair Ranch, LLC removed vegetation at the Powerline Spring No. 1 site in preparation for developing the spring. During the past diligence period, the Applicants incurred approximately \$1,500 for engineering and legal fees and costs (including preparation and filing of this Application for Finding of Reasonable Diligence). Mountainair Ranch, LLC estimates the cost for the Powerline Spring No. 1 site preparation is \$1,000. 8. **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**: Mountainair Ranch, LLC owns the land where the Powerline Spring No. 1 and Powerline Pond No. 1 conditional water rights will be developed and used. K-K Holdings, LLC owns the land upon which the Spring Dale Spring First Enlargement water right is and will be used. Mabel Farms, LLC, PO Box 882465 Steamboat Springs, CO 80488, owns the land where the Spring Dale Spring First Enlargement is located. 9. **Remarks**: Both Applicants request the Water Court enter a decree in which the Court: A. finds each Applicant exercised reasonable diligence in the development of the described conditional rights; B. finds the diligence performed for developing Powerline Spring No. 1 supports a finding of diligence for Powerline Pond No. 1; C. continues all the described conditional rights in full force and effect throughout the next diligence period or at such time a conditional right is made absolute; and D. cancels the right to use Spring Dale Spring Enlargement to provide freshening flows to Spring Dale Pond No. 1 and Spring Dale Pond No. 2.

2022CW15 Rio Blanco County Application for Simple Change in Surface Point of Diversion. **Applicant**: 4M Ranch LLC, P.O. Box 2212, Meeker, CO 81641, 970-665-8744, deirdremacnab@gmail.com. **Structure**: Little Ditch ID #769 District #43. **Date of Original Decree and all Relevant Subsequent Decrees**: 5/10/1889, 10/10/1906, 5/26/1942. **Case No.:** CA0133, CA0624, Water Division 6. **UTM Coordinates**: E732,356.404 N4443035.370 Zone 12; Source of UTM;s Garmin. **Legal Description**: Rio Blanco County: NW ¼ of the NW ¼, S34, T2N, R97W, of the 6th PM, Headgate is located on the left bank of the White River at point where the North quarter corner sec 33 + 2N, R97 W of the 6th PM bears North 77° 04' West 34022 **Decreed Source of water**: White River; **Appropriation Date**: 4/5/1886, 4/1/1901, 4/15/1902. **Total Amount Decreed Absolute**: 9.88 cts total 3.0, 2.8, 4.08. **Decreed Use or Uses**: Irrigation. **Amount of Water Application needs to Change**: Absolute 9.88 cts total 3.0, 2.8, 4.08. **Detailed Description of Proposed Change in a Surface Point of Diversion**: We would like to move our headgate 3/10 of a mile down our existing ditch, the river banks have eroded beyond repair at the existing pod. The move would result in the same flow as previously used and we are the only water right owner in the area. **Landowner**: Applicant

You are hereby notified that you will have until the last day of **November 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/ Tess Bedell
Deputy Court Clerk