# **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 **June 2024.**

**2024CW5 Routt County** Application for Change of Water Rights. **Applicant:** Steven and Gaylyn Meyers, P.O. Box 770914 Steamboat Springs, CO 80477; 505-670-9146 , 505-670-9146; [smeyers662@outlook.com](mailto:smeyers662@outlook.com) , [gmeyers662@comcast.net](mailto:gmeyers662@comcast.net) **Name of Structures:** Hoelzen Pump No. 2 **Descriptions:** Routt County;On the East bank of the Elk River at a point from whence the East corner of Section 14, Township 7 North, Range 85 West of the 6th PM bears south 76 degrees 12 minutes 43 seconds East, 2578.56 feet; **Source of Water:** Elk River, tributary to the Yampa River **Appropriation Date:** 06/15/68 ; **Amount Decreed Absolute** 0.22 cfs; **Decreed Uses:** Irrigation. **Irrigated Amount of Water Applicant Intends to Change:** 0.022 cfs (1/10th); **Remarks or any other Pertinent Information:** The Requested change is to move the applicant’s ownership portion of Hoelzen Pump No. 2 water right (0.022 cfs) to a new point of diversion. The new point is at an existing diversion owned by the applicant (DeLashmutt Pump No. 1), which is junior to Hoelzen Pump No. 2. This new point is less than 300 feet from the original Hoelzen Pump No. 2 location, upstream and on the east side of the river with the UTM coordinates of 3401772 mE and 4492464 mN. The water will be used to irrigate garden and landscaping on about 1.5 acres. Two other owners of Hoelzen Pump No. 2 water right have moved their ownership portion (0.037 cfs each) to pumps on their properties. Refer to Case No. 20CW11 and 21CW3. The source of water for Hoelzen Pump No. 2 is the Elk River, a tributary of the Yampa River. In Civil Action 3926, the Court awarded an absolute surface water right to Hoelzen Pump No. 2 in the amount of 0.22 cfs for irrigation of about 5 acres and domestic uses in the Mad Creek Village. The decreed point of diversion is noted above (Section 5C). This location when converted to PLSS places the structure on the west side of the river, approximately 2,025 feet from the north section line and 2,504 feet from the east section line of said Section 14; or at a point with UTM coordinates of 340078mE and 4492456mN. The original pump was disconnected years ago and most residents have used their own pumps to divert water to irrigate their property. The owners of Hoelzen Pump No. 2 water right were advised in the summer of 202 during the call on the Elk River, that they needed to change ownership portion of the water right to reflect the location where water is actually being diverted. Absent such, the pumps would not be allowed to divert the water during a call. **Landowner: :** Steven and Gaylyn Meyers; **Mailing Address:** P.O. Box 770914 Steamboat Springs, CO 80477

**2024CW3018** Routt County Applicant: B4 Diversified Holdings, LLC, c/o Bill Berry, 27211 Skiers Crossing Drive, Katy, TX 77493, 832-868-8498 with all correspondence connected herewith being sent to Applicant’s counsel, David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd, Suite 1, Johnstown, CO 80534, 970-622-8181. Application for Simple Change in Point of Diversion Pursuant to C.R.S. 97-92-305(3.5). 2. Decreed Water Right for which Simple Change in Point of Diversion is Sought: 2.1. Name of Structure. Muddy Ditch 2 (numbered ditch 267 with priority number 167b). 2.2. Previous Decrees: Decree dated June 19, 1916, District Court, Routt County. 2.3. Legal Description of Point of Diversion: the head gate of said ditch is located at a point on the West Bank of Clear Creek, from which it derives its supply of water, whence the Northwest corner of Section 1, township and range aforesaid (Township 2 North, Range 84 West of the Sixth Principal Meridian), bears N. 17 degrees 10 minutes West 2081 feet. 2.4. Use. Irrigation 2.5. Source. Clear Creek 2.6. Amount. 3.0 c.f.s. 2.7. Date of Appropriation. July 29, 1903 3. Description of proposed simple change to point of diversion: 3.1. Complete Statement of change to be made: Applicant seeks to construct a new headgate and diversion structure approximately 2000 feet from the decreed location and there are no intervening surface diversions or points of inflow between the new point of diversion and the point from which the change is being made. 3.2. Legal Description of the New Point of Diversion. 3.2.1. The point diversion is or will be located in the NE ¼ of the NW ¼ Section 1, Township 2 North, Range 84 West, 6th P.M. with the following UTM Coordinates: Easting: 349834; Northing 4449133, Zone 13. The GPS device used was the Water Commissioners. 3.3. Names and Addresses of reputed owners of 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. The original application consists of 3 pages.

**2024CW3019** (07CW83) (17CW3027) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** in ROUTT COUNTY 1. Name, address and telephone number of Applicant: Pirtlaw Partners, Ltd. c/o Holly Waltrip, P.O. Box 130548, 1929 Allen Parkway, Houston, TX 77219-0548 c/o Thomas W. Korver, Esq. Hayes Poznanovic Korver LLC 700 17th Street, Suite 1800 Denver, CO 80202 (303) 825-1980. Claim for Findings of Reasonable Diligence. 2. Names and Types of Structures (the “Conditional Water Rights”): A. Conditional Storage Rights: (1) RLW Turner Creek Reservoir No. 1; (2) RLW Turner Creek Reservoir No. 2; (3) RLW Tow Creek Reservoir; and (4) RLW Turner Meadow Ditch Reservoir. B. Conditional Direct Flow Rights: (5) RLW Turner Meadow Ditch; (6) RLW Farnsworth Creek Spring No. 1; (7) RLW Farnsworth Creek Spring No. 2; (8) RLW Tow Creek Spring; (9) RLW Coffee Spring; and (10) RLW Pilot Spring. 3. Description of the Conditional Water Rights: A. Prior decree: A decree for the Conditional Water Rights was entered on July 22, 2011, in Case No. 07CW83, District Court, Water Division No. 6. A subsequent decree finding diligence and making a portion of the RLW Turner Meadow Ditch water right absolute was entered by the Water Court on June 2, 2018, in Case No. 2017CW3027. B. Legal descriptions: The Conditional Water Rights will be located in Routt County, Colorado. Maps showing the approximate locations of the Conditional Water Rights are attached to the Application as Exhibits A through E, and are available for inspection at the office of the Division 6 Water Clerk or via CCE. UTM Coordinates Zone 13 North; NAD 83. A point on the embankment of each reservoir, and the point of diversion of each ditch and spring, will be within 200 feet of the following locations: (1) RLW Turner Creek Reservoir No. 1: NE1/4 NE1/4, Section 6, T. 7 N., R. 86 W., 6th P.M., 401 feet from the North Section line, and 529 feet from the East Section line. Easting: 324820.0, Northing: 4496425.0. (2) RLW Turner Creek Reservoir No. 2: NW1/4 NE1/4, Section 6, T. 7 N., R. 86 W., 6th P.M., 600 feet from the North Section line and 2572 feet from the East Section line. Easting 324195.0, Northing: 4496385.0. (3) RLW Tow Creek Reservoir: SW1/4 NW1/4, Section 28, T. 7 N., R. 86 W., 6th P.M., 2397 feet from the North Section line and 332 feet from the West Section line. Easting: 326543.0, Northing: 4489336.0. (4) RLW Turner Meadow Ditch Reservoir: NE1/4 SW1/4, Section 6, T. 7 N., R. 86 W., 6th P.M., 1590 feet from the South Section line and 1722 feet from the West Section line. Easting: 323864.0, Northing: 4495452.0. (5) RLW Turner Meadow Ditch: NE1/4 SW1/4, Section 6, T. 7 N., R. 86 W., 6th P.M., 1667 feet from the South Section line, 1892 feet from the West Section line. Easting 323916.0, Northing 4495474.0. (6) RLW Farnsworth Creek Spring No. 1: SW1/4 SW1/4, Section 22, T. 7 N., R. 86 W., 6th P.M., 91 feet from the South Section line, 62 feet from the West Section line. Easting 328094.0, Northing 4490055.0. (7) RLW Farnsworth Creek Spring No. 2: SE1/4 NE1/4 , Section 20, T. 7 N., R. 86 W., 6th P.M., 2513 feet from the North Section line, 140 feet from the East Section line. Easting 326431.0, Northing 4490912.0. (8) RLW Tow Creek Spring: SW1/4 NW1/4, Section 28, T. 7 N., R. 86 W., 6th P.M., 2045 feet from the North Section line, 340 feet from the West Section line. Easting 326546.0, Northing 4489443.0. (9) RLW Coffee Spring: SW1/4 NE1/4, Section 12, T. 7 N., R. 87 W., 6th P.M., 1755 feet from the North Section line, 2396 feet from the East Section line. Easting 322582.7, Northing 4494329.4. (10) RLW Pilot Spring: SW1/4 NW1/4, Section 13, T. 7 N., R. 87 W., 6th P.M., 1875 feet from the North Section line, 180 feet from the West Section line. Easting 321740.2, Northing 4492729.2. C. Source: (1) RLW Turner Creek Reservoir No. 1: Turner Creek, tributary to Deep Creek, tributary to the Elk River, tributary to the Yampa River; surface runoff above the Reservoir; and return flows from irrigation in the Turner Creek watershed. The Reservoir may also be filled by diversions from the RLW Turner Meadow Ditch as described herein. The maximum rate of filling the Reservoir under the water storage right adjudicated herein from the RLW Turner Meadow Ditch is 3.75 c.f.s. Additional water from the other sources of this storage right, in excess of said 3.75 c.f.s., may also be stored in the Reservoir at the same time. (2) RLW Turner Creek Reservoir No. 2: Turner Creek, tributary to Deep Creek, tributary to the Elk River, tributary to the Yampa River; and surface runoff above the Reservoir. The Reservoir may also be filled by diversions from the RLW Turner Meadow Ditch as described herein. The maximum rate of filling the Reservoir under the water storage right adjudicated herein from the RLW Turner Meadow Ditch is 3.75 c.f.s. Additional water from the other sources of this storage right, in excess of said 3.75 c.f.s., may also be stored in the Reservoir at the same time. (3) RLW Tow Creek Reservoir: An unnamed tributary of Tow Creek, tributary to the Yampa River; and surface runoff above the Reservoir. (4) RLW Turner Meadow Ditch Reservoir: An unnamed tributary of Chimney Creek, tributary to Deep Creek, tributary to the Elk River, tributary to the Yampa River; and surface runoff within the drainage above the Reservoir. (5) RLW Turner Meadow Ditch: An unnamed tributary of Chimney Creek, a tributary of Deep Creek, a tributary of the Elk River, a tributary of the Yampa River; and surface runoff within the drainage above the Ditch. (6) RLW Farnsworth Creek Spring No. 1: Surface water tributary to Farnsworth Creek, a tributary of the Elk River, a tributary of the Yampa River. (7) RLW Farnsworth Creek Spring No. 2: Surface water tributary to an unnamed tributary of Farnsworth Creek, a tributary of the Elk River, a tributary of the Yampa River. (8) RLW Tow Creek Spring: Surface water tributary to an unnamed tributary of Tow Creek, a tributary of the Yampa River. (9) RLW Coffee Spring: Surface water tributary to an unnamed tributary of Wolf Creek, a tributary of the Yampa River. (10) RLW Pilot Spring: Surface water tributary to an unnamed tributary of Wolf Creek, a tributary of the Yampa River. D. Appropriation Date: October 4, 2007. E. Decreed Amounts and Dimensions of Reservoirs: (1) RLW Turner Creek Reservoir No. 1: 56 AF, conditional. a. Surface area: 6.2 acres. b. Maximum Height: 18 feet. c. Length: 610 feet. d. Active Capacity: 56 AF. e. Dead Storage: 0. f. Refill: In addition to the amounts stated herein, the Applicant may continuously refill the active storage capacity of the RLW Turner Creek Reservoir No. 1 in the cumulative additional amount of 56 AF, conditional. (2) RLW Turner Creek Reservoir No. 2: 38 AF, conditional. a. Surface area: 6.3 acres. b. Maximum Height: 14 feet. c. Length: 422 feet. d. Active Capacity: 38 AF. e. Dead Storage: 0. f. Refill: In addition to the amounts stated herein, the Applicant may continuously refill the active storage capacity of the RLW Turner Creek Reservoir No. 2 in the cumulative additional amount of 38 AF, conditional. g. Enlargement: The foregoing amount is separate from the amount decreed to the RLW Turner Creek Reservoir No. 2, First Enlargement, in Case No. 08CW27, Water Division No. 6. (3) RLW Tow Creek Reservoir: 100 AF, conditional. a. Surface area: 4.8 acres. b. Maximum Height: 50.1 feet. c. Length: 570 feet. d. Active Capacity: 100 AF. e. Dead Storage: 0. F. Refill: In addition to the amounts stated herein, the Applicant may continuously refill the active storage capacity of the Tow Creek Reservoir in the cumulative additional amount of 16.46 AF, conditional, an amount which is equal to gross annual evaporative loss from the Reservoir. Monthly gross evaporation, based on the maximum water surface area of 4.8 acres, will be calculated as follows, and these evaporation loss values will be reduced in the event that the as-built water surface area is less than 4.8 total acres by multiplying the evaporation rate by the as-built reduced water surface area:

Month Evap Rate (feet) Evap Loss (ac-ft)

Jan 0.03 0.14

Feb 0.10 0.48

Mar 0.21 1.01

Apr 0.31 1.49

May 0.43 2.06

Jun 0.53 2.55

Jul 0.55 2.64

Aug 0.44 2.11

Sep 0.38 1.82

Oct 0.26 1.25

Nov 0.14 0.67

Dec 0.05 0.24

Total 3.43 16.46

(4) RLW Turner Meadow Ditch Reservoir: 569 AF, conditional. a. Surface area: 15.2 acres. b. Maximum Height: 94 feet. c. Length: 1224 feet. d. Active Capacity: 569 AF. e. Dead Storage: 0. f. Refill: In addition to the amounts stated herein, the Applicant may continuously refill the active storage capacity of the RLW Turner Creek Reservoir No. 2 in the cumulative additional amount of 569 AF, conditional. F. Decreed Amounts of Ditches and Springs: (1) RLW Turner Meadow Ditch: 2.1 c.f.s. absolute and 1.65 c.f.s. conditional for irrigation, stock water, and wildlife watering purposes; 3.75 c.f.s., conditional for domestic use in up to 100 residences. (2) RLW Farnsworth Creek Spring No. 1: 1.0 c.f.s., conditional. (3) RLW Farnsworth Creek Spring No. 2: 0.033 c.f.s., conditional. (4) RLW Tow Creek Spring: 0.123 c.f.s., conditional. (5) RLW Coffee Spring: 0.0670 c.f.s., conditional. (6) RLW Pilot Spring: 0.0011 c.f.s., conditional. G. Uses: (1) RLW Tow Creek Reservoir: Stock water; wildlife watering; domestic use in up to 74 residences; piscatorial; recreation; and augmentation use; which uses may occur directly or by replacement and exchange in connection with all beneficial uses on lands owned by the Applicant, known as the Wolf Mountain Ranch and shown on Exhibit C. (2) All Other Reservoirs: Irrigation, stock water; wildlife watering; domestic use in up to 100 residences; piscatorial; recreation; and augmentation use; which uses may occur directly or by replacement and exchange in connection with all beneficial uses on the Wolf Mountain Ranch, with right of reuse, successive use, and disposition to extinction. The Applicant will maintain dominion and control over water for reuse and successive use by quantifying the amount, timing and location of effluent and return flows from irrigation and domestic uses of water stored in each of the Reservoirs described in this Application. The Applicant may capture irrigation and domestic return flows that accrue upstream of the Reservoirs and store those return flows for subsequent irrigation or domestic use. Exhibit D shows those irrigated lands that are tributary to the Reservoirs. The Applicant may also successively use return flows for in-pond uses such as stock water, wildlife watering, piscatorial and recreation in the Reservoirs. The Applicant may also directly reuse return flows for irrigation from ditches downstream or for domestic, stock water, or wildlife water purposes. In addition, the Applicant may successively use effluent and return flows to replace out-of-priority depletions, either directly or by exchange, that occur on the Wolf Mountain Ranch. (3) RLW Turner Meadow Ditch: Irrigation, stock water, wildlife watering, domestic use in up to 100 residences, with right of reuse, successive use, and disposition to extinction. (4) RLW Farnsworth Creek Spring No. 1: Stock water, wildlife watering, domestic use in up to 74 residences, with right of reuse, successive use, and disposition to extinction. (5) RLW Farnsworth Creek Spring No. 2: Stock water, wildlife watering, domestic use in up to 74 residences, with right of reuse, successive use, and disposition to extinction. (6) RLW Tow Creek Spring: Stock water, wildlife watering, domestic use in up to 74 residences. (7) RLW Coffee Spring: Stock water, wildlife watering, domestic use in up to 14 residences, with right of reuse, successive use, and disposition to extinction. (8) RLW Pilot Spring: Stock water, wildlife watering, domestic use in up to 14 residences, with right of reuse, successive use, and disposition to extinction. H. Place of Use: The place of use will be on land owned by Applicant. I. Acreage Irrigated: (1) RLW Turner Creek Reservoir No. 1: 60 acres in the NW1/4 Section 5 and NE1/4 Section 6, T. 7 N., R. 86 W., 6th P.M., as depicted on Exhibit A. (2) RLW Turner Creek Reservoir No. 2: 120 acres in the NW1/4 Section 5, NE1/4 Section 6, and SE1/4 Section 6, T. 7 N., R. 86 W., 6th P.M., as depicted on Exhibit A. (3) RLW Turner Meadow Ditch Reservoir: 150 acres in the NW1/4 Section 5, NE1/4 Section 6, SE1/4 Section 6, and SW1/4 Section 6, T. 7 N., R. 86 W., 6th P.M., as depicted on Exhibit A. (4) RLW Turner Meadow Ditch: 150 acres in the NW1/4 Section 5, NE1/4 Section 6, SE1/4 Section 6, and SW1/4 Section 6, T. 7 N., R. 86 W., 6th P.M., as depicted on Exhibit A. The total number of acres irrigated by the Conditional Water Rights shall not exceed 150. J. Limitation on Domestic Use: The total number of residences served by the Conditional Water Rights shall not exceed 188. K. Limitation on Augmentation and Exchange Use: Use of the Conditional Water Rights for augmentation and replacement purposes will occur only in accordance with a separately approved plan for augmentation or substitute supply plan. Use of such water for exchange purposes may occur in accordance with law, including §§ 37-80-120 and 37-83-104, C.R.S., and such exchanges may be adjudicated in accordance with §§ 37-92-302 and 37-92-305(10), C.R.S. L. Compliance With Law: The Applicant will comply with the requirements of §§ 37-84-117, 37-87-105, and 37-92-103(14)(b), C.R.S. M. City of Steamboat Springs Water Rights. Applicant recognizes that the City of Steamboat Springs holds a conditional water right decreed to the Steamboat Springs Elk River Diversion for 8.0 c.f.s. by the Division 6 Water Court in Case No. 99CW068 on the Elk River (the “City’s Elk River Right”) that is downstream of and senior to certain of the Conditional Water Rights that divert from tributaries of the Elk River (the “Applicant’s Elk River Rights”). Applicant acknowledges that the diversion and storage of water, including evaporation of inflows to the reservoirs, under the Applicant’s Elk River Rights may be subject to administration by the State and Division Engineers in response to a valid downstream call for the City’s Elk River Right. 4. Evidence of reasonable diligence: The Conditional Water Rights are part of an integrated system for supplying the water demands on Wolf Mountain Ranch, a development located in Routt County, Colorado. The water rights and conditional water rights that are part of this integrated system include, without limitation, those that were adjudicated in Case Nos. 07CW83, 07CW85, 07CW86, and 08CW27, Water Division No. 6. The application contains a summary of specific projects and work undertaken during the six-year diligence period prior to the filing of this application in furtherance of the development of Wolf Mountain Ranch and its associated water supply, and is available for inspection at the office of the Division 6 Water Clerk or via CCE. 5. Can and will: The Conditional Water Rights can and will be diverted, stored, or otherwise captured, possessed, and controlled, and will be beneficially used, and the projects can and will be completed with diligence in a reasonable time. C.R.S. § 37-92-305(9)(b). 6. Names(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: Applicant. WHEREFORE, the Applicant respectfully requests that this Court enter Findings of Fact, Conclusions of Law, and a Judgment and Decree: (1) finding that the Applicant has been reasonably diligent in the development of the Conditional Water Rights for the RLW Turner Creek Reservoirs Nos. 1 and 2; RLW Tow Creek Reservoir; RLW Turner Meadow Ditch Reservoir; RLW Turner Meadow Ditch; RLW Farnsworth Creek Spring Nos. 1 and 2; RLW Tow Creek Spring; RLW Coffee Spring; and RLW Pilot Spring; (2) continuing in full force and effect the Conditional Water Rights; and (3) granting such other relief as may be appropriate.

**2024CW3017 (2003CW37 and 2017CW3041)**. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE OR IN THE ALTERNATIVE FOR A FINDING OF REASONABLE DILIGENCE IN JACKSON COUNTY. MPDP FINANCIAL, LLC, 891 Kings Point Dr., Canyon Lake, TX 78133, (970) 978-3238. Direct all pleadings to: Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80304, (303) 894-8191. 2. Name of structures: Hofmann Pond No. 1, Hofmann Pond No. 2, Hofmann Pond. No. 3, Hofmann Pond No. 4, Hofmann Pond No. 5, Hofmann Pond No. 6, and No Name Creek Ditch. 3. Describe conditional water right giving the following from the Referee’s ruling and judgment and decree. (a) Original Decree: Case No. 2003CW37, decreed by the District Court for Water Division 1, State of Colorado, on September 4, 2007. (b) First Diligence Decree: Case No. 2017CW3041, decreed by the District Court for Water Division 1, State of Colorado, on October 24, 2018. 4. Description of Subject Water Rights. (a) Hofmann Pond No. 1. (i) Location: The pond is located on the No Name Creek in the S ½ of the NE ¼ of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The outlet from Pond NO. 1 discharges to the No Name Creek at a point approximately 1,604 feet west and 1,427 feet south of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The attached Figure 1 shows the approximate location of Hofmann Pond No. 1 and the other five (5) Hofmann ponds on Applicant’s property. (ii) Appropriation Date: August 22, 2002. (iii) Amount: 54.15 acre-feet, conditional with the right to fill and refill. (iv) Use: Domestic (one existing residence, one potential future residence, and up to one acre of landscaping and gardens), irrigation, aesthetic, piscatorial, stock watering, fire protection, recreational, storage, wildlife and fisheries, augmentation, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (b) Hofmann Pond No. 2. (i) Location: The pond is an off-channel pond location in the NW ¼ of the NE ¼ of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The pond was excavated below the natural ground and has no fam embankment. The outlet from Pond No. 2 discharges to a point that is approximately 250 feet west of the South Fork of the Michigan River, or 1,514 feet west and 821 feet south of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. Pond No. 2 filler ditch headgate is located on No Name Creek at a point approximately 1,821 feet west and 1,259 feet south of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado.(ii) Appropriation Date: June 1, 2001. (iii) Amount: 10.3 acre-feet, conditional with the right to fill and refill. The rate of diversion for filling Hofmann Pond No. 2 is 5.0 cfs, conditional. (iv) Use: Irrigation, aesthetic, piscatorial, stock watering, augmentation, fire protection, recreational, storage, wildlife and fisheries, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (c) Hofmann Pond No. 3. (i) Location: The pond is located on the No Name Creek in the NW ¼ of the NE ¼ of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The outlet from Pond No. 3 discharges to the No Name Creek at a point approximately 2,261 feet west and 667 feet south of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. (ii) Appropriation Date: August 22, 2002. (iii) Amount: 4.1 acre-feet, conditional with the right to fill and refill. (iv) Use: Irrigation, aesthetic, piscatorial, stock watering, fire protection, recreational, storage, wildlife and fisheries, augmentation, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (d) Hofmann Pond No. 4. (i) Location: The pond is located on the No Name Creek in the SW ¼ of the SE ¼ of Section 4, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The outlet from Pond No. 4 discharges to the No Name Creek at a point approximately 2,433 feet west and 709 feet north of the southeast corner of Section 4, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. (ii) Appropriation Date: September 1, 2000. (iii) Amount: 2.7 acre-feet, conditional with the right to fill and refill. (iv) Use: Irrigation, aesthetic, piscatorial, stock watering, fire protection, recreational, storage, wildlife and fisheries, augmentation, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (e) Hofmann Pond No. 5. (i) Location: The pond is located on the No Name Creek in the SW ¼ of the SE ¼ of Section 4, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The outlet from Pond No. 5 will discharge to the No Name Creek at a point approximately 2,200 feet west and 1,087 feet north of the southeast corner of Section 4, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. (ii) Appropriation Date: June 1, 1976. (iii) Amount: 1.1 acre-feet, conditional with the right to fill and refill. (iv) Use: Domestic, irrigation, aesthetic, piscatorial, stock watering, fire protection, recreational, storage, wildlife and fisheries, augmentation, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (f) Hofmann Pond No. 6. (i) Location: The pond is an off-channel pond located in the SW ¼ of the SE ¼ of Section 4, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. The Pond No. 6 filler ditch headgate is located on No Name Creek at a point approximately 1,821 feet west and 1,2559 feet south of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado. (ii) Appropriation Date: July 28, 2003. (iii) Amount: 14.0 acre-feet, conditional with the right to fill and refill. Flow rate of 5 cfs. (iv) Use: Domestic (one future residence, and up to one acre of landscaping and gardens), irrigation, aesthetic, piscatorial, stock watering, fire protection, recreational, storage, wildlife and fisheries, augmentation, and dust suppression. The location of irrigated acreage on the Applicant’s property is shown in Figure 2. (v) Name and location of sources: No Name Creek, tributary to the South Fort of Michigan River, tributary to the North Platte River. (g) Pond Specifications:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Hofmann Pond. No. | Total Storage Capacity (a/f) | Active Storage Capacity (a/f) | Dead Storage Capacity (a/f) | Surface Area at HWL (acres) | Maximum Dam Height (feet) | Dam Length (feet) |
| 1 | 54.15 | 43.65 | 10.5 | 6.2 | 8 | 750 |
| 2 | 10.3 | 10.1 | 0.2 | 1.4 | n/a | n/a |
| 3 | 4.1 | 4.1 | 0 | 0.45 | 7 | 150 |
| 4 | 2.7 | 2.7 | 0 | 0.43 | 9 | 130 |
| 5 | 1.1 | 1.1 | 0 | 0.33 | 10 | 95 |
| 6 | 14.0 | 10.0 | 4.0 | 1.0 | 10.0 | 200.0 |

(5) No Name Creek Ditch: (a) Legal Description of Point of Diversion: This direct flow right diverts water from the No Name Creek at a point located approximately 2,322 feet south and 990 feet west of the northeast corner of Section 9, Township 6 North, Range 77 West of the 6th P.M., Jackson County, Colorado, or approximately 550 feet upstream of the proposed Wait Ditch headgate location. (b) Source: No Name Creek. (c) Date of Appropriation: February 3, 2003. (d) Amount: 1.5 cfs, conditional. (e) Use: Irrigation of 18.4 acres as shown on Figure 2. (6) 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. (a) Applicant has diligently pursued the development and use of the subject water rights and, as detailed in Paragraph 7 below, during the last diligence period has diverted the subject water rights in priority and placed them to beneficial use. (b) The Hofmann Pond Nos. 1-6 and No Name Creek Ditch are part of an integrated water system serving an approximately 160-acre parcel of land owned by Applicant (hereinafter “Ranch Property”). The water system serving the Ranch Property includes, but is not limited to, surface and storage water rights and a plan for augmentation. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Applicant undertook the work described in the following paragraphs, all of which is integral and prerequisite to the orderly development of these conditional water rights. (i) The Hofmann Ponds and No Name Creek Ditch have been used for irrigation of the property depicted on Figure 2 attached. In addition, the Hofmann Ponds have been filled and refilled and water stored and subsequently used for all purposes described in paragraph 4 above. (ii) Applicant has operated the plan for augmentation for the ponds in accordance with the decree entered in Case No. 03CW37. (iii) In order to facilitate use of the Ponds and Ditch, Applicant performed yearly ditch cleaning and maintenance of the feeder ditches and Ponds on the Ranch Property. In addition, Applicant maintained and developed the irrigable land on the Ranch Property, including but not limited to installing new measurement and diversion structures, cleaning and maintaining the ditches, removing and maintaining willows and trees, and irrigation of the property. Applicant incurred approximately $57,297.00 during this diligence period in costs to complete these projects. Applicant has expended approximately $7,400 to stock the Hofmann Ponds with fish. (iv) In addition, Applicant has participated in multiple meetings and conference calls with the Division Engineer and other personnel in the State and Division Engineers’ offices concerning operation and accounting of its water rights on the Ranch Property. Applicant has incurred approximately $6,500 in legal fees to assist in these matters. (7) Claim to Make Absolute: (a) Hofmann Pond No. 1. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023. (ii) Amount: 54.15 acre-feet, plus one refill. (iii) Use: All decreed uses. (b) Hofmann Pond No. 2. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023. (ii) Amount: 10.3 acre-feet, plus one refill. (iii) Use: All decreed uses. (c) Hofmann Pond No. 3. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023. (ii) Amount: 4.1 acre-feet, plus one refill. (iii) Use: All decreed uses. (d) Hofmann Pond No. 4. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023.(ii) Amount: 2.7 acre-feet, plus one refill. (iii) Use: All decreed uses. (e) Hofmann Pond No. 5. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023. (ii) Amount: 1.1 acre-feet, plus one refill. (iii) Use: All decreed uses. (f) Hofmann Pond No. 6. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June, 2023. (ii) Amount: 5.0 acre-feet, plus one refill. Hofmann Pond No. 6 was decreed for 14.0 acre-feet. The current capacity of the pond is 5.0 acre-feet. Therefore, Applicant only seeks to make 5.0 acre-feet of this storage right absolute in this Application, and confirms that it wishes to cancel the remaining 9.0 acre-feet of this storage right. (iii) Use: All decreed uses. (g) No Name Ditch. (i) Date water applied to beneficial use: Various dates during the diligence period, including but not limited to June 25, 2023, on which date Applicant diverted at the rate of 1.5 cfs for flood irrigation. (ii) Amount: 1.5 c.f.s. (iii) Use: Irrigation of 18.4 acres shown on Figure 2. (h) Description of place of use where water is applied to beneficial use. At the locations described above in paragraphs 4 and 5 and depicted on the attached Figures 1 and 2. (i) General statement concerning in-priority diversions and storage of the subject water rights: During the last diligence period, all of the Hofmann Ponds remained full from year to year, either via in priority diversions and storage of the water rights in the ponds or operation of the plan for augmentation decreed in Case No. 03CW37. However, the plan for augmentation is not frequently needed because there is rarely a call on No Name Creek. During 2023, for example, the Hofmann Ponds were in priority for the duration of the year, water was pumped out of the ponds for irrigation purposes, and in August 2023 the ponds remained full. There was also no call on the No Name Creek Ditch water right in 2023. Attached are: (1) copies of call records for each structure for the year 2023 to date showing that there were “0” days of call on these water rights (Exhibit A); (2) a copy of the June and July 2023 diversion records for the No Name Creek Ditch water right, which shows a diversion of 1.5 c.f.s. on June 25, 2023 (Exhibit B); and (3) copies of records of pumping irrigation water out of Hofmann Ponds (Exhibit C). Applicant reserves the right to base a claim to make any or all amounts absolute in this case based on diversions made during the course of this case. (8) Names(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. Applicant. WHEREFORE, Applicant having demonstrated that it has diverted the subject water rights in priority and has placed the water rights to beneficial use, and has steadily applied effort to complete the appropriation of these water rights in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find that the Applicant has made the subject water rights absolute in the amounts claimed above, that the remaining 9.0 acre-feet of the Hofmann Pond No. 6 is canceled. In the event any portion of these water rights are not made absolute, Applicant seeks a finding that Applicant has exercised reasonable diligence in putting to beneficial use the water rights conditionally decreed and to continue the conditional decree for another six years, or such period as may otherwise be permitted by law.

**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 **August 2024** 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/ Julie A. Edwards

Deputy Court Clerk