**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 **December 2024.**

**2024CW3004 ROUTT COUNTY.** AMENDEDAPPLICATION FOR A CHANGE OF WATER RIGHT TO ADD ALTERNATE POINTS OF DIVERSION AND APPROVAL OF A PLAN FOR AUGMENTATION. 1. Name and Address of Applicant: City of Steamboat Springs (the “City”), attn: Water Resources Manager, P.O. Box 775088, Steamboat Springs, CO 80477. All pleadings should be directed to Karen Henderson at khenderson@bh-lawyers.com and Cassidy Woodard at cwoodard@bh-lawyers.com. 2. Overview. By this application, the City seeks (i) approval to change 4.67 cfs of the 6.67 cfs decreed to the Steamboat Springs Yampa River Municipal Well A water right to add four alternate points of diversion and (ii) approval of a plan for augmentation to replace any out-of-priority depletions from the use of the alternate points of diversion, as more specifically described herein. 3. Description of the Water Right to be Changed. 3.1. Name of Water Right: Steamboat Springs Yampa River Municipal Well A. 3.2. Original Decree: Case No. 90CW160 entered on October 31, 1991, by the District Court, Water Division No. 6 (the “Water Court”), with an adjudication date of December 26, 1990. 3.3. Prior Diligence/Absolute Decrees: Previous findings of reasonable diligence or to make absolute were entered by the Water Court in Case No. 97CW52 on October 20, 1998; Case No. 04CW35 on December 11, 2005; Case No. 11CW44 on September 30, 2012; and Case No. 2018CW3027 on June 3, 2019. 3.4. Decreed Location of Structure: SW¼ of the SW¼ of Section 28, Township 6 North, Range 84 West of the 6th P.M., at a point 976 feet east of the West Section line and 1,216 feet north of the South Section line of said Section 28. *See* Exhibit A and Exhibit B. The structure at this location was known a Municipal Well A, but going forward will be known as “Well A-1”. 3.5. Source: Yampa River alluvium. 3.6. Appropriation Date: December 26, 1990. 3.7. Decreed Uses: Municipal, domestic, irrigation, commercial, manufacturing, industrial, and recreational. 3.8. Amount: 6.67 cfs (3,000 gpm), of which 2.00 cfs has been made absolute and 4.67 cfs remains conditional. 3.9. Remarks: 3.9.1. The maximum annual amount of groundwater that can be withdrawn pursuant to the Steamboat Springs Yampa River Municipal Well A water right is 2,800 acre-feet. 3.9.2. When diverting the subject water right at Well A-1, any out-of-priority depletions are replaced pursuant to a plan for augmentation decreed by the Water Court in Case No. 09CW62. 3.9.3. Water diverted pursuant to the subject water right at Well A-1 operates pursuant to Well Permit No. 84231-F, issued by the Colorado Division of Water Resources. 4. Change of Water Right – Alternate Points of Diversion. 4.1. The City seeks to change 4.67 cfs of the 6.67 cfs decreed to the Steamboat Springs Yampa River Municipal Well A water right to allow the subject 4.67 cfs to alternatively divert at one or more of the following additional points of diversion: 4.1.1. Well A-2. This well will be located at UTM Coordinates (NAD 83): Easting: 345488, Northing: 4478606 (Zone 13), which is in the SW¼ of the SW¼ of Section 28, Township 6 North, Range 84 West of the 6th P.M. *See* Exhibit B. Source: Groundwater, tributary to the Yampa River. Amount: Up to 4.67 cfs, except that the cumulative rate of diversion of water from Well A-2, Well A-3, Well A-4, and Well A-5 may not exceed 4.67 cfs. 4.1.2. Well A-3. This well will be located at UTM Coordinates (NAD 83): Easting: 345418, Northing: 4478600 (Zone 13), which is in the SW¼ of the SW¼ of Section 28, Township 6 North, Range 84 West of the 6th P.M. *See* Exhibit B. Source: Groundwater, tributary to the Yampa River. Amount: Up to 4.67 cfs, except that the cumulative rate of diversion of water from Well A-2, Well A-3, Well A-4, and Well A-5 may not exceed 4.67 cfs. 4.1.3. Well A-4. This well will be located at UTM Coordinates (NAD 83): Easting: 345530, Northing: 4478496 (Zone 13), which is in the NW¼ of the NW¼ of Section 33, Township 6 North, Range 84 West of the 6th P.M. *See* Exhibit B. Source: Groundwater, tributary to the Yampa River. Amount: Up to 4.67 cfs, except that the cumulative rate of diversion of water from Well A-2, Well A-3, Well A-4, and Well A-5 may not exceed 4.67 cfs. 4.1.4. Well A-5. This well will be located at UTM Coordinates (NAD 83): Easting: 345480, Northing: 4478291 (Zone 13), which is in the NW¼ of the NW¼ of Section 33, Township 6 North, Range 84 West of the 6th P.M. *See* Exhibit B. Source: Groundwater, tributary to the Yampa River. Amount: Up to 4.67 cfs, except that the cumulative rate of diversion of water from Well A-2, Well A-3, Well A-4, and Well A-5 may not exceed 4.67 cfs. The above-described alternate points of diversion are in addition to the original point of diversion, Well A-1. 4.2. Cumulative Rate of Diversion with Well A-1. The cumulative rate of diversion of water from Well A-1, Well A-2, Well A-3, Well A-4, and Well A-5 will not exceed 6.67 cfs (3,000 gpm). 4.3. Volumetric Limit. The maximum amount of groundwater that may be withdrawn pursuant to the Steamboat Springs Yampa River Municipal Well A water right, as changed herein, from Well A-1, Well A-2, Well A-3, Well A-4, and Well A-5 may not exceed 2,800 acre-feet each year. 4.4. Remarks. The 4.67 cfs subject to the change is still decreed conditional. The contemplated draft of the 4.67 cfs conditional water right being changed will remain the same when taken at the alternate points of diversion. The place of use for the alternate points of diversion is the same as water diverted at Well A-1, which is all areas served by the City’s municipal water distribution system (aka the City’s current and future service areas). 5. Plan for Augmentation. 5.1. Description of the Water Right to be Augmented: 4.67 cfs of the 6.67 cfs decreed to the Steamboat Springs Yampa River Municipal Well A when diverted at Well A-2, Well A-3, Well A-4, and/or Well A-5 (collectively “Alternate Wells”). 5.2. Water Rights to be Used for Augmentation. The City has a contract with the Upper Yampa Water Conservancy District for the annual release of up to 552 acre-feet of water stored in Stagecoach Reservoir (hereinafter the “Stagecoach Contract Water”). The term Stagecoach Contract Water also includes any future increase(s) to the amount of water that the City contracts to use out of Stagecoach Reservoir. The water rights decreed for diversion and/or storage in Stagecoach Reservoir (fka Bear Reservoir) include, but are not limited to, Four Counties Ditch No. 1 and No. 3: Priority Nos. 40 through 40-0; Four Counties Ditch No. 3, Enlargement and Extension: Priority Nos. 45 through 45M; Bear Reservoir; Bear Reservoir Enlargement; Pleasant Valley Reservoir; Pleasant Valley Feeder Canal; Yellow Jacket Ditch; Union Ditch; Little Chief Ditch; Little Morrison Diversion; Little Morrison Diversion Alternate; and the Stagecoach Reservoir, Second Filling, and are described in decrees of the Routt County District Court in Civil Action Nos. 2475, 3538, and 3926, as well as the Water Court in Case Nos. W-1091-76, W-946-76, W-414-72, 92CW26, 94CW149, 95CW78, 95CW116, 97CW84, 01CW41, 04CW10, 07CW40; 16CW3016. The Stagecoach Reservoir dam is located in the SW¼ of the SE¼ of Section 29, Township 4 North, Range 84 West, 6th P.M. The right abutment of the dam for Stagecoach Reservoir is located whence the West ¼ corner of Section 32, Township 4 North Range 84 West of the 6th P.M., bears South 47°35’ West a distance of 4,633 feet, which point is 485 feet from the South Section line and 3363 feet from the West Section line of Section 29 Township 4 North Range 84 West of the 6th P.M. 5.3. Description of the Plan for Augmentation. The City seeks to augment the alternate points of diversion described in paragraph 4 above with releases of its Stagecoach Contract Water. At such times as the stream depletions from the Alternate Wells are out-of-priority by virtue of a valid downstream senior call, such out-of-priority depletions will be augmented by the timely release of the City’s Stagecoach Contract Water. 5.3.1. Depletion calculation and replacement plan. Diversions from Well A-2, Well A-3, Well A-4, and Well A-5 result in lagged stream depletions to the Yampa River. Replacement will occur as follows: 5.3.1.1. Where the downstream call is from a senior water right located in the reach of the Yampa River downstream of the Alternate Wells, but upstream of the point of effluent discharge to the Yampa River from the City’s wastewater treatment plant, the City shall cause the release of its Stagecoach Contract Water in an amount sufficient to replace 100% of the out-of-priority stream depletions resulting from diversions from the Alternate Wells. The City’s Wastewater Treatment Plant discharge is located in the NE ¼ of the NE ¼ of Section 9, Township 6 North, Range 85 West of the 6th P.M. 5.3.1.2. Where the downstream call is from a senior water right located downstream of the point of effluent discharge from the City’s wastewater treatment plant, the City shall replace the out-of-priority stream depletions from the Alternate Wells minus return flows to the river at the City’s wastewater treatment plant attributable to the diversions from the Alternate Wells, which shall be calculated in a manner acceptable to the Division Engineer. 5.3.1.3. When water available under the Stagecoach Contract Water is transported to the required location of replacement of diversions or depletions, the Division Engineer shall assess transit losses from the point of introduction to the stream to the point of replacement in the same manner as for other water users using the stream for carriage. 5.3.2. Map. See Exhibit A for a map depicting the location of Stagecoach Reservoir, the Alternate Wells, and the City’s wastewater treatment plant. [6 pages + maps]

**2024CW3040 JMS BEAR CREEK RANCH, LLC**, JMS Bear Creek Ranch LLC: c/o Jose Smith, 12245 SW 64th Ave. Pinecrest, Florida 33156. E-mail: jsmith@costafarms.com Phone: (305) 710-3731. Please direct all correspondence concerning this Application to: David L. Kueter, Esq., and Kent Holsinger, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Ste. 500, Denver, Colorado 80202, Telephone: (303) 722-2828, Email: dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **APPLICATION FOR ABSOLUTE WATER STORAGE RIGHT IN THE WILLIAMS FORK OR ITS TRIBUTARIES IN ROUTT COUNTY.** 1. 2. Name of Reservoir: Homestead Pond. 3. Legal description of location (see Exhibit A): A, UTM coordinates**:** Northing 4466529.15961 meters, Easting 305336.87705 meters, Zone 13; 30857 CR 53, Hayden CO 81639; B. Source of UTMs: Jeff Goble, Water Commissioner District 44; C. Legal Description: SE1/4 of the SE1/4, Section 8, Township 4N, Range 88W, 6th P.M., Routt County, Colorado. 4. Source: Unnamed Creek, tributary to Willow Creek, tributary to the Williams Fork, tributary to the Yampa River. 5. If filled from a ditch: A. Name(s) of ditch(es) used to fill reservoir and capacity in cubic feet of water per second (cfs): N/A. Homestead Pond is an on-channel reservoir. B. Legal description of each point of diversion: N/A. 6. A. Date of appropriation: December 31, 1983. B. How appropriation was initiated: By construction of the pond and use for stockwatering and wildlife. C. Date water applied to beneficial use: On or before December 31, 1983. 7. Amount claimed: A. 5.0 acre feet absolute. 8. List All Uses or Proposed Uses: Stockwatering and wildlife watering. A. If irrigation, complete the following: N/A. B. If non-irrigation, describe purpose fully: Stockwatering and wildlife uses will occur within the confines of the reservoir. 9. Surface area of high water line: 2.15 Acres. A. Vertical height of dam: 8.0 feet. B. Length of dam in feet: 151 feet. 10. A. Total capacity of reservoir in acre feet: 5.0 acre feet. B. Active capacity: 5.0 acre feet. C. Dead storage: 0 acre feet. 11. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing 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. 12. Remarks or any other pertinent information: N/A. 5 pages and 1 exhibit pages.

**2024CW3041. ROUTT COUNTY. YAMPA RIVER OR ITS TRIBUTARIES**, JACK CREEK RANCH, LLC, c/o Scott C. Miller, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR STORAGE WATER RIGHT. **First Claim: For Absolute and Conditional Storage Water Right**. Name of structure: Overman Reservoir, First Enlargement. Legal description: The dam is located in the NW ¼ SE ¼ of Section 26, Township 4 North, Range 85 West, of the 6th P.M., at a point approximately 1,494 feet from the south section line and 1,506 feet from the east section line (Routt County). GPS coordinates: N 40°17’15.3652”, W 106°53’17.8742”.. A map is on file with the Court as Exhibit A. Source: Unnamed draw, tributary to Yampa River. Appropriation date: August 6, 1906 for absolute uses; December 31, 2024 for conditional irrigation use. Amount: 50 acre-feet, absolute, for aesthetic, recreation, piscatorial, wildlife watering, and fire protection, with the right to fill and refill in priority; 50 acre-feet, conditional, for irrigation, with the right to fill and refill in priority. The 50 acre-feet amount is cumulative, not separate and additive. Uses: Aesthetic, recreation, piscatorial, wildlife watering, irrigation, and fire protection. Surface area of high water line: 10 acres. Height of dam: Less than 10 feet. Length of dam: 160 feet approximately. Total capacity: 50.41 acre-feet. Active capacity: 40 acre-feet. Dead storage: 10 acre-feet. Remarks: On February 5, 1987 in Case No. 85CW111, the Division 6 Water Court decreed an absolute storage water right for the Overman Reservoir for 50.41 acre-feet for irrigation, livestock, recreation, and fishery purposes. That water right is subject to the one-fill rule. Applicant now requests a First Enlargement of the Overman Reservoir to allow additional storage for aesthetic, recreation, piscatorial, wildlife watering, irrigation, and fire protection uses. Applicant owns the land on which the water right is located and where water is and will be put to beneficial use. To the extent the Court finds any portion of the Overman Reservoir, First Enlargement water right is not proven absolute for the amounts and uses claimed in this application, Applicant claims a conditional water right for those amounts and uses.

**2024CW3042 Routt County and Moffat County**, District Court, Water Division No. 6, Colorado, Routt Justice Center, 1955 Shield Drive, Unit 200, Steamboat Springs, Colorado, 80487. **APPLICATION FOR SURFACE WATER RIGHTS AND WATER STORAGE RIGHTS.** Name, Address, Telephone Number, and Email Address of Applicant: Duncan Livestock Company (“Applicant”), P.O. Box 14, Dixon, WY 82323, duncanlivestockcompany@gmail.com c/o Miguel Suazo and Devon D.A. Bell, Beatty & Wozniak, P.C., 1675 Broadway, Ste. 600, Denver, Colorado 80202, (303) 407-4499. Overview: The Application pertains to the water rights and uses of the Duncan Livestock Company’s (“Duncan” or “Applicant”) ranch located in Slater, Colorado, as well as uses within the Welba Peak Unit in Moffat and Routt Counties. Duncan seeks to develop new junior water storage rights to be used for agricultural, irrigation, mineral/oil and gas development and operations, fire mitigation and suppression, recreation, domestic, and piscatorial uses. To achieve these intended uses, Duncan plans to construct five new water storage reservoirs with a junior priority date utilizing diversions from existing ditch headgates. 3) Name of Decreed Diversion Structure: **Duncan Ditch No. 1**. 3.1 Legal Description of Point of Diversion: Duncan Ditch No. 1, located at the headgate on the east bank of the Roaring Fork of the Slater Creek whence the ¼ cor., between Section 1 and 2 T11N R89W 6th P.M., bears north 33 degrees, west 912 feet. This point is depicted on the location map attached as Ex. A. 3.2 Original Date of Appropriation: June 1, 1916. 3.3 Date of Original Adjudication: June 23, 1964, Case No. CA 1598. 3.4 Source: Roaring Fork of Slater Creek. 3.5 Decreed Amount: 24.5 cfs, including 7 cfs transferred from the Timberlake Ditch (W-0463). 3.6 Decreed Uses: Irrigation and domestic use. 3.7 Names of off-channel reservoir locations to be filled from the Duncan No. 1 Ditch. 3.7.1 Duncan Reservoir No. 1: Combination of off-channel below-ground excavated storage and minor above-ground storage with a berm, filled using water rights from the Duncan Ditch No. 1 (Ex. B). 3.7.1.1 Type: Reservoir and storage. 3.7.1.2 Appropriation Date: December 30, 2024. 3.7.1.4 Source: Roaring Fork of the Slater Creek. 3.7.1.5 Diversion Rate: 24.5 cfs, combined for all reservoirs filled by the Duncan No. 1 Ditch. 3.7.1.6 Reservoir Location: Reservoir will be located within the following quarter-quarter sections: (1) SE1/4, NE1/4, Section 36, T11N, R89W; (2) NE1/4, SE1/4, Section 36, T11N, R89W; (3) NW1/4, SW1/4, Section 31, T11N, R88W; (4) SW1/4, SW1/4, Section 31, T11N, R88W. 3.7.1.7 Storage Volume Above Ground: 96 acre-feet. 3.7.1.8 Storage Volume Underground: 520 acre-feet. 3.7.1.9 Total Storage Volume: 616 acre-feet. 3.7.1.10 Surface Area at Maximum Volume: 15 acres. 3.7.1.11 Height and Length of Dam: 10 feet in height; approximately 2,180 feet in length. 3.7.1.12 Maximum Pool Depth Above Grade: 7 feet. 3.7.1.13 Proposed Uses: Irrigation, mineral and oil/gas development and operations in the Welba Peak Unit in Moffat and Routt Counties (see Ex. C for boundaries), fire mitigation and suppression, recreation, and domestic, and piscatorial uses. 3.7.2 Duncan Reservoir No. 2: Combination of off-channel below-ground excavated storage and minor above-ground storage with a berm, filled using water rights from the Duncan Ditch No. 1 (Ex. B). 3.7.2.1 Type: Reservoir and storage. 3.7.2.2 Appropriation Date: December 30, 2024. 3.7.2.4 Source: Roaring Fork of Slater Creek. 3.7.2.5 Diversion Rate: 24.5 cfs, combined for all reservoirs filled by the Duncan No. 1 Ditch. 3.7.2.6 Reservoir Location (1/41/4 in PLSS): (1) NE1/4, SE1/4, Section 36, T11N, R89W; (2) SE1/4, SE1/4, Section 36, T11N, R89W; (3) NW1/4, NW1/4, Section 06, T10N, R88W. 3.7.2.7 Storage Volume Above Ground: 35 acre-feet. 3.7.2.8 Storage Volume Underground: 200 acre-feet. 3.7.2.9 Total Storage Volume: 235 acre-feet. 3.7.2.10 Surface Area at Maximum Storage: 7 acres. 3.7.2.11 Height and Length of Dam: 10 feet in height and approximately 1,160 feet in length. 3.7.2.12 Maximum Pool Depth Above Grade: 7 feet. 3.7.2.13 Proposed Uses: Irrigation, mineral and oil/gas development and operations in the Welba Peak Unit in Moffat and Routt Counties (see Ex. C for boundaries), fire mitigation and suppression, recreation, domestic, and piscatorial uses. 3.7.3 Duncan Reservoir No. 4: Combination of off-channel below-ground excavated storage and minor above-ground storage with a berm, filled using water rights from the Duncan Ditch No. 1 (Ex. B). 3.7.3.1 Type: Reservoir and storage. 3.7.3.2 Appropriation Date: December 30, 2024. 3.7.3.4 Source: Roaring Fork of the Slater Creek. 3.7.3.5 Diversion Rate: 24.5 cfs, combined for all reservoirs filled by the Duncan No. 1 Ditch. 3.7.3.6 Reservoir Location: Reservoir will be located within the following quarter-quarter sections: (1) NE1/4, SW1/4, Section 31, T11N, R88W; (2) NW1/4, SE1/4, Section 31, T11N, R88W: (3) SW1/4, SE1/4, Section 31, T11N, R88W; (4) SE1/4, SW1/4, Section 31, T11N, R88W. 3.7.3.7 Storage Volume Above Ground: 95 acre-feet. 3.7.3.8 Storage Volume Underground: 470 acre-feet. 3.7.3.9 Total Storage Volume: 565 acre-feet. 3.7.3.10 Surface Area at Maximum Storage: 17 acres. 3.7.3.11 Height and Length of Dam: 10 feet in height and approximately 780 feet in length. 3.7.3.12 Maximum Pool Depth Above Grade: 7 feet. 3.7.3.13 Proposed Uses: Irrigation, mineral and oil/gas development and operations in the Welba Peak Unit in Moffat and Routt Counties (see Ex. C for boundaries), fire mitigation and suppression, recreation, domestic, and piscatorial uses. 4. Name of Decreed Diversion Structure: **Duncan Ditch No. 2.** 4.1 Date of Appropriation: June 1, 1930. 4.2 Date of Original Adjudication: June 23, 1964, Case No. CA 1598. 4.3 Legal Description: Located at the headgate on the west bank of the Roaring Fork of Slater Creek whence the SE cor. Section 2 T11N, R89W bears south 57 degrees, 21 east 383 feet. This point is depicted on the location map attached as Ex. A. 4.4 Source: Roaring Fork of Slater Creek. 4.5 Amount: 4 cfs (decree number). 4.6 Amount transferred: 3 cfs from the Timberlake Ditch (W0464). 4.7 Total Decreed Amount: 7 cfs. 4.8 Decreed Uses: Irrigation and domestic purposes. 4.9 Name of off-channel reservoir location to be filled from the Duncan No. 2 Ditch. 4.9.1 Duncan Reservoir No. 5: Combination of off-channel below-ground excavated storage and minor above-ground storage with a berm, filled using water rights from the Duncan Ditch No. 2 (Ex. B). 4.9.1.1 Type: Reservoir and storage. 4.9.1.2 Appropriation Date: December 30, 2024. 4.9.1.4 Source: Cataract Creek. 4.9.1.5 Diversion Rate: 9.0 cfs. 4.9.1.6 Reservoir Location: Reservoir will be located within the following quarter-quarter sections: (1) SE1/4, NW1/4, Section 36, T11N, R89W; (2) SW1/4, NW1/4, Section 36, T11N, R89W; (3) NE1/4, NW1/4, Section 36, T11N, R89W. 4.9.1.7 Storage Volume Above Ground: 85 acre-feet. 4.9.1.8 Storage Volume Underground: 330 acre-feet. 4.9.1.9 Total Storage Volume: 415 acre-feet. 4.9.1.10 Surface Area at Maximum Storage: 11.5 acres. 4.9.1.11 Height and Length of Dam: 10 feet in height and approximately 1,000 feet in length. 4.9.1.12 Maximum Pool Depth Above Grade: 7 feet. 4.9.1.13 Proposed Uses: Irrigation, mineral and oil/gas development and operations in the Welba Peak Unit in Moffat and Routt Counties (see Ex. C for boundaries), fire mitigation and suppression, recreation, domestic, and piscatorial uses. 5. Name of Decreed Diversion Structure: **Lester Ditch**. 5.1 Date of Original Adjudication: September 22, 1905. 5.2 Change in Location Case Number: Case No. 91CW0084, Routt County District Court. 5.3 Date of Appropriation: May 30, 1903. To prevent injury, the applicant, Harry Duncan, and Ralph Roy, owner of the Peisker Ditch, agreed that the Lester Ditch would be administered as having the same priority as the Peisker Ditch water right. The Peisker Ditch water right for 0.6 cfs has an adjudication date of October 16, 1919, and an appropriation date of August 1, 1914. 5.4 Original Legal Description: Section 26, T11N, R89W of the 6th P.M., Moffat County, Colorado, at a point 100 feet West of the East Line and 2,200 feet North of the South Line of the same section. 5.5 Changed Legal Headgate Description: Section 36, T11N, R89W of the 6th P.M., Moffat County, Colorado, at a point 100 feet east of the west line and 2,440 feet north of the south line of the same section. This point is depicted on the location map attached as Ex. A. 5.6 Original Source: Beaver Creek. 5.7 Changed Source: Cataract Creek. 5.8 Original Amount: 4 cfs. 5.9 Changed Amount: 1.92 cfs. 5.10 Decreed Amount: 5.92 cfs. 5.11 Special Case: Pursuant to the Order issued in Case No. 91CW0084, Paragraph 12, the “Lester Ditch Water Right may not place calls for water up the Cataract Creek.” 5.12 Decreed Uses: Irrigation of approximately 80 acres, limited to historically irrigated acres. Name of off-channel reservoir location to be filled from the Lester Ditch. 5.13.1 Duncan Reservoir No. 3: Combination of off-channel below-ground excavated storage and minor above-ground storage with a berm, filled by the Lester Ditch (Ex. B). 5.13.1.1 Type: Reservoir and storage. 5.13.1.2 Appropriation Date: December 30, 2024. 5.13.1.4 Source: Cataract Creek. 5.13.1.5 Diversion Rate: 5.92 cfs. 5.13.1.6 Reservoir Location: Reservoir will be located within the following quarter-quarter sections: (1) SW1/4, SW1/4, Section 25, T11N, R89W; (2) SE1/4, SW1/4, Section 25, T11N, R89W; (3) NW1/4, NW1/4, Section 36, T11N, R89W; (4) NE1/4, NW1/4, Section 36, T11N, R89W; (5) SE1/4, NW1/4, Section 36, T11N, R89W; (6) SW1/4, NW1/4, Section 36, T11N, R89W. 5.13.1.7 Storage Volume Above Ground: 90 acre-feet. 5.13.1.8 Storage Volume Underground: 480 acre-feet. 5.13.1.9 Total Storage Volume: 570 acre-feet. 5.13.1.10 Surface Area at Maximum Storage: 16 acres. 5.13.1.11 Height and Length of Dam: 10 feet in height and approximately 1,250 feet in length. 5.13.1.12 Maximum Pool Depth Above Grade: 6 feet. 5.13.1.13 Proposed Use: Irrigation, mineral and oil/gas development and operations in the Welba Peak Unit in Moffat and Routt Counties (see Ex. C for boundaries), fire mitigation and suppression, recreation, domestic, and piscatorial uses. 6. Names and address of owners upon which any structure is or will be located: Duncan Livestock Company, P.O. Box 14, Dixon, Wyoming 82323; United States Forest Service, Routt National Forest, 925 Weiss Drive, Steamboat Springs, Colorado 80487; Klase Family Homestead, LLC, 1489 Lyons Ridge Drive, Morrison, Colorado 80465; and APW CORP, 30616 Berrycreek Drive, Georgetown, Texas 78628. **WHEREFORE**, Applicant requests the court approve the Application upon such terms and conditions as are just and proper.

**2024CW3043**, Watson Creek, tributary to Yampa River in Routt County, Colorado, **Application for Correction of Established But Erroneously Described Point of Diversion Pursuant to C.R.S. § 37-92-305(3.6)** 1. ***Name, mailing address, email address, telephone number of Applicants:*** L. Dean Rossi and Jim L. Rossi (aka James Lee Rossi) P.O. Box 268, Yampa CO, 80483 (“Rossis”). Direct all pleadings and court-related documents to Claire E. Sollars, Esq., P.O. Box 773474, Steamboat Springs, CO 80477, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875-3370. 2. ***Decreed water rights for which correction is sought***: a. ***Name of structure***: Powell Ditch No. 1. b. ***Date of original and subsequent decrees, including case numbers and court***: Original Adjudication - September 22, 1892, District Court of Ninth Judicial District, Routt County, Colorado (Exhibit 1 (excerpt from 09/22/1892 Decree)). Civil Action No. 2475 (Supplemental Decree) – September 14, 1946, District Court, Routt County, Colorado (Exhibit 2 (excerpt from Civil Action No. 2475 Decree)). c. ***Legal descriptions (as decreed) of Powell Ditch No. 1 Headgate***: Original Adjudication - left and West bank of Watson Creek at a point South 27 degrees 10 minutes West 1080 feet from East ¼ corner of Sec. 8, T. 2 N., R. 85 W, 6th P.M., in Routt County. Civil Action 2475 (Supplemental Decree): left and west bank of [Watson Creek] at a point south 27 degrees 10 minutes West 1080 feet from the S¼ corner of Section 8, Township 2 North of Range 85 West of the 6th P.M., in. Routt County, Colorado. d. ***Decreed source of water***: Watson Creek, tributary to Yampa River. e. ***Appropriation Dates***: Original Adjudication – May 12, 1889, Priority No. (70) 76; Civil Action 2475 (Supplemental Decree) – June 1, 1919, Priority No. 320-C. f. ***Total amount decreed to structure***: 1.00 cfs, absolute (Original Adjudication – 0.34 cfs, absolute; Civil Action 2475 (Supplemental Decree) – 0.66 cfs, absolute). g. ***Decreed use or uses***: Original Adjudication – irrigation of 20 acres; Civil Action 2475 (Supplemental Decree) – irrigation of 22.5 acres. h. ***Amount of water decreed***: Original Adjudication – 0.34 cfs, absolute; Civil Action 2475 (Supplemental Decree) – 0.66 cfs, absolute. 3. ***Detailed description of proposed correction to established but erroneously described point of diversion***: In 2021, Rossis filed an application regarding their water rights, including Powell Ditch No. 1 (Water Div. 6 Case No. 2021CW3053). During review of Case No. 2021CW3053, it was determined that neither of the decreed legal descriptions correctly describe the established point of diversion for Powell Ditch No. 1; the application was withdrawn. Rossi filed this Application pursuant to C.R.S. § 37-92-305(3.6) to correct the erroneous description. a. ***Complete statement of correction to established but erroneously described points of diversion***. Rossis acquired the Powell Ditch No. 1 water rights from R&T Land & Cattle (Snowden Ranch), LLC by Bargain and Sale Deed executed on May 15, 2006. Exhibit 3 (Bargain and Sale Deed). Rossis, as owners and users of the Powell Ditch No. 1 water rights at the established point of diversion, are “Diverters” within the meaning of C.R.S. § 37-92-305(3.6)(a)(I). Based on DWR records, at least since 1934, the Powell Ditch No 1 water rights have been diverted at the established point of diversion. (Exhibit 4 (Diversion Totals); Exhibit 5 (Diversions Chart)). Consequently, the Powell Ditch No. 1 point of diversion has a rebuttable presumption of being at the same physical location since its inception. C.R.S. § 37-92-305(3.6)(a)(II)(A). The established point of diversion is not located at either location specified in the decrees. Id., -305(3.6)(a)(II)(B). In addition to Rossis, upon information and belief, the prior owners and users of the Powell Ditch No. 1 water rights have always diverted water at the established location with the intent to divert pursuant to the decreed water rights. *Id*., -305(3.6)(a)(II)(C). See Exhibit 6 (Powell Ditch No. 1 Structure Detail). The Powell Ditch No. 1 point of diversion is established and both water rights are diverted at the established location. *Id*., -305(3.6)(d)(IV). With this Application, Rossis have not included or consolidated or joined any type of change of water right or diligence proceeding or application to make absolute. *Id*., -305(3.6)(d)(V). Rossis do not seek to requantify the Powell Ditch No. 1 water rights. *Id*., -305(3.6)(g)(I). Rossis submit they have demonstrated, by a preponderance of the evidence, that there is a rebuttable presumption that correcting the established but erroneously described point of diversion: (1) will not cause an enlargement of the historical use of the Powell Ditch No. 1 water rights, and (2) does not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. *Id*., -305(3.6)(e). b. ***Corrected legal description of Powell Ditch No. 1 established point of diversion:*** PLSS - NW4 SW4 Section 17, Township 2 North, Range 85 West of the 6th Principal Meridian, in Routt County, Colorado; UTM coordinates (Zone 13, NAD83) - 333255 mE, 4445215 mN. The corrected legal description was obtained from and confirmed by the Division of Water Resources. Exhibit 7 depicts both decreed locations and the established location of the Powell Ditch No. 1 diversion. 4. ***Names and addresses of owners or reputed owners of the land upon which the Powell Ditch No. 1 established point of diversion is located***: Fish & Cross Ranch, LLC, P.O. Box 9, Yampa, Colorado 80483. Rossis own the real property upon which Powell Ditch No. 1 water rights have been used and will continue to be used. 5. ***Remarks***: a. Historically and presently, Powell Ditch No. 1 has been and continues to be used to divert water from Watson Creek for irrigation of 75 acres. Rossis do not claim an enlargement of the decreed water rights (1.0 cfs for irrigation use on 42.5 acres). Contemporaneously with the filing of this Application, Rossis filed an Application for Surface Water Rights to claim a new junior water right for the increased irrigation use, to confirm past practices of livestock and wildlife watering during the irrigation season, and to claim a conditional use of livestock and wildlife watering outside of the irrigation season. b. Pursuant to C.R.S. Section 37-92-305(3.6), *Correction to An Established But Erroneously Described Point of Diversion*, Rossis request the Water Court enter findings that: (1) Rossis satisfied the statutory requirements for the Court to correct the established but erroneously described point of diversion of the Powell Ditch No. 1 water rights, and (2) correcting the Powell Ditch No. 1 point of diversion will not cause an enlargement of the historical use and will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. Rossis request the Court enter a decree correcting the established but erroneously described point of diversion of the Powell Ditch No. 1 water rights as set forth in this Application and grant such other relief as the Court deems proper.

**2024CW3044** Watson Creek, tributary to Yampa River in Routt County, Colorado**, Application for Correction of Established But Erroneously Described Point of Diversion Pursuant to C.R.S. § 37-92-305(3.6)** 1. ***Name, mailing address, email address, telephone number of Applicants***: L. Dean Rossi and Jim L. Rossi (aka James Lee Rossi) P.O. Box 268, Yampa CO, 80483 (“Rossis”). Direct all pleadings and court-related documents to Claire E. Sollars, Esq., P.O. Box 773474, Steamboat Springs, CO 80477, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875-3370. 2. D***ecreed water rights for which correction is sought***: a. ***Name of structure***: Powell Ditch No. 2. b. ***Date of original and subsequent decrees, including case numbers and court***: Original Adjudication - September 22, 1892, District Court of Ninth Judicial District, Routt County, Colorado (Exhibit 1 (excerpt from 09/22/1892 Decree). Civil Action No. 2475 (Supplemental Decree)– September 14, 1946, District Court, Routt County, Colorado (Exhibit 2 (excerpt from Civil Action No. 2475 Decree)). c. ***Legal descriptions (as decreed) of Powell Ditch No. 2 Headgate***: Original Adjudication and Civil Action 2475 (Supplemental Decree): left or East bank of Watson Creek at a point North 23 3/4 degrees E 1920 feet from W 1/4 corner Sec. 9, T. 2 N, R. 85 W 6th P.M., in Routt County. In Civil Action No. 3538 (decreed March 30, 1964), the Court awarded Francis Moore a water right for the Powell Ditch No. 2 Extension, with a decreed point of diversion from the Powell Ditch No. 2; the decree described the point of diversion for the Powell Ditch No. 2 headgate as “located on west bank of Watson Creek at a point from whence the E 1/4 cor Sec. 8 T. 2 N. R. 85 W. 6th P.M. bears S. 27 deg. 10’ W. 1080 feet. (Exhibit 3 (excerpt from Civil Action No. 3538 Decree)). The Powell Ditch No. 2 Extension is not owned or used by Rossis, and is not part of this Application. d. ***Decreed source of water***: Watson Creek, tributary to Yampa River. e. ***Appropriation Dates***: Original Adjudication – May 12, 1889, Priority No. (71) 77; Civil Action 2475 (Supplemental Decree) – June 1, 1919, Priority No. 320-D. f. ***Total amount decreed to structure***: 1.00 cfs, absolute (Original Adjudication – 0.34 cfs, absolute; Civil Action 2475 (Supplemental Decree) – 0.66 cfs, absolute). g. ***Decreed use or uses***: Original Adjudication – irrigation of 20 acres; Civil Action 2475 (Supplemental Decree) – irrigation of 21.8 acres. h. ***Amount of water decreed***: Original Adjudication – 0.34 cfs, absolute; Civil Action 2475 (Supplemental Decree) – 0.66 cfs, absolute. 3. ***Detailed description of proposed correction to established but erroneously described points of diversion:*** In 2021, Rossis filed an application regarding their water rights, including Powell Ditch No. 2 (Water Div. 6 Case No. 2021CW3053). During review of Case No. 2021CW3053, it was determined that that the legal description as decreed in the Original Adjudication and Civil Action 2475 did not correctly describe the established point of diversion for Powell Ditch No. 2; the application was withdrawn. Rossis filed this Application pursuant to C.R.S. § 37-92-305(3.6) to correct the erroneous description. a. ***Complete statement of correction to established but erroneously described points of diversion***. Rossis acquired the Powell Ditch No. 2 water rights from R&T Land & Cattle (Snowden Ranch), LLC by Bargain and Sale Deed executed on May 15, 2006. Exhibit 4. Rossis, as owners and users of the Powell Ditch No. 2 water rights at the established point of diversion, are “Diverters” within the meaning of C.R.S. § 37-92-305(3.6)(a)(I). Based on DWR records, at least since 1932, the Powell Ditch No. 2 water rights have been diverted at the established point of diversion. (Exhibit 5 (Diversion Totals); Exhibit 6 (Diversions Chart)). Consequently, there is a rebuttable presumption that the Powell Ditch No. 2 point of diversion has been at the same physical location since its inception. C.R.S. § 37-92-305(3.6)(a)(II)(A). The established point of diversion is not located at the location as specified in the decrees. *Id*., -305(3.6)(a)(II)(B). In addition to Rossis, upon information and belief, the prior owners of the Powell Ditch No. 2 water rights have always diverted water at the established location with the intent to divert pursuant to the decreed water rights. *Id*., -305(3.6)(a)(II)(C). See Exhibit 7 (Powell Ditch No. 2 Structure Detail (including irrigation use information)). Further support for this Application is presented in the decree entered in Civil Action No. 3538 (Powell Ditch No. 2 Extension). That decree (see Ex. 3) includes a legal description for the point of diversion for the Powell Ditch No. 2 headgate, which is within 200 feet of the corrected location stated herein. The Powell Ditch No. 2 point of diversion is established and both water rights are diverted at the established location. *Id*., -305(3.6)(d)(IV). With this Application, Rossis have not included or consolidated or joined any type of change of water right or diligence proceeding or application to make absolute. *Id*., -305(3.6)(d)(V). Rossis do not seek to requantify the Powell Ditch No. 2 water rights. *Id*., -305(3.6)(g)(I). Rossis submit they have demonstrated, by a preponderance of the evidence, that there is a rebuttable presumption that correcting the established but erroneously described point of diversion: (1) will not cause an enlargement of the historical use of the Powell Ditch No. 2 water rights, and (2) does not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. *Id*., -305(3.6)(e). b. ***Corrected legal description of Powell Ditch No. 2 established point of diversion***: PLSS - NE4 SE4 Section 8, Township 2 North, Range 85 West of the 6th Principal Meridian, in Routt County, Colorado; UTM coordinates (Zone 13, NAD83) - 334369 mE, 4446806 mN. The corrected legal description was obtained from and confirmed by the Division of Water Resources. Exhibit 8 depicts the decreed location and established locations of the Powell Ditch No. 2 point of diversion. 4. ***Names and addresses of owners or reputed owners of the land upon which the Powell Ditch No. 2 established point of diversion is located***: Rossis own the land where the Powell Ditch No. 2 headgate is located, and where the water rights have been used and will continue to be used. 5. ***Remarks***: a. Historically and presently, in addition to irrigation, the Powell Ditch No. 2 water rights have been used for livestock and wildlife watering. Contemporaneously with filing this Applications, Rossis filed an Application for Surface Water Rights to confirm past practices of livestock and wildlife watering. b. Pursuant to C.R.S. Section 37-92-305(3.6), *Correction to An Established But Erroneously Described Point of Diversion*, Rossis request the Water Court enter findings that: (1) Rossis satisfied the statutory requirements for the Court to correct the established but erroneously described point of diversion of the Powell Ditch No. 2 water rights, and (2) correcting the Powell Ditch No. 2 point of diversion will not cause an enlargement of the historical use and will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. Rossis request the Court enter a decree correcting the established but erroneously described point of diversion of the Powell Ditch No. 2 water rights as set forth in this Application and grant such other relief as the Court deems proper.

**2024CW3045** Watson Creek, tributary to Yampa River in Routt County, Colorado**, Application for Absolute and Conditional Surface Water Rights** 1. ***Name, mailing address, email address, telephone number of Applicants***: L. Dean Rossi and Jim L. Rossi (aka James Lee Rossi) P.O. Box 268, Yampa CO, 80483 (“Rossis”). Direct all pleadings and court-related documents to Claire E. Sollars, Esq., P.O. Box 773474, Steamboat Springs, CO 80477, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875-3370. 2. ***Overview***: In 2021, Rossis filed an application (Water Div. 6 Case No. 2021CW3053) claiming, in part, additional uses for Powell Ditch No. 1 and Powell Ditch No. 2 water rights owned by Rossis and a new water right for the Powell Ditch No. 1 First Enlargement. During review of Case No. 2021CW3053, it was determined that the legal descriptions for the established Powell Ditch No. 1 and Powell Ditch No. 2 points of diversion were in error. Additionally, Powell Ditch No. 1 was and continues to be used to irrigate 75 acres, which is more than the total acreage decreed for the Powell Ditch No. 1 water rights. Rossis withdrew the 2021 application. Contemporaneously with the filing of this Application, Rossis also filed an *Application for Correction of Established but Erroneously Described Point of Diversion Pursuant to C.R.S. Section 37-92-305(3.6)* for each of the Powell Ditch No. 1 and Powell Ditch No. 2 water rights. In this Application, Rossis claim (1) absolute rights for Powell Ditch No. 1 and Powell Ditch No. 2 (livestock and wildlife watering during irrigation season), (2) absolute right for Powell Ditch No. 1 First Enlargement (irrigation, and livestock and wildlife watering during irrigation season), (3) absolute rights for Powell Ditch No. 2 (livestock and wildlife watering outside of irrigation season), and (4) conditional rights for Powell Ditch No. 1 First Enlargement (livestock and wildlife watering outside of irrigation season). 3. ***Names of Structures***: Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement, Powell Ditch No. 2. 4. ***Legal Descriptions* (PLSS and Zone 13 UTM Coordinates (not averaged))**: All structures are located in Township 2 North, Range 85 West of the 6th Principal Meridian, in Routt County, Colorado and are depicted on the filed maps. PLSS and UTM coordinates (Zone 13, NAD83) legal descriptions were obtained from and confirmed by the Division of Water Resources. a. Powell Ditch No. 1 – Section 17, NW4 SW4, 333255 mE, 4445215 mN; b. Powell Ditch No. 1 First Enlargement – Section 17, NW4 SW4, 333255 mE, 4445215 mN; c. Powell Ditch No. 2 - Section 8, NE4 SE4, 334369 mE, 4446806 mN. 5. ***Source of Water***: Watson Creek, tributary to Yampa River. *6.* ***Appropriation Dates and Methodologies***: a. Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement: April 15, 1943; historic practice of using diverted water for livestock and wildlife watering during irrigation season (April 15 through November 15). b. Powell Ditch No. 2: April 15, 1932; historic practice of using diverted water for livestock and wildlife watering during irrigation season (April 15 through November 15). c. Powell Ditch No. 1 First Enlargement: April 15, 1943; historic practice of using water diverted at the Powell Ditch No. 1 established point of diversion for irrigation of 32.5 acres in addition to 42.5 acres as decreed for the Powell Ditch No. 1 water rights. d. Powell Ditch No. 1 First Enlargement, Powell Ditch No. 2: Dec. 29, 2015; livestock and wildlife watering outside of irrigation season (November 16 through April 14). e. Colorado Water Conservation Board’s Watson Creek Instream Flow Water Right. CWCB holds an instream flow water right on Watson Creek, decreed in Water Division 6 Case No. 2022CW3116 with an appropriation date of January 24, 2022 (“Watson Creek ISF Water Right”). Pursuant to C.R.S. Section 37-92-102(3)(b), CWCB’s appropriation of the Watson Creek ISF Water Right is subject to Rossis’ appropriations or practices in existence as of January 24, 2022. Based on historical practices and filing Case No. 2021CW3053, the Watson Creek ISF Water Right is subordinate to Rossis’ claims set forth in this Application. 7. ***Date Water Applied to Beneficial Use***: a. Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement: April 15, 1943 (livestock and wildlife watering during irrigation season). b. Powell Ditch No. 2: April 15, 1932 (livestock and wildlife watering during irrigation season). c. Powell Ditch No. 1 First Enlargement: April 15, 1943 (irrigation of 32.5 acres). d. Powell Ditch No. 2: Dec. 29, 2015 (livestock and wildlife watering outside of irrigation season). 8. ***Amounts Claimed and Uses (Structure Name, Amount, Uses)***: a. Powell Ditch No. 1, No additional amount, Absolute: livestock and wildlife watering during irrigation season (April 15 through November 15). b. Powell Ditch No. 1 First Enlargement, 4.5 cfs, Absolute: irrigation, and livestock and wildlife watering during irrigation season (April 15 through November 15). c. Powell Ditch No. 1 First Enlargement, 2.5 cfs, Conditional: livestock and wildlife watering outside of irrigation season (November 16 through April 14). d. Powell Ditch No. 2, No additional amount, Absolute: livestock and wildlife watering during irrigation season (April 15 through November 15). e. Powell Ditch No. 2, 0.75 cfs, Absolute: livestock and wildlife watering outside of irrigation season (November 16 through April 14). 9. ***If Irrigation Use***: a. ***Acreage Historically Irrigated***: Powell Ditch No. 1, Powell Ditch No. 1 First Enlargement, and Powell Ditch No. 2 water rights have been and continue to be used to irrigate approximately 117 acres located in the E2 Section 8, and N2 Section 9, Township 2 North, Range 85 West. The irrigated acreage is depicted on the filed maps. See Ex. 1; Ex. 2. Rossi claim 4.5 cfs for Powell Ditch No. 1 First Enlargement (in addition to the 1.0 cfs decreed for the Powell Ditch No. 1 water rights) to deliver and use the water for irrigating the Powell Ditch No. 1 hayfield. Based on Rossis’ experience, which spans decades, the duty of water is necessitated by the length of the ditch, transit loss, and soil being irrigated. b. ***If Non-Irrigation, Full Description of Uses***: Livestock and wildlife watering. 10. ***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***: The established point of diversion for the Powell Ditch No. 1 and Powell Ditch No. 1 First Enlargement is located on land owned by Fish & Cross Ranch, LLC, P.O. Box 9, Yampa, Colorado 80483. Rossis own the land upon which Powell Ditch No. 2 is located and where the water rights have been and will continue to be used. 11. ***Remarks or Other Pertinent Information***: Rossis respectfully request the Water Court enter a decree awarding the claimed water rights as set forth in this Application.

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 **December 2024.**

**2024CW3046 ROUTT COUNTY, Application for Absolute Water Right**. **Applicant:** Entelco Corporation; please direct all correspondence to Applicant’s attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, [megeiger@garfieldhecht.com](mailto:megeiger@garfieldhecht.com). Name of Structure: **Clark Store PUD Water System**. *Legal Description*: SE ¼, SE ¼, Section 28, Township 9 North, Range 85 West of the 6th P.M., 609 feet from the South Section Line, 219 feet from the East Section Line as shown on Exhibit A. *Source*: Spring tributary to the Elk River, tributary to the Yampa River. *Date of Appropriation*: November 15, 2022, with response letter from the Routt County Planning Department regarding Applicant’s submission of an application to the County for review and approval of the Clark Store PUD Conceptual PUD and Sketch Subdivision for the Clark Store. *Amount*: 5 g.p.m. (0.0111 c.f.s.). *Use*: commercial, irrigation, and domestic. *Date applied to beneficial use:* June 15, 2023, by use inside the Clark Store for commercial purposes, domestic use inside two buildings (“Stone House” with two units and “Barn House” with four units) and lawn and garden irrigation surrounding all buildings of approximately 30,000 square feet. A that time, neither the Elk River nor the Yampa River were under administration. *Remarks*: Applicant has applied to the Upper Yampa Water Conservancy District (“UYWCD”) for an Elk River Area-1 water allotment contract in the amount of two acre-feet pursuant to the Elk River Augmentation Plan approved in Case No. 15CW3058, District Court in and for Water Division No. 6. As such, the Clark Store PUD Water System water right will be able to continue to operate without curtailment. A copy of the application to UYWCD is submitted herewith as Exhibit B to the Application. \*\*Note that the Clark Store PUD Water System is located in the same location as the existing water right decreed to the Bush Spring and Pipeline. (3 pages).

# **2024CW3048** In Moffat and Routt counties. **TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. AND THE YAMPA PROJECT PARTICIPANTS** c/o Tri-State Generation and Transmission Association, Inc. (“Tri- State”), Attn: Thomas Kennedy, P.E., Water Rights Portfolio Manager, 1100 West 116th Avenue, Westminster, CO 80234, E-mail: [thomas.kennedy@tristategt.org](mailto:thomas.kennedy@tristategt.org), Telephone: (303) 452-6111. Please address all correspondence to: Aaron S. Ladd, Esq., Dickinson Wright, PLLC, 1125 17th St., Ste. 550, Denver, Colorado 80202, E-mail: [aladd@dickinson-wright.com](mailto:aladd@dickinson-wright.com), Telephone: (303) 723-8400 and Roger T. Williams, Esq., Tri-State Generation and Transmission Association, Inc., 1100 West 116th Ave., Westminster, Colorado 80234, E-mail: [roger.williams@tristategt.org](mailto:roger.williams@tristategt.org), Telephone: (303) 254-3218. **APPLICATION FOR SURFACE APPROPRIATION AND AUGMENTATION PLAN INCLUDING EXCHANGE**. c.Tri-State operates the Craig Station Power Plant (“Craig Station”), for itself and as a member of the Yampa Project Participants and on behalf of the other Yampa Project Participants (collectively, “Applicants”). The Yampa Project Participants members include: (1) Tri-State Generation and Transmission Association, Inc., a Colorado cooperative corporation; (2) PacifiCorp, an Oregon Corporation, d/b/a PacifiCorp Electric Operations; (3) Platte River Power Authority, a Colorado Political Subdivision and Power Authority; (4) Public Service Company of Colorado, a Colorado Corporation; and (5) Salt River Project Agricultural Improvement and Power District, an Arizona Agricultural Improvement District. 2. Overview of Application: In conjunction with operation of Craig Station, Applicants manage surface runoff and groundwater flows from a coal yard located on Craig Station property, partially located in Sections 22 and 27, Township 6N, Range 91W, 6th P.M, Moffat County, Colorado. Applicants operate a French drain known as Craig Station Ditch and Pipeline Diversion Point No. 4 (WDID 4401992), that captures and diverts springs and groundwater tributary to the Yampa River pursuant to an existing conditional Craig Station Ditch and Pipeline water right, presently subject to diligence in Case No. 21CW3046, Water Division 6. In addition, pursuant to Claim One of this Application, Applicants seek to appropriate a surface water right for the Coal Yard Collector Ditch, a surface ditch that partially encircles the coal yard, consolidating coal yard surface water runoff and presently delivering it into a holding pond on Craig Station property known as the Coal Yard Drain Pond. Pursuant to Claim 2, Applicants seek an augmentation plan and exchange project rights in order to replace any out-of-priority depletions occurring from the Craig Station Ditch and Pipeline Diversion Point No. 4 and from the Coal Yard Collector Ditch. Claim One: Absolute Surface Water Appropriation. 3. Name of Structure (water right): Coal Yard Collector Ditch. 4. Description of Water Right: a. Location of Structure: The Coal Yard Collector Ditch diverts surface water as described below from within the perimeter of the Craig Station coal yard. The ditch is located in the Section 22, Township 6N, Range 91W, 6th P.M. The Coal Yard Collector Ditch aggregates diversions at a point 1192 ft from the east section line and 971 ft from the south section line of Section 22, Township 6N, Range 91W, 6th P.M. (UTM X = 280753.0; UTM Y = 4481864.8). The Coal Yard Collector Ditch is shown on the Map attached as Exhibit A. The exact location of the Coal Yard Collector Ditch and its component parts may be altered occasionally to accommodate changes to the coal yard, changes to reclamation obligations, or to otherwise meet other industrial and operational needs. B. Source: The Coal Yard Collector Ditch diverts surface runoff including, without limitation, from precipitation, stormwater and other runoff, tributary to the Yampa River, Johnson Gulch and/or unnamed tributaries to Johnson Gulch or the Yampa River. c. Appropriation Date: November 30, 1979. Appropriation was initiated by construction of the Coal Yard Collector Ditch structure and diversion and beneficial use of the water. On September 16, 2006, Applicants diverted and applied those diversions to beneficial use in the full claimed amount, completing the appropriation. d. Decreed Amounts and Use: 8.51 cfs, absolute, not anticipated to exceed approximately 180 acre-feet per year. To the extent this appropriation cannot be granted as an absolute right despite the existence of the structure, diversions and beneficial use since November 30, 1979, Applicants alternatively claim a conditional appropriation for 8.51 cfs. e. Uses: Industrial, including without limitation, reclamation, regulatory compliance for Craig Station, and incidental use for power generation. Applicants’ industrial use includes storage in various interconnected ponds on the Craig Station property including, without limitation, the Coal Yard Drain Pond which overflows into the Holding Pond. Craig Station is presently a zero discharge facility; therefore, all such uses are fully consumable and used to extinction on the Craig Station property shown on Exhibit A. Water diverted in the Coal Yard Collector Ditch are presently evaporated; however, Applicants reserve the right to change the method of disposal in the future. 5. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new or existing 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. Applicants. Claim Two: Plan for Augmentation Including Exchange. 6. Statement of Plan for Augmentation: Applicants seek to replace and augment out-of-priority depletions associated with (1) the Coal Yard Collector Ditch structure and (2) the Craig Station Ditch and Pipeline, Diversion Point No. 4 structure (together the “Augmented Structures”) making replacements by release from storage in Elkhead Creek Reservoir using Tri-State’s interest in the Elkhead Creek Reservoir Enlargement (second) water right, described below. 7. Name of structures being augmented: Applicants seek to replace out-of-priority depletions associated with the Augmented Structures which include the following: a. Coal Yard Collector Ditch, which appropriation is claimed and described above in Claim One. b. Craig Station Ditch and Pipeline, Diversion Point No. 4, described as follows: i. Water Right Amount and Decree: 1.0 cfs, Conditional, of the Craig Station Ditch and Pipeline water right, originally decreed in Case No. W-723-74, entered November 7, 1975, by the District Court in and for Water Division 6, State of Colorado, and subject to pending diligence Case No. 21CW3046, Water Court, Water Division 6. Alternate Point of Diversion No. 4 was added by the Decree in Case No. 98CW045, Water Court, Water Division 6, entered March 19, 2001. ii. Legal Description for Craig Station Ditch and Pipeline, Diversion Point No. 4: A point located in the SE 1/4 SE 1/4 of Section 22, Township 6 North, Range 91 West of the 6th P.M., Moffat County, Colorado, approximately 1,177 feet from the East line and 171 feet from the South line of said Section 22. iii. Legacy Well Permit: Craig Station Ditch and Pipeline, Diversion Point No. 4 is presently association with Well Permit No. 53524-F. Applicants may seek a new permit for the structure consistent with the prior decrees for that water right, the augmentation plan decree sought by this Application, and the infrastructure at Diversion Point No. 4. iv. Use: Industrial and power generation purposes. 8. Augmentation Supply: Applicants will replace out-of-priority depletions associated with the Augmented Structures using Tri-State’s interest in water rights stored in and released from Elkhead Creek Reservoir to Elkhead Creek, to the Yampa River to the points of depletion or for exchange in the manner described below. Elkhead Creek Reservoir is shown on the map attached as Exhibit A. a. Water Right: Elkhead Creek Reservoir Enlargement (Second) water right, originally decreed in Case No. 02CW106, Water Division 6, and which interest was made absolute in in Case No. 11CW9, Water Division 6 (“Elkhead Reservoir Second Enlargement”). b. Augmentation Supply Amount: Tri-State’s interest in the Elkhead Reservoir Second Enlargement water right is 2,500 acre-feet absolute, together with the right to refill 192.3 acre-feet (the “Augmentation Supply”). c. Source: Elkhead Creek and its tributaries, tributary to the Yampa River. d. Appropriation Date: October 16, 2002. e. Legal Description: The dam is located where the South quarter of Section 16, Township 7 North, Range 89 West of the 6th P.M. bears South 34' 47' 13" east, 869. 37 feet. A point on the dam is located 370 feet north of the South line and 1637 feet east of the West line of said Section 16. f. Use: The Elkhead Reservoir Second Enlargement was originally decreed for various uses described in Case No. 02CW106; Tri-State intends to use its Augmentation Supply pursuant to this case for the decreed uses of augmentation and exchange. 9. Operation of Augmentation Plan: To replace out-of-priority depletions from the Augmented Structures, Applicants intend to release the Augmentation Supply from Elkhead Creek Reservoir and deliver it down Elkhead Creek to its confluence with the Yampa River, and down the Yampa River to the point(s) of depletion for the Augmented Structures and/or to the downstream exchange terminus at the confluence of Johnson Gulch and Yampa River, located in the SW1/4 of the NW1/4 of Section 16, Township 6N, Range 91W, 6th P.M., at a point located at a point 859 ft from the West section line and 1645 ft from the North section line (UTM X = 278259.5; UTM Y = 4484324.3) to be exchanged in the manner described below. This reach is shown on the map attached as Exhibit A. The combined maximum instantaneous rate of depletion for the Augmented Structures is not expected to exceed 9.51 cfs and depletions are not expected to exceed 310 acre-feet per year. However, because the Yampa River has never experienced a year-round call, out-of-priority depletions are expected to be less. 10. Description of Exchange Claims: Together with the augmentation plan sought in this case, Applicants claim exchange project rights to the points of depletion for the Augmented Structures pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The exchange reaches are from the downstream terminus at the confluence of Johnson Gulch and the Yampa River located in the SW1 /4 of the NW 1/ 4 of Section 16, Township 6N, Range 91W, 6th P.M., at a point located at a point 859 ft from the west section line and 1645 ft from the north section line (UTM X = 278259.5; UTM Y = 4484324.3), thence up Johnson Gulch or its tributaries to the points of depletion for the Augmented Structures, which depletions are to the Yampa River and/or Johnson Gulch and its tributaries, but will not be further upstream than the maximum upstream exchange extent on Johnson Gulch identified in the map attached as Exhibit A, located in the NE1/4 NE1/4, Section 27, Township 6 North, Range 91 West, at a point 372 ft from the east section line and 672 from the north section line (UTM Easting = 280989.0; UTM Northing = 4481362.2). The exchanges claimed in this Application will be operated and administered with a priority date of December 31, 2024, at a maximum flow rate of 9.51 cfs and not to exceed the volumes needed under the augmentation plan. To the extent it is determined that Applicants claimed operations can or should be characterized as an appropriative right of exchange, this Application is intended to serve as notice of such appropriation as an alternative claim pursuant to Sections 37-80-120 and 37-83-104, C.R.S. 11. Administration. Applicants will propose terms and conditions for operation of the augmentation plan and develop accounting forms to report diversions, depletions, and required replacements to ensure proper administration. 12. Remarks: Applicants physically posted their notice of intent to make the appropriations claimed in this application in proximity to the claims and Applicants’ Craig Station operations. WHEREFORE, Applicants request that the Court enter a decree (1) granting the appropriations sought in this application, (2) authorizing the use of the Augmentation Supply and granting an augmentation plan, including necessary exchanges, and (3) determining that the proposed claims are sufficient to prevent material injury to vested water rights. (9 pgs., 1 Exhibit)

**2024CW3050** Spring tributary to Beaver Creek, tributary to Willow Creek, tributary to Elk River, tributary to Yampa River in Routt County, Colorado,

**Application for Conditional Surface Water Right** 1. ***Name, mailing address, email address, telephone number of Applicants***: Gregory Melear and Sarah Melear (“Melears”), PO Box 770676, Steamboat Springs, CO, 80477. Direct all pleadings and court-related documents to Claire E. Sollars, Esq., P.O. Box 773474, Steamboat Springs, CO 80477, [Claire@ColoradoWaterMatters.com,](mailto:Claire@ColoradoWaterMatters.com) 970.875-3370. 2. ***Names and Types of Structure***: Eagle Trace 4 Spring 1st Enlargement (spring). 3. ***Legal Description of Eagle Trace 4 Spring* (PLSS and Zone 13 UTM Coordinates (not averaged))**: PLSS – NW4 SE4 Sec. 33, Township 10 North, Range 85 West of the 6th Principal Meridian, in Routt County, Colorado; UTM coordinates (Zone 13, NAD83) 337470 mE, 4516341 mN, obtained from the *Findings of Reasonable Diligence and to Make Absolute in Part, Findings of Fact, Conclusions of Law, Ruling of Referee and Judgment and Decree of the Water Court* entered in Water Div. 6 Case 2021CW3018 (“Case 2021CW3018”) (Exhibit 1). 4. ***Source of Water***: Spring, tributary to Beaver Creek, tributary to Willow Creek, tributary to Elk River, tributary to Yampa River. 5. ***Appropriation Date and Methodology***: June 14, 2024, by purchase of property and inspection of developed spring at such time no call was in effect for the Elk River or Yampa River below the spring (see Exhibit 2; Exhibit 3). 6. ***Amount Claimed and Proposed Uses***: 0.062 cfs (28 gpm), conditional, for domestic, fire protection / mitigation, irrigation, livestock watering, wildlife habitat. 7. ***If Irrigation Use***: a. ***Acreage Historically Irrigated***: n/a. b. ***Acreage Proposed to be Irrigated and Legal Description of Acreage***: approximately 5.4 acres within Lot 6, Elkhorn Subdivision Filing No. 2 (Parcel ID 25200006) (Exhibit 4), in the S2 NE4, N2 SE4, Section 33, Township 10 N, Range 85 West of the 6th P.M. in Routt County, CO. c. ***If Non-Irrigation, Full Description of Proposed Uses***: domestic and fire protection / mitigation (in addition to Melears’ share of 0.0001 cfs awarded absolute in Case 2021CW3018), livestock watering, wildlife habitat. 8. ***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***: JMS Irrevocable Land Trust, 4/14/15, 540 Tulsa Street, Norman, OK 73071 owns the land where Eagle Trace 4 Spring is developed. Bell Properties, LLC, PO Box 774884, Steamboat Springs, CO 80477, is the named Application in Case 2021CW3018. Melears own the land where the Eagle Trace 4 Spring 1st Enlargement water right will be placed to beneficial use. 9. ***Remarks or Other Pertinent Information***: Melears purchased Lot 6, Elkhorn Subdivision, Filing No. 2 (street address 59280 Cripple Creek Court, Clark, CO 80428) (Exhibit 5 (Special Warranty Deed)) and the appurtenant water rights (Exhibit 6 (Bargain and Sale Deed (Water Rights))), on June 14, 2024. The conveyed water rights included “1/5 share in the water for domestic use decreed absolute to Lot 6, Elkhorn Subdivision Filing No. 2 (Parcel ID 25200006) from Eagle Trace 4 Spring in District Court. Water Division 6, Case Number 2021CW3018 (13CW3013) (05CD32).” *Id*. The total absolute amount decreed in Case 2021CW3018 is 0.0001 cfs (0.04 gpm), which is clearly inadequate to meet the needs of even one household. Based on their inspection of Eagle Trace 4 Spring, additional research, review of the initial Eagle Trace 4 Spring water right application and supporting documentation, and review of the subsequent diligence applications and supporting documentation, Melears determined that additional spring water is available for appropriation. Melears filed this Application to supplement their share of 0.0001 cfs decreed absolute for Eagle Trace 4 Spring (domestic use and fire protection), and to supply water for all other uses stated herein.

**2024CW3047 - JACKSON COUNTY - APPLICATION FOR UNDERGROUND POND RIGHT, WATER STORAGE RIGHT, AND APPROVAL OF PLAN FOR AUGMENTATION** - **1.** **Name, Address, Phone Number, and E-Mail Address of Applicants.** Direct Management Services, Inc., c/o Dana Mims, Business Operations, 2900 E. Apache Street, Tulsa, Oklahoma 74110; Phone: (970) 723-3323; E-mail: Landon@foxranch.us. Attorneys for Applicant: David F. Bower (#39405) and Cameron C. Frazier (#58048), Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 442-1900; Fax: (303) 442-0191; e-mail: dfbower@j-rlaw.com and ccfrazier@j-rlaw.com. **2.** **Overview.** Applicant is the owner of the Fox Ranch, a working ranch and lodge north of the community of Gould, Colorado. By this application, Applicant is claiming a conditional underground pond right for the Fox Ranch Pond, a conditional water storage right for the Fox Ranch Pond No. 2, and approval of a plan for augmentation to replace out-of-priority depletions associated with the Fox Ranch Pond from the Fox Ranch Pond No. 2. A map of the Fox Ranch property and the subject structures is attached hereto as Figure 1. **3. Claim for Conditional Underground Pond Right.** (a) Name of Structure. Fox Ranch Pond. (b) Location of Structure. NW1/4 SE1/4 and SW1/4 SE1/4 of Section 33, Township 8 North, Range 77 West of the 6th P.M., the centroid of which is at a point described as Zone 13, NAD83, Easting 412542, Northing 4496681.(c) Source. The alluvial aquifer underlying the subject property, tributary to the Canadian River, tributary to the North Platte River. (d) Appropriation Date. Date of application. (e) Uses. Fish and wildlife habitat and recreation (limited to the *in situ* and adjacent uses consistent with the existence of a pond) and fire protection. (f) Amount. 35 acre-feet/year, conditional. The total amount of evaporation currently estimated for the Fox Ranch Pond is 30.1 acre-feet/year, based on the maximum anticipated surface area of the pond of 10.92 acres × an annual evaporation rate of 2.756 feet per exposed surface acre. Applicant has requested a higher amount in case the pond is constructed larger or the decreed annual evaporation rate is greater than currently calculated.(g) Volume of Structure. 170 acre-feet. The total capacity for the Fox Ranch Pond as currently designed is 160.5 acre-feet/year. Applicant has noticed a greater volumetric amount in case the pond is constructed larger than currently anticipated. (h) Surface Area of the High Water Line. 10.92 acres. (i) Height and Length of Dam. The Fox Ranch Pond is expected to be an excavated reservoir that is unlined. In the event that a dam is also constructed as part of the pond, the dam will be less than 10 feet in height. (j) Depth of Pond. 24 feet. (k) Description of Filler Ditches. In the event of low groundwater levels or other operational conditions, the Fox Ranch Pond may also fill, refill, and pass freshening flows from the Smith Ditch and Fox Ditch as described below. (i) *Name and Description of Filler Ditch*. Smith Ditch [WDID 4700884]. (A) *Original Decree*. Decree No. 1519, dated April 23, 1902, Water District No. 47, Division No. 1, for 21.3 cfs, for irrigation. (B) *Decreed Legal Description*. “… at a point whence the southwest corner of Section 2, Township 7 N. Range 77 West, bears south 85° west, 35 chains.” (C) *Location*. NW1/4 SW1/4 of Section 2, Township 7 North, Range 77 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 414692, Northing 4495001.(D) *Rate of Fill*. 21.3 cfs. (E) *Source*. South Fork of the Canadian River, tributary to the Canadian River, tributary to the North Platte River. (ii) *Name and Description of Filler Ditch*. Fox Ditch [WDID 4700622]. (A) *Original Decree*. Decree No. 1785, dated July 1, 1908, Water District No. 47, Division No. 1, for 8.65 cfs, for irrigation. (B) *Decreed Legal Description*. “… at a point 5220 feet east and 3260 feet south of the section corner common to sections 3 and 4, township 7, north, range 77, and sections 33 and 34, township 8, north, range 77.”(C) *Location*. NE1/4 SE1/4 of Section 3, Township 7 North, Range 77 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 414631, Northing 4495258.(D) *Rate of Fill*. 8.65 cfs.(E) *Source*. South Fork of the Canadian River, tributary to the Canadian River, tributary to the North Platte River. (k) Permit Information. The Fox Ranch Pond is anticipated to be an excavated unlined storage structure that will expose groundwater and require a well permit. (l) Remarks. The Fox Ranch Pond will be used for recreation and fish and wildlife habitat at the Fox Ranch. In addition, the Fox Ranch Pond will serve as the primary source of fire protection water for the property. Applicant will replace all out-of-priority depletions from the Fox Ranch Pond with releases from the Fox Ranch Pond No. 2 as described below. The amount claimed is based on Applicant’s estimate of the maximum surface area expected for the pond as constructed; however, the final dimensions and capacity of the Fox Ranch Pond are still being determined. The final as-built location will be identified at the time that the Fox Ranch Pond right is made absolute. The Fox Ranch Pond will be permitted before it is constructed. **4.** **Claim for Conditional Storage Right.** (a) Name of Storage Structure. Fox Ranch Pond No. 2. (b) Location. SW1/4 NW1/4 and NW1/4 NW1/4 of Section 3, Township 7 North, Range 77 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 413380, Northing 4495770. (c) Source. South Fork of the Canadian River, tributary to the Canadian River, tributary to the North Platte River. (d) Appropriation Date. Date of application. (e) Amount. 99 acre-feet, with the right to fill and refill. (f) Height and Length of Dam. The Fox Ranch Pond No. 2 is still being designed. At present, the dam is anticipated to be a non-jurisdictional structure less than 10 feet in height. (g) Uses. Irrigation, augmentation, and fire protection. Irrigation will be for approximately 341 acres as shown on the map attached hereto as Figure 2. Augmentation will be limited to replacing depletions from other water uses within the boundaries of the Fox Ranch, including from the Fox Ranch Pond. (h) Description of Filler Structures. (i) Smith Ditch [WDID 4700884], as described in paragraph 3(k)(i) above, at a rate of 21.3 cfs. (ii) Fox Ditch [WDID 4700622], as described in paragraph 3(k)(ii) above, at a rate of 8.65 cfs. (l) Remarks. The Fox Ranch Pond No. 2 will be the primary on-site augmentation supply to replace evaporative depletions from the Fox Ranch Pond, as well as other replacement requirements that may arise in the future. In addition, the pond may be used as a supplemental supply for irrigation on the ~341 acres of the Fox Ranch located downstream of the Fox Ranch Pond No. 2. The amount claimed is based on Applicant’s estimate of the maximum amount of storage that will be achieved at this location; however, the final dimensions and capacity of the Fox Ranch Pond No. 2 are still being determined. The final as-built surface area and capacity will be identified at the time that the Fox Ranch Pond No. 2 right is made absolute. **5.** **Request for Approval of Plan for Augmentation.** (a) Name of Structures to be Augmented. Fox Ranch Pond, as described in paragraph 3 above. (b) Water Rights to be Used for Augmentation. Fox Ranch Pond No. 2, as described in paragraph 4 above. Pursuant to C.R.S. § 37-92-305(8), Applicant also reserves the right to use additional or alternative sources of replacement water on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer’s Office. (c) Detailed Description of Plan for Augmentation. Applicant will replace all out-of-priority depletions from the Fox Ranch Pond using water released from the Fox Ranch Pond No. 2. The total annual depletion is calculated to be approximately 30.1 acre-feet/year. Evaporation was distributed monthly based on Senate Bill 120 Guidelines for elevations above 6,500 ft. The gross evaporation rate of 35 in/yr, based on NOAA Technical Report NWS-33, was converted to feet and distributed monthly. Ice cover was assumed from December through February based on the average monthly temperature from 2000-2024 at the Gould 4 SE climate station (ID USC00053446). Monthly evaporation rate was multiplied by the maximum surface area of 10.92 acres based on the current design drawings for the Fox Ranch Pond.

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| --- | --- | --- | --- |
| ***Month*** | ***Monthly Evap. Distribution*** | ***Evap. Rate (ft)*** | ***Fox Ranch Pond Evap. (ac-ft)*** |
| *January* | 1% | 0.000 | 0.00 |
| *February* | 3% | 0.000 | 0.00 |
| *March* | 6% | 0.175 | 1.91 |
| *April* | 9% | 0.263 | 2.87 |
| *May* | 13% | 0.365 | 3.98 |
| *June* | 16% | 0.452 | 4.94 |
| *July* | 16% | 0.467 | 5.10 |
| *August* | 13% | 0.379 | 4.14 |
| *September* | 11% | 0.321 | 3.50 |
| *October* | 8% | 0.219 | 2.39 |
| *November* | 4% | 0.117 | 1.27 |
| *December* | 2% | 0.000 | 0.00 |
| **Total** | **100%** | **2.756** | **30.10** |

The amounts and rates set forth above are calculated based on the current design configuration for the Fox Ranch Pond and the hydrological and other technical assumptions determined by Applicant’s water resources consultant as set forth above. **6.** **Integrated System.** The Fox Ranch Pond and Fox Ranch Pond No. 2 are components of an integrated water system. For the purposes of future diligence applications, work on one of the subject structures may be considered as evidence of reasonable diligence on the other structure. **7.** **Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located.** The Fox Ranch Pond and Fox Ranch Pond No. 2 are located on land owned by Applicant. The Smith Ditch and Fox Ditch headgates are located on land owned by the United States of America, c/o USDA Forest Service, Medicine Bow-Routt National Forests, 2468 Jackson Street, Laramie, Wyoming 82070. WHEREFORE, Applicant respectfully requests that the Court (1) grant the claim for water rights set forth in paragraphs 3 and 4 above; (2) find that there will be no injury to any owner of, or person entitled to use, water under a vested water right or conditionally decreed water right as a result of Applicant’s requested plan for augmentation described in paragraph 5 above; and (3) approve the plan for augmentation described in paragraph 5 above. (7 pages plus exhibits)

**2024CW3049 APPLICATION TO CONFIRM Decreed ALTERNATE POINT OF DIVERSION, for ABSOLUTE storage rights, AND for CONDITIONAL AND ABSOLUTE groundwater rights of Westlands, LLc, in the White River and its tributaries in rio blanco county, colorado.** 1. Name and address of Applicant: Westlands, LLC, a Delaware limited liability company (“Westlands”) c/o Geller Advisors, 909 Third Avenue, 15th Floor New York, NY 10022 Please direct all pleadings and correspondence to Westlands’ attorneys John P. Justus and Nicoli R. Bowley, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441, Email: [johnj@cjzwaterlaw.com](mailto:johnj@cjzwaterlaw.com), and [nicolib@cjzwaterlaw.com](mailto:nicolib@cjzwaterlaw.com). APPLICATION TO CONFIRM USE OF DECREED ALTERNATE POINT OF DIVERSION 2. Nature of Claim: Westlands is requesting that the Water Court confirm the use of the following structure as the alternate point of diversion for water rights decreed to the F.M. Taylor Ditch under the terms and conditions of the Findings of Fact, Conclusions of Law, Judgment and Decree entered in Case No. 94CW245 on September 11, 1997 by the Water Court in and for Water Division No. 5 (the “94CW245 Decree”), as the Golf Course Pump Station is at the same location and serves the same purpose and complies with all terms and conditions of the 94CW245 Decree as the pump on the North bank of the North Fork of the White River as described in the 94CW245 Decree as a decreed alternate point of diversion for the F.M. Taylor Ditch water rights. 3. Name of Structure: F.M. Taylor Ditch - Alternate Point of Diversion, also known as the Golf Course Pump Station (the “Golf Course Pump Station”) (well permit application to be filed). 4. Location of Structure: Generally described in the 94CW245 Decree as a “pump . . . at a point on the north bank of the North Fork of the White River approximately one-quarter mile upstream of the original headgate location of the F.M. Taylor Ditch.” a. PLSS: Located in the SW ¼ NE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M. b. UTM: Zone 13, Easting 278989.8, Northing 4430748.0, NAD 83, derived from GPS. 5. Source: North Fork of the White River. 6. Appropriations: a. 1.13 cubic feet per second (cfs) from the North Fork of the White River for irrigation with an appropriation date of September 14, 1906, as Priority No. 298, pursuant to the decree entered by the Rio Blanco County District Court in Civil Action 478 on August 21, 1929 (the “CA478 Decree”). b. 1.0 cfs from the North Fork of the White River for irrigation with an appropriation date of September 14, 1907, as Priority No. 431, pursuant to the decree entered by the District Court in and for Rio Blanco County on May 26, 1942, in CA624. 7. Use: Irrigation of up to 7.5 acres of golf course and landscaping on lands lying in the SW ¼ NE ¼ and the SE ¼ NE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M., consistent with the 94CW245 Decree. 8. Additional Comments and Request for Relief: The Golf Course Pump Station is a structure that existed on Westlands’ acquisition of the property, which is believed to have been constructed in approximately March of 2002, and consists of four-foot diameter perforated concrete rings installed vertically below the ground surface to a depth of approximately 12 feet. The location of the installation is ~ 25 feet from the riverbank. The embankment between the North Fork of the White River and the concrete rings was excavated to form an open free flowing channel, and then backfilled with sorted 1.5 inch river rock as a filtering media between the river and the pump. A pump is lowered into the concrete rings, and water is then pumped from the structure for irrigation of the golf course and to the Golf Course Pond described below. The Golf Course Pump Station has a response time such that within 24 hours 98.9% of the pumped volume is realized as a stream depletion to the North Fork of the White River, and allows the Golf Course Pump Station to be administered as a surface diversion, commonly known as a “headgate well,” as opposed to as a traditional alluvial well with delayed depletions continuing beyond operation or curtailment. Westlands is further requesting that the Water Court confirm this form of administration of the Golf Course Pump Station for diversion of the F.M. Taylor Ditch water rights decreed to that structure as described in paragraphs 2 through 7 above. APPLICATION FOR CONDITIONAL GROUNDWATER RIGHT AND STORAGE RIGHT– GOLF COURSE POND 9. Name of Structure: Golf Course Pond (well permit application to be filed). 10. Location of Structure: a. PLSS: Located in the SW ¼ of the NE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M. b. UTM: Zone 13, Easting 279119.9, Northing 4430913.5, NAD 83, derived from CDSS. c. Points of Diversion: i. The Golf Course Pond is an unlined pond that exposes alluvial groundwater that is tributary to the North Fork of the White River. ii. The Golf Course Pond also receives a supplemental supply of water diverted from the North Fork of the White River at a maximum rate of 0.33 cfs by means of the the Golf Course Pump Station described in paragraphs 3 through 8 above for purposes of maintaining its water level and replacement of evaporation losses. 11. Sources: Alluvial groundwater tributary to the North Fork of the White River and water diverted from the North Fork of the White River at the Golf Course Pump Station described above. 12. Appropriation: a. Date of appropriation: March 30, 2002. b. How appropriation was initiated: By construction and diversion of water to storage. c. Date water applied to beneficial use: March 30, 2002 13. Amount claimed: a. In acre feet: 0.64 conditional, along with the right to refill and successively fill in priority. b. If filled from the Golf Course Pump Station, the rate of diversion: 0.33 cfs conditional. 14. Uses claimed: storage, recreation, golf course hazard and fire protection purposes. 15. Surface area of high water line: ~ 0.22 acres. 16. Total capacity of reservoir in acre-feet: a. Active capacity: 0 b. Dead storage: 0.64. APPLICATION FOR ABSOLUTE WATER STORAGE RIGHT – HENRY’S POND 17. Name of Reservoir: Henry’s Pond. 18. Location of Structure: a. PLSS: SE ¼ SW ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M., as illustrated in A.2. b. Point of Diversion: i. PLSS: SW ¼ SE ¼ SW ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M. ii. UTM: Zone 13, Easting 278438, Northing 4430014 NAD 83, derived from CDSS. 19. Source: Unnamed tributary to the North Fork of the White River. 20. Appropriation: a. Date of appropriation: Not later than December 31, 1991. b. How appropriation was initiated: Enlargement of natural pond by excavation. c. Date water applied to beneficial use: December 31, 1991. 21. Amount claimed: 13.64 acre feet, absolute, along with the right to refill and successively fill. 22. Uses claimed: Storage, recreation, piscatorial, and fire protection purposes. 23. Surface area of high water line: ~2.36 acres. a. The pond is located on channel by excavation with no dam apparent or present. 24. Total capacity of reservoir in acre-feet: 13.64 acre feet. a. Active capacity: 13.64. b. Dead storage: 13.64. APPLICATION FOR ABSOLUTE WATER STORAGE RIGHT – OFFICE POND 25. Name of Reservoir: Office Pond. 26. Location of Structure: a. PLSS: Located in the SE ¼ NW ¼, NE ¼ SW ¼, NW ¼ SE ¼, and SW ¼ NE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M. 27. Source: Cherry Creek, tributary to the North Fork of the White River. 28. If filled from a ditch: a. Name of structure used to fill reservoir: The Office Pond Diversion and Pipeline. b. Location of Structure: i. PLSS: NW ¼ SE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M. ii. UTM: Zone 13, Easting 278914, Northing 4430650 NAD 83, derived from CDSS. 29. Appropriation: a. Date of appropriation: December 31, 1987. b. How appropriation was initiated: By construction and diversion of water to storage. c. Date water applied to beneficial use: December 31, 1987. 30. Amount claimed: a. In acre feet: 9.62 acre-feet absolute, along with the right to fill and successively fill. b. If filled from a ditch, the rate of diversion in cfs: 1.5 cfs, absolute. 31. Uses claimed: Supplemental irrigation of approximately 9.3 acres located south of the North Fork of the White River in the SE ¼ NW ¼ and the NE ¼ SW ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M., and for storage, recreation, piscatorial, and fire protection purposes. 32. Surface area of high water line: ~1.58 acres. a. Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs on the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam: 9.8 feet. b. Length of Dam in feet: 650’ 33. Total capacity of reservoir in acre-feet: 9.62. a. Active capacity: 9.62. b. Dead storage: 0.0.   APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT - ORCHARD WELL 34. Name of well, and permit, registration, or denial number: Orchard Well (well permit application to be filed). 35. Location of Structure: a. PLSS: SW ¼ NE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M. b. UTM: Zone 13, Easting 279020.6, Northing 4430765.4 NAD 83, derived from GPS. 36. Source: a. Source of water: Groundwater tributary to the North Fork of the White River. b. Depth of well: 12 feet. 37. Appropriation: a. Date of appropriation: March 30, 1995. b. How water was appropriated: By construction and diversion of water by means of the structure. c. Date water applied to beneficial use: March 30, 1995. 38. Amount claimed: 100 gpm, conditional. 39. Uses claimed: Irrigation of approximately 1 acre of land lying in the SW ¼ NE ¼ of Section 3, Township 1 South, Range 91 West of the 6th P.M. 40. Additional Comments and Requested Relief: The Orchard Well was an existing well located on the property when Westlands purchased the ranch in April of 2020 and consists of four-foot diameter perforated concrete rings installed vertically below the surface to a depth of approximately 12 feet into the native unconsolidated alluvial materials. The location of the installation is approximately 19 feet from the bank of the North Fork of the White River. A pump is lowered into the concrete rings, and water is pumped from the structure for irrigation of the lands described above. The Orchard Well has a response time such that within 24 hours 93.5% of the pumped volume is realized as a stream depletion to the North Fork of the White River, increasing to 95% within 48 hours, and allows the Orchard Well to be administered as a surface diversion, commonly known as a “headgate well,” as opposed to as a traditional alluvial well with delayed depletions continuing for long periods after operation of the well has ceased. Westlands is requesting that the Water Court confirm this form of administration of the Orchard Well for diversion of the water rights claimed for that structure in paragraphs 34 through 39 above. APPLICATION FOR ABSOLUTE AND CONDITIONAL UNDERGROUND WATER RIGHTS - GREENHOUSE WELL 41. Name of well, and permit number: Greenhouse Well, Permit No. 13007 (well permit application to be filed for enlarged uses claimed). 42. Location of Structure: a. PLSS: NE ¼ NE ¼ of Section 17, Township 1 South, Range 91 West of the 6th P.M. b. UTM: Zone 13, Easting 257971.6, Northing 4428158.4, NAD 83, derived from GPS. 43. Source: a. Source of water: Groundwater tributary to the South Fork of the White River. b. Depth of well: 29 feet. 44. Appropriation: a. Dates of appropriation: i. September 25, 1962 for domestic uses. ii. December 30, 1986 for all other claimed uses. b. How water was appropriated: By construction of the well and by application to the State of Colorado for a permit for the use of groundwater, and by filing of this application. c. Date water applied to beneficial use: September 25, 1962 for domestic use, and December 30, 1986 for all other claimed uses. 45. Amount claimed: 10 gpm, absolute for domestic use, 15 gpm conditional for all other claimed uses. 46. Absolute uses claimed: Domestic 47. Conditional uses claimed: Expanded commercial and indoor greenhouse use in the three (3) buildings (mechanical shop, wood shop, and hanger) located in the NE ¼ NE ¼ of Section 17, Township 1 South, Range 91 West of the 6th P.M. APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT – EMPLOYEE HOUSING WELL 48. Name of well, and permit number: Employee Housing Well, Permit No. 50099-F. 49. Location of Structure: a. PLSS: NW ¼ SE ¼ of Section 35, Township 1 North, Range 91 West of the 6th P.M. b. UTM: Zone 13, Easting 280955, Northing 4431847.6, NAD 83, derived from GPS. 50. Source: a. Source of water: Groundwater tributary to the North Fork of the White River. b. Depth of well: 50 feet. 51. Appropriation: a. Date of appropriation: June 02, 1998. b. How water was appropriated: By application to the State of Colorado for a permit for the use of groundwater, subsequent construction of the well and beneficial use of water from the well. c. Date water applied to beneficial use: July 25, 1998. 52. Amount claimed: 30 gpm, not to exceed 4 acre-feet per year. 53. Uses claimed: Irrigation of approximately 0.6 acres of lawn located in the NW ¼ of the SE ¼ and the SW ¼ SE ¼ of Section 35, Township 1 North, Range 91 West of the 6th P.M., and domestic use for employee housing of 22 persons. APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT – SERVICE CABIN WELL 54. Name of well, and permit number: Service Cabin Well, Permit No. 51388-F. 55. Location of Structure: a. PLSS: NE ¼ NE ¼ of Section 10, Township 1 South, Range 91 West of the 6th P.M. b. UTM: Zone 13, Easting279292.4, Northing 4431847.6, NAD 83, derived from GPS. 56. Source: a. Source of water: Groundwater tributary to Cherry Creek, a tributary to the North Fork of the White River. b. Depth of well: 230 feet. 57. Appropriation: a. Date of appropriation: February 19, 1999. b. How water was appropriated: By application to the State of Colorado for a permit for the use of groundwater, subsequent construction of the well and beneficial use of water from the well. c. Date water applied to beneficial use: July 8, 1999. 58. Amount claimed: 15 gpm, not to exceed 1.2 acre-feet annually. 59. Uses claimed: Domestic indoor use of employee housing for 10 persons. 60. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Applicant is the owner of all 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. (10 pages)

**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 **February 2025** 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

Judicial Clerk II