# 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 **January 2025.**

**2021CW3029**, Elk River, tributary to Yampa River, and groundwater tributary to Elk River, tributary to Yampa River in **Routt County, Colorado**. **Third Amended Application For Absolute And Conditional Water Rights (Surface And Underground)**. **1**. ***Name, mailing address, email address, telephone number of Applicant***: The Colorado Rusconi Trust (“Rusconi Trust”), 217 S Clarkson St., Denver, CO 80209. All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., P.O. Box 773474, Steamboat Springs, CO 80477, 970.875.3370, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com%20), and Laura L. Chartrand, Esq., Buchalter, P.C., 1624 Market Street, Suite 400, Denver, CO 80202, 303.253.6740, [lchartrand@buchalter.com](mailto:lchartrand@buchalter.com). **2.** ***Names of Structures and Types***: **East Elk Pump Diversion** (surface diversion); **East Elk Pond** (well pond - Well Permit 87938-F issued March 17, 2023 (Exhibit 1)). **3.** ***Legal Descriptions* (PLSS and Zone 13 UTM Coordinates)**: a. **East Elk Pump Diversion**: UTM coordinates (Zone 13, NAD83) 335477 mE 4501347 mN (east riverbank of the east braid of Elk River). b. **East Elk Pond**: UTM coordinates (Zone 13, NAD83) 335558 mE 4501311 mN (approximate center of pond located on Rusconi Trust’s property). c. Both structures are located in SW4 SE4 Section 17, Township 8 North, Range 85 West, of the 6th Principal Meridian, in Routt County, Colorado, and are depicted on the filed map. See Exhibit 2. d. Legal descriptions were obtained by survey or use of “Map Viewer” database maintained by the Colorado Division of Water Resources. **4.** ***Sources of Water and Depth of Well Pond:*** a. **East Elk Pump Diversion**: (surface diversion) Elk River, tributary to Yampa River. b. **East Elk Pond**: (well pond) groundwater tributary to Elk River, tributary to Yampa River. East Elk Pond is approximately 6 feet deep; after additional excavation, expected depth is 12 -15 feet. c. **Freshening Flows**: East Elk Pump Diversion will be used when needed to provide freshening flows to East Elk Pond for maintenance of piscatorial habitat. **5. *If Pond Filled from a Ditch - Name, Capacity, Legal Description of Point of Diversion***: East Elk Pump Diversion will be used to provide freshening flows at a rate of 0.10 cfs; the legal description of the point of diversion is described herein. **6.** ***Appropriation and Beneficial Use***: a. ***Date and Methodology of Appropriation***: i. **East Elk Pump Diversion**:April 30, 2021, by purchasing property and consulting with water management and water rights professionals when water was legally available for appropriation. See Exhibit 3. ii. **East Elk Pond**: April 30, 2021, by purchasing property and using well pond for aesthetics and recreation purposes, and consulting with water management and water rights professionals when water was legally available for appropriation. See Exhibit 3. b. ***Date Water Applied to Beneficial Use***: i. **East Elk Pump Diversion**: August 16, 2024, when water was legally available (see Exhibit 4) by installing and using portable pump and pipeline system to irrigate trees and surrounding vegetation, and to provide freshening flows to East Elk Pond. ii. **East Elk Pond**: March 17, 2023 (date Division of Water Resources issued Well Permit 87938-F) by using pond for aesthetics and recreation; continued use by wildlife; evaporation from pond surface. **7.** ***Amounts Claimed and Uses***: a. **East Elk Pump Diversion**: i. Absolute: 0.10 cfs for irrigation of trees and surrounding vegetation and providing freshening flows to East Elk Pond. ii. Conditional Use: livestock watering (4 head). b. **East Elk Pond** (1.73 acre-feet per year total): i. Absolute: 0.35 acre-feet / year evaporation loss (surface area 0.13 acre). ii. Absolute non-consumptive uses: aesthetics, recreation, and wildlife watering; availability of water for fire protection. iii. Conditional: 1.38 acre-feet / year (irrigation (1.0 acre) and livestock watering (4 head)). iv. Conditional non-consumptive use: piscatorial habitat. c. **East Elk Pond Augmentation Contract**: The Rusconi Trust property is located within the Elk River Basin that is designated over-appropriated. In December 2022, Michael K. and Nikki N. Rusconi entered into and have continued to maintain Augmentation Contract No. E-A1-004, Upper Yampa Water Conservancy District Elk River Supply, with Upper Yampa Water Conservancy District (“Augmentation Contract”). A copy of the *Memorandum of Water Augmentation Contract Elk River Supply (Upper Yampa Water Conservancy District)* is attached as Exhibit 5. **8.** ***If Irrigation Use***: a. ***Acreage Historically Irrigated***: None. b. ***Acreage Proposed to be Irrigated and Legal Description of Acreage:*** 1.0 acre located within Lot 9, Moon Hill Meadows Subdivision Filing 1 owned by Rusconi Trust, as shown on Exhibit 2, using the East Elk Pump Diversion system and / or pumping water from East Elk Pond. A portion of the 1.0 acre was irrigated in August 2024 using the East Elk Pump Diversion. **9.**  ***If Non-Irrigation, Full Description of Uses***: a. **East Elk Pump Diversion**: stock watering and provide freshening flows to East Elk Pond for the end uses of aesthetics, fire protection, piscatorial, recreation, stock water, and wildlife water. b. **East Elk Pond**: aesthetics, recreation, fire protection, piscatorial, stock water, and wildlife water. **10. *Surface Area of High-Water Line, Vertical Height of Dam from Lowest Ground Level to Crest of Emergency Spillway, Length of Dam, and Total Capacity of East Elk Pond (active and dead storage)***: Surface Area 0.14 ac. (maximum); Dam Height, Dam Length, Total Capacity: N/A (excavated well pond). Estimated current depth is 6 ft. Rusconi Trust plans to increase the depth to improve piscatorial habitat; total depth will not exceed 15 feet. **11. *Name and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool***: The point of diversion for East Elk Pump Diversion and a portion of the pipeline leading to the Rusconi Trust property are located on land owned by Nathan S. Nicholas and Alison K. Nicholas, 1701 Constellation Dr., Colorado Springs, CO 80905. East Elk Pond is located on Rusconi Trust’s land, and both East Elk Pond and East Elk Pump Diversion water rights have been and will be used on the Rusconi Trust property. **12. *Remarks or Other Pertinent Information***: Michael K. Rusconi and Nikki N. Rusconi purchased Lot 9, Moon Hill Meadows Subdivision Filing 1 on April 30, 2021. On June 25, 2024, they transferred the property and water rights to The Colorado Rusconi Trust, of which they are Co-Trustees.

**2025CW1 Routt County** Application for Simple Change in Surface Point of Diversion **Applicant:** Gerald Brenner, 30998 Hwy 131 , Steamboat Springs, Colorado 80487; gbrenner@zirkel.us ; 970-291-6120 ; **Name of Structure:** Harvey Ditch; **Date of Original Decree:** August 25, 1899 ; **Case no**.06161909 ; **Court:** Routt ; **Legal Description:** NE1/4 of the NE1/4 Section 29, T5N, R84W, of the 6th P.M., Routt County, Colorado.; **UTM Coordinates:** 0344969E 4470147N, Zone 13; **Source of UTMs:** GPS; **Accuracy of location displayed on GPS device:** 30’+or-; **Decreed source of Water:** Grouse Creek; **Appropriation Date:** August 25, 1899 ; **Total Amount Decreed Absolute:** 1.5 cfs ; **Decreed Use:** irrigation; **Amount of Absolute Water that applicant intends to change:** 1.5 cfs ; **Detailed description of proposed change:** I would like to abandon the Harvey Ditch and pump my water from a point down stream. We have been pumping from this location for over 60 years. The ditch and diversion have been abandoned for over 60 years. I have a meter on my pump and Luke Fitzgerald has inspected it. I have turned in records since I took over this property. **Landowner:** Applicant

**2025CW3001,** Unnamed tributary to Willow Creek, tributary to Elk River, tributary to Yampa River in Routt COUNTY, COLORADO, **Application To Make Absolute In Part 1.** ***Applicants***: Tim Daniels and Jennifer Daniels [“Daniels”], PO Box 1256, Clark, CO 80428; [tfdaniels@gmail.com](mailto:tfdaniels@gmail.com), [jendaniels212@icloud.com](mailto:jendaniels212@icloud.com); 410.812.9496. All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, PLLC, P.O. Box 773474, Steamboat Springs, CO 80477, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. **2.** ***Name of Reservoir***: Coyote Holler. **3.** ***Description of Conditional Right:*** **a.** ***Original Decree***: January 13, 2019; Case No. 2017CW3047; District Court, Water Division No. 6, Routt County, Colorado. **b.** ***Subsequent Diligence Decree***: N/A; this is the first Application filed after entry of the Decree in Case No. 2017CW3047. **c.** ***Legal Descriptions of Water Right as Decreed (UTM Coordinates and PLSS)***: UTM coordinates: 334204 mE, 4520405 mN (Zone 13, NAD83). PLSS: NE4 NW4 Section 19, Township 10 North, Range 85 West, of the 6th Principal Meridian, approximately 509 feet from the North section line and 2299 feet from the West section line, Routt County, Colorado. **d.** ***Source of Water***: unnamed tributary to Willow Creek, tributary to Elk River, tributary to Yampa River. **e.** ***Appropriation Date and Amounts***: September 7, 2016; 3.6 AF absolute and 8.4 AF conditional, with the right to refill in sufficient amounts to maintain the level of the pond for all stated uses. **f.** ***Uses***: Recreation, aesthetics, evaporation, wildlife and migratory bird habitat, fire control, irrigation (11 acres within NE4 NW4 Section 19), domestic (lawn and garden irrigation and water features), piscatorial, and livestock. **4.** ***Detailed Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:*** **a**. Daniels hired Epp & Associates to conduct a survey of Coyote Holler and prepare a stage-storage capacity table to verify the pond’s storage volume; the work was completed in November 2024 and the survey is attached as Exhibit 1. The maximum storage capacity of the pond is 5.52 acre-feet, which is 1.92 acre-feet more than the estimated amount (3.6 acre-feet) that was adjudicated absolute in Case No. 2017CW3047. No work was done to increase the storage capacity of the pond; 5.52 acre-feet is the total as-built capacity as verified by the 2024 survey. **b.** Daniels hired Eric Mangeot, PE (LRE Water) to conduct a site review, determine the quantity of refill, and assess what measuring devices are needed to comply with the *Rules and Regulations Governing the Measurement of Surface Water and Groundwater Diversions and Storage, Release, and Delivery of Water Located in Water Division 6*. Mr. Mangeot also assisted with the preparation of the “Notice of Intent” for Coyote Holler. Daniels submitted the “Notice of Intent” on January 27, 2025; a copy is attached as Exhibit 2. **c.** Daniels claim 7.81 acre-feet (annually) as absolute for refill, based on evaporation loss (2.51 acre-feet), seepage loss (0.55 acre-feet), and irrigation (4.75 acre-feet). **d.** To date, Daniels have spent over $ 8,000.00 to document the amount of the conditional right made absolute. Expenses include Epp & Associates’ pond survey and preparation of the stage-storage capacity table, Mr. Mangeot’s work, and attorney fees and costs. **5.** ***If Claim to Make Absolute In Whole or In Part:*** **a.** ***Date Water Applied to Beneficial Use:*** September 7, 2016. ***Amount:*** 1.92 acre-feet. ***Uses:*** pursuant to Colorado Revised Statute Section 37-92-301(4)(e), all previously decreed uses of recreation, aesthetics, evaporation, wildlife and migratory bird habitat, fire control, irrigation (11 acres within NE4 NW4 Section 19), domestic (lawn and garden irrigation and water features), piscatorial, and livestock are made absolute. ***Refill Amount:*** 7.81 acre-feet. **b.** ***Supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed***. As verified by the “Coyote Holler Pond” survey and stage-storage curve (Exhibit 1), the total as-built capacity of the pond is 5.52 acre-feet. **c.** ***Description of Location Where Water is Applied to Beneficial Use***. Coyote Holler and places of use are depicted on Exhibit 3. **6.** ***Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool***: Daniels own the land where the structure is located and upon which the water right has been and will be used. **7.** ***Remarks or any pertinent information***: Daniels request the Water Court enter a decree confirming that the Coyote Holler conditional right has been made absolute in the claimed amounts and for the claimed uses stated herein. Daniels relinquish the remaining conditional storage right of 6.48 acre-feet, which shall be cancelled by the Water Court.

**2025C2W3002** Routt County. **Application for Findings of Reasonable Diligence**.Applicants: Douglas Monger and Lauretta Davidson, c/o Scott A. Grosscup & Blake C. Peterson, Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; (970)945-6546; [balcombgreen.com](http://balcombgreen.com). Applicants request a finding of reasonable diligence in the development of the conditional water right decreed to Monger Davidson Diversion & Spring (“SWR”). A map, as Exhibit 1, showing the location of the SWR is on file with the Water Ct. Name of Structure: Monger Davidson Diversion & Spring. Original Decree: 17CW3049 1/13/2019, Dist. Ct., Water Div. 6. Legal Description: SW1/4 SW1/4 Sec. 6, T. 6 N., R. 87 W., of the 6th P.M., 1,061 ft from S. Sec. line and 1,191 ft from W. Sec. line, in Routt Cty, CO. UTM coordinates Northing 4485849 m and Easting 313917 m (Zone 13 NAD83). Date of Approp.: 11/1/1995. Source: Unnamed tributary, tributary to Yampa River, and spring in unnamed tributary, tributary to Yampa River. Amt.: 0.033 c.f.s. (15 g.p.m.), conditional. Uses: Stock watering, wildlife watering, fire control, irr., and dom. (non-potable uses such as irr. of lawn and garden, water features). Acreage and Location of Irr.: Approx. 13.07 acres, as depicted in Exhibit 1, located in the SW1/4 Sec. 6, T. 6 N., R. 87 W., of the 6th P.M. Applicants use the SWR to supplement irr. use of the Monger Appel Diversion & Spring, which was originally decreed in 06CW39 for irr. of 45 acres, including the subject 13.07 acres. Integrated System: Applicants request the Ct. confirm the SWR and the Monger Appel Diversion & Spring as water rights within their integrated water supply system. The two water rights are interrelated components that operate together to benefit the Applicants’ property. For example, both the SWR and the Monger Appel Diversion & Spring are decreed to irrigate the same 13.07 acres on Applicants’ property, with the Monger Appel Diversion & Spring also decreed to irrigate an additional 30.93 acres on Applicants’ property. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” C.R.S. § 37- 92- 301(4)(b). A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. Name and address of owners of land on which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicants. (5 pages of original application, Fig. 1)

**2025CW3003** (20CW3030, 13CW3026, 05CW66). DISTRICT COURT, WATER DIVISION NO. 6, STATE OF COLORADO, Routt County Justice Center, 1955 Shield Drive, Unit 200, Steamboat Springs, CO. 80487. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF ALPINE MOUNTAIN RANCH METROPOLITAN DISTRICT IN ROUTT COUNTY, COLORADO. **APPLICATION FOR CHANGE OF WATER RIGHT.** 1. Name and Address of Applicant: Alpine Mountain Ranch Metropolitan District (“District”), P.O. Box 773659, Steamboat Springs, CO. 80477, (970) 875-1200, Email: [skidaly100@gmail.com](mailto:skidaly100@gmail.com). Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Structure: Steamboat Alpine Pond No. 1. 3. Description of water right: (a) Steamboat Alpine Pond No. 1: The subject water right was decreed and augmented by exchange by this District Court in and for Water Division No. 6 (“Water Court”) in Case No. 05CW66 as follows: (1) Legal description: The center point of the dam is located in the SW1/4 NW1/4 of Section 3, Township 5 North, Range 84 West, of the 6th P.M., at a point 760 feet east of the west section line and 1,630 feet south of the north section line of said Section 3. Due to the irregularity of the section, the center point of the dam may instead be deemed to be located in the NW1/4 NW1/4 of said Section 3. The GPS coordinates of the center point of the dam are Northing 4476482, Easting 347014, UTM, NAD83. (2) Name and capacity of the ditch used to fill the pond: Priest Creek Pump and Pipeline No. 1 for 1.0 cfs; and the Steamboat Alpine Well No. 1 for 0.044 cfs (20 gpm), more particularly described in paragraph 3(b) and (c) below. (3) Source: Priest Creek and Walton Creek, both tributary to the Yampa River. (4) Date of appropriation: December 29, 2005. (5) Amount claimed: 40.0 acre feet made absolute by decree of the Water Court in Case No. 13CW3026. (6) Uses: Recreation, aesthetic, piscatorial, and livestock watering. (7) Surface area of high waterline: 5 acres. (8) Maximum height of dam: 5 feet. (9) Length of dam: 1,000 feet. (10) Total capacity of pond: 40.78 acre feet as confirmed by the Water Court in Case No. 13CW3026. (11) Location map: The pond is depicted on the location map attached hereto as Figure 1. (b) Steamboat Alpine Well No. 1: (1) Legal description of well: The well is located in the SW1/4 NW1/4 of Section 3, Township 5 North, Range 84 West, of the 6th P.M. at a point 335 feet east of the west section line and 2,050 feet south of the north section line of said Section 3. Due to the irregularity of the section, the well may instead be deemed to be located in the NW1/4 NW1/4 of said Section 3. The GPS coordinates of the well are Northing 4476361, Easting 346855, UTM, NAD83. An application to change the location of this well is pending in Case No. 22CW3115. (2) Source: Walton Creek alluvium, tributary to the Yampa River. (3) Depth: 20 feet. (4) Date of appropriation: December 29, 2005. (5) Amount claimed: 0.044 cfs (20 gpm), conditional. (6) Proposed use: recreation, piscatorial and livestock in Steamboat Alpine Pond No. 1. The well will be used to replace evaporative losses in the Steamboat Alpine Pond No. 1 at times when the Priest Creek Pump and Pipeline is not legally or physically allowed to do so. (c) Priest Creek Pump and Pipeline: (1) Legal description: The diversion is located in the NW1/4 NW1/4 of Section 3, Township 5 North, Range 84 West, of the 6th P.M. at a point 520 feet east of the west section line and 500 feet south of the north section line of said Section 3. The GPS coordinates of the point of diversion from Priest Creek are Northing 4476434, Easting 346879, UTM, NAD83. (2) Source: Priest Creek, a tributary of Walton Creek, a tributary of the Yampa River. (3) Date of appropriation: December 29, 2005. (4) Amount claimed: 1.0 cfs made absolute by decree of the Water Court in Case No. 13CW3026. (5) Uses: Recreation, piscatorial and livestock in Steamboat Alpine Pond No. 1. The pump and pipeline will be used to fill and refill the Steamboat Alpine Pond No. 1. (d) Augmentation By Exchange: The Steamboat Alpine Pond No. 1 is augmented exchange by 45 acre feet of water from Stagecoach Reservoir which was decreed for 33,500 acre feet for a multitude of uses and is located on the Yampa River in Section 36, Township 4 North, Range 85 West, and in Sections 28-32, Township 4 North, Range 84 West, and in Sections 1 and 2, Township 3 North, Range 85 West, of the 6th P.M. 4. Proposed Change of Water Right: By the subject application, the District seeks to add augmentation as an additional use for the Steamboat Alpine Pond No. 1. Other than this change, no other changes are sought to this water right or the plan for augmentation by exchange decreed in Water Court Case No. 05CW66. 5. Land Ownership: The District is the owner of the land on which the Steamboat Alpine Pond No. 1 is located. Wherefore, the District seeks a decree that (i) changes the use of the Steamboat Alpine Pond No. 1 to add augmentation as an additional use; (ii) amends the augmentation plan decree in Case No. 05CW66 to cover and include this new location; and (iii) grants such other relief as the Court may provide.

**2025CW3000 RIO BLANCO COUNTY WHITE RIVER OR ITS TRIBUTARIES.** APPLICATION FOR FINDING OF REASONABLE DILIGENCE Board of County Commissioners of Rio Blanco County, Colorado (“BOCC”) P.O. Box i Meeker, CO 81641 (970) 878-9680 c/o Edward B. Olszewski, Esq. Olszewski & Massih, P.C. P.O. Box 916 Glenwood Springs, CO 81602 Applicant requests a finding that it has been reasonably diligent in the development of the Rio Blanco County Spring No. 1, Rio Blanco County Spring No. 2, and Rio Blanco County Spring, First Enlargement and claim to make the remainder thereof absolute, as described below: Date of Original Decree: January 13, 2019 Case No. 2016CW3037 Court: District, Water Division No. 6 Legal Description for Rio Blanco County Spring No. 1: UTM Coordinates Easting 280553.00m and Northing 4432028.07m, Zone 13; NE ¼ SW ¼ of Sec. 35, T. 1 N., R. 91 W. of the 6th P.M., at a point 1940 feet from the South Section line and 1645 feet from the West Section line; Rio Blanco County Spring No. 2: UTM Coordinates Easting 280613.82m and Northing 4431948.75m, Zone 13; NE ¼ SW ¼ of Sec. 35, T. 1 N., R. 91 W. of the 6th P.M., at a point 1685 feet from the South Section line and 1840 feet from the West Section line; Rio Blanco County Spring, First Enlargement: UTM Coordinates Easting 280627.51m and Northing 4431929.84m, Zone 13; NE ¼ SW ¼ of Sec. 35, T. 1 N., R. 91 W. of the 6th P.M. at a point 1635 feet from the South Section line and 1910 feet from the West Section line. Source of water: All springs are tributary to the North Fork of the White River, tributary to the White River. Appropriation Date: August 31, 2015 for all springs. Amount and uses: Rio Blanco County Spring No. 1: 0.012 cfs, absolute, for 0.4 acre of wetlands irrigation, and 0.021 cfs, conditional, for 0.6 acre of wetlands irrigation; Rio Blanco County Spring No. 2: 0.033 cfs, conditional, for 1 acre of wetlands irrigation; Rio Blanco County Spring, First Enlargement: 0.033 cfs, conditional, for 1 acre wetlands irrigation. Number of acres irrigated: Case No. 16CW3037 decreed 0.012 cfs absolute for the irrigation of 0.4 acres of wetland. Since the last diligence case, irrigation has expanded with 0.033 cfs irrigating a total of 1.5 acres. Legal description of irrigated acreage. Lands located within the NE ¼ SW ¼ of Sec. 35, T. 1 N., R. 91 W. of the 6th P.M. Applicant claims it has been reasonably diligent in the development of the remaining conditional portions of the above described water right. The Application contains a detailed description of diligence activities and expenditures. Claims to Make Absolute: Applicant claims Rio Blanco County Spring No. 1 be decreed an additional 0.021 cfs, absolute, for 0.5 acre of wetlands irrigation; Rio Blanco County Spring No. 2 be decreed an additional 0.033 cfs absolute for up to 1.0 acre of wetlands irrigation; and Rio Blanco County Spring, First Enlargement be decreed 0.033 cfs absolute for up to 1.0 acre of wetlands irrigation. (5 pages, 1 map)

**2025CW3004** Jackson County. **TOM BARENBERG,** Tom Barenberg, 1745 Shea Center Dr., Ste. 370, Highlands Ranch, Colorado 80129, Email: tom@srffence.com, Phone: 720-282-3385. 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 CONDITIONAL WATER STORAGE RIGHT IN DORAN CREEK OR ITS TRIBUTARIES IN JACKSON COUNTY.** 2. Name of Reservoir: Doran Creek Reservoir. 3. Legal description of location (see Exhibit A): A. UTM coordinates**:** Northing 4,485,662.937 meters, Easting 366,357.716 meters, Zone 13: or such specific location as identified in subsequent engineering work; 3971 County Road 1, Coalmont, CO 80430; B. Source of UTMs: NGS Coordinate Conversion and Transformation Tool (NCAT); C. Legal Description: NW1/4 NW1/4 of Section 11, Township 6 North, Range 82 West, of the 6th P.M. in Jackson County, Colorado. See Exhibit A. 4. Source: Doran Creek, tributary to Little Grizzly Creek, tributary to the North Platte 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. Doran Creek Reservoir is an on-channel reservoir. B. Legal description of each point of diversion: N/A. 6. A. Date of appropriation: January 31, 2025. B. How appropriation was initiated: By this Application and other planning and engineering efforts. C. Date water applied to beneficial use: N/A. 7. Amount claimed: A. 50 acre feet conditional. B. If filled from a ditch, rate of diversion in cubic feet per second (cfs) for filling the reservoir: N/A. 8. List All Uses or Proposed Uses: Irrigation, stockwater, aesthetics, piscatorial and fire suppression. A. If irrigation, Number of acres historically irrigated: N/A. Proposed to be irrigated: 100 acres. Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right: Yes. Legal description of irrigated acreage. Sections 2 (W2SW, SWNW), 3 (E2SE, SENE), 10 (E2NE) and 11 (W2NW, NWSW) T6N-R82W in Jackson County, Colorado. See Exhibit A. B. If non-irrigation, describe purpose fully: Stockwater, piscatorial, and aesthetics uses will occur within the confines of the reservoir. 9. Surface area of high water line: 13.0 Acres or as determined by subsequent engineering work. A. Vertical height of dam: 9.5 feet or as more specifically determined by subsequent engineering work. B. Length of dam in feet: 650 feet or as more specifically determined by subsequent engineering work. 10. A. Total capacity of reservoir in acre feet: 50 acre feet or as more specifically determined by subsequent engineering work. B. Active capacity: 50 acre feet. C. Dead storage: 0 acre feet. Capacity may change as more specifically determined by subsequent engineering work. 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: Mr. Barenberg uses the water to irrigate approximately 300 acres of his 510-acre parcel for summer and fall hay and grass pasture for cattle. He currently runs 325 head of yearlings on the Property. 5 pages including 1 exhibit page.

**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 **March 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