

DISTRICT COURT, WATER DIV. 6, COLORADO
TO ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIV. 6

Pursuant to C.R.S. 37-02-302, you are hereby notified that the following pages comprise a resume of Applications and Amended Applications filed in the office of Water Div. 6, during the month of **JANUARY, 2006.**

05CW58 COUNTY OF RIO BLANCO, Application for Surface Water Rights.

Name, address and phone number of applicants: Matthew & Kimberly Anderson, 17825 RCR 29, Oak Creek, CO 80467, 970-736-8564. Name of Structure: Last Chance Ditch. Legal description: SE4, SW4 of Sec 25, T3N, R87W, 6th PM.; distance from section lines 4000 ft from N, 2750 Ft from W; GPS location (points were averaged) Northing (nad83) 4452062, Easting (utm) 320426. Source: Trout Creek. Date of initiation of appropriation: 1980. How appropriation as initiated and date water applied to beneficial use: See affidavit which follows. Amount claimed: 5 cfs absolute. Use: stock water, early irrigation, see affidavit. Number of acres historically irrigated and proposed to be irrigated: 300 +/- . For legal description of acreage see 3 sets of attachments detailing a total acreage of 384.2 acres in court file. Purpose: to fill stock ponds/tanks, provide ditch water for livestock watering. Owner of land at headgate: Routt National Forest. Affidavit Of Water Rights (from previous owners K.L and Johnnie S. Manchac) dated October 20, 2005: The undersigned being first duly sworn, do hereby state and declare that to the best of their knowledge, information and belief: 1. We own certain water rights which are, have been, or may be used in connection with, or are appurtenant to, or located on or underlying or in any way associated with, the real property described in Exhibit A attached hereto and incorporated herein by this reference, including the water rights listed in Exhibit B ("Water Rights") attached hereto and incorporated herein by this reference. 2. We have owned or controlled the real property described on Exhibit A hereto for approximately 26 years. 3. That for so long as we have owned the real property described on Exhibit A we have, on an annual basis, continuously and consistently diverted the Water Rights to the full extent of the adjudicated appropriations we own and have applied the diverted waters there from to beneficial use for irrigation and stock-watering uses on portions of the real property described on Exhibit A during the period of our ownership and control of the real property, and that we have not allowed nor permitted any other person, party or entity to divert waters from the Water Rights to any other lands and for any other purposes whatsoever. 4. At no time have we ever abandoned or intended to abandon, in whole or in part, any of the Water Rights. 5. During the entire time we have owned the real property, it has been our practice to divert approximately 7 cfs of spring runoff water through the Last Chance Ditch from the months of April through June each year for purposes of stockwatering and early irrigation on our property. It is our understanding that water has historically been diverted in this matter since the Last Chance Ditch was originally appropriated in 1902. Exhibits A and B referred to in affidavit is available in court file.

05CW66 Case originally filed in December, 2005, this is the first time published, COUNTY OF ROUTT, Application for Water Right and Approval of Plan for Augmentation and Exchange, Steamboat Alpine Development, LLC c/o Glenn E.

Porzak, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, Colorado 80302, 303-443-6800. 1. Name and address of applicant: Steamboat Alpine Development, LLC, c/o Andy Daly, 143 E. Meadow Dr., Suite 490, Vail, Colorado 81657, 970-477-1315. 2. Description of Water Rights to be Adjudicated and Augmented by Exchange: (a) Name of reservoir: Steamboat Alpine Pond #1. (1) Legal description: The center point of the dam is located in the SW1/4 NW1/4 of Section 3, T. 5 N., R. 84 W. 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. (2) Name and capacity of the ditch used to fill the pond: Priest Creek Pump and Pipeline No. 1 for 1.0 cfs; Pine Spring Gulch Ditch for 1.0 cfs; and the Steamboat Alpine Well No. 1 for 0.5 cfs, more particularly described in paragraphs 2(b), 2(c) and 2(d) below. (3) Source: Priest Creek, Pine Spring Gulch and Walton Creek, all tributary to the Yampa River. (4) Date of appropriation: December 23, 2005, by completion of a water resources analysis for the Applicant and development of plans to integrate a new pond into the water system. (5) Amount claimed: 40.0 af, conditional. (6) Uses: Recreation, aesthetic, piscatorial. (7) Surface area of high waterline: 5 acres. (8) Maximum height of dam: 5 feet. (9) Length of dam: 1000 feet. (10) Total capacity of pond: 40.0 af (35.0 af active capacity, 5.0 af dead capacity). (11) Name of owner of the land upon which the pond will be located: The pond will be located on Applicant's property depicted on the map attached as Figure 1. (b) Name of groundwater right: Steamboat Alpine Well No. 1. (1) Legal description of well: The well is located in the SW1/4 NW1/4 of Section 3, T. 5 N., R. 84 W. 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. (2) A. Source: Walton Creek alluvium, tributary to the Yampa River. B. Depth: 20 feet. (3) Date of appropriation: December 23, 2005, by completion of a water resources analysis for the Applicant and development of plans to integrate a new well into the water system. (4) Amount claimed: 0.5 cfs, conditional. (5) Proposed use: recreation, piscatorial and livestock. The well will be used to fill and refill the Steamboat Alpine Pond No. 1. (6) Name and address of owner of the land upon which well is located: the well will be located entirely on the Applicant's property depicted on the attached Figure 1. (c) Name of the ditch: Pine Spring Gulch Ditch. (1) Legal description: The headgate is located in the NW1/4 NW1/4 of Section 3, T. 5 N., R. 84 W. of the 6th P.M., at a point 1,260 feet east of the west section line and 210 feet south of the north section line of said Section 3. (2) Source: Pine Spring Gulch, tributary to Priest Creek, tributary to Walton Creek, tributary to the Yampa River. (3) Date of appropriation: December 23, 2005, by completion of a water resources analysis for the Applicant and development of plans to integrate a new surface diversion into the water system. (4) Amount claimed: 1.0 cfs conditional. (5) Uses: Recreation, piscatorial and livestock. The ditch will be used to fill and refill the Steamboat Alpine Pond No. 1. (6) Name of owner of the land upon which the structure will be located: The structure will be located on the Applicant's property depicted on the map attached as Figure 1. (d) Name of the surface water right: Priest Creek Pump and Pipeline. (1) Legal description: The diversion is located in the NW1/4 NW1/4 of Section 3, T. 5 N., R. 84 W. 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. (2) Course: Priest Creek, a tributary of Walton Creek, a tributary of the Yampa River. (3) Date of appropriation: December 23, 2005, by completion of a water resources analysis for the

Applicant and development of plans to integrate a new surface diversion into the water system. (4) Amount claimed: 1.0 cfs, conditional. (5) Uses: Recreation, piscatorial and livestock. The pump and pipeline will be used to fill and refill the Steamboat Alpine Pond No. 1. (6) Name of owner of the land upon which the structure will be located: The structure will be located on Applicant's property depicted on the map attached as Figure 1. 3. Description of Water Rights to be Used as a Source of Augmentation Water: Up to 45 acre feet of the 100 acre feet of the water allotment contract dated March 6, 1998, between the Upper Yampa Water Conservancy District and Priest Creek Ranch, LLC for water from Stagecoach Reservoir that is surplus to the domestic augmentation plan for Applicant's property and adjacent property decreed in Case No. 97CW78. Stagecoach Reservoir is decreed for 33,500 acre feet for a multitude of uses directly or by augmentation and exchange, and is located on the Yampa River in Section 36, T. 4 N., R. 85 W. and in Sections 28-32, T. 4 N., R. 84 W., and in Sections 1 and 2, T. 3 N., R. 85 W., 6th P.M. Stagecoach Reservoir is owned by the Upper Yampa Water Conservancy District. 4. Application for Water Rights: By this application, Applicant seeks to adjudicate water rights for the Steamboat Alpine Pond No. 1, Steamboat Alpine Well No. 2, Pine Spring Gulch Ditch, and Priest Creek Pump and Pipeline more particularly described in paragraphs 2(a), 2(b), 2(c) and 2(d) above. A map depicting the location of all these structures is attached as Figure 2. 5. Description of the Plan for Augmentation and Exchange: (a) By this application, Applicant seeks to use by exchange the water from Stagecoach Reservoir described in paragraph 3 above (1) to augment out of priority diversions and/or depletions resulting from the Steamboat Alpine Well No. 1, the Pine Spring Gulch Ditch and Priest Creek Pump and Pipeline and (2) to augment out of priority storage in the Steamboat Alpine Pond No. 1 for all purposes described in paragraph 2 above, up to a maximum of 45 acre feet per year. (b) The upstream termini of the augmentation by exchange described in paragraph 5(a) above are the claimed water rights described in paragraph 2 above. The downstream terminus is the confluence of the Yampa River and Walton Creek. The rate of exchange is 2.5, cfs with a priority date of December 23, 2005. (c) So as to ensure the operation of the augmentation and exchange plan, Applicant will install and maintain such water measuring devices, implement such accounting procedures and provide such calculations as may be required by the Division Engineer to verify that the amount of augmentation and exchange water equals the amount of out of priority depletions resulting from the use of water under the foregoing plan for augmentation and exchange. WHEREFORE, Applicant requests that this Court enter a decree which: (i) adjudicates the water rights described in paragraph 2; (ii) Approves the plan for augmentation and exchange described in paragraph 5; and (iii) Finds that as a result of the subject plan for augmentation and exchange, there will be no injury to any owner of or persons entitled to use water under a vested water right or decreed conditional right. [Original filed with Figures 1 & 2 attached.]

06CW2 (98CW13) (90CW162) County of Routt. Application For Finding of Diligence. Name, address, telephone number of applicant: Rancho Dos Rios, LLC c/o Claire E. Sollars, Klauzer & Tremaine, LLC, 320 Lincoln Avenue, 2nd Floor, P.O. Box 774525, Steamboat Springs, CO 80477-4525, (970) 879-5003. Name of ditch: First Enlargement to Thompson Seepage and Waste Water Ditch [hereinafter "Enlargement

Ditch”]. Describe conditional water right, giving the following from the Referee’s Ruling and Judgment and Decree: Original Decree: The Enlargement Ditch was originally decreed on April 23, 1992, in Case No. 90CW162, Water Division No. 6. On January 12, 2000, in Case 98CW13, the Court determined the Applicant had exercised reasonable diligence and continued the beneficial use of irrigation as a conditional water right for 4 c.f.s. B. Location: As described in the decree, the Enlargement Ditch commences at a point from which the SE corner of Section 12, T6N, R86W of the 6th P.M., Routt County, Colorado, bears south 44 degrees 20 minutes 50 seconds west 1150.26 feet, said point being also the headgate of the Thompson Seepage and Waste Water Ditch decreed in Case No. W-751-74, Water Division 6. The Enlargement Ditch runs thence generally southerly to the northerly right-of-way and barrow ditch of U.S. Highway 40, and thence southwesterly along such barrow ditch on the northerly right-of-way of U.S. Highway 40 to a point approximately 175 feet south and 60 feet west of said SE corner of said Section 12, whence such Enlargement Ditch proceeds generally southerly under U.S. Highway 40 and thence along and adjacent to the East section line of Section 13, T6N, R86W of the 6th P.M. to a point approximately 1000 feet south of said SE corner of said Section 12, whence the Enlargement Ditch proceeds easterly 300 feet, more or less, via a constructed lateral, to the inlet into Kenyon Fish Pond. As further described in the Division of Water Resources data base of Water District 58, the UTM coordinates of the Enlargement Ditch headgate on the Yampa River are 4483791.0 Northing and 33005.0 Easting. C. Source: The Elk River and irrigation return flows from the Elk River and the West Fork of the Elk River as a result of irrigation of lands in the E2 SE4 of Section 12 and the NE4 of Section 13 north of the Yampa River and east of the West Fork of the Elk River, in T6N, R86W of the 6th P.M., and in the W2 SW4 of Section 7, T6N, R85W of the 6th P.M., lying west of the Elk River. D. Appropriation Date: July 1,1990. E. Uses: In January of 2000, several beneficial uses of the Enlargement Ditch were decreed absolute, including stock water, recreation, fish and wildlife propagation, maintenance, aesthetic, and recharge of the Kenyon Fish Pond. Applicant intends to also use the water for irrigation of land owned by Applicant. 4. Amount Claimed to be Continued Conditional: 4 c.f.s 5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: In 2001 Applicant’s predecessor in interest expended approximately \$1,700 for repair of the headgate used to divert water from the Elk River into the Enlargement Ditch. Applicant obtained the water rights in December of 2004 and in the fall of 2005, Applicant spent approximately \$4,150 to remove and replace the Enlargement Ditch headgate. This work was necessary as the headgate repaired in 2001 failed to properly convey water from the Elk River into the Enlargement Ditch and then into the Kenyon Fish Pond for use at Applicant’s property. Water in the Kenyon Fish Pond has been used for watering of wildlife and livestock, fish propagation, recreation, and aesthetic purposes. Applicant intends to also use the water for irrigation of portions of Lot 1, River Bank Ranches. 6. Names 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: Water transported through the Enlargement Ditch is stored in the Kenyon Fish Pond, which is located on land owned

by the Applicant. The Enlargement Ditch diversion point is located on property owned by Mark C. Hartless, et al 24250 West Hwy 40, Steamboat Springs, CO 80487. WHEREFORE Rancho Dos Rios, LLC respectfully requests this Court find that the Applicant has exercised reasonable diligence in developing the conditional water rights and order that the conditional status of the water rights set forth in this application is extended.

You are hereby notified that you will have until the last day of **March, 2006**, to file with the Water Court, in quadruplicate, 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 \$70.00, and should be sent to the Clerk of the Water Court, Division 6, P.O. Box 773117, Steamboat Springs, CO 80477.

ROUTT COUNTY COMBINED COURT
WATER DIV. 6

By: Sharon Martin, Deputy Clerk