

**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 **October 2023**.

**2023CW3026** (16CW3026) White River and its tributaries in RIO BLANCO COUNTY. Application for Finding of Reasonable Diligence. 1. Applicant: Mahogany Energy Resources, LLC, P.O. Box 957, 285 8th Street, Meeker, CO 81641. Please direct all pleadings and correspondence to Applicant's counsel: William H. Caile, Holland & Hart LLP, 555 17th St., Suite 3200, PO Box 8749, Denver CO 80201-8749; telephone: (303) 295-8000; email: whcaile@hollandhart.com. 2. Name of Structure: White River – Figure 4 Pipeline. 3. Description from Previous Decrees: A. Type: Pipeline. B. Date of Original Decree: July 16, 1971, Case No. W-196, District Court in and for Water Division 5, Colorado. C. Subsequent decrees awarding findings of diligence (Case No. and date of decree): W-1683, August 2, 1973; W-196-76, July 28, 1977; 80CW393, April 22, 1981; 84CW345, March 29, 1985; 88CW365, November 17, 1989; 95CW260, April 23, 1996; 02CW98, September 3, 2003; 09CW46, July 21, 2010, Water Division 6; and 16CW3026, Water Division 6, October 9, 2017. D. Legal description of point of diversion: The South Bank of the White River at a point whence Corner No. 6, Tract 53, Section 26, T1N, R96W, 6th P.M., bears South 38°00' West, a distance of 373 feet. The point of diversion is shown on the map attached as Exhibit A. E. Alternate legal description: The decreed location for the point of diversion is set forth above. For purposes of providing additional information in connection with the application, it is estimated that the point of diversion is located at a point 970 feet south from the north line, 1840 feet west from the east line of Section 26, Township 1 North, Range 96 West, 6th P.M. F. Source of water: White River. G. Appropriation date: June 10, 1968. H. Amount: 70 cfs. I. Use: Industrial, domestic, and irrigation purposes. Note that the court cancelled municipal use as a decreed use in Case No. 02CW98. J. Location of irrigation use. The conditional water right will be used for irrigation in the Piceance Creek and White River basins, including but not limited to the properties shown on the map on file with the Water Court as Exhibit B. K. Land ownership information: U.S. Bureau of Land Management, 220 Market Street, Meeker, CO 81641. 4. Detailed Outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed: Applicant is the owner of substantial assets related to oil shale development in Western Colorado, including the surface and mineral estates of lands in Rio Blanco, Mesa (no minerals), and Garfield Counties, and a substantial portfolio of water rights, together with buildings and physical facilities associated with those lands and related interests, including but not limited to surface leases, easements, contracts, and federal, state and local permits, licenses, and governmental authorizations required for the continued use of these assets. On or about June 27, 2023, Applicant acquired certain assets from Puckett Land Company ("PLC"), including PLC's interest in the surface and mineral estate of the property known as the "Figure 4 Ranch" located in Garfield and Rio Blanco County, together with other properties and absolute and conditional water rights including the subject conditional water right for the White River – Figure 4 Pipeline. The Application on file with the Water Court contains a detailed outline of activities and expenditures undertaken during the diligence period by both Applicant and PLC with respect to the subject conditional water right. The list of activities and expenditures is not intended to be exhaustive, and Applicant reserves the right to present additional evidence of reasonable diligence as necessary or appropriate. 5. Integrated System: Applicant requests a finding that the White River - Figure 4 Pipeline is a component of Applicant's integrated water supply system intended to supply water for the development of energy resources and related uses on lands in western Colorado in which Applicant has an ownership interest or lands in which it has a reasonable expectation of acquiring an interest. This integrated water supply system includes the water rights described on Exhibit C on file with the Water Court, as most recently confirmed by this Court in Case No. 21CW3037, Water Division 6. 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). 6. Name and address of owners or reputed owners of land upon which any new diversion structure 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 described herein has been previously adjudicated, and no new or modified diversion structures, storage structures, or storage locations are contemplated in connection with this application. Wherefore, Applicant respectfully requests entry of a decree finding that Applicant has demonstrated reasonable diligence in the development of the conditional water right for the White River – Figure 4 Pipeline described herein; finding that the White River – Figure 4 Pipeline is a component of Applicant's integrated water supply system; continuing the conditional water right in full force and effect; and for such other relief as the Court deems just and appropriate.

**2023CW3027** Rio Blanco County. Application for Alternate point of Diversion and Place of Use. Applicant: Flintstone, LLC, Don Almond, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Claim for Alternate Point of Diversion and Place of Use. Decreed Structure for which change is sought, Miner-Martin Ditch. Original Decree: CA0624, in the Dist. Ct. of the State of CO within and for the Cty. of Rio Blanco, on 05/26/1942. Decreed Location: Located on the S. bank of said White River at a point which bears 27° 30' E. 1780 ft. from the Southeast corner of S. 35, T. 2 N., R. 97 West if the 6th P.M., as shown in Exh. A on file with the Water Ct (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Ct.) Source: White River. Approp. Date: 04/01/1900 for Priority No. 385 and 04/30/1902 for Priority No. 396. Amts.: 2.00 c.f.s., absolute, as decreed in CA0624. 3.00 c.f.s., absolute, as decreed in CA0624. Use: Irr. Amts. Intended to be Changed: 5.00 c.f.s., absolute. Historical Water Use: The Miner-Martin Ditch is the subject of two separate water rights totaling 5.00 c.f.s. All water rights are decreed to divert from the White River. According to the diversion and irr. records, as shown in Exh. B, the Ditch diverted the entire 5.00 c.f.s. of its water rights in the past, irrigating 50 acres. Detailed Description of Proposed Changes: This Application seeks an alternate point of diversion ("POD") for the Miner-Martin Ditch approximately 2,400 ft. downstream of the decreed POD, as shown in Exh. C. This Application seeks an alternate place of use, utilizing water pumps, adjacent to but "up ditch" of the historical place of diversion, as shown in Exh. C. Legal Description of Alternate Diversion and Use Location. The alternate POD is located in the upper portion of the NW1/4 NE1/4 of S. 2, T. 1 N., R. 97.0 West of the 6th P.M., as shown in Exh. C. Also described as UTM Zone 13, Easting 223635.2 m, Northing 4442825.6 m. The alternate place of use is located in NE1/4 NE1/4 of S. 2, T. 1 N., R. 97 West of the 6th P.M., as shown in Exh. C. Also described as UTM Zone 13, Easting 223841.7 m, Northing 4442594.6 m. No Injury in Alternate POD Location and Place of Use: According to the map and filing statement for the water right, 72 acres were decreed to be irrigated. The proposed irrigated area is approximately 33 acres, which is less than the decreed 72 acres. The proposed irrigated area is also less than the 50 acres that were historically irrigated according to the diversion and irr. records shown in Exh. B. Further, there are no intervening water rights between the current proposed diversion points that would be injured by this change, as described in Exh. D. 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: Applicant. WHEREFORE, Applicant respectfully requests the Ct. enter a Decree (1) for an alternate POD at the location described above; (2) for an alternate place of the absolute use of 5.00 c.f.s. at the location described above; and (3) for such other relief as the Ct. deems proper. (4 pages of original application, Exhs. A-D)

**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 December 2023 to file with the Water Court a Verified Statement of Opposition, setting forth facts as to why a certain Application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must be served on the Applicant or the Applicant's Attorney, with an affidavit or certificate of such service being filed with the Water Court, as prescribed by Rule 5, C.R.C.P. The filing fee for the Statement of Opposition is \$192.00, and should be sent to the Clerk of the Water Court, Division 6, 1955 Shield Dr. Unit 200, Steamboat Springs, CO 80487.

CARMMA PARKISON  
CLERK OF COURT  
ROUTT COUNTY COMBINED COURT  
WATER DIVISION 6  
/s/ Julie A. Edwards  
Deputy Court Clerk