

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**.

2017CW3045 MAHOGANY ENERGY RESOURCES, LLC, in the South Fork of the White River, in Rio Blanco County, Colorado. AMENDED APPLICATION FOR CHANGE OF WATER RIGHT AND CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE. Applicant: Mahogany Energy Resources, LLC. P.O. Box 957, Meeker, Colorado 81641. With copies to: Stephen H. Leonhardt, April D. Hendricks, Zachary T. Greder, BURNS, FIGA & WILL, P.C. 6400 South Fiddler's Green Circle, Suite 1000, Greenwood Village, CO 80111. **CHANGES OF WATER RIGHT.** *Decreed water right for which change is sought: Name of structure : South Fork Reservoir. Original decree : Civil Action No. 1269, entered on November 21, 1966, by the Rio Blanco County District Court. Subsequent decrees awarded findings of diligence : Case Nos. 80CW220, 84CW174, 88CW158, 95CW253 and 02CW296, by the District Court in and for Water Division 5; Case Nos. 10CW29 and 18CW3002, by the District Court in and for Water Division 6. Legal description as described in the decree entered in Case No. 18CW3002 : The reservoir is to be located in Sections 21, 22, 23, 24, 25, 26, 27 and 28, Township 2 South, Range 90 West of the 6 th P.M. The initial point of survey of the high water line of the South Fork Reservoir is located at the intersection of the dam axis with the stream channel of the South Fork of the White River, which is described as a point whence the Northeast Corner of Section 28, Township 2 South, Range 90 West of the 6 th P.M. bears North 50E31' East a distance of 4,382 feet, which is approximately 2,484 feet north of the South Section line and 3,303 feet west of the East section line of said section. This point is depicted on the location map attached the Amended Application as **Exhibit A**. *Decreed source of water : South Fork of the White River, tributary to the White River. Appropriation date : September 14, 1964. Total amount decreed to structure : 85,342.4 acre feet, conditional. Decreed uses : Industrial, domestic, recreational and irrigation. Amount of water that Applicant intends to change : 85,342.4 acre feet, conditional. Statement of proposed changes : Applicant seeks to change the location of storage of the entire South Fork Reservoir water right described above to two alternative reservoir sites. South Fork Reservoir No. 1 is a proposed reservoir located on the channel of Wolf Creek, a tributary of the White River, as described in subparagraph 3.A. below, which would be filled (1) by pumping water from the White River into the reservoir via South Fork Reservoir No. 1 Pump and Pipeline and (2) by exchange of the natural inflow from Divide Creek, Wolf Creek, Middle Fork Wolf Creek, East Fork Wolf Creek, and Coal Creek, all tributary to the White River. South Fork Reservoir No. 1 is capable of storing the entire 85,342.4 acre feet decreed to this water storage right and is the same as the Wolf Creek Off-Channel Dam and Reservoir, which is the subject of Rio Blanco Water Conservancy District's decree in Case No. 14CW3043, Water Division 6. Applicant also intends to construct an additional reservoir on the channel of Yellow Creek (known as Bar D Reservoir), as described in subparagraph 3.B. below, that will store up to 68,000 acre feet of the water currently decreed to the South Fork Reservoir. Water to fill Bar D Reservoir No. 1 may be diverted directly from the White River at two alternate points described in subparagraph 3.B. below, or may be initially stored in South Fork Reservoir No. 1 and later delivered via pipeline to Bar D Reservoir. Applicant does not propose to change the decreed uses of the South Fork Reservoir water right, as originally decreed in CA1269 and as modified (by cancellation of the originally decreed municipal use) in Case No. 10CW29. Applicant plans to use the right for purposes consistent with those decrees and the most recent diligence decree in Case No. 18CW3002. Description of South Fork Reservoir No. 1: Location : The left abutment (looking downstream) of the South Fork Reservoir No. 1 Dam is located in the NW¼ of the SW¼ of Section 23, Township 3 North, Range 99 West of the 6 th P.M., at a point 1,007 feet east of the west section line of Section 23 and 1,450 feet north of the south section line of Section 23, in Rio Blanco County, Colorado. This point is depicted on the location map attached to the Amended Application as **Exhibit A**. Sources : White River, via the South Fork Reservoir No. 1 Pump and Pipeline as described below and natural inflow from Divide Creek, Wolf Creek, Middle Fork Wolf Creek, East Fork Wolf Creek, and Coal Creek, all tributary to the White River. Dimensions: Surface area of high water line : 3,106 acres. Vertical height of dam in feet : 122 feet. Length of dam in feet : 3,300 feet. Total capacity of reservoir : 85,342.4 acre feet. Active capacity : 85,342.4 acre feet. Dead storage : None. Structure used to fill reservoir : South Fork Reservoir No. 1 Pump and Pipeline. Location : The diversion point from the White River for the South Fork Reservoir No. 1 is located in the NE¼ of the SE¼ of Section 27, Township 3 North, Range 99 West of the 6th P.M., at a point 480 feet west of the east section line of Section 27 and 2,620 feet north of the south section line of Section 27, in Rio Blanco County, Colorado. This point is depicted on the location map attached to the Amended Application as **Exhibit A**. Capacity : 400 c.f.s. Maximum rate of diversion : 400 c.f.s. Description of Bar D Reservoir: Location : The left abutment (looking downstream) of the Bar D Reservoir dam is located in the NW¼ of the SE¼ of Section 16, Township 1 South, Range 98 West of the 6th P.M., at a point 2,040 feet west of the east section line of Section 16 and 2,520 feet north of the south section line of Section 16, in Rio Blanco County, Colorado. . The location of Bar D Reservoir is depicted on the location maps attached to the Amended Application as **Exhibits A and B**. Source : White River, via the alternate points of diversion described in Paragraph 3.B.iv. Dimensions: Surface area of high water line : Approximately 1,277 acres. Vertical height of dam in feet : Approximately 167 feet. Length of dam in feet : 3,330 feet. Total capacity of reservoir : 68,000 acre feet. Active capacity : 68,000 acre feet. Dead storage : None. Structures used to fill reservoir : Bar D Reservoir will be filled by one or both of the following alternate points of diversion from the White River : Bar D Reservoir Pump and Pipeline. Location : The diversion point from the White River for the Bar D Reservoir is located in the NE¼ of the NW¼ of Section 2, Township 2 North, Range 98 West of the 6th P.M., at a point 1,355 feet east of the west section line of Section 2 and 1,152 feet south of the north section line of Section 2, in Rio Blanco County, Colorado. Capacity : 400 c.f.s. Maximum rate of diversion : 400 c.f.s. Ivory Ranch Diversion. Location : SE¼ of the SE¼ of Section 35, Township 2 North, Range 97 West of the 6th P.M., at a point 880 feet west of the east section line of Section 35 and 1,140 feet north of the south section line of Section 35, in Rio Blanco County, Colorado. Capacity : 400 c.f.s. Maximum Rate of Diversion : 400 c.f.s. The locations of these diversion points are depicted on the location map attached to the Amended Application as **Exhibit A**. **CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE** Description of Conditional Appropriative Right of Exchange: Name of Exchange: Wolf Creek-South Fork Reservoir Exchange. Exchange Reach: The exchange reach is the reach on Wolf Creek between the exchange-from point and the exchange-to point described below, as shown on the location map attached to the Amended Application as **Exhibit C**. Exchange-From Point: Confluence of Wolf Creek and the White River, located in the NW¼ of the SW¼ of Section 26, Township 3 North, Range 99 West of the 6 th P.M., at a point 350 feet east of the west section line of Section 26 and 2,500 feet north of the south section line of Section 26, in Rio Blanco County, Colorado. Exchange-To Point: The point where the South Fork Reservoir No. 1 dam centerline crosses the Wolf Creek channel, which has a legal location of: NW¼ of the SE¼ of Section 22, Township 3 North, Range 99 West of the 6th P.M., at a point 1,535 feet west of the east section line of Section 22 and 1,454 feet north of the south section line of Section 22, in Rio Blanco County, Colorado. Source of substitute supply: The South Fork Reservoir conditional water right, as changed herein . Exchange Rate: 400 cfs, conditional . Uses: Industrial, domestic, recreational and irrigation . Date of Appropriation: October 31, 2023 . Owners of the land upon which the structures are or will be located : Bureau of Land Management, 220 Market Street, Meeker, CO 81641. State of Colorado, c/o Phillip J. Weiser, Colorado Attorney General, 1300 Broadway, Denver, CO 80203. Carroll Davidson Partnership, Ltd., PO Box 561498, Rockledge, FL 32956-1498. 4M Ranch, LLC, Attn: Ranch Manager, 37669 Highway 64, Meeker, CO 81641. 4M Ranch, LLC, 1860 Summerland Ave., Winterpark, FL 32789. Rio Blanco Water Conservancy District, 2252 E. Main Street, Rangely, CO 81648. WHEREFORE, Applicant requests entry of a decree approving the changes to water right and conditional appropriative right of exchange described herein, and awarding such other relief as the court may deem appropriate.**

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.

CARMA PARKISON
CLERK OF COURT
ROUTT COUNTY COMBINED COURT
WATER DIVISION 6

/s/ Julie A. Edwards
Deputy Court Clerk