

**Consent Agenda Item 1.c**

January 25-26, 2021 Board Meeting  
Case No. 20CW3044 (Water Division 6);  
Knott Land and Livestock Company, Inc.

**Summary of Water Court Application**

Application for change of water rights.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in December 2020 to protect CWCB's instream flow water rights.

**CWCB Instream Flow Water Rights**

The CWCB holds water rights, including the following instream flow water right in Water Division 6 in the Upper Yampa River Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
W-1338(1977) (Div. 6)	Trout Creek	outlet Sheriff Res	confl Middle Creek	5 (1/1 - 12/31)	09/23/1977

**Potential for Injury**

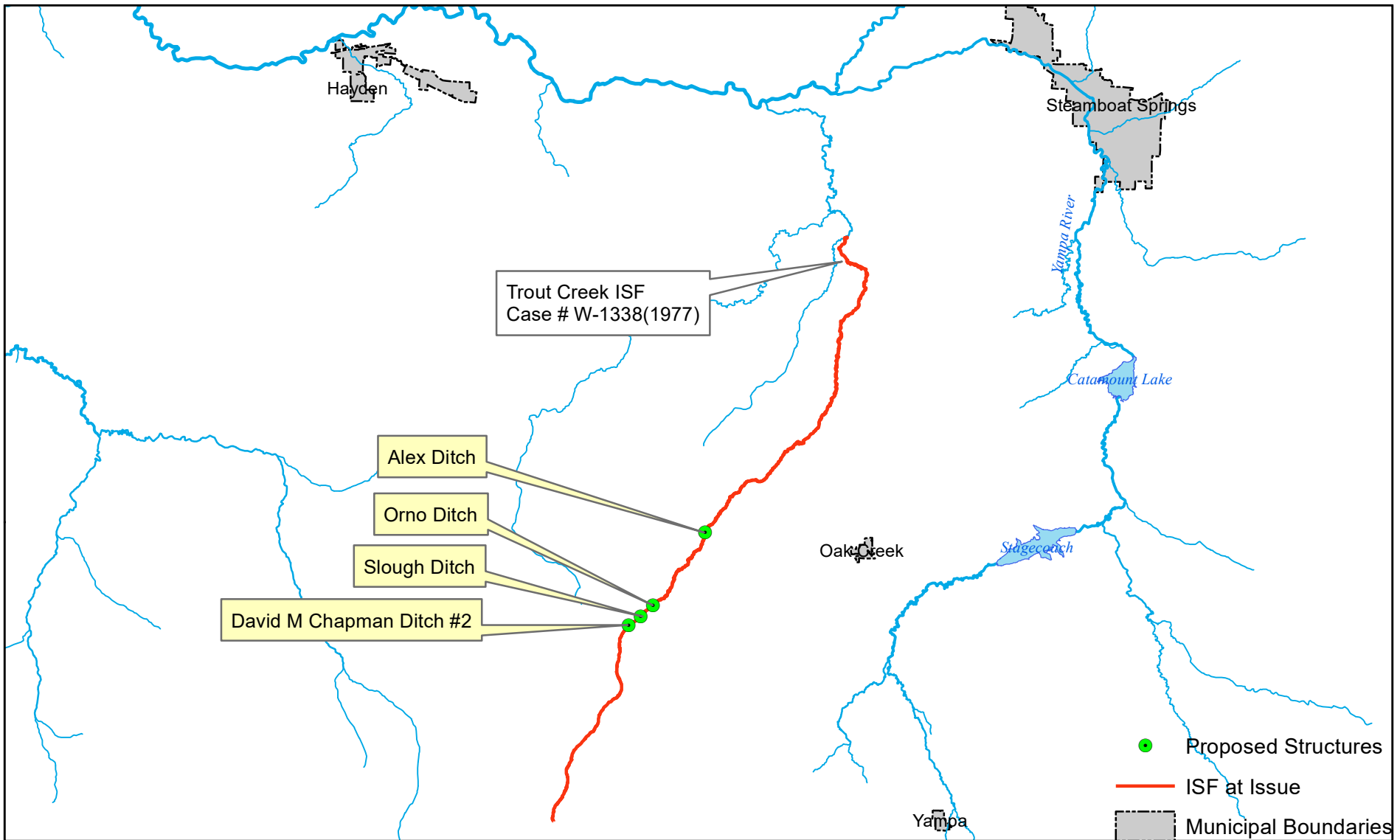
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- The requested upstream move of a point of diversion for Applicant's senior water right could injure the intervening instream flow water right.

**Other Objectors**

Statements of Opposition were also filed by Good Hope Holdings, LLC, and the State and Division Engineers.

**Attorney Representing CWCB**

Andrew B. Nicewicz, Assistant Attorney General, is assigned to this case and can be contacted at andy.nicewicz@coag.gov, or 720-508-6259.



Trout Creek ISF  
Case # W-1338(1977)

Alex Ditch

Orno Ditch

Slough Ditch

David M Chapman Ditch #2

- Proposed Structures
- ISF at Issue
- Municipal Boundaries

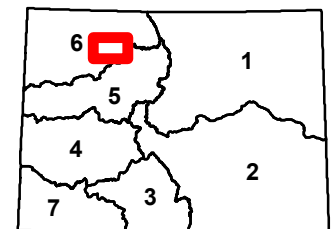


**COLORADO**  
Colorado Water Conservation Board

Department of Natural Resources

January 25 - 26, 2021 CWCB Board Meeting  
Consent Agenda Item 1.c. Statement of Opposition  
Case No. 20CW3044 (Division 6)  
Knott Land and Livestock Company, Inc.

0 2.75 5.5 11 Miles



**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, 2020**.

**2020CW3044. ROUTT COUNTY. APPLICATION FOR CHANGE OF WATER RIGHTS. 1. Applicant:** Knott Land and Livestock Company, Inc., 18300 RCR 29, Oak Creek, Colorado 80467, Telephone: (970) 736-1020, knottlivestock@gmail.com. Please send all pleadings and correspondence to: David Kueter, Esq., Kent Holsinger, Esq., HOLSINGER LAW, LLC, 1800 Glenarm Place, Suite 500, Denver, Colorado 80202, Telephone: (303) 7222828, dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **2. Decreed water right for which change is sought:** 2.1. Name of structure: Enlargement of the Slough Ditch (a/k/a the Slough Ditch), Priority No. 89. [Two decrees were entered for the Slough Ditch: Priority No. 89 was decreed in the 1914 Decree described in paragraph 2.2, and Priority No. 186 was decreed by the decree entered by the Routt County District Court on April 13, 1949. Both decrees described the water right as the “Enlargement of the Slough Ditch”. Applicant is not aware of any decreed water right for the Slough Ditch predating the 1914 decree. The point of diversion for Priority 186 was previously changed by the decree in Case No. 95CW065. The Application seeks to change Priority 89, which is referred to herein as the “Slough Ditch” for clarity.] 2.2. Date of original and all relevant subsequent decrees: Decree entered June 19, 1914, In the matter of the adjudication of priorities of water rights in Water District No. 57, Irrigation Division No. 5, Routt County District Court, Colorado (the “1914 Decree”). 2.3. Legal description of structure as described in most recent decree that adjudicated the location: The headgate is located on the left bank of Trout Creek from which it derives its supply of water, whence the S¼ of Section 7, Township 3 North, Range 86 West of the 6<sup>th</sup> P.M. bears S. 38° 39’ E. 903 feet. See Exhibit A hereto. 2.4. Decreed source of water: Trout Creek, a tributary of the Yampa River. 2.5. Appropriation Date: May 5, 1910. 2.6. Total amount decreed to structure: 2.28 c.f.s. 2.7. Decreed use or uses: Irrigation. 2.8. Amount of water that Applicant intends to change: Applicant owns 1.28 c.f.s. of the water right decreed to the Slough Ditch under the 1914 Decree which is sought to be changed by this Application. **3. Detailed Description of Proposed Change.** By this Application, Applicant seeks the following changes to the Slough Ditch water right: 1) change of point of diversion; 2) addition of alternate points of diversion; 3) addition of alternate places of use; and 4) addition of livestock watering as an additional use. 3.1. Change of point of diversion. Applicant requests that the point of diversion for the Slough Ditch described in paragraph 2.2, above, be changed to the following location: 3.1.1. The headgate of the Orno Ditch, located on the west bank of Trout Creek in the NE¼ SE¼ of Section 7, Township 3 North, Range 86 West of the 6<sup>th</sup> P.M. in Routt County, Colorado, at UTM coordinates Easting 323022, Northing 4457299, Zone 13. Irrigation use of the Slough Ditch water right diverted at the Orno Ditch will be made on the same lands decreed for irrigation in the 1914 Decree. See Exhibit A hereto. 3.2. Alternate points of diversion. 3.2.1. The headgate of the David M. Chapman Ditch No. 2, located on the west bank of Trout Creek in the NE¼ NE¼ of Section 13, Township 3 North, Range 87 West of the 6<sup>th</sup> P.M. in Routt County, Colorado, at UTM coordinates Easting 321668, Northing 4456175, Zone 13. See Exhibit A hereto. 3.2.2. The headgate of the Alex Ditch, located on the west bank of Trout Creek in the NE¼ NW¼ of Section 33, Township 4 North, Range 86 West of the 6<sup>th</sup> P.M. in Routt County, Colorado, at UTM coordinates Easting 325643, Northing 4460952, Zone 13. See Exhibit A hereto. 3.3. Alternate places of use. 3.3.1. Water diverted at the headgate for the David M. Chapman Ditch No. 2 will be used to irrigate approximately 34.9 acres in the SW¼ of Section 7, Township 3 North, Range 86 West of the 6<sup>th</sup> P.M., as shown on Exhibit A hereto. 3.3.2. Water diverted at the headgate for the Alex Ditch will be used to irrigate approximately 18 acres in the SW¼ of Section 28 and the NW¼ of Section 33, Township 4 North, Range 86 West of the 6<sup>th</sup> P.M., as shown on Exhibit A hereto. 3.4. Addition of livestock watering use. Applicant requests that livestock watering be added to the decreed uses for the Slough Ditch water right, when diverted at the new point of diversion in paragraph 3.1, or at the alternate points of diversion in paragraph 3.2. **4. 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:** The headgate for the David M. Chapman Ditch No. 2 is located on land owned by: Good Hope Holdings, LLC, 2200 Georgetown Drive, Suite 401, Sewickley, PA 15143. The headgate for the Orno Ditch is located on land owned by: Step Rock Ranch, LLC, c/o Mike Rushmore, P.O. Box 19441, Avon, CO 81620. The remaining structures in this

**Attachment  
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application are located on land owned by the Applicant. WHEREFORE, Applicant requests that the Court enter a decree granting the changes of water right described above, and for such other relief which it deems proper.

**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 2020** 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.

MARY ANN NINGER  
CLERK OF COURT  
ROUTT COUNTY COMBINED COURT  
WATER DIVISION 6

/s/ Carmma L. Parkison  
Deputy Court Clerk