

**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 2023**.

**2023CW1 ROUTT COUNTY** Application for Absolute Water Rights in Whole or in Part. **Applicant:** James and Joanne Stanko; P.O. Box 772797 Steamboat Springs, CO 80477; 970-879-3936; [jstankoranch@gmail.com](mailto:jstankoranch@gmail.com). **Name of Structures:** Justin's Spring; Taylors Spring; Stanko Cow Creek Spring # 3. **Date of Original Decree:** January 18<sup>th</sup>, 2016. Case #2015CW6. **Legal Description:** **Justin's Spring:** NE ¼ of the SE ¼ Section 10, T6N, R85W, of the 6<sup>th</sup> PM Routt County at a point 1945 feet from the South Line and 397 feet from the East Line of said Section; **UTMs:** E0339023, N4483887. **Source of UTMs:** Taken by Brian Romig Lead Water Administrator. **Taylors Spring:** NE ¼ of the SE ¼ Section 10, T6N, R85W, of the 6<sup>th</sup> PM Routt County, Colorado at a point 2204 feet from the South line and 383 feet from the East line of said Section; **UTMs:** E0339016, N4483966 Zone 13. **Source of UTMs:** Taken by Brian Romig Lead Water Administrator. **Stanko Cow Creek Spring # 3:** NE ¼ of the NW ¼ Section 15, T6N, R85W, of the 6<sup>th</sup> PM Routt County Colorado, at a point 1009 feet from the North line and 1621 feet from the West line of said Section; **UTMs:** E0337920, N4483007 Zone 13. **Source of UTMs:** Taken by Brian Romig Lead Water Administrator. **The Source of Water is:** Justin's Spring and Taylor's Spring: Milk Creek tributary to Yampa River. Stanko Cow Creek Spring #3: Cow Creek Tributary to Yampa River. **Date of Appropriation:** Justin's Spring and Taylor's Spring: July 15<sup>th</sup>, 2006. Stanko Cow Creek Spring #3: June 8<sup>th</sup>, 1978. **Amount:** 2.5 Gallons per minute. **Use:** Livestock Water. **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:** The springs were developed by Ed's Excavation in July of 2006 a stock water tank was installed on Taylor's Spring and Stanko Cow Creek Spring #3. The water tank on Stanko Cow Creek Spring #3 was replaced with a larger tank in June 2021, Justin's Spring was developed with a pipe from the Spring to Milk Creek to provide water in the creek after normal flow dries up in July. **If claim to make absolute in whole or in part:** All three springs. **Date Water Applied to Beneficial Use:** July 25<sup>th</sup>, 2006 for all three springs. **Amount:** 2.5 gallons per minute. **Use:** Livestock Water. **Supporting Evidence that Applicant Diverted Water In-Priority and Applied Such Water to the Beneficial Uses Claimed in the Amounts Claimed:** Springs were periodically checked by someone from the Water Engineer's Office. **Description of Place of Use Where Water is Applied to Beneficial Use:** Springs were developed on land used for grazing cattle. **Source of PLSS Information:** Justin's and Taylor's Spring Measured with 300 ft tape from brass cup on East Section Line; 39650 RCR 33 Steamboat Springs, CO 80487. Stanko Cow Creek Spring #3 Measured with 1983 filing provided by the water commission at that time. **Landowner:** Applicant. **Remarks:** All three of these Springs were granted Conditional Decrees and all have been providing livestock water since 2006. **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.**

**2023CW3001 APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN WHOLE OR IN PART, CONCERNING THE APPLICATOIN FOR WATER RIGHTS OF: RICHARD L. OWENS, JR. AND BETH D. OWENS, IN ROUTT COUNTY, COLORADO. 1. Name, address, e-mail address and telephone number of applicant:** Richard L. Owens, Jr. and Beth D. Owens, 33025 Ponderosa Trail, Oak Creek, CO 80467, [rick@olsa.us](mailto:rick@olsa.us), (309) 696-7186, With copies to: Melinda H. Sherman, Bryce K. Hinchman, Sharp, Sherman & Engle LLC, P.O. Box 774608 / 401 Lincoln Ave., Steamboat Springs, CO 80477, [sherman@steamboatlawfirm.com](mailto:sherman@steamboatlawfirm.com), [bhinchman@steamboatlawfirm.com](mailto:bhinchman@steamboatlawfirm.com), (970) 879-7600, **2. Name of Structure:** Garite Pond, **Type:** reservoir, **3. Description of Conditional Water Right:** A. **Date of Original Decree:** December 18, 2009, Case No. 2007CW27, District Court, Water Division 6. B. **Date of Subsequent Decree:** January 2, 2017, Case No. 2016CW3000, District Court, Water Division 6. C. **Legal Description:** NE ¼ NE ¼ of Section 16, Township 3 North, Range 84 West of the 6th P.M., at a distance 25 feet from the North Section line and 144 feet from the East Section line, Lot 1, Morrison Divide Ranch Subdivision, Routt County, Colorado. D. **Source of Water:** Springs, tributary to Little Morrison Creek, tributary to the Yampa River. E. **Appropriation Date:** January 12, 2000. **Amount:** 0.88 acre feet, conditional, with right of fill and refill, not to exceed 0.88 acre feet. F. **Uses:** Stock watering of approximately 20 head of stock, wildlife watering, piscatorial, and recreation purposes. G. **Depth (if well):** N/A. H. **Surface area of high water line:** 0.22 acres. **Maximum height of dam in feet:** 10 feet. **Total capacity of reservoir in acre feet:** 0.88 active capacity. **4. 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, during the previous diligence period:** i. **Background:** Through this application, Richard L. Owens, Jr. and Beth D. Owens (collectively, “Applicant”) seek to make absolute the conditional water rights decreed to Garite Pond, to cancel the conditional water right decree for piscatorial use of the Garite Pond, and to continue as conditional any portions of the water rights not made absolute in this case. ii. **Evidence of the appropriation and application of water to beneficial use:** The conditional water rights in the Garite Pond were purchased by and conveyed to the Applicant in 2017 in connection with the purchase of Lot 1, Morrison Divide Ranch, upon which the Garite Pond is located. The conditional water rights were conveyed by bargain and sale deed recorded on March 3, 2017 at Reception No. 777526 in the records of the Routt County, Colorado, Clerk and Recorder’s office. At the time of purchase, the Garite Pond had already been constructed and applied to beneficial use for purposes of stock watering, wildlife watering, piscatorial use, and recreational use by the Applicant’s predecessors in interest, John F. Sands and Alice G. Sands. While the previous owners stocked the reservoir with trout at various times, presently, the Applicant does not use the reservoir for piscatorial uses and will therefore allow such conditional piscatorial rights to be canceled. The water rights were already put to beneficial use prior to Applicant’s purchase of Lot 1, Morrison Divide Ranch and its associated water rights. In addition to the actual beneficial use of the water, the Applicant and/or its predecessors in interest: (i) observed flows into the pond for fill and refill; (ii) installed an adjustable drain to regulate and control outflow from the pond; (iii) installed a dock to assist with and promote additional recreational use of the pond; (iv) engaged in and promoted guest and familial recreational activities involving the use and aesthetic enjoyment of the pond; (v) use and maintenance of an aeration system to promote sufficient oxygen levels in the water; (vi) periodic use of algacide for algae control; (vii) livestock watering by the agricultural lessee’s herd of sheep; and (viii) watering by various big game and avian species including elk, mule deer, moose, ducks, and other waterfowl as observed by Applicant and captured by game cameras. In addition to the foregoing efforts and expenditures, the Applicant has expended time and financial resources in engaging and consulting with legal counsel to prepare and file this Application, at a cost to Applicant estimated to exceed \$1,000.00. The Applicant submits their actions taken as evidence of actual beneficial use of the conditional water rights previously awarded in the manner contemplated by the decree. **5. If claim to make absolute in whole or in part:** A. **Date water applied to beneficial use:** March 3, 2017 by purchasing Lot 1, Morrison Divide Ranch and its appurtenant water rights, at which time the Applicant and its predecessor used the Garite Pond for stock watering, wildlife watering, and recreation. The Garite Pond had been fully constructed, was operational, and was put to beneficial use by the Applicant at the time of purchase. **Amount:** 0.88 acre feet, with right of fill and refill, not to exceed 0.88 acre feet. **Use:** Stock watering of approximately 20 head of stock, wildlife watering, and recreation purposes. B. **Supporting evidence:** Supporting evidence that Applicant has diverted water in-priority and applied such water to beneficial use is attached hereto, consisting of photographs and a grazing lease by and between the Applicant and Chacon Sheep Company, LLC, a Colorado limited liability company. C. **Description of place of use:** Water is applied to beneficial use in the Garite Pond, the location of which is depicted on a map affixed hereto and incorporated herein by this reference. **6. If actual location of the structure is different from the location above, provide the actual description:** N/A. **7. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which the structure is located and upon which water is used and/or stored:** The Garite Pond is located upon the Applicant’s property located at Lot 1, Morrison Divide Ranch, County of Routt, State of Colorado. **8. Remarks or other pertinent information:** WHEREFORE, the Applicant respectfully requests the Court enter a decree in which it: 1. Awards absolute water rights to the Garite Pond in the amount of 0.88 acre feet, with right of fill and refill, for stock watering, wildlife watering, and recreation. 2. In the alternative, should the Court not find as stated in the previous sentence, then Applicant prays that the Court determines the Applicant has exercised reasonable diligence in the development of the claimed water right and that the appropriation be maintained as conditional. 3. Cancels the 0.88 acre feet water right for piscatorial purposes. 4. For such further relief as the Court may deem 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 **March 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.

**2021CW21 MOFFAT COUNTY** Amended Application for Absolute Water Storage Right to be Changed to Absolute Underground Water Rights. **Applicant:** Shimizu Family Trust; 2750 County Road 64, Craig, CO 81625; 760-403-3558, **Email:** [wayne50shimizu@icloud.com](mailto:wayne50shimizu@icloud.com). **Name of Structure:** W.S. Well Pond Permit #87740-F; Receipt 10025739. **Legal Description:** Moffat County; SW4 NE4; Sec: 30; T7N; R91W; 6<sup>th</sup> PM. **UTM Coordinates:** E275803, N4490740; Zone 13; **Source of UTMs:** DWR Mapviewer and Field Survey Handheld GPS; **Accuracy of Location:** + or – 15 Feet. **Source of Water:** Groundwater, tributary to Pine Ridge Gulch, Tributary to the Yampa River. **Depth of Well if Completed:** 11'. **Date of Appropriation:** 10/20/20; **How Appropriation was Initiated:** By locating the pond site and engaging consultant and excavator; **Date Water Applied to Beneficial Use:** 04/01/21. **Does Well Withdraw Tributary Groundwater:** Yes **A - No flow rate claimed B - Amount Claimed in Acre Feet Annually:** 0.73 acre feet absolute. **Does Well Withdraw Non-Tributary Groundwater:** No. **Does Well Operate Pursuant to a Decreed Plan for Augmentation:** No. **List All Uses or Proposed Uses:** Absolute Use Claim for Wildlife Watering and Conditional Use Claims for Livestock and Fish. **Non-Irrigation Purpose:** Pond is Currently used for Wildlife Watering and is proposed to be used for livestock watering of up to four pairs of cattle; and for recreational fishing. **Name of Landowner:** Applicant. **Remarks:** Applicant has an aeration system installed in the pond for fish but has not yet stocked the pond with fish. Pond name is W.S. Pond 1 per 2021CW21 and named W.S. Well Pond with Permit 87740-F.

**2023CW3000 MOFFAT COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE.**

**1. Name, address, telephone number of applicant:** United States of America, Department of the Interior, Bureau of Land Management, Little Snake Field Office, 455 Emerson St., Craig, CO 81625-1129. **2. Name of structures:** Circle Hawk Ranch Pump Diversion, Morgan Ditch Enlargement. **3. Description of conditional water rights:** **A. Case number of original decree:** 1994 CW 147, District Court, Colorado Water Division 6 **B. Date of original decree:** March 5, 1996. **C. Case number of latest diligence decree:** 2016 CW 3008, District Court, Colorado Water Division 6 **D. Date diligence decree entered:** January 2, 2017. **E. Legal description of point of diversion:** Circle Hawk Ranch Pump Diversion: at a point on the south bank of the Yampa River in the SE ¼ of the SE ¼ of Section 6, T6N R97W, Sixth P.M., at a point 1,200 feet from the east section line and 500 feet from the south section of said Section 6. Morgan Ditch Enlargement: at a point on the south bank of the Yampa River in the SE ¼ of NE1/4 of Section 7, T6N R97W, of the Sixth P.M. at a point 2,208 feet from the west section line and 1,707 feet from the north section line of said Section 7. **F. Source:** Yampa River **G. Appropriation Date:** May 16, 1994. **H. Use:** Circle Hawk Ranch Pump Diversion: Irrigation of 150 acres in Sections 5, 6, and 7 in T6N R97W, Sixth P.M. and stockwatering of 100 head of cattle. Morgan Ditch Enlargement: Irrigation of 200 acres in Sections 6 and 7 in T6N R97W, Sixth P.M. and stockwatering of 100 head of cattle. **I. Amount:** Circle Hawk Ranch Pump Diversion: decreed for 4.5 cfs, conditional, in Case No. 1994 CW 147; reduced to 0.5 cfs conditional solely for stockwatering purposes in Case No. 2016 CW 3008. Morgan Ditch Enlargement: decreed for 7.0 cfs, conditional, in Case No. 1994 CW 147; the conditional stockwater use was cancelled in Case No. 2016 CW 3008. **4. Detailed outline of what has been done toward completion of the appropriation and application of water to beneficial use as conditionally decreed:** The Bureau of Land Management (“BLM”) has completed the following activities toward development of the Circle Hawk Ranch Pump Diversion: **A.** BLM has completed work to prepare two grazing allotments, totaling 23,000 acres, that will be served by the water right. The work includes construction of a new fence between the two grazing allotments, as well as construction of riparian enclosure fences within the two grazing allotments. Please see attached Exhibit A. In addition, BLM completed a land health assessment on these grazing allotments after the last diligence application was filed to determine the desired number and timing of livestock use. **B.** BLM has identified proposed routing for a pipeline system to deliver water diverted by the conditional water right. See attached Exhibit A. **C.** BLM has estimated the cost of constructing a pipeline system at \$210,000, which includes 48,000 feet of pipeline and seven livestock watering troughs. BLM has determined that because of the large investment required, funding and construction for the pipeline system will be implemented over multiple years. **D.** BLM wishes to affirmatively relinquish the conditional water right for Morgan Ditch Enlargement, the location of which is depicted on the attached Exhibit B. BLM has determined that the absolute water right associated with Morgan Ditch provides sufficient water supply for accomplishing BLM’s management objectives. **5. Name and address of owner of land on which point of diversion and place of use is located:** United States Department of the Interior, Bureau of Land Management, 455 Emerson St., Craig, CO 81625-1129.

**2020CW3057**, unnamed tributary, and surface flow within drainage basin of unnamed tributary, tributary to Williams Fork River, tributary to Yampa River in RIO BLANCO COUNTY, COLORADO, **FIRST AMENDED APPLICATION**

**FOR ABSOLUTE AND CONDITIONAL STORAGE WATER RIGHTS. OVERVIEW:** Applicant Black Elk Ranch, LLC initially claimed conditional storage water rights for four off-channel ponds: Black Elk Pond 1, Black Elk Pond 2, Black Elk Pond 3, and Black Elk Pond 4. Construction of Black Elk Pond 1 and Black Elk Pond 4 was completed in August 2021. Black Elk Ranch, LLC amends its initial *Application for Conditional Water Rights* to claim absolute rights for the two ponds, and an additional 2.48 acre-feet absolute storage for Black Elk Pond No. 4, with a 2022 priority. Other than the amendments concerning Black Elk Pond 1 and Black Elk Pond 4, no other changes have been made to the initial application. **Name and mailing address of Applicant:** Black Elk Ranch, LLC, c/o Jonathan C. Swain, 36266 296th Ave., Bellevue, IA 52031. All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., Colorado Water Matters, PLLC, P.O. Box 881302, Steamboat Springs, CO 80488, [Claire@ColoradoWaterMatters.com](mailto:Claire@ColoradoWaterMatters.com), 970.875.3370. 2. **Legal Descriptions of Dams and Feeder Ditch Point of Diversion:** Both Black Elk Ranch Ponds and the Black Elk Feeder Ditch are located in Section 25, Township 3 North, Range 91 West of the 6<sup>th</sup> Principle Meridian, in Rio Blanco County, Colorado. UTM coordinates and PLSS - **Black Elk Pond No. 1** - 282009 mE, 4452593 mN; SE4 SW4. **Black Elk Pond No. 4** – 281601 mE, 4453070 mN; NW4 SW4. **Black Elk Feeder Ditch** – 282146 mE, 4452546 mN; SE4 SW4. **Amounts Claimed:** **Black Elk Pond No. 1 - Initial Application:** 5.5 acre-feet, conditional; **First Amended Application:** 4.28 acre-feet, absolute (3.73 acre-feet active capacity, 0.55 acre-feet inactive capacity); **Remaining Conditional Claim:** 1.22 acre-feet conditional is withdrawn. **Black Elk Pond No. 4 - Initial Application:** 3.5 acre-feet, conditional; **First Amended Application:** 5.98 acre-feet, absolute (5.05 acre-feet active capacity, 0.93 acre-feet inactive capacity); **Priorities:** (a) 3.5 acre-feet absolute, 2020 priority, and (b) 2.48 acre-feet absolute, 2022 priority.

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## **SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST**

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSP") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for following-leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80-124(10)(a)(II)(E), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP or Produced Nontributary Groundwater notification lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public->

[information/notification-lists](https://dwr.colorado.gov/information/notification-lists). Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

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

/s/ Tess M. Bedell  
Deputy Court Clerk