

**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 **March 2021**.

2021CW3 ROUTT COUNTY Application for Change of Water Right. **Applicant:** Mary Pamela Schlenzig, PO Box 881603, Steamboat Springs, CO 80488-1603, 970.879.1937, pamelaschlenzig@gmail.com. **Structure:** Hoelzen Pump No 2. **Date or Original Decree:** 5/30/1972. **Case No.:** CA3926 Routt County. **Legal Description:** On the East bank of the Elk River at a point from whence the East Quarter corner of S14, T7N, R85W of the 6th PM, bears South 76° 12' 43" East 2,578.56 Feet. **Source:** Unnamed Trib to Hoelzen Pump No 2 Trib to Elk River Trib to Yampa River. **Appropriation Date:** June 15, 1968. **Total Amount Decreed:** Absolute 0.22 cfs. **Decreed Use:** Irrigation. **Amount that Applicant intends to change:** Absolute 0.037 cfs. **Location Information:** SW ¼ NE ¼ S14, T7N, R85W, 6th PM. **UTM:** E304112ME, N4492405MN, Zone 13, 44545 CR 129, Mad Creek Village, Parcel No. 93214103. **Source of UTM:** Aerial Map Viewer, accurate to w/1 200'. **Owner:** Applicant.

21CW3002, Routt County, Yampa River. Application for Finding of Reasonable Diligence. Mount Werner Water and Sanitation District, c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. Mount Werner Yampa River Municipal Well "H." Original decree entered 04/23/92 in 90CW159; subsequent decrees entered in 98CW11, 04CW40, and 14CW3015. Location: 1,732 ft E of W Sec Line and 831 ft N of S Sec Line in Sec 28, T 6 N, R 84 W 6th PM, Routt County, also described as: NAD 83, Zone 13, Northing: 4478833, Easting: 345749. Source: Yampa River Alluvium. Depth: Approx 30 ft. Appropriation date: 12/01/77. Amounts and uses: 2.29 cfs, absolute, and 0.71 cfs, conditional, for direct flow and storage for municipal, domestic, irrigation, commercial, industrial, recreation, and wastewater treatment purposes. Well Permit No. 38233-F. The Application on file with the court includes a list of activities demonstrating diligence. Owner of land: Applicant. (6 pages)

2021CW3010, in unnamed tributaries of Hilton Gulch, tributary of Oak Creek, tributary of Yampa River, ROUTT COUNTY, COLORADO, **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART**.
1. **Name, mailing address, email address, telephone number of Applicants:** Christian and Laura Karch, 32700 Routt County Road 41, Steamboat Springs, CO 80487, karch@wildblue.net ("Karches"). All pleadings and court-related documents are to be sent to Claire E. Sollars, Esq., P.O. Box 881302, Steamboat Springs, CO 80488, Claire@ColoradoWaterMatters.com, 970.875.3370. 2. **Names and Types of Structures:** A. **Surface Structures:** Rebar Spring, Old Barrel Spring. B. **Storage Structures:** Gold Fish Pond, Endeavor. 3. **Description of Conditional Right:** A. **Original Decree:** Date of Decree: March 16, 2015; Case No.: 13CW28; Court: Routt County Water Division 6. B. **Legal Description (as provided in most recent decree):** i. **Rebar Spring:** SW ¼ NW ¼, Section 14, T5N, R85W of the 6th PM, Routt County, Colorado, at a point 1444 feet from the North line and 1282 feet from the West line of said Section. ii. **Old Barrel Spring:** SW ¼ NW ¼, Section 14, T5N, R85W of the 6th PM, Routt County, Colorado, at a point 1494 feet from the North line and 1174 feet from the West line of said Section. iii. **Gold Fish Pond:** SE ¼ of the NW ¼, Section 14, T5N, R85W of the 6th PM, Routt County, Colorado, at a point 1341 feet from the North line and 1379 feet from the West line of said Section. iv. **Endeavor:** SW ¼ of the NW ¼, Section 14, T5N, R85W of the 6th PM, Routt County, Colorado, at a point 1728 feet from the North line and 1244 feet from the West line of said Section. C. **Sources of Water:** The sources of water for all structures are unnamed tributaries of Hilton Gulch, tributary of Oak Creek, tributary of Yampa River. D. **Appropriation Date and Amount:** May 15, 2009 for all structures in the following amounts: i. **Rebar Spring:** 0.02 cfs, conditional. ii. **Old Barrel Spring:** 0.02 cfs, conditional. iii. **Gold Fish Pond:** 5.0 acre-feet, conditional for fill and refill up to the amount of the as-built capacity which shall be 5.0 acre-feet or less. iv. **Endeavor:** 5.0 acre-feet, conditional for fill and refill up to the amount of the as-built capacity which shall be 5.0 acre-feet or less. E. **Uses:** i. **Rebar Spring, Old Barrel Spring:** Livestock, wildlife watering, fire fighting, domestic, irrigation up to 7.5 acres, providing freshening flows to Endeavor, filling and refilling Endeavor. ii. **Gold Fish Pond, Endeavor:** Livestock, wildlife watering, fire fighting, recreation, aesthetic, irrigation, and piscatorial. 4. **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:** A. **Rebar Spring:** improved river rock lining and installed a safety grate; expenses totaled \$200 and in-kind contributions are estimated at \$500. B. **Old Barrel Spring:** installed washed rock at the base of the spring and PVC culvert; expenses totaled \$4,000 and in-kind contributions are estimated at \$750. C. **Gold Fish Pond:** finished dredging the pond in 2016; installed regulating gate; expenses totaled \$1,000. D. **Endeavor:** Karches continue to work on the plans to construct

Endeavor. During the past diligence period, their time and resources were focused on Rebar Spring, Old Barrel Spring, and Gold Fish Pond. Karches further claim a finding of reasonable diligence has been shown by developing Rebar Spring and Old Barrel Spring. As decreed, the uses include providing freshening flows, and filling and refilling Endeavor; hence the three structures are components of an integrated system. See C.R.S. § 37-92-301(4)(b). 5. ***Claim to make conditional water rights absolute in whole or in part:*** A. ***Date water applied to beneficial use, amount and uses:*** i. Rebar Spring: June 30, 2016; 0.01 cfs placed to beneficial use at the location of Rebar Spring for livestock and wildlife watering. Karches request the remaining 0.01 of the 0.02 cfs conditional right be continued. ii. Old Barrel Spring: June 30, 2016; 0.02 cfs placed to beneficial use at the location of Old Barrel Spring for livestock and wildlife watering. Spring water is also pumped to the residence for use as a back-up water supply. iii. Gold Fish Pond: June 30, 2016; 1.0 acre foot for livestock, wildlife watering, fire fighting, recreation, aesthetic, irrigation, and piscatorial. See C.R.S. § 37-92-301(4)(e). Karches request the remaining 4.0 acre feet of the 5.0 acre feet conditional right be continued. B. ***Supporting evidence that water was in-priority when diverted and applied to the beneficial uses and in the amounts claimed.*** Based on the Division of Water Resources database, water was available in priority at the time the claimed absolute water rights were diverted and placed to beneficial use. C. ***Description of place of use where water is applied to beneficial use.*** Developed water is used on the Karches' real property, including their residence and hay field. D. ***If actual location of the structure is different from the location described in the conditional rights decree, provide the actual description.*** Karches utilized the "Location Converter" database of the Division of Water Resources to determine the following UTM co-ordinates (Zone 13): i. Rebar Spring: 339089 mE and 4473237 mN. ii. Old Barrel Spring: 339055 mE and 4473225 mN. iii. Gold Fish Pond: 339115 mE and 4473271 mN. iv. Endeavor: 339059 mE and 4473181 mN. 6. ***Names and addresses of owners 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:*** Karches own the land where the springs and ponds are located and upon which the water rights are and will be used. 7. ***Remarks or any pertinent information:*** Karches request the Water Court enter a decree making certain conditional rights absolute as described in this Application and continue the remaining conditional water rights in full force and effect. Karches further request the decree include a finding that Rebar Spring, Old Barrel Spring, and Endeavor comprise an integrated system pursuant to C.R.S. § 37-92-301(4)(b) and thus reasonable diligence proved for one of the water rights constitutes a finding of diligence for the others.

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 **May, 2021** 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