

**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 **May 2023**.

**2023CW3010 (2016CW3031) (2008CW27) ROUTT COUNTY, COLORADO APPLICATION FOR FINDING OF REASONABLE DILIGENCE** 1. Name, address and telephone number of Applicant: Pirtlaw Partners, Ltd. c/o Brent A. Romick, P.O. Box 770247, Steamboat Springs, CO 80477. Copies of all pleadings to: Thomas W. Korver, Esq. Hayes Poznanovic Korver LLC 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202, (303) 825-1980. 2. Name of structure: RLW Turner Creek Reservoir No. 2, First Enlargement (the "First Enlargement"). 3. Description of conditional water right: a. Prior decree: An amended decree for the First Enlargement was entered on August 25, 2010, in Case No. 2008CW27, District Court, Water Division No. 6 (the "Water Court"). A subsequent diligence decree was entered by the Water Court on May 27, 2017, in Case No. 2016CW3031. b. Legal description: The First Enlargement will be located in Routt County Colorado. A point on the embankment of the First Enlargement will be located in the NW1/4 of the NE1/4 of Section 6, T.7 N., R.86 W. of the 6th P.M., at a point 600 feet from the north section line and 2572 feet from the east section line. That point may also be described by the following UTM Coordinates (Zone 13 North, NAD 83): Easting 324195.0; Northing 4496385.0. A map showing the approximate location of the First Enlargement and proposed irrigated acreage is attached to the Application as Exhibit A, and is available for inspection at the office of the Division 6 Water Court or via Colorado Courts E-filing. c. Source: Turner Creek, a tributary of Deep Creek, a tributary of the Elk River, which is a tributary of the Yampa River; surface runoff within the drainage above the First Enlargement; and ground water that may be encountered during construction of the First Enlargement. The First Enlargement may also be filled by diversions from the RLW Turner Meadow Ditch and water intercepted by that ditch. The source of that ditch is an unnamed tributary of Chimney Creek, a tributary of Deep Creek. The headgate of that ditch is located in the NE1/4 of the SW1/4 of Section 6, T.7 N., R.86 W. of the 6th P.M., at a point 1667 feet from the south section line and 1892 feet from the west section line. That point may also be described by the following UTM Coordinates (Zone 13 North, NAD 83): Easting 323916.0; Northing 4495474.0. The maximum rate of filling the First Enlargement from the RLW Turner Meadow Ditch is 10.00 c.f.s. d. Appropriation date: April 30, 2008. e. Amount: 193 acre-feet, conditional, together with the right to continuously refill the enlarged active storage capacity of the First Enlargement in the cumulative additional amount of 121 acre-feet, conditional. Those appropriations are separate from, and in addition to, the amounts decreed in Case No. 07CW83, Water Division No. 6, for the RLW Turner Creek Reservoir No. 2. f. Dimensions of RLW Turner Creek Reservoir No. 2, including First Enlargement: (1) Surface area: 8 acres. (2) Dam height: 30 feet. (3) Dam length: 475 feet. (4) Active capacity: 159 acre-feet. (5) Dead storage: 72 acre-feet. Water stored in the 72 acre-foot dead storage pool shall be accounted as a fill of the RLW Turner Creek Reservoir No. 2, First Enlargement. Once the dead pool is full, the first 38 acre-feet of active storage shall be accounted as a fill of the RLW Turner Creek Reservoir No. 2, Case No. 07CW83. The remaining 121 acre-feet of active storage shall be accounted as a fill of the First Enlargement. g. Uses: Irrigation of 120 acres, stock water, wildlife watering, domestic use in up to 100 residences, piscatorial, recreation, and augmentation use, which uses may occur directly or by replacement and exchange in connection with all beneficial uses on the land owned by

Applicant known as Wolf Mountain Ranch, with right of reuse, successive use, and disposition to extinction. The Applicant will maintain dominion and control over water for reuse and successive use by quantifying the amount, timing and location of effluent and return flows from irrigation and domestic uses of water stored in the Reservoir. The Applicant may capture irrigation and domestic return flows that accrue upstream of the Reservoir and store those return flows for subsequent irrigation or domestic use. The Applicant may also successively use return flows for in-pond uses such as stock water, wildlife watering, piscatorial and recreation in its reservoirs. The Applicant may also directly reuse return flows for irrigation from ditches downstream or for domestic, stock water, or wildlife water purposes. In addition, the Applicant may successively use effluent and return flows to replace out-of-priority depletions, either directly or by exchange, that occur on the Wolf Mountain Ranch. 4. Evidence of reasonable diligence: The First Enlargement is part of an integrated system for supplying the water demands on Wolf Mountain Ranch, a development located in Routt County, Colorado. The application contains a summary of specific projects and work undertaken during the diligence period prior to the filing of this application in furtherance of the development of Wolf Mountain Ranch and its associated water supply, and is available for inspection at the office of the Division 6 Water Court or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 6. Names(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, the Applicant respectfully requests that this Court enter a finding of reasonable diligence for and continuing in full force and effect the conditional water rights for the RLW Turner Creek Reservoir No. 2, First Enlargement.

**Case No.:** 23CW3013 (2015CW3035) (2007CW054) (2000CW80) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** in ROUTT COUNTY. 1. Applicant: Needful LLC c/o Tommy Bagwell, 4705 Leland Dr., Cumming, GA 30041, c/o Thomas W. Korver, Esq. Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202, (303) 825-1980. 2. Name of structure: Enlargement of First Chance Ditch. 3. Description of conditional water right: a. Prior decree: The Enlargement of First Chance Ditch water right was decreed on September 12, 2001, in Case No. 00CW80, District Court, Water Division No. 6 (the "Water Court"). Subsequent diligence decrees were entered by the Water Court on August 13, 2009, in Case No. 2007CW054; and on May 27, 2017, in Case No. 2015CW3035. b. Legal description: The Enlargement of the First Chance Ditch Headgate is located in SW1/4NW1/4 of Section 7, Township 8N, Range 84W of the 6th P.M., at a point 1050 feet from the west section line and 2400 feet from the north section line. (Note: The original decree in 00CW80 specified the quarter-quarter in which the point of diversion is located as the NW1/4SW1/4 of said Section 7, but such description has been changed by the provisions of Referee Ruling and Order and Decree in Case No. 07CW054.). A map depicting the location of the Enlargement of First Chance Ditch as attached to the Application and the Decree in Case No. 2015CW3035 is attached to the Application as Exhibit A and is available for inspection at the office of the Division 6 Water Clerk or via Colorado Courts E-filing. c. Source: Big Creek a tributary of Elk River. (Note: The original decree in 00CW080 specified the source of water as being Roaring Fork of Big Creek, a tributary of the Elk River, but such description of such source has been changed by the provisions of Referee Ruling and Order and Decree in Case No. 07CW054.). d. Appropriation date: July 8, 2000. e. Amount: 5.0 cfs, conditional. g. Uses: Fill, refill, and continuously provide water to flow into and through La Mantia Reservoir No. 1

and LaMantia Reservoir No. 2 for irrigation, recreational, piscatorial, fish and wildlife habitat (within the confines of the reservoir), domestic, fire protection and stock watering. 4. Evidence of reasonable diligence: The Enlargement of the First Chance Ditch is part of an integrated system for supplying the water demands on Applicant's Ranch located in Routt County, Colorado. The Application contains a summary of specific projects and work undertaken during the six-year diligence period prior to the filing of this application in furtherance of the development of Applicant's Ranch and its associated water supply. This list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter; the list is available for inspection at the office of the Division 6 Water Clerk or via Colorado Courts E-filing. 6. Names(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, the Applicant respectfully requests that this Court enter a finding of reasonable diligence for and continuing in full force and effect the conditional water rights for the Enlargement of First Chance Ditch.

2023CW3015 (2016CW3028), Groundwater tributary to West Fork Elk River, tributary to Yampa River, ROUTT COUNTY, COLORADO, **APPLICATION TO MAKE CONDITIONAL UNDERGROUND WATER RIGHT ABSOLUTE IN PART**. 1. ***Applicant***: Elk River Miracle Mile LLC, a Colorado limited liability company ["Elk River"], *c/o Bere Neas*, P.O. Box 770038, Steamboat Springs, CO 80477, [bereneas@icould.com](mailto:bereneas@icould.com), 303.358.2131. ***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, 970.875.3370.*** 2. ***Name and Type of Structure***: Elk River Miracle Mile Pond (well pond); Well Permit 86918-F (replaces expired Well Permit 80103-F) (Exhibit 1). 3. ***Description of Water Right***: A. Original Decree: District Court, Water Division No. 6; Case No. 2016CW3028; May 29, 2017. Subsequent Diligence Decree: N/A. B. Legal Description of Center of Elk River Miracle Mile Pond as Decreed (UTM Coordinates (Zone 13, NAD 83) and PLSS): UTM coordinates 333124 mE and 4484902 mN; PLSS - NE¼ NW¼ of Section 7, Township 6 North, Range 85 West of the 6<sup>th</sup> Principle Meridian at a point 763 ft. from the North section line and 1,232 ft. from the West section line of Section 7, in Routt County Colorado. C. Source: groundwater, tributary to West Fork Elk River, tributary to Yampa River. D. Appropriation Date, Amount, and Uses: April 22, 2013; maximum annual withdrawal 7.1 acre-feet; wildlife watering, evaporation, recreation, aesthetics, fire prevention and control, piscatorial, and livestock watering uses. E. Depth: Maximum depth 10 feet. 4. ***Summary of what has been done towards completion of appropriation and application of water to beneficial uses conditionally decreed, including expenditures, during previous diligence period***: Development of Elk River Miracle Mile Pond commenced while Case No. 2016CW3028 was pending and was completed in May of 2017; the 2017 as-built survey is filed as Exhibit 2. The total costs Elk River incurred for engineering and legal services, surveying, excavation, reclamation of the pond and surrounding area, and stocking the pond with fish exceeded \$125,000.00. The surface area of the pond is 0.5 acre, which is 1.6 acres less than the originally planned 2.1 acres. 5. ***Claim to Make Absolute in Part***: Date Water Placed to Beneficial Use – May 27, 2017, at which time no administrative call had been in effect below Elk River Miracle Mile Pond. See Exhibit 3. The groundwater was and continues to be used in situ for wildlife watering, recreation, aesthetics, fire prevention and control, and piscatorial purposes; annual depletions are 1.4 acre-feet (evaporation loss from the 0.5 acre surface area). See Exhibit 4. Elk

River claims an absolute right of 1.4 acre-feet per annum. Elk River relinquishes the remaining conditional water right of 5.7 acre-feet and the conditional use of livestock watering. 6. ***Actual Location:*** The center of Elk River Miracle Mile Pond is located at UTM coordinates 3330888 mE, 4484897 mN, NE¼ NW¼ of Section 7, Township 6 North, Range 85 West of the 6<sup>th</sup> Principle Meridian. This correct location is stated in Well Permit 86918-F (Exhibit 1) and is within 200 feet of the decreed location. Exhibit 5. 7. ***Name and address of owner 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:*** Elk River Miracle Mile LLC owns the land where the pond was developed and the land upon which the water right is used. 8. ***Remarks:*** Elk River Miracle Mile LLC, requests the Water Court: (a) find that Elk River has completed the appropriation of the conditional water right; (b) confirm the underground water right as absolute in the amount of 1.4 acre-feet for wildlife watering, evaporation, recreation, aesthetics, fire prevention and control, and piscatorial uses; (c) cancel the remaining conditional water right of 5.7 acre-feet; (d) cancel the conditional use of livestock watering; and (e) amend the decreed UTM coordinates to conform with the coordinates stated in Well Permit Number 86918-F.

**2023CW3012** RIO BLANCO COUNTY (15CW3060) APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE 1. Name, address and telephone number of Applicant: Collins Mountain Ranch LLC c/o Tim Collins, 100 S. University Blvd. Unit 3, Denver, CO 80209; (303) 941-7906; [t.collins320@comcast.net](mailto:t.collins320@comcast.net). Direct pleadings to Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1391 Speer Blvd. Suite 730, Denver, CO 80204, telephone (303) 894-8191.

Summary of Application. Applicant seeks a finding of reasonable diligence in the development of the conditional water rights originally decreed in Case No. 2015CW3060 (“original decree”), namely, the Elk Spring and the Ranch House Pond (irrigation uses). Applicant further requests that the Ranch House Pond be made absolute for irrigation, that 0.013 cfs of the Elk Spring water right be made absolute for all decreed purposes, and that the absolute water right decreed to the Stack Yard Pond in the original decree be confirmed as requested in paragraph 4 of the application. Names of conditionally decreed structures: Elk Spring (WDID 4303293) and Ranch House Pond (WDID 4303297) (irrigation use). Confirmation of Absolute Water Right. In Case No. 2015CW3060, the Stack Yard Pond (WDID 4303298) was decreed absolute for 2.0 acre-feet for livestock watering and wildlife habitat and watering, including a right to fill and refill. (See paragraph 9, Table 1, and paragraphs 11.3, 12, 22 and 23 of the original decree.) An error in paragraph 31 of the original decree identifies the Stack Yard Pond, rather than the Elk Spring, as a conditional water right. This application seeks confirmation of the absolute decree for the Stack Yard Pond, based on the findings and conclusions of the original decree, and, if required by the Court, based on filling and refilling the Stack Yard Pond in priority since entry of the original decree. The original decree provides that the location of the Stack Yard Pond is UTM NAD 83, Zone 13, 254807 Easting and 4431156 Northing and the decreed source of water from which the Stack Yard Pond is filled is Evans Gulch, tributary to the White River. The decreed appropriation date is 08/18/1988. Describe conditional water right (as to each structure) giving the following from the original decree: Date of original decree: May 27, 2017; Case No. 2015CW3060, Water Court, Water Division 6. Subsequent decrees awarding diligence: This is the first diligence proceeding. Legal descriptions of conditional water rights:

Name	Location UTM NAD 83 Zone 13	
	X Coordinate Easting	Y Coordinate Northing
Elk Spring	252636	.4430538
Ranch House Pond	.253821	.4431528

Source of conditional water rights: Elk Spring: Drainage tributary to Flag Creek, tributary to White River; Ranch House Pond: Overflow from Copley Springs 1 and 2; tributary to Flag Creek, tributary to the White River. Appropriation dates of conditional water rights: Elk Spring: 06/30/2008; Ranch House Pond: 06/30/2008. Conditionally Decreed Amount: Elk Spring: 25 gpm (0.055 cfs); Ranch House Pond: 1.0 a.f. (fill and refill for irrigation). Conditionally Decreed Use: Elk Spring: stockwatering; wildlife habitat and watering; filling Elk Spa Pond Ranch House Pond: irrigation. Points of Diversion: Elk Spring is a natural spring that arises at the location described in paragraph 5.C of the application (as shown on legal description in this resume); Ranch House Pond is filled from the Copley Springs 1 and 2. The decreed location of Copley Spring No. 1 (Case No. 79CW99, Water Division No. 5) is in the NE1/4 SE1/4, Section 1, Township 1 South, Range 94 West of the 6<sup>th</sup> P.M. at a point 3,817 feet South and 82 feet West of the Northeast Corner of said Section 1. The decreed location of Copley Spring No. 2 (Case No. 79CW98, Water Division No. 5) is in the NE1/4 SE1/4, Section 1, Township 1 South, Range 94 West of the 6<sup>th</sup> P.M. at a point 3,817 feet South and 220 feet West of the Northeast Corner of said Section 1. Elk Spring, the Ranch House Pond and the Stack Yard Pond are shown on Exhibit A to the application. Claim to make absolute: Elk Spring. During this diligence period, Applicant used Elk Spring in priority for its decreed purposes, including livestock watering and wildlife habitat and watering, and filling Elk Spa Pond. Due to several years of drought during this diligence period, the flow from the spring deteriorated significantly, but did not cease entirely. The Elk Spring is beginning to recover. Applicant's cattle are rotated to different areas on the Collins Mountain Ranch, and during this diligence period have been pastured in the vicinity of the Elk Spring. The spring has been used for stockwatering at such times, and for wildlife watering and filling Elk Spa Pond at all times during this diligence period. Applicant measured a flow rate of 6 gpm (0.013 cfs) on or about May 14, 2023, when the Elk Spring was in priority, by timing the flow of water into a 5-gallon container. Applicant seeks to make 6 gpm (0.013 cfs) absolute in this case, and to continue the conditional decree for the remaining 19 gpm (0.042 cfs). Ranch House Pond. During this diligence period, Applicant has stored water in the Ranch House Pond in priority for all decreed purposes. The water right was in priority and the 1.0 acre-foot pond was full on or about May 14, 2023, when inspected by Applicant. Pursuant to C.R.S. §37-92-301(4)(e), a decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed and controlled at the decreed storage structure. Therefore, the 1.0 acre-foot Ranch House Pond should be decreed absolute for irrigation purposes, in addition to the purposes for which an absolute decree was awarded in the original decree. Stack Yard Pond. As described in paragraph 4 of the application, the Stack Yard Pond was decreed absolute for livestock watering and wildlife habitat and watering in the original decree, and the

Court therein found that the water right was appropriated and placed to beneficial use. Since entry of the original decree, the Stack Yard Pond has been filled and refilled in priority in accordance with the original decree, and water has been stored for all decreed purposes. The water right was in priority and the 2.0 acre-foot Stack Yard Pond was full on or about May 14, 2023, when inspected by Applicant. In Priority Diversions. During this diligence period, no call was administered to curtail the Elk Spring water right or the Ranch House Pond water right. A call on Evans Gulch, the source of water for the Stack Yard Pond, was administered from April 13 – April 29, 2023. The Stack Yard Pond was full prior to the call, and has been in priority since the call ended on April 29, 2023. Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. Applicant seeks to make absolute a portion of the Elk Spring water right (6 gpm), and to continue the conditional water right for the remaining 19 gpm. In addition, if the Court determines that absolute water rights cannot be awarded as requested for a portion of the Elk Spring water right or the entire 1.0 acre-foot Ranch House Pond (for irrigation use), or should the Court determine that the decreed absolute storage right cannot be confirmed for the Stack Yard Pond, or awarded in this case, Applicant seeks a finding of reasonable diligence in the development of these water rights. The water rights decreed in the original decree to the Elk Spring, the Ranch House Pond and the Stack Yard Pond are part of Applicant's integrated water supply system that provides legal, reliable water supplies to support Applicant's irrigation, livestock watering, and wildlife habitat and watering, all of which are included in the conservation values identified and protected by the conservation easement on the Collins Mountain Ranch. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Applicant has operated its water rights, installed, cleaned and maintained water system infrastructure, including ponds, installed a stock tank and trough, and measuring devices. In addition, during this diligence period, Applicant has expended in excess of \$42,000 in legal fees to confirm, maintain and protect Applicant's water rights by obtaining decrees in Case Nos. 2016CW3043 and 2018CW3048, by participating as an opposer in water rights applications filed by others in order to protect its water rights, and by seeking administrative oversight its water rights, including requesting calls as needed. Applicant has also expended in excess of \$23,000 in engineering fees and construction costs during this diligence period to operate, measure, protect and maintain its water rights. During this diligence period, Applicant has maintained the Elk Spa Pond (which is filled from the Elk Spring), the Ranch House Pond and the Stack Yard Pond, and related infrastructure, including low level outlets on the Ranch House Pond, the Elk Spa Pond and the Stack Yard Pond. Applicant has begun making plans, in cooperation with the Colorado Division of Parks and Wildlife (holder of the conservation easement), to install infrastructure to allow more efficient delivery of water from the Elk Spring to the Elk Spa pond. Applicant has stored water in the Ranch House Pond for all decreed purposes in priority from the Copley Springs, described in paragraph 5.H above. Applicant has made plans to install irrigation infrastructure in order to use the water stored in the Ranch House Pond for irrigation in accordance with the decree in 15CW3060, but due to limited physical supplies during much of the diligence period, Applicant was not able to irrigate effectively from the Ranch House Pond. Before and after entry of the original decree, Applicant filled and refilled the Stack Yard Pond in priority at times when water was physically available in Evans Gulch for storage. Applicant installed a Parshall Flume to measure inflows to the Stack Yard Pond during this diligence period, and has stored water in the

Stack Yard Pond for all decreed uses during this diligence period. 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 located or upon which water is or will be stored. The Elk Spring, Ranch House Pond and the Stack Yard Pond are located on land owned by Applicant. WHEREFORE, Applicant Collins Mountain Ranch respectfully requests this Court to find and order that it is entitled to absolute decrees for 6 gpm (0.013 cfs) for the Elk Spring water right, and 1.0 acre-foot (with right to refill) for the Ranch House Pond storage right, and has exercised reasonable diligence in putting to beneficial use the conditional water rights decreed in the original decree to the Elk Spring and the Ranch House Pond (irrigation use), and, to the extent the water rights are not made absolute as herein requested, Applicant requests a finding and order continuing said conditional water rights for another six years, or such period as may otherwise be permitted by law. With respect to the Stack Yard Pond, Applicant respectfully requests a finding and an order from this Court confirming that the Stack Yard Pond was decreed an absolute water storage right for 2.0 acre-feet in the original decree, including the right to fill and continuously refill the Stack Yard Pond for livestock watering and wildlife habitat and watering, or alternatively, that Applicant has stored water in the Stack Yard Pond during this diligence period for all decreed uses and is therefore entitled to an absolute decree for 2.0 acre-feet, including the right to fill and continuously refill the Stack Yard Pond in priority for the decreed uses. If the Court determines that an absolute decree for 2.0 acre-feet was not awarded to the Stack Yard Pond in the original decree, and an absolute decree for the entire 2.0 acre-feet cannot be entered in this case, Applicant requests a finding and a finding and an order that Applicant has exercised reasonable diligence in putting to beneficial use the conditional portions of the Stack Yard Pond water right, and an order continuing the conditional portion of such water right for another six years, or such period as may otherwise be permitted by law.

**2023CW6 Rio Blanco County** Application to Make Absolute in Whole or in Part. **Applicant:** Lower Pasture LLC, 2306 Valley Forge Ct., Fort Collins, CO, 80526; 970-231-0411; [bufordco@gmail.com](mailto:bufordco@gmail.com). **Name of Structure:** Tucker Ditch #1. **Date of Original Decree:** July 7, 2016. **Case No.:** 2017CW1, Water Division 6. **Legal Descriptions:** SW ¼ of the NW ¼ S9, T1S, R91W, of the 6<sup>th</sup> PM, Rio Blanco County. **Street Address:** 20230 Ct. RD 8, Meeker, CO 81641 **Source:** North Fork of the White River. **UTM Coordinates: Easting** 276342; **Northing** 4429397: Zone 13. **Appropriation Date:** July 7, 2016. **Amount:** 0.75 cfs. **Use:** Irrigation of 12 acres, fish pond on the ditch 40 feet wide, 270 feet long. **Depth:** Open well permit application in process. **What has been Done for Completion of Appropriation:** Installed head gate and flume. Ran ditches for main and side ditches, filled low spots to prevent pooling of water. Irrigated during each season as needed. Watered Elk and Deer at the pond. Fish have been raised in the pond. **Date Water Applied to Beneficial Use:** July 7, 2016; **Amount:** .75 cfs. **Use:** Irrigation, fish pond. **Additional Remarks:** An open well permit was recently filed for the pond 04/25/23 **Landowner:** Applicant.

**2023CW5 RIO BLANCO COUNTY.** Application for Absolute Water Storage Right and Approval Plan for Augmentation. Applicants: Cheri and Sam Robinson; 8712 Rio Blanco County Road 5, Rifle, Colorado 81650; (970) 878-4605. [barvslashbar@hotmail.com](mailto:barvslashbar@hotmail.com). **Name of Structure:** Canvasback Reservoir. **Location:** The reservoir is located in the SENW and the NESW of Section 28, Township 3 South, Range 94 West, of the 6<sup>th</sup> Principal Meridian, with the center of the dam and point of diversion described by Universal Transverse Mercator (UTM) Zone 13 coordinates

of 247255 meters East and 4405196 Meters North. **Source:** Unnamed Tributary to Piceance Creek, Tributary to the White River. **Date of Appropriation and First Beneficial Use:** Circa 1940, date uncertain, may hazard 1940.08.01. **Amount Claimed:** 0.803 acre-feet absolute, with right to successive refill. **Uses:** Livestock, Wildlife, Piscatorial, Recreation, Augmentation. **Place of Use:** At reservoir. **Surface Area of Ordinary Water Level:** 0.52 acres. **Vertical Height of Dam:** 7 feet, plus freeboard. **Length of Dam:** 125 feet. **Total Capacity of Reservoir:** 0.803 acre feet at ordinary water level. **Dead Storage:** 0.016 acre-feet. **Active Capacity:** 0.787 acre-feet, plus surcharge. **Names and addresses of owners of land affected by reservoir:** Applicants. **Complete Statement of Plan for Augmentation:** The decree in this case will authorize the water commissioner to remove spill plates from the AgriDrain water level control structure installed in the dam according to the month -by-month Evaporative Loss schedule given in feet by Exhibit C at any time that there is a senior call from downstream while a live stream can prevail to carry the water from the reservoir down to the calling right. No order from the State Engineer per 37-84-117(5) C.R.S. will be necessary. At the option and for the convenience of the water commissioner, the applicants and their successors will remove plates upon request. Reduction of water level will be considered proportional to percentage of month on call. Removal of plates will not materially exceed the schedule, although reasonable allowance will be made for discrepancy between plate dimensions and loss schedule. Plates may be replaced upon call release to enable refill. Stage records obtained by using a tape measure to determine the distance from the top of the AgriDrain box down to the water surface at each instance of plate removal or replacement will be maintained and submitted by November 15<sup>th</sup> of each year, for the period ending October 31<sup>st</sup>, to document use of the water right. No exchange is occasioned by this plan for augmentation, as the plan compensates the steam system for evaporation by delivery of water stored in-priority on site. The Application is 7 pages, plus Exhibits A, B, C.

**2020CW3057**, Unnamed tributary, tributary to Morapos Creek, tributary to Williams Fork River, tributary to Yampa River; and surface flow within drainage basins of unnamed tributaries, tributary to Morapos Creek, tributary to Williams Fork River, tributary to Yampa River, in RIO BLANCO COUNTY, COLORADO, **SECOND AMENDED APPLICATION FOR ABSOLUTE AND CONDITIONAL STORAGE WATER RIGHTS. OVERVIEW:** Applicant Black Elk Ranch, LLC initially claimed conditional storage water rights for four 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. Through this Second Amended Application for Absolute and Conditional Storage Water Rights, Black Elk Ranch, LLC amends its Application to claim absolute rights for Black Elk Pond 1 and Black Elk Pond 4, withdraws the claim for an additional 1.22 acre-foot conditional storage right for Black Elk Pond No. 1, and claims an additional 2.48 acre-foot absolute storage right, with a 2022 priority, for Black Elk Pond No. 4. Black Elk Ranch also incorporates revisions to address the Statement of Opposition filed by the State Engineer and the Division Engineer of Water Division No. 6. 1. **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, 970.875.3370.** 2. **Names of Storage Structures:** Black Elk Pond 1; Black Elk Pond 2; Black Elk Pond 3; Black Elk Pond 4 (collectively "Black Elk Ponds"). 3. **Legal Descriptions of Dams and Feeder Ditch Point of Diversion (PLSS and UTM Coordinates (Zone 13 NAD83)):** All four Black Elk Ponds and the



Black Elk Ranch Feeder Ditch are or will be located in Section 25, Township 3 North, Range 91 West of the 6th Principle Meridian, in Rio Blanco County, Colorado, as depicted on the filed map, Exhibit 1. Locations were confirmed by field inspections and surveys. a. Black Elk Pond 1 - SE4 SW4, 282009 mE, 4452593 mN; b. Black Elk Pond 2 - SE4 SW4, 281827 mE, 4452812 mN; c. Black Elk Pond 3 - E2 SW4, 281753 mE, 4452943 mN; d. Black Elk Pond 4 - NW4 SW4, 281601 mE, 4453070 mN; e. Black Elk Ranch Feeder Ditch (headgate location) - SW4 SE4, 282146 mE, 4452546 mN. 4. **Sources**: unnamed tributary to Morapos Creek, tributary to Williams Fork River, tributary to Yampa River, by use of the Black Elk Feeder Ditch; and surface flow within drainage basins of unnamed tributaries, tributary to Morapas Creek. 5. **Feeder Ditch**: water is diverted from the unnamed tributary of Morapos Creek into the Black Elk Feeder Ditch, having a capacity 2.0 cfs, to fill and refill Black Elk Pond 1. Water is subsequently piped by gravity from the low-level outlet pipe of Black Elk Pond 1 to fill and re-fill Black Elk Pond 4. Water stored in Black Elk Pond 1 will be piped to fill and re-fill Black Elk Ponds 2 and 3 once constructed. 6. **Appropriation and Beneficial Use**: a. **Date and Methodology of Appropriation**: September 3, 2020, by forming intent and commencing engineering work consisting of siting, surveying, and designing the Black Elk Ponds, at a time when unappropriated water was available. See Exhibit 2. b. **Date Water Applied to Beneficial Use**: Black Elk Pond 1 and Black Elk Pond 4: Following completion of construction and using the Black Elk Ranch Feeder Ditch, Black Elk Ranch diverted water from the unnamed tributary on August 10, 2021, to Black Elk Pond 1 and overflow from that pond was used to fill Black Elk Pond 4. Both ponds were filled to capacity by October 1, 2021. Water was legally available when diversions commenced and throughout the time the ponds were filled. See Exhibit 3. Black Elk Ranch uses the stored water *in situ* for recreation and piscatorial purposes, and to maintain wildlife habitat. The As-Built Area Capacity Tables for Black Elk Pond 1 and Black Elk Pond 4 are attached as Exhibit 4. 7. **Amounts Claimed and Proposed Uses**: Black Elk Pond 1 - 4.28 acre-feet, absolute, for piscatorial, recreation, wildlife habitat uses, and conditional use of stock water; Black Elk Pond 2 - 3.03 acre-feet, conditional, for piscatorial, recreation, stock water, wildlife habitat; Black Elk Pond 3 - 3.0 acre-feet, conditional, for piscatorial, recreation, stock water, wildlife habitat uses; Black Elk Pond 4 (total capacity 5.98 acre-feet) - 2020 priority 3.5 acre-feet, absolute, for piscatorial, recreation, wildlife habitat uses, and conditional use of stock water; Black Elk Pond 4 (total capacity 5.98 acre-feet) 2022 priority 2.48 acre-feet, absolute, for piscatorial, recreation, wildlife habitat uses, and conditional use of stock water. **Refill Claim** - 16.29 acre-feet (13.81 acre-feet 2020 priority and 2.48 acre-feet 2022 priority), conditional, to maintain adequate capacity for all uses and to compensate for evaporative loss and seepage. a. **Piscatorial**: Black Elk Ranch stocked Black Elk Pond 1 and Black Elk Pond 4 with fish after the ponds were filled; the ponds are and will be maintained to provide quality piscatorial habitat. Once Black Elk Pond 2 and Black Elk Pond 3 are constructed and filled with water, the ponds will be stocked with fish and will be maintained to provide quality piscatorial habitat. b. **Recreation**: including but not limited to aesthetics, boating, swimming, and waterfowl and wildlife watching. c. **Stock Water**: 150 pairs (seasonal). d. **Wildlife Habitat**: Black Elk Ranch will use water in the ponds to create and maintain wildlife habitat. e. **Refill Claim**: Black Elk Ranch claims the right to refill the ponds once (when in priority) in the total amount of 16.29 acre-feet (13.81 acre-feet (2020 priority) and 2.48 acre-feet (2022 priority)), which is the aggregate storage capacity of the four ponds. Refill is necessary to maintain adequate capacity for all decreed uses, for replenishing flows, and for replacement of evaporation and seepage losses. f. **Withdrawn Conditional Right for**

Black Elk Pond 1: Black Elk Ranch initially claimed a conditional storage right of 5.5 acre-feet for Black Elk Pond 1. The as-built capacity is 4.28 acre-feet and the remaining conditional claim of 1.22 acre-feet is withdrawn. 8. **Surface Area of High-Water Line, Vertical Height and Length of Dam, and Total Capacity of Reservoirs (active and dead storage)**: a. Black Elk Pond 1 - Surface Area 0.61 ac., Dam Height 9.0 feet, Dam Length 400 feet, Total Capacity 4.28 acre-feet, Active Storage 3.73 acre-feet, Dead Storage 0.55 acre-feet; b. Black Elk Pond 2 - Surface Area 0.5 ac., Dam Height 5 feet, Dam Length 370 feet, Total Capacity 3.0 acre-feet, Active Storage 2.5 acre-feet, Dead Storage 0.5 acre-feet; c. Black Elk Pond 3 - Surface Area 0.5 ac., Dam Height < 10 feet, Dam Length 400 feet, Total Capacity 3.0 acre-feet, Active Storage 2.5 acre-feet, Dead Storage 0.5 acre-feet; d. Black Elk Pond 4 - Surface Area 0.87 ac., Dam Height 9.5 feet, Dam Length 450 feet, Total Capacity 5.98 acre-feet, Active Storage 5.05 acre-feet, Dead Storage 0.93 acre-feet. 9. **Name and address of owner 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**: Black Elk Ranch, LLC owns the land where the ponds have been and will be constructed, and the land upon which the water rights will be used.

**2023CW4 Moffat County** Application for Finding of Reasonable Diligence to Make Absolute in Whole or in Part. **Applicant**: Judith A. Hughes, 455 Montori Ct., Pleasanton, CA, 94566; 970-270-7757; [judyhughes1945@gmail.com](mailto:judyhughes1945@gmail.com); Christine A. Heckart, 1988 Ticino Ct, Pleasanton, CA 94566; 408-368-0197; [christineheckart@gmail.com](mailto:christineheckart@gmail.com); Michael J. Highes, 1760 Old Trail Drive, Crozet, VA 22932; 434-989-1560; [mhugheskps95@gmail.com](mailto:mhugheskps95@gmail.com). **Name of Structure**: Hughes Spring. **Date of Original Decree**: May 28, 2017. **Case No.**: 2016CW12, Water Division 6. **Legal Descriptions**: SE ¼ of the SE ¼ S7, T11N, R89W, of the 6<sup>th</sup> PM, Moffat County. **Street Address**: 2794 Aunt Rosie's Lane, Slater, CO 81653; **Subdivision**: Baker's Peak; **Lot**: 56. **Distance from Section Lines**: 1311 Feet from South and 294 Feet from East. **Source**: Unnamed tributary to First Creek, tributary to Slater Creek, tributary to Little Snake River, tributary to Yampa River. **Appropriation Date**: August 31, 1992. **Use**: Developed spring for two (2) cabins. **What has been Done for Completion of Appropriation**: Developed and completed in approximately 1992 for the domestic/indoor use of two (2) cabins located in lots #55 and #56 of Baker's Peak Mountain development, Moffat County, CO. **Date Water Applied to Beneficial Use**: August 31, 1992; **Amount**: 4.0 GPM; **Use**: Domestic/indoor use of two (2) cabins located in lots #55 and #56. **Additional Remarks**: James E. Hughes passed August 12, 2019. Lot #55 was purchased in 1976 and lot #56 in 1996 **Landowner**: Applicant.

**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 **July 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/ Tess M. Bedell  
Deputy Court Clerk