

**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 **September 2021**.

2021CW14 ROUTT COUNTY Application for Conditional and Absolute Water Rights (Surface and Storage); **Applicant:** Paul Hoffmann, P.O. Box 774405, Steamboat Springs, CO 80477-4405, 970-846-2226, phffnn@usa.net. **Name of Structures:** Good's Feeder Ditch; Paul's Puddle Pond (East Elk Pond). **Legal Description for Both Structures:** Routt County; SW4 SE4; Sec: 17; T8N; R85W; 6th PM; **Source of PLSS:** Colorado's Decision Support Systems CWCB/DWR Location Conversion Tool. **UTM Coordinates:** E335489.7 N4501378; E335558.6 N4501280; Zone 13 NAD 83 (both). **Source of UTM:** Field Survey by Four Points Surveying and Engineering. **Source of Water:** Good's Feeder Ditch to Elk River; Paul's Puddle Pond (East Elk Pond) to Elk River, Seasonal Surface Flows from Unnamed Tributaries to the Elk River, and Seep from the Keller Ditch. **If Reservoirs are Filled from a Ditch, Name, Capacity, Legal Description of Point of Diversion:** Paul's Puddle Pond (East Elk Pond) is currently filled, in part, from the Good's Feeder Ditch. The Capacity of the Good's Feeder Ditch will not exceed 2.0 cfs; The legal description of the point of diversion is as described in this application. **Appropriation and Beneficial Use; Date and Methodology of Appropriation and Date of Beneficial Use:** **Good's Feeder Ditch:** The appropriation date and date water was applied to beneficial use is 03/06/1980. The original Head Gate and construction of the Ditch occurred concurrently with an Application for Water Rights (Surface) for the Good Diversion, filed by Jan and Susan Good, the owners of both Lots 9 and 10 in the Moon Hill Meadows Subdivision. The Good Diversion adjudicated on 07/23/1980 with an appropriation date of 03/06/1980 in Case No. 80CW23 and decreed absolute in Case No. 84CW69 on 11/05/1984. The original beneficial use was to provide supplemental water for use by the Good Diversion, described above. **Paul's Puddle Pond (East Elk Pond):** The appropriation date and date water was applied to beneficial use was 09/18/1999. The Pond was originally constructed in September of 1999 by the prior owners of Lot 9 and 10, Stan South and Floyd E Kite respectively. USGS Elk River flow data indicated water available to put the pond to beneficial use on 09/18/1999. The original beneficial use of the stored water was for aesthetics, recreation, wildlife and storage water for the Good Diversion. **Amount Claimed and Proposed Uses:** **Good's Feeder Ditch:** Total 2.0 cfs with Conditional 1.55 cfs and Absolute .45cfs. The diverted water will fill, refill, and provide freshening flows to Paul's Puddle Pond (East Elk Pond) for the end uses of aesthetics, fire protection, piscatorial, recreation, stock water, wildlife water and supplemental water for the Good Diversion. **Paul's Puddle Pond (East Elk Pond):** 0.5-acre feet conditional for aesthetics, fire protection, recreation, wildlife watering, piscatorial, stock water and storage water for use by the Good Diversion; and the right to refill, when in priority, to maintain adequate storage for all uses and compensate for evaporation loss. **If Irrigation:** The number of acres historically irrigated from the Good Diversion is 1.15 acres; water from the Good's Feeder Ditch will supplement water to the Good Diversion. There is no proposed increase in area to be irrigated. The Legal description of irrigated acreage is: Lot 10 Moon Hill Meadows Subdivision; 50065 Moon Hill Drive, Steamboat Springs, CO 80487. **If Non-Irrigation:** **Good's Feeder Ditch:** Fill, refill, and provide freshening flows to Paul's Puddle Pond (East Elk Pond) for the end uses of aesthetics, fire protection, piscatorial, recreation, stock water, wildlife water and

supplemental water for the Good Diversion. **Paul's Puddle Pond (East Elk Pond):** Aesthetics, fire protection, recreation, wildlife watering, piscatorial, stock water and storage water for use by the Good Diversion; and the right to refill, when in priority, to maintain adequate storage for all uses and compensate for evaporation loss. **Surface Area of High Water Line, Vertical Height of Dam from Lowest Ground Level to Crest of Emergency Spillway, Length of Dam and Total Capacity of Paul's Puddle Pond (East Elk Pond), (active and dead Storage):** Surface area of the pond is 0.41 acres (as provided by a field survey); Dam Height of 3 feet; Dam Length of 25 feet; Current Capacity is 0.5 acre feet. **Name and addresses of owners of the land upon which any new or existing 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 point of diversion and a portion of the Good's Feeder Ditch is located on land owned by: Nathan S and Alison K. Nicholas; 1701 Constellation Dr, Colorado Springs, CO 80905. A portion of the Good's Feeder Ditch and a portion of the Paul's Puddle Pond (East Elk Pond) is located on land owned by: Michael K. and Nikki N. Rusconi; 217 S Clarkson St, Denver, CO 80209. **Remarks or any other pertinent information:** Total surface acres of the pond is 0.41; 0.15 acres on Lot 9 and 0.26 acres on Lot 10. The maximum pond depth is estimated at 3 feet or less. The area of the pond was established by a field survey. Michael and Nikki Rusconi have filed an Application for Water Storage Rights to the same Pond, case number 2021CW3029.

2021CW13 MOFFAT COUNTY Application for Absolute Water Rights (Surface) and Application for Simple Change in Surface Point of Diversion; **Applicant:** Frank and Reneta Kawcak, 110 West 12th Street, Craig CO 81625, 970-326-7245/970-326-7328, drwakren@hotmail.com. **Name of Structures:** FR Kawcak Spring No 1; Adolph Edinger D & PL (5500502). **Legal Description:** Moffat County; NE4 SW4; Sec: 17; T11N; R95W; 6th PM; NE4 NE4; Sec 19; T11N; R95W; 6th PM. **UTM Coordinates:** E239726 N4533086.3; E239165.43 N4532732.77 **Source of UTM:** Google Maps; Map View; **Source of Water:** FR Kawcak Spring No.1 Tributary to, Unnamed Tributary to, Little Snake River. **Date of Original Decree:** May 27, 1972; **Case No:** CA2269 **Legal Description of the Structure as Described in most Recent Decree:** A pump right on the west bank of the Little Snake River at a point from which the corner No. 2 of Tract 53 in Section 18, T11N, R95W, 6th PM Bears S74 18'W a distance of 1445'. **Decreed Source of Water:** Little Snake River. **Date of Appropriation:** August 31, 2021; May 11, 1912. **How Appropriation was Initiated:** Began Watering Cows; **Date Water Applied to Beneficial Use:** October 1, 2013. **Amount Claimed in Cubic Feet (cfs) Per Second or Gallons Per Minute (gpm):** Absolute .1cfs; 4.0 cfs. **List All Uses or Proposed Uses:** Livestock, irrigation. Only to irrigate what has been historically flowing across. **Decreed Use or Uses:** Irrigation. **Amount of Water that Applicant intends to Change:** Absolute: 4.0 cfs **If Irrigation: Number of Acres Historically Irrigated: 2; Proposed to be Irrigated: 2.** Spring has historically been seeping across approximately one or two acres of land. **If Non-Irrigation:** Livestock watering during winter months as it continues to stay open, leaving it more accessible when the Little Snake River freezes. **Detailed Description of Proposed Change in Surface Point of Diversion:** We are requesting an alternate point of diversion for the Adolph D & PL in order to increase the efficiency of our irrigation. This alternate point is being applied to be able to take water out of the Little Snake River at a point much closer to the area of the existing irrigated fields. The water is currently being pumped into a ditch that carries the water 2,700 feet to the irrigated fields. By utilizing the alternate diversion point, we will be able to pump the water directly from the river to the pipeline

that feeds the wheel line and also use one pump instead of the two that we are presently using. This will also cut down loss of water due to evaporation. The new location will be approximately 2200 feet south of the existing diversion and will still be within the boundary of the subject land that is being currently irrigated. No additional land is proposed to be irrigated. **Name of Landowner:** Applicant

2021CW3039, Concerning the Application of Richard Parr for Finding of Reasonable Diligence and to Make Absolute in Cottonwood Creek of Sawmill Creek tributary to Little Beaver Creek of Coal Creek of the White River in Rio Blanco County, Colorado. Applicant: Richard Parr and Artie Parr, P.O. Box 761, Meeker, CO 81641, c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Names of structures: Dean's Reservoir and Emily Spring Describe Conditional Water Rights: Dean's Reservoir. Date of Original Decree: September 7, 2015 Case No.: 2013CW3037 Court: District Court, Water Division No. 6 Legal description: NE¹/₄SE¹/₄ of Section 23, Township 1 North, Range 92 West of the 6th P.M., 844 feet West of the East line, 1,964 feet North of the South line. Source: Cottonwood Creek of Sawmill Creek tributary to Little Beaver Creek of Coal Creek of the White River. Date of appropriation: September 12, 2002. Date water applied to beneficial use: December 1, 2012 for livestock watering, wildlife, firefighting, recreation and irrigation of 3 acres. Amount: 8 acre-feet, 1.32 acre-feet of which is absolute for livestock watering, wildlife, firefighting, recreational and irrigation (3 acres) uses; conditional for irrigation of 17 additional acres and domestic. Use or Proposed Use: Irrigation of 20 acres, domestic for up to three single-family dwellings, livestock watering for up to 50 head of cattle, wildlife, firefighting, and recreational uses. Emily Spring. Date of Original Decree: September 7, 2015 Case No.: 2013CW3037 Court: District Court, Water Division No. 6 Legal description: NE¹/₄ NW¹/₄ Section 24, Township 1 North, Range 92 West of the 6th P.M., 1,790 feet East of the West line; 574 feet South of the North line. Source: Natural spring from a rock formation, tributary to Cottonwood Creek of Sawmill Creek of Little Beaver Creek of Coal Creek of the White River. Date of appropriation: September 12, 2002. Date water applied to beneficial use: September 12, 2002. Amount claimed: 0.05 cfs. Use or Proposed Use: Absolute for livestock watering and wildlife, conditional for pond filling, domestic uses for up to three single-family dwellings, firefighting and irrigation. The Application contains a detailed outline of what has been done toward placing water to beneficial use, including expenditures. Applicant's activities and expenditures establish that Applicant has been reasonably diligent in the development of the conditional water rights referenced herein. Applicant reserves the right to amend the Application for Finding of Reasonable Diligence as necessary. Landowner Notification: All structures are located on lands owned by the Applicant. Claim to Make Water Right Absolute. 0.05 cfs of the Emily Spring should be made absolute for pond filling uses by reason of construction of a ditch to deliver water from the spring to Dean's Reservoir and actual diversion and delivery of water from the spring to the reservoir. WHEREFORE, the Applicant prays for a decree of this Court, finding the Applicant has exercised reasonable diligence toward the development of the aforementioned water rights and any such other and further relief as the Court may deem appropriate. (5 pages, 1 map).

2021CW3040 (98CW307, 06CW208, 14CW3026) **IN RIO BLANCO COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL RIGHTS ABSOLUTE. 1. Name and address of Applicant:** Marvine Ranch, LLC, 24768 County Road 8, Meeker, Colorado 81641, (970) 878-3595. All correspondence and pleadings should be sent to the undersigned co-counsel for the Applicant: Lee H. Johnson and

Mason H. Brown, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, Colorado 80203; K.C. Groves and Elizabeth P. Woodward, Ireland, Stapleton, Pryor & Pascoe, P.C., 717 17th Street, Suite 2800, Denver, CO 80202. **2. Names of Structures:** Ball Lake Reservoir Second Enlargement (the “Subject Water Right”). **3. Description of conditional water rights:** A. Date of Original Decree: October 2, 2000, Case No. 98CW307, Water Court, Division No. 5, State of Colorado. Subsequent diligence rulings, September 20, 2008, Case No. 06CW208, Water Court, Division No. 5, State of Colorado and August 30, 2015 (and corrected on September 28, 2015), Case No. 14CW3026, Water Court, Division No. 6, State of Colorado. B. Location: As set forth in the decree in Case No. 98CW307, the Ball Lake Reservoir Second Enlargement is associated with Ball Lake Reservoir, the center line of which is located in the SW1/4NE1/4, Section 27, Township 1 North, Range 90 West, 6th P.M., Rio Blanco County, Colorado, at a point 1,900 feet from the North line and 3,000 feet from the West line of said Section 27. (Approximate UTM coordinates: 288919 E, 4433782 N as measured in meters, zone 13N, NAD 83). As set forth in the decree in Case No. 98CW307, the Ball Lake Reservoir Second Enlargement is filled via the Barbour South Side Ditch Enlargement (Headgate Nos. 1 and 2). Headgate No. 1 is located in the SW1/4SW1/4 of Section 25, Township 1 North, Range 90 West of the 6th P.M., at an approximate distance of 1000 feet from the South line and 600 feet from the West line of said Section 25 (Approximate UTM coordinates 291377 E, 4433004 N as measured in meters, zone 13N, NAD 83). Headgate No. 2 is located in the NW1/4SE1/4 of Section 27, Township 1 North, Range 90 West of the 6th P.M., at an approximate distance of 2400 feet from the South line and 1700 feet from the East line of said Section 27 (Approximate UTM coordinates: 289087 E, 4433471 N as measured in meters, zone 13N, NAD 83). In addition, overflow from Barbour Springs accrue to the Barbour South Side Ditch as described in the decree in Case No. 98CW307. A map setting forth the general location of the Ball Lake Reservoir is attached as Exhibit A. C. Source: As set forth in the decree in Case No. 98CW307, the source of water to the Barbour South Side Ditch Enlargement includes Marvine Creek, Hammond Creek (a.k.a. Johnson Creek) and the Barbour Springs, all within the White River basin. D. Appropriation Date: February 25, 1998. E. Amounts: 10 acre feet, conditional. F. Use: Pursuant to the decree in Case No. 98CW307, the Subject Water Right will be used for sediment control, piscatorial, recreation, wetlands and augmentation. In Case No. 14CW3026, Marvine Ranch (“Marvine” or “Applicant”) revised the originally decreed uses and limited those uses to sediment control and wetlands. In the present application, Marvine seeks to make these remaining uses of sediment control and wetlands absolute. In the alternative, Marvine seeks a finding of due diligence as to these remaining conditionally decreed uses of sediment control and wetlands. **4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use:** A. In accordance with Paragraph 7 of the decree in Case No. 98CW307, the Subject Water Right is a component of Applicant’s integrated water supply system. The Applicant has continued ongoing efforts related to its integrated water supply system. During the end of the prior diligence period, Applicant completed significant repairs to Ball Lake Reservoir. These efforts involved completing improvements to the dam structure and repair and re-vegetation of the surrounding lands. Subsequently, and during the current diligence period, Applicant has diverted water into storage into Ball Lake Reservoir. In addition, during the current diligence period Applicant has continued its efforts to perfect the remaining conditional uses associated with Ball Lake Reservoir. B. During the diligence period, the Applicant stored water attributable to the Subject Water Rights in Ball Lake Reservoir and released the stored water to irrigate wetlands downstream of the dam. C. During the diligence period, Applicant has diverted its senior water rights into the rehabilitated Ball Lake Reservoir,

including fill and refill rights originally adjudicated in Case No. 999 and Case No. 98CW076. This water has been applied to beneficial use in connection with the augmentation plan adjudicated in Case No. 98CW307. The Subject Water Right includes uses not associated with the more senior storage rights in Ball Lake Reservoir – namely, wetlands and sediment control uses. During the current diligence period, Applicant continued efforts to perfect these separately decreed beneficial uses. Applicant has begun the process of removing small quantities of sediment from Ball Lake Reservoir and released water from the reservoir that is used to support wetlands below the dam. D. During the diligence period, Applicant has continued efforts to operate the Marvine Ranch integrated water system, including, but not limited to, efforts to perfect all of the remaining conditional water rights and decreed beneficial uses associated with the various conditional water rights, including Ball Lake Reservoir First Enlargement, Barbour Pond First Enlargement and the Subject Water Right. These efforts have occurred during the current diligence period. **5. Water applied to beneficial use:** Pursuant to a 2014 amendment to § 37-92-103(4), C.R.S., “beneficial use” includes “the impoundment of water for firefighting or storage for any purpose for which an appropriation is lawfully made, including recreational, fishery, or wildlife purposes.” During prior diligence periods and the current diligence period, Applicant has stored water in priority in Ball Lake Reservoir. Annual storage volume records are attached as an exhibit to this application. Stored water has subsequently been used or released for decreed beneficial purposes, including the Subject Water Right’s beneficial use associated with wetlands. This beneficial use occurred following storage during the current and prior diligence periods. As a result, Applicant seeks to make the Subject Water Right absolute for all the remaining conditional uses. **6. 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 dam structure related to the Subject Water Right is located on lands owned by the Applicant. As a result, no additional notice by certified or register mail, as set forth in § 37-92-302(2)(b), C.R.S., is required in this instance. **7. Remarks or other pertinent information:** The Subject Water Right is located within the White River drainage basin. In accordance with the Colorado Supreme Court’s Order of April 23, 2009, this application is filed with the Water Court, Water Division No. 6. **WHEREFORE**, Applicant requests the Court to enter its decree and ruling as follows: To enter a judgement and decree that the Subject Water Right conditional appropriation has been completed and said right is now ABSOLUTE. In the alternative, to make a finding of reasonable diligence with respect to the conditionally decreed Subject Water Right for the beneficial uses of sediment control and wetlands and providing that a subsequent showing of diligence for the conditional water right be made six years from the date of entry of a decree of diligence in this matter.

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 **November 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.

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

/s/ Julie A. Edwards
Deputy Court Clerk