**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 **August 2023.**

**2023CW8 Routt County** Application for Finding of Reasonable Diligence and to Make Conditional Water Storage Rights Absolute in Part. **Applicant:** Ted Myers, 25625 RCR 55 Hamilton, CO 81638; 970-276-3870; tedandpattymyers@gmail.com. **Summary of Application:** Applicant seeks a finding of reasonable diligence in development of conditional water storage rights decreed for the Elk Lake Reservoir, Buck Reservoir, and Upper Fish Pond Reservoir in Case 2014CW20, hereafter referred to as “Original Decree.” Applicant intends to make the conditional storage rights absolute in part for the claimed uses of irrigation and stock watering for Elk Lake Reservoir and Buck Reservoir, and make the conditional storage right absolute in whole for all the claimed uses for the Upper Fish Pond Reservoir. The applicant intends to maintain a conditional claim for fish in the Elk Lake Reservoir, Buck Reservoir. Applicant intends to relinquish the conditional claim for all uses in all three reservoirs for the portion of conditional capacity in excess of the absolute/as-built capacity since the applicant has no plans to enlarge the reservoirs. **Date of Original Decree:** August 14, 2017. **Case No.:** 2014CW20, Water Division 6. **Name of Structures:** Elk Lake Reservoir; Buck Reservoir; Upper Fish Pond Reservoir. **Legal Descriptions:** NW ¼ of the SW ¼ S33, T4N, R88W; SE ¼ of the NE ¼ S32, T4N, R88W; NE¼ of the NE ¼ S32, T4N, R88W of the 6th PM, Rio Blanco County. **UTM Coordinates: Easting** 305593; **Northing** 4460497; **Easting** 305292; **Northing** 4460682; **Easting** 305117; **Northing** 4461463; Zone 13. **Original Decree Sources of Water:** Elk Lake Reservoir, Buck Reservoir, and Upper Fish Pond Reservoir: Surface Flow in Jacobson Draw, Tributary to Gil Draw, Tributary to East Fork Williams Fork River, Myers Spring (WDID 4401249), and the Old Brush Creek Ditch (WDID 4401569). **Clarification Note:** Water Sources to the reservoirs have not changed from the original Decree, but the applicant clarifies that Jacobson Draw and Gil Draw were informally named by the applicant and each are unnamed tributaries to East Fork Williams Fork River. Elk Lake Reservoir and Buck Reservoir are off channel reservoirs. Elk Lake Reservoir is supplied by a diversion from “Jacobson Draw” via the Elk Lake Feeder Ditch. Water is supplied to Buck Reservoir via a pipeline connected to the low-level outlet pipe of Elk Lake Reservoir. The original decree map depicted the Elk Lake feeder ditch suppling both the Elk Lake and Buck Reservoirs, but to conserve water, applicant alternatively constructed a pipeline to convey water from Elk Lake Reservoir to Buck Reservoir. The Upper Fish Pond Reservoir is in the channel of “Jacobson Draw”. The Myers spring partially discharges from the Myers Spring pipeline into “Jacobson Draw” less than ¼ mile upstream of the Elk Lake Feeder Ditch. The Old Brush Creek Ditch discharges into “Jacobson Draw” less that 700 feet upstream of the Elk Lake Feeder Ditch. **Original Decree Appropriation Date:** Elk Lake Reservoir and Buck Reservoir: July 1, 2013; Upper Fish Pond Reservoir: December 31, 1950 for stock water use, June 15, 2012 for irrigation.  **Original Decree Amounts:** Elk Lake Reservoir: 6.0 ac-ft; Buck Reservoir: 7.0 ac-ft; Upper Fish Pond Reservoir: 5.0 ac-ft. **Original Decree Use:** Elk Lake Reservoir: Stock water, piscatorial and irrigation of approximately 74.8 acres; Buck Reservoir: Stock water, piscatorial and irrigation of approximately 20.5 acres; Upper Fish Pond Reservoir: Stock water, piscatorial and irrigation of approximately 19.6 acres. **What has been Done for Completion of Appropriation:** During the diligence period, the applicant has completed construction of and improvements to the Elk Lake Reservoir and Buck Reservoir and completed improvements to the Upper Fish Pond Reservoir, which includes the installation of a siphon outlet at the Upper Fish Pond Reservoir. Pipeline infrastructure, including pipe, valves and fittings were purchased and installed to convey water stored in all three reservoirs to the respective places of irrigation. The applicant has purchased, installed, and operated gated pipe and two reel-type sprinklers to irrigate fields below the Elk Lake reservoir and Buck Reservoir. The applicant has purchased, installed and operated a reel-type sprinkler to irrigate fields below the Upper Fish Pond Reservoir. Applicant has constructed the Elk Lake Feeder Ditch and has installed a Parshall Flume to measure diversions into the Elk Lake Reservoir. In priority, applicant has diverted and measured diversions into the Elk Lake Feeder Ditch and beneficially used stored water in the Elk Lake Reservoir and Buck Reservoirs for the stock watering and irrigation. In priority applicant has released stored water in the Upper Fish Pond Reservoir for irrigation and beneficially used the remaining water for stock water and piscatorial. Considering additional reservoirs could be constructed as part of the irrigation system, the applicant intends to maintain a conditional claim for fish in the Elk Lake Reservoir and Buck Reservoir in the event they chose to stock fish in the ponds rather than emptying for irrigation. **Applicant makes an Absolute Claim in Part: Elk Lake Reservoir:** **Date:** August 1, 2013; **Amount:** 2.86 ac-ft; **Uses:** Stock Water and Irrigation. **Buck Reservoir:** **Date:** August 1, 2013; **Amount:** 4.59 ac-ft; **Uses:** Stock Water and Irrigation. **Upper Fish Pond Reservoir:** **Date:** December 1950; **Amount:** 1.24 ac-ft; **Uses:** Stock Water. **Upper Fish Pond Reservoir:** **Date:** December 1985; **Amount:** 1.24 ac-ft; **Uses:** Fish. **Upper Fish Pond Reservoir:** **Date:** June 15, 2012; **Amount:** 1.24 ac-ft; **Uses:** Irrigation. **Conditional Claim: Elk Lake Reservoir;** **Amount:** 2.86 ac-ft; **Uses:** Fish. Buck Reservoir: **Amount:** 4.59 ac-ft; **Uses:** Fish. **Relinquish of Conditional Claims: Elk Lake Reservoir:** **Amount:** 3.14 ac-ft; **Uses:** Stock Water, Fish and Irrigation. **Upper Fish Pond Reservoir:** **Amount:** 6.41 ac-ft; **Uses:** Stock Water, Fish and Irrigation. **Upper Fish Pond Reservoir: Amount:** 2.74 ac-ft; **Uses:** Stock Water, Fish and Irrigation. **Diverted Water in-priority and Water Applied for Beneficial Use:** The applicant is providing capacity tables as Exhibit B supporting the absolute claim for reservoir storage. Reservoir capacity tables were developed from surveys of the reservoirs. Publicly available aerial images, such as depicted on Exhibit A support beneficial use claims by the applicant from depictions of livestock at the reservoirs and active irrigation areas. **Where Water Applied for Beneficial Use:** Map provided as Exhibit A depicts the locations of the reservoirs, irrigation system and irrigation areas. **Actual Location of Structure and Actual Description:** Buck Reservoir water line also occupies land in the NE of SE, Section 32, T4N, R88W of the 6th PM. All other original decree locations are accurate and the UTM coordinates are within the reservoir footprint. **Other Pertinent Information:** Appropriation date and date of beneficial use for piscatorial (fish) in the Upper Fish Pond Reservoir were inadvertently missing from original decree. **Landowner:** Applicant.

**2023CW3023 ROUTT COUNTY**, DRY CREEK, TROUT CREEK, YAMPA RIVER Timothy B. Calley and Jennifer L. Calley,26250 Stonebrink Lane, Steamboat Springs, CO 80487, 949-228-4795, calleyho@gmail.com c/o Kirsten M. Kurath, Williams, Turner & Holmes, P.C., 858 Grand Ave., Suite 1, Grand Junction, CO 81501, 970-242-6262, kmkurath@wth-law.com.

APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT PARTIALLY ABSOLUTE. Structures: Simillion Spring No. 1 and Simillion Pond No. 1. Original decree: February 4, 2009,Case No. 2005CW068, Water Court, Water Div 6. Subsequent Decree: August 6, 2017, Case No. 2015CW0001, Water Court, Water Div 6. Locations: Simillion Spring No. 1: The point of diversion is located in the NW¼SE¼, Section 33, Township 4 North, Range 85 West, 1395 feet north of the south section line and 1863 feet west of the east section line; Easting 336662 mE; Northing 4477303 mN (Zone 13, NAD83). Simillion Pond No. 1: The dam centerline is located in the NW¼, Section 4, Township 5 North, Range 85 West, 65 feet south of the north section line and 1070 feet east of the west section line; Easting 335952 mE; Northing 4476863 mN (Zone 13, NAD83). See Exhibit A to the Application. Sources: Two separate tributaries to Dry Creek, tributary to Trout Creek, tributary to the Yampa River. Simillion Pond No. 1 is located on-channel and in addition to the on-channel surface water flowing into the pond, the pond will also be filled with water from the unnamed tributary in which the Simillion Spring No. 1 is located. Appropriation dates: Simillion Spring No. 1: May 1, 1995; Simillion Pond No. 1: June 1, 2005. Amounts: Simillion Spring No. 1: 0.20 c.f.s., conditional. (Note: the water right has been decreed absolute for livestock and wildlife watering in the amount of 0.20 c.f.s.); Simillion Pond No. 1: 5.0 acre feet, conditional, together with the right to refill twice when in priority. Uses: Simillion Spring No. 1: Domestic use for two residences (including irrigation of lawn and garden up to 1 acre per residence), irrigation of lawn and garden up to one acre (in addition to the domestic use irrigation) and fire protection. Simillion Pond No. 1: Fire protection, domestic use for two residences (including irrigation of lawn and garden up to 1 acre per residence), livestock, wildlife watering, piscatorial, aesthetic, and recreation. Remarks: In Case No. 2015CW0001, the Court found that the Simillion Spring No. 1 and Simillion Pond No. 1 constituted an integrated system for purposes of C.R.S. § 37-92-301 (4) (b). Applicants own 100% of the Simillion Spring No. 1 and Simillion Pond No. 1 water rights, but at the time of filing this Application, Hunter John Riele owns the right to use 10% of the water stored in Simillion Pond No. 1 under certain conditions as set forth in the Declaration Regarding Simillion Spring No. 1 and Simillion Pond No. 1 Water Rights recorded at Reception No. 838041 of the Routt County, Clerk and Recorder records. The place of use originally decreed in Case No. 2005CW068 has been subdivided. Exhibit B of the Application shows the decreed place of use as now owned by the Applicants and Mr. Hunter Reile. Claim to Make Water Right Partially Absolute: Simillion Pond No. 1. Date water applied to beneficial use: The Applicants have personal knowledge that the pond filled while in priority during the spring of 2023. See CDSS Call Records attached to the Application as Exhibit C. Amount: The current capacity of the pond is 1.14 acre feet. See Exhibit D of the Application. Pursuant to C.R.S. § 37-92-301 (4) (e), 1.14 acre feet should be decreed absolute for all decreed purposes. The Application contains 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 to the Simillion Spring No. 1 and Simillion Pond No. 1 water rights described above, including expenditures. Name and address of owner(s) of the land: Simillion Spring No. 1: State of Colorado, Board of Land Commissioners, 1127 Sherman St., STE 300, Denver, CO 80203; Simillion Pond No. 1: Applicants. Applicants request that the Court adjudge and decree Applicants have made Simillion Pond No. 1 water right absolute in the amount of 1.14 acre feet for all purposes, that Applicants have been reasonably diligent in the development of the remaining conditional portions of the Simillion Spring No. 1 and Simillion Pond No. 1 water rights, and that the remaining conditional portions of the Simillion Spring No. 1 and Simillion Pond No. 1 water rights be continued in full force and effect. (10 pages).

**2023CW7 (2017CW8) Moffat County** Application to Make Absolute in Whole or in Part. **Applicant:** Randy A. Neece, 536 Barclay Street Craig, CO 81625, (970) 620-0829; randyneece@hotmail.com. Christine Marks-Neece, 536 Barclay Street Craig, CO 81625, (970) 620-0485; cmarksneece@hotmail.com. **Name of Structure:** Jacks Spring. **Date of Original Decree:** 12/16/2019. **Case No.** 2017CW8, Water Division 6. **Legal Description:** (PLSS and Zone 13 UTM Coordinates) All Structures are Located in Section 1, Township 10 North, Range 90 West of the 6th Prime Meridian in Moffat County Colorado and are Depicted on Exhibit 1 1, locations of springs and ponds. Tributary to Willow Creek, Tributary to Little Snake River Tributary to Yampa River. **Source of Water:** Jacks Spring. **Appropriation Date:** August 1st, 1996. **Amount:** 0.022 CFS. **Use:** Wildlife Watering, Provide Continuous Freshening Flow to Mona Pond. **Description of What Has Been Done Toward Completion or for Completion of the Appropriation and Application of Water:** Installed PVC Pipe from Jacks Spring to Monda Pond. **Date Water Applied to Beneficial Use:** 7/7/2021. **Amount:** .016 CFS. **Use:** Wildlife Watering, provide continuous freshening flow to Mona Pond. **Description of Place of Use where Water is Applied to Beneficial Use:** No Irrigation, Place of use Mona Pond. **Legal Description:** SW ¼ of the NE ¼ Section 1 Township 10N Range 90W 6th Principal Meridian Moffat County. **UTM Cordinates:** Easting 294009, Northing 4525550 Subdivision Wilderness Ranch Lot #117. **Source of UTM’s:** Per Decree/GPS, accurate within 200 feet. **Distance from Section Lines:** 1,278 feet from North and 1,270 feet from West. **Source of PLSS Information:** Wilderness Ranch Lot #117. **Name of Owner:** Randy Neece and Christine Marks-Neece, 536 Barclay Street Craig, CO 81625.

**2023CW3018** Rio Blanco County. **Amended** **Application for Conditional Surface Water Rights**. Applicant, L Bar Slash Ranch, LLLP, c/o Kelly Sheridan, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant amended Application filed June 29, 2023 to include another surface diversion, Card Place Diversion No. 6. Amt.: 1 c.f.s., conditional. UTM: 261011.5 Easting, 4434946.8 Northing. Source: Little Beaver Creek, tributary to White River and Wastewater from Oak Ridge Park Ditch, which diverts from White River.

**2023CW3022 RIO BLANCO COUNTY, Application to Make Water Rights Absolute**. Applicant: Arlene E. Fritzlan Revocable Living Trust; please direct all correspondence to Applicant’s attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, megeiger@garfieldhecht.com. *Applicant requests that the following water right be made absolute and in the alternative, for a finding of reasonable diligence:* **Fritzlan Guest Ranch Pond**. *Location*: the centerline of the dam at the outlet pipe is located in the SW ¼ of the NE ¼ of Section 21, Township 1 North, Range 90 West of the 6th Principal Meridian at a point approximately 1896 feet from the North section line and 2210 feet from the East section line, and the inlet to the pond from White River is located at a point in the SW ¼ of the NE ¼ of Section 21, Township 1 North, Range 90 West of the 6th Principal Meridian at a point approximately 1835 feet from the North section line and 2031 feet from the East section line This point of diversion is shown on **Exhibit A** to the Application. PLSS Description in UTM Format: Zone 13. Northing: 4435469 (Dam), 4435486 (Inlet). Easting: 287383 (Dam), 287438 (Inlet). *Source*: groundwater from the North Fork White River alluvium, tributary to the White River and freshening flows from the Fritzlan Guest Ranch Pond Inlet as described herein below, tributary to the White River. *Date of initiation of appropriation*: May 31, 2000. *Date applied to beneficial use*: August 30, 2016, by issuance of Well Permit No. 80213-F. Applicant has reviewed all call records and there was no call in effect on the White River at this time. *Surface area*: 0.27 acres. *Total volume:* 1.57 acre-feet. *Uses*: piscatorial, recreational, stockwatering, wildlife watering, and fire protection purposes. *Owner of land upon which pond is located*: Applicant. *Remarks:* Fritzlan Guest Ranch Pond is an excavated pond that intercepts groundwater and thus remains mostly full; however; the pond levels are freshened by the flow of water from the Fritzlan Guest Ranch Pond Inlet as described herein below, which also provides circulation of water to support the piscatorial use. This pond is the subject of Well Permit No. 80213-F. *Applicant requests that the following water right be made absolute and in the alternative, for a finding of reasonable diligence:* **Fritzlan Guest Ranch Pond Inlet**. *Legal description*: The point of diversion is located on the White River in the SW ¼ of the NE ¼ of Section 21, Township 1 North, Range 90 West of the 6th principal Meridian at a point approximately 1835 feet from the North section line and 2031 feet from the East section line. See **Exhibit A** to the Application. PLSS Description in UTM Format: Zone 13. Northing: 4435486. Easting: 287438. *Source*: North Fork White River, tributary to the White River. *Appropriation date*: May 31, 2000. *Date applied to beneficial use*: August 30, 2016. Applicant has reviewed all call records and there was no call in effect on the White River at this time. *Amount:* 0.5 c.f.s. *Uses*: to freshen the Fritzlan Guest Ranch Pond for piscatorial and recreational purposes. *Owner of land upon which point of diversion is located:* Applicant. *Remarks:* As shown on **Exhibit B** to the Application, diversions through the Fritzlan Guest Ranch Pond Inlet flow through the surface of the Fritzlan Guest Ranch Pond and return to the North Fork of the White River. The Application includes a detailed description of activities undertaken during the diligence period applying the subject water rights to beneficial use. (5 pages).

**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 **October 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/ Julie A. Edwards

 Deputy Court Clerk