**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 2024.**

**2022CW3098**. Routt County. **Amended** **Application for Findings of Reasonable Diligence**.Applicant: Mabel Farms, LLC, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant amends its original application to clarify and include all its interests in the Spring Dale Spring, First Enlargement. Structures: Spring Dale Pond No. 1 and Spring Dale Pond No. 2. Original Decree: 07CW56, Dist. Ct., Water Div. 6 on 07/28/2009. Subsequent Diligence Decrees: 15CW3026 Dist. Ct., Water Div. 6 on 09/09/2016. Legal Descriptions as depicted in Exh. 1 on file with the Water Ct. Spring Dale Pond No. 1: SW1/4 SE1/4 of Sec. 6, T. 5 N., R. 85 W., of the 6th P.M., at 505 ft. from the S. Sec. line and 1,337 ft. from the E. Sec. line of said Sec. 6, Routt Cty., CO, in accordance with 15CW3026. Spring Dale Pond No. 2: SW1/4 SE1/4 of Sec. 6, T. 5 N., R. 85 W., of the 6th P.M., at 1,700 ft. W. of the E. Sec. Line and 690 ft. N. of the S. Sec. Line of said Sec. 6, Routt Cty., CO, in accordance with 15CW3026. Sources: Unnamed tributaries to Trout Creek, tributary to Yampa River. Date of Approp.: 09/29/1997. Spring Dale Pond No. 1: 2.5 AF, conditional, for irr. of up to 3.1 acres (cumulative with Spring Dale Pond No. 2, as depicted in Exh. 2 on file with the Water Ct.), stock watering, and wildlife watering. The Ct. canceled dom., fire protection, piscatorial, rec., and aesthetic uses under Spring Dale Pond No. 1 in 15CW3026. Spring Dale Pond No. 2: 4.0 AF, conditional, for irr. of up to 2.6 acres (cumulative with Spring Dale Pond No. 1; see Exh. 2), stock watering, and wildlife watering. The Ct. canceled dom., fire protection, piscatorial, rec., and aesthetic uses under Spring Dale Pond No. 2 in 15CW3026. Remarks: In the event groundwater is intercepted when either Spring Dale Ponds No. 1 or No. 2 is developed, the pond will be backfilled so as not to expose groundwater until such time as (1) a well permit has been obtained for the ground water well pond pursuant to C.R.S. § 37-90-137 and any associated water storage rights have been vacated, or (2) the pond is lined in accordance with current State Engineer guidelines. Structure: Spring Dale Spring, First Enlargement. Original Decree: 07CW56, Dist. Ct., Water Div. 6 on 07/28/2009. Subsequent Diligence Decree: 15CW3026 Dist. Ct., Water Div. 6 on 09/09/2016. Legal Description: SE1/4 SE1/4 of Sec. 6, T. 5 N., R. 85 W. of the 6th P.M., at 528 ft. from the S. Sec. Line and 1,219 ft. from the E. Sec. Line of said Sec. 6, Routt Cty., CO. Source: Springs tributary to unnamed tributaries to Trout Creek, tributary to Yampa River. Date of Approp.: 09/29/1997. Decreed Amts. and Uses: 0.033 c.f.s. (15 g.p.m.), conditional, for dom. (at KK-Holdings, LLC’s headquarters located at 34115 CR 33, Steamboat Springs, CO), fire protection, irr. of up to 3.1 acres (see Exh. 2), stock watering, wildlife watering, the right to fill and refill Spring Dale Ponds No. 1 and No. 2 and providing freshening flows to Spring Dale Ponds No. 1 and No. 2. The Ct. canceled 0.867 c.f.s. of the original 0.9 c.f.s., and rec. and aesthetics uses, under Spring Dale Spring, First Enlargement in 15CW3026. Remarks: Applicant shares Spring Dale Spring, First Enlargement with its neighbor, KK-Holdings, LLC. Applicant’s interest in the Spring Dale Spring, First Enlargement is to all decreed uses and amts. except dom., which dom. use first occurs at the headquarters on KK-Holdings, LLC’s property before overflow water accumulates in the Spring Dale Ponds No. 1 and No. 2 for the subsequent decreed uses. Applicant and KK-Holdings, LLC are currently negotiating an operation, maintenance, and repair agreement regarding the Spring Dale Spring, First Enlargement, which Applicant intends to file with the Ct. once executed. Canceled amt. and use: Applicant cancels its conditional 0.033 c.f.s. for providing freshening flows to Spring Dale Ponds No. 1 and No. 2. Owner of Land Upon Which the Structures are Located: Applicant. Integrated System: As decreed in 15CW3026, the Subject Water Rights are part of an integrated water supply system for the Applicant. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). A list of diligence activities performed in the six years preceding the filing of this Application is on file with this Ct. (6 pages of amended application, Exh. 1 & 2)

24CW3014 Applicant: Carl Winder, P.O. Box 1360, Parker, CO 80134 with all correspondence connected herewith being sent to Applicant’s counsel, David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP., 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181. Application for Finding of Reasonable Diligence in Routt County. 2. Previous Decree. Case No. 2015CW3032 2.1. Name of Structures. Counts Fish Pond 2.2. Well Permit No. N/A 2.3. Legal Description: The centroid of the Counts Fish Pond will generally be located in NE1/4 of Section 14, Township 2 North, Range 86 West, 6th P.M. approximately 1,210 feet from north section line and 2,390 feet from the east section line of said Section 14. 2.4. Source. Underground water tributary to South Hunt Creek, tributary to Hunt Creek, tributary to the Yampa River, tributary to the Green River, Tributary to the Colorado River. 2.5. Depth of Well/Pond. An average depth of approximately 10 feet. 2.6. Appropriation Date. March 19, 2014. The appropriation was initiated by commissioning a series of engineering reports related to the construction of the Counts Fish Pond. 2.7. Amount. Counts Fish Pond will be an unlined excavated pond/well that will intercept groundwater. Applicant estimates that it will have a capacity of no more than 20 acre feet, but is awarded herein only 3.66 acre feet, which is the maximum annual amount of evaporation that will occur from the Pond (3.65 acre-feet) plus stock water use (0.01 acre feet), since the Pond will be unlined and not capable of controlling more that this amount of water. 2.8. Uses. Piscatorial, recreation, stock watering and fire protection purposes. 2.9. Surface Area. 1.4 acres maximum. 3. Outline of Work Toward Completion During the Diligence Period. Applicant acquired the Counts Fish Pond conditional water right and plan for augmentation, together with the associated property, in 2021. Since that time, in addition to working on other projects related to the property, Applicant retained a water resource engineer to investigate the pond project as part of its diligence. The Applicant also sought and retained the assistance of legal counsel in the preparation and filing of this application. Applicant maintains an intent to develop the Counts Fish Pond. 4. Claim to for Finding of Reasonable Diligence. Applicant seeks a finding that it has been reasonably diligent in the development of the conditional water right and entry of a decree maintaining the right as conditional for the statutory period. 5. 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. The original application consists of 3 pages.

**Case No. 2024CW3015 ROUTT COUNTY, Application to Make Water Right Absolute and/or for Findings of Reasonable Diligence**. Applicant: Murphy-Larsen Ranch Owners Association; 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](mailto:megeiger@garfieldhecht.com).*Name, mailing address, telephone number, and email address of Applicant: Name of water right to be made absolute and/or for entry of findings of reasonable diligence:* **West Well No. 1**. *Date of original decree:* November 2010, Case No. 09CW02, District Court, Water Division 6. *Subsequent decrees:* Case No. 16CW3046, District Court, Water Division 6. *Legal description*: Located in the SE1/4, SW1/4, Section 18, Township 9 North, Range 85 West of the 6th P.M. at a point 333 feet from the South Section Line and 2.432 feet from the West Section Line. *See* Exhibit A to the Application. *Source*: Ground water tributary to unnamed tributary to Cottonwood Gulch, tributary to the Elk River, tributary to the Yampa River. *Depth*: 30 feet. *Appropriation date*: November 2, 2005. *Date applied to beneficial use:* May 24, 2024, by filling storage tank for service to the Murphy-Larsen Subdivision at a rate of 15 g.p.m. *Amount*: 15 g.p.m., conditional, was originally decreed in Case No. 09CW02. In Case No. 16CW3046, Applicant abandoned 4.6 g.p.m. of the originally decreed amount. Accordingly, the amount decreed to West Well No. 1 is 10.3 g.p.m., conditional. *Uses*: Domestic, irrigation, and stockwatering, *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 pool*: The well is located on property owned by Halbach & Morawetz Family Trust DTD 9/15/22, 2401 Foraker Dr., Anchorage, AK 99517, and the Applicant owns an easement for the well and related facilities. The water is used within the Murphy-Larsen Ranch. *Name of water right to be made absolute and/or for which findings of reasonable diligence are requested*: **West Well No. 2**. *Date of original decree:* November 2010, Case No. 09CW02, District Court, Water Division 6. *Subsequent decrees:* Case No. 16CW3046, District Court, Water Division 6. *Legal description*: Located in the NW1/4, SW1/4, Section 17, Township 9 North, Range 85 West of the 6th P.M. at a point 1,624 feet from the South Section Line and 85 feet from the West Section Line. *See* Ex. A attached to the Application. *Source*: Ground water tributary to unnamed tributary to Cottonwood Gulch, tributary to the Elk River, tributary to the Yampa River. *Depth*: 33 feet. *Appropriation date*: February 2, 2006. *Date applied to beneficial use*: May 24, 2024 by filling storage tank for service to the Murphy-Larsen Subdivision at a rate of 45 g.p.m. *Amount*: 50 g.p.m., conditional, was originally decreed in Case No. 09CW02. In Case No. 16CW3046, Applicant abandoned 11.7 g.p.m. of the originally decreed amount. Accordingly, the amount decreed to West Well No. 2 is 38.3 g.p.m., conditional. *Uses*: Domestic, irrigation, and stockwatering. *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 pool*: The well is located on property owned by Christopher A. Zec and Martha Anne Brown, 2501 S. Monroe Street, Denver, CO 80210, and the Applicant owns an easement for the well and related facilities. The water is used within the Murphy-Larsen Ranch. *Name of water right to be made absolute or for which findings of reasonable diligence are requested:* **MLR Pipeline**. *Date of original decree:* November 2010, Case No. 09CW02, District Court, Water Division 6. *Subsequent decrees:* May 28, 2018, 16CW3046, District Court, Water Division 6. *Legal description*: Located in the NW1/4, SW1/4, Section 17, Township 9 North, Range 85 West of the 6th P.M. at a point 1,875 feet from the South Section Line and 250 feet from the West Section Line. *See* Ex. A to Application. *Source*: Cottonwood Gulch, tributary to the Elk River, tributary to the Yampa River. *Appropriation date*: February 5, 2008. *Date applied to beneficial use*: June 15, 2019, by filling the MLR Pond, described herein below, at a rate of 0.90 c.f.s. *Amount*: 0.5 c.f.s., conditional. *Uses*: Recreation, piscatorial, wildlife watering, domestic and augmentation. The water diverted by MLR Pipeline will fill the MLR Pond for subsequent uses decreed for the MLR Pipeline and MLR Pond. *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 pool*: The MLR Pipeline point of diversion is located on property owned by Christopher A. Zec and Martha Anne Brown, 2501 S. Monroe Street, Denver, CO 80210, and the Applicant owns an easement for the pipeline facilities. The water is used within the Murphy-Larsen Ranch. *Name of water right to be made absolute or for which findings of reasonable diligence are requested:* **MLR Pond**. *Date of original decree:* November 2010, Case No. 09CW02, District Court, Water Division 6. *Subsequent decrees:* Case No. 16CW3046, District Court, Water Division 6. *Legal description*: Located in the SW1/4, SW1/4, Section 17, Township 9 North, Range 85 West of the 6th P.M. at a point 1,290 feet from the South Section Line and 300 feet from the West Section Line. *See* Ex. A to Application. *Source*: MLR Pipeline, which is diverted from Cottonwood Gulch, tributary to the Elk River, tributary to the Yampa River. The MLR Pond will be filled from the MLR Pipeline at a rate not exceeding 0.5 c.f.s. *Appropriation date*: April 18, 2007. *Date applied to beneficial use:* June 15, 2019. The MLR Pond was constructed and filed to its full 5.5 acre-feet decreed capacity. Pursuant to C.R.S. § 37-92-301(4), “[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.” *See* Exhibit B to Application**.** *Amount*: 5.5 a.f.., conditional. *Uses*: Recreation, piscatorial, wildlife watering, domestic and augmentation. *Surface area of high-water line:* Approximately 0.96 acres. *Maximum height of dam in feet:* Approximately 7 feet. *Length of dam in feet:* Approximately 465 feet. *Total capacity of reservoir in acre feet:* 5.5 acre-feet. *Active capacity:* 5.0 acre-feet. *Dead storage:* 0.5 acre-feet. *Location of dam within the high water line:* W1/2, SW1/4, Section 17, Township 9 North, Range 85 West of the 6th P.M. *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 pool*: The pond is located on the property owned by Christopher A. Zec and Martha Anne Brown, 2501 S. Monroe Street, Denver, CO 80210 and the Applicant owns an easement for the pond and related facilities. The water is used within the Murphy-Larsen Ranch. The Application includes a detailed description of activities undertaken during the diligence period applying the subject water rights to beneficial use. (7 pages).

**2024CW4 Rio Blanco County** Application for Absolute Water Rights. **Applicant:** John T. Purkey and Cindy L. Goodnight, P.O. Box 1101 Meeker, CO 81641; 970-756-0228; [Sampurkey@outlook.com](mailto:Sampurkey@outlook.com). **Name of Structures:** Baughman/ Purkey Seep **Legal Descriptions:** Rio Blanco County;NE ¼ of the NE ¼ S26, T1N, R95W of the 6th PM; **Source of Water:** Unnamed Tributary to the White River. **UTM Coordinates: Easting** 754937; **Northing** 4435709; **Street Address:** 70388 Highway 64 **Subdivision** Meadows Lot 6A,6B; **Source of UTM’s:** Hand-Held GarminGPS; **Accuracy of Location:** within 20ft +/-. **Appropriation Date:** 2/4/15; **How Appropriation was Initiated:** Irrigated Fields. **Date Water Applied for Beneficial Use:** 2/14/15. **Amount Claimed Conditional:** 1 cfs; **Uses or Proposed Uses:** Irrigation, livestock water. **Number of Acres Historically Irrigated:** 22; **Proposed to be Irrigated:** 22. **Describe Non-Irrigation:** Livestock water. **Remarks or any other Pertinent Information:** The Seep and water has historically been used by previous owner as long as I can remember. **Landowner:** Robin P. Baughman and Susan A. Kirchmaier; **Mailing Address:** 101 Meadow Lane, Meeker, CO 81641.

**24CW3016– MOFFAT COUNTY – APPLICATION FOR SURFACE WATER RIGHT**. **1. Name, Mailing Address, E-mail Address, and Phone Number of Applicant.** Deep Cut Irrigating Ditch, Inc., c/o Brad Ocker, President, 9591 CR 33, Craig, Colorado 81625, E-mail: brad.ocker@state.co.us, Phone: (970) 824-6676. Copies of all pleadings and other correspondence to: David F. Bower and Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, E-mail: dfbower@j-rlaw.com, Phone: (303) 546-5608.. **2. Claim for Absolute Surface Water Right.** (a) Name of Structure. Deep Cut Irrigating Ditch [WDID 4400589] (the “Deep Cut Ditch”).(b) Decreed Point of Diversion. On the left or south bank of the Yampa River, from which point the corner “W” Section 2,3 in line between T6N and T7N, R90W, 6th P.M., bears S. 48°30ʹ W. (Var. 14°15ʹ E.) 580 ft. (c) Physical Location. NW1/4 NE1/4 of Section 3, Township 6 North, Range 90 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 290554, Northing 4487415. A map showing the location of the headgate structure is attached to the application as Exhibit A. (d) Source. Yampa River. (e) Appropriation Date. December 1, 1884. (f) Amount. 10 cfs, absolute. (g) Use. Stock watering. (h) Remarks. The Deep Cut Ditch has historically diverted year-round for livestock watering. By this claim, Applicant seeks to have this historical practice confirmed and decreed by the Water Court. The amount claimed is based on diversion records for stock use available on CDSS. Total diversions under all of the rights decreed to the Deep Cut Ditch, including this livestock watering right, will not exceed the 68.74 cfs already decreed to the structure. **3.** **Name and Address of Landowner Upon which any New or Modified Diversion Structure is Located.** No new or modified diversion structure is contemplated by this application. WHEREFORE, Applicant respectfully requests that the Water Court grant the claim for an absolute surface water right as set forth above. (3 pages plus exhibit)

**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 2024** 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