**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 **June 2023.**

**2023CW3017 ROUTT COUNTY**, Application for Absolute and Conditional Water Storage Right. Applicant: Don Johnson, c/o Mark D. Detsky, Matthew C. Nadel, Dietze and Davis, P.C.; 2060 Broadway, Suite 400, Boulder, CO 80302 Phone Number: (303) 447-1375 E-mail: mdetsky@dietzedavis.com; mnadel@dietzedavis.com. Name of structure: Strawberry Cold Pond. Legal description of location of dam centerline: The Strawberry Cold Pond is an on-stream structure. A. UTM Format: Zone 13, Northing 4491502 meters, Easting 343361 meters. Source: hand-held Garmin GPS. Datum: NAD83. B. Legal Description Using the Public Land Survey System: SW ¼ of the SE ¼, Section 18, Township 7 North, Range 84 West of the 6th P.M., approximately 400 feet north of the south boundary and 1850 feet west of the east boundary of section 18. Source: Hot Springs Creek, tributary to Elk River, tributary to the Yampa River. Appropriation Information: Date of appropriation: June 1, 2023. How appropriation was initiated: The appropriation was initiated by the filing of a water court application and providing resume notice. Date water applied to beneficial use: August 31, 2012. Amount claimed: The Strawberry Cold Pond is decreed to store 0.2 acre feet (AF) for bathing, recreation, health and therapy, and aesthetic uses, with the right to fill and refill continuously. For the augmentation use subject to this application, the amount claimed is 0.04 AF ABSOLUTE and 0.16 AF CONDITIONAL, with right to fill and refill if in priority. Evidence of Water Diverted in Priority and Applied to Beneficial Use: The Applicant removed at least two four-inch-wide boards from the Strawberry Cold Pond dam to release water to augment evaporative depletions while the structure was being administered during a call event in 2012. An Affidavit of Mr. Don Johnson, owner of the Resort, is attached to the application. Surface area of high water line: 0.08 Acres. Vertical height of dam in feet: 6 feet. Length of dam in feet: 82 feet. Capacity: Total capacity of reservoir in acre feet: 0.20 AF. Active capacity: 0.16 AF. Dead storage: 0.04 AF. Applicant is record owner of land for the existing diversion and storage structures subject to this application and the land upon which the water is used. As such, no specific notifications are necessary. Remarks or any other pertinent information: Applicant used the pond as an augmentation structure to replace evaporative losses during the call period between August 16, 2012 and October 28, 2012. A map is available in the Court file.

**2023CW3019** in Routt County, Colorado. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name and address of Applicant: Anderson Family Partners II, LP, P.O. Box 2549, Victoria, TX 77902. Please direct all correspondence, motions, and pleadings to Michael J. Sawyer or Danielle T. Skinner, KARP NEU HANLON, P.C., 201 14th Street, Suite 200, P.O. Drawer 2030, Glenwood Springs, CO 81602 (970) 945-2261. FIRST CLAIM – APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of structure: *Childress Spring No. 1*. Date of original decree: July 8, 2010, in Case No. 2007CW30, in the District Court in and for Water Division 6. Subsequent decrees awarding findings of diligence: Case No. 2016CW3021 entered on June 25, 2017, in the District Court in and for Water Division 6. Legal description: SW4 SW4, Section 34, T3N, R86W, of the 6th P.M., Routt County, Colorado, at a point 37 feet from the South line and 600 feet from the West line of said Section, UTM coordinates (Zone 13, NAD83) 326666 mE and 4449795.5 mN. Source: Spring, tributary to North Hunt Creek, tributary to Hunt Creek, tributary to Yampa River. Appropriation date: September 6, 2002. Amount: 0.022 c.f.s. for domestic use, conditional. Uses: 0.022 c.f.s. for domestic use. Remark: Childress Spring No. 1 was previously decreed absolute in Case No. 2007CW30 in the amount of 0.022 c.f.s. for stock water and to fill and refill Son Hi Lake. Claim for diligence: Applicant requests a finding of diligence for 0.022 c.f.s, conditional., for the Childress Spring No. 1 for domestic use. Names and addresses of owners of land upon which structures are located: Applicant. The following exhibits are on file with the Water Court: Map depicting the location of the structures (Exhibit A), and detailed outline of what has been done toward completion of the appropriation and application to beneficial use of the water rights, including expenditures (Exhibit B) (pp. 5 with exhibits).

**2023CW3020 (2012CW3012),** Groundwater tributary to Yampa River, Routt County, Colorado, **Application for Finding of Reasonable Diligence and to Make Conditional Underground Water Right Absolute in Part** 1. Applicant: Riverbank, LLC, a Colorado limited liability company [“Riverbank”], c/o ELD Associates, LLC, 832 Georgia Ave., #400 Volunteer Bldg., Chattanooga, TN 37402, brett@eldassociates.com. 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:*** Riverbank Pond No. 1 (well pond); Well Permit 80701-F (see Exhibit 1). 3. ***Description of Water Right:*** A. Original Decree: District Court, Water Division No. 6; Case No. 2012CW3021; June 25, 2017. Subsequent Diligence Decree: N/A. B. Legal Description of Center of Riverbank Pond No. 1 (PLSS and UTM Coordinates (Zone 13, NAD 83): NW¼ NE¼ Section 18, Township 6 North, Range 85 West of the 6th Principle Meridian in Routt County, Colorado, at a distance of 537 feet from the North section line and 2,049 feet from the East section line of Section 18; UTM coordinates 333571 mE and 4483306 mN. The pond and irrigated area are depicted on Exhibit 2. C. Source: groundwater, tributary to Yampa River. D. Appropriation Date: September 10, 2010. E. Amount and Uses: 2.5 acre-feet absolute for aesthetics, evaporation, fire protection, recreation, and wildlife watering; 22.3 acre-feet conditional for irrigation of 11.0 acres (22.0 acre-feet), livestock (0.3 acre-feet), piscatorial. F. 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:*** During the last diligence period, Riverbank used Riverbank Pond No. 1 for livestock watering. In June 2023, William McKinley, Property Manager for Riverbank, met with Natural Resources Conservation Service (NRCS) to discuss an irrigation system for the pond. Mr. McKinley’s summary of the meeting and the Gated Pipe Layout site plan prepared by NRCS are attached as Exhibit 3. Riverbank compensates Mr. McKinley for his time, including meeting with NRCS. Riverbank has also incurred legal fees and costs in preparing and filing this application. Current expenses exceed $20,000.00. 5. ***Claim to Make Absolute in Part:*** Date Water Placed to Beneficial Use: August 1, 2017 for livestock watering at which time no administrative call had been in effect below Riverbank Pond No. 1. See Exhibit 4. In addition to Lot 3 of River Bank Ranches Subdivision where the pond is located, property to the north and east of Lot 3 is used for hay production and cattle grazing. The lessee turns 40 to 50 head of cattle into the properties after haying is completed. Amount Claimed: 0.3 acre-feet per annum, absolute, for livestock watering. 6. ***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:*** Riverbank LLC owns the land where Riverbank Pond No. 1 was developed and the land upon which the water right is and will be used. 7. ***Remarks:*** Riverbank determined it will not maintain the pond for piscatorial purposes and relinquishes that conditional use. Riverbank, LLC, requests the Water Court: (a) find that Riverbank has completed the appropriation of livestock use; (b) confirm livestock use as absolute in the amount of 0.3 acre-feet per annum; (c) continue irrigation use for 11 acres as conditional in the amount of 22.0 acre-feet per annum in full force and effect throughout the next diligence period; and (d) cancel piscatorial as a conditional use.

**2023CW3016**, Rio Blanco County, Colorado. Application for Change of Water Right. Alluvium of the White River. Applicant: Town of Meeker, Colorado, 345 Market Street, 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 ed@ommpc.com. Please direct all pleadings and correspondence to Applicant’s counsel at the addresses above. Names of Structures: Meeker Well Nos. B-7, and B-8. Describe water right: Date of Original Decree: November 2, 1981 Case No.: Case No. 80CW544 Court: District Court in and for Water Division No. 5 Locations: Meeker Well B-7 is located in the Southwest 1/4 of the Southeast 1/4 of Section 33, Township 1 North, Range 93 West of the 6th P.M., at a point 2,200 feet West and 720 feet North of the Southeast Corner of said Section 33. Meeker Well B-8 is located in the Southwest 1/4 of the Southeast 1/4 of Section 33, Township 1 North, Range 93 West of the 6th P.M., at a point 2,550 feet West and 1,000 feet North of the Southeast Corner of said Section 33. Source: Alluvium of the White River Appropriation Date: November 3, 1980, for each well. Amount:1.33 cfs, conditional, for each well. Uses: Municipal, commercial, industrial, domestic, irrigation, sewage treatment (including land application), recreation and fish and wildlife propagation purposes. Remarks: In Division 5 Case No. 81CW59, Meeker Well Nos. B-7 and B-8 were each recognized as alternate points of diversion for the Meeker Water Works Pipeline and Meeker Water System Supplemental Pumps and Pipelines Priority No. 554. Detailed description of proposed change: The Meeker Well Nos. B-7 and B-8 have been constructed and are now in use by the Town of Meeker, Colorado, as part of its municipal water supply. The wells were drilled at locations more than 200 feet away from their decreed locations. This Application for Change of Water Rights is filed to reflect the new as-built location of the wells. No other changes are sought. Change of Water Rights. Applicant claims to change the decreed locations of the Meeker Well Nos. B-& and B-8 to their as-built locations as follows: The as-built location for the Meeker Well No. B-7 is UTM, Zone 13, Meters Easting: 258453 (m), Northing: 4432589 (m). Also described as located in Section 33, T1N, R93W of the 6th PM: 1307 ft from south line of said Section, 2635 ft from east line of said section. The as-built location for the Meeker Well No. B-8 is UTM, Zone 13, Meters Easting: 258495 (m), Northing: 4432592 (m). Also described as located in Section 33, T1N, R93W of the 6th PM: 1315 ft from south line of said Section, 2480 ft from east line of said section. Landowner Notification: The new structure is located on lands owned by Rick and Kay Edinger, 6855 County Road 4, Meeker, CO 81641. WHEREFORE, the Applicant requests a finding changing the location of the Meeker Well No 7 and 8 as described above. (4 pages, 1 map)

**2023CW3018** Rio Blanco County. **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 requests conditional surface water rights for Card Place Diversion Nos. 1 through 5 for Irr. and stockwatering use. Structure: Card Place Diversion No. 1. Located in NE1/4 NW1/4 of Sec. 27, T. 1 N., R. 93 W. of the 6th P.M. UTM coordinates: 259931.23 Easting and 4434976.59 Northing. Amt.: 1 c.f.s., conditional. **Source: Wastewater from the Oak Ridge Park Ditch, which diverts from the White River**. Proposed Uses: Livestock watering and Irr. of 15 acres. Legal Description of Irrigated Acreage: NW1/4, Sec. 27, T. 1 N., R. 93 W.,6th P.M. Date of Approp.: 06/30/2023. How Approp. was Initiated: Filing of this application. Structure: Card Place Diversion No. 2. Located in SW1/4 NW1/4, Sec. 27, T. 1 N., R. 93 W., 6th P.M. UTM coordinates: 259498.37 Easting and 4434873.72 Northing.Amt.: 1 c.f.s., conditional. **Sources: Coal Creek, tributary to the White River and Wastewater from the Oak Ridge Park Ditch, which diverts from the White River**. Proposed Uses: Livestock watering and Irr. of 10 acres. Legal Description of Irrigated Acreage: NW1/4, Sec. 27, T. 1 N., R. 93 W., 6th P.M. Date of Approp.: 06/30/2023. How Approp. was Initiated: Filing of this application. Structure: Card Place Diversion No. 3. Located in the SW1/4 NW1/4, Sec. 26, T. 1 N., R. 93 W., 6th P.M. UTM coordinates: 260988.00 Easting and 4434799.80 Northing.Amt.: 1 c.f.s., conditional**. Sources:** **Little Beaver Creek, tributary to the White River and Wastewater from the Oak Ridge Park Ditch, which diverts from the White River**. Proposed Uses: Livestock watering and Irr. of 40 acres. Legal Description of Irrigated Acreage: NW1/4 Sec. 26, T. 1 N., R. 93 W., 6th P.M. and NE1/4 Sec. 27, T. 1 N., R. 93 W., 6th P.M. Date of Approp.: 06/30/2023. How Approp. was Initiated: Filing of this application. Structure: Card Place Diversion No. 4. Located in the SW1/4 NE1/4 of Sec. 27, T. 1 N., R. 93 W., 6th P.M. UTM coordinates: 260184.40 Easting and 4434634.77 Northing. Amt.: 1 c.f.s., conditional. **Sources: Little Beaver Creek, tributary to the White River and Wastewater from the Oak Ridge Park Ditch, which diverts from the White River**. Proposed Uses: Livestock watering and Irr. of 30 acres. Legal Description of Irrigated Acreage: NE1/4 Sec. 27, T. 1 N., R. 93 W., 6th P.M. Date of Approp.: 06/30/2023. How Approp. was Initiated: Filing of this application. Structure: Card Place Diversion No. 5. Located in the NE1/4 SW1/4 Sec. 27, T. 1 N., R. 93 W., 6th P.M. UTM coordinates: 260133.10 Easting and 4434422.48 Northing. Amt.: 1 c.f.s., conditional. **Source: Wastewater from the Oak Ridge Park Ditch, which diverts from the White River**. Proposed Uses: Livestock watering and Irr. of 20 acres. Legal Description of Irrigated Acreage: SW1/4 Sec. 27, T. 1 N., R. 93 W., 6th P.M. Date of Approp.: 06/30/2023. How Approp. was Initiated: Filing of this application. Names and addresses of owners or reputed owners of the land upon which any new diversion will be constructed: Applicant. (5 pages of original application, Figure 1)

**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 **August 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