

DISTRICT COURT, WATER DIVISION 3, STATE OF COLORADO  
TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS FILED IN  
WATER DIVISION 3.

Pursuant to C.R.S. 37-92-302(3), you are notified that the following is a resume in Water Division 3, containing notice of applications and certain amendments filed in the office of the Water Clerk during the month of April, 2021 for each county affected.

**Case No. 2019CW6 Kenny D. and Dana K. Smith 3034 County Road 51, Center CO 81125 [kennydsmith@yahoo.com](mailto:kennydsmith@yahoo.com) (719)754-2744. Amended Application for Change of Water Right in Saguache County.** Consolidation of three Underground Water Rights into a single well on Field No. 1: the NW 1/4 Section 13, Township 42 North, Range 7 East, NMPM. And, the application to change the quantified historic use to year-round commercial use. **2.** Decreed water right for which change is sought: A. Name of Structure: Artesian Well No. 20, Case No. W-230, Permit No. 48984-F, WDID 2705614. B. Date of original and all relevant subsequent decrees: April 25, 1974, Case No: W-230, Court: District Court, Water Division No. 3. C. Legal description of decreed structure: SW 1/4 NW 1/4 Section 13, Township 42 North, Range 7 East, NMPM at a point 1750 feet from the North Section line and 175 feet from the West Section line in Saguache County, Colorado. D. Decreed source of water: Confined Aquifer (the well is 300 feet deep). E. Appropriation Date: December 31, 1884. F. Total amount decreed to structure: 50 gpm = 0.111 cfs. G. Decreed use: Irrigation and Stockwater. H. Amount of water that applicant intends to change: 50 gpm. **3.** Decreed water right for which change is sought: I. Name of structure: Artesian Well No. 21, Case No. W-230, Permit No. 48962-F, WDID: 2705615. J. Date of original and all relevant subsequent decrees: April 25, 1974, Case No: W-230, Court: District Court, Water Division No. 3. K. Legal description of decreed structure: SW 1/4 NW 1/4 Section 13, Township 42 North, Range 7 East, NMPM at a point 1650 feet from the North Section line and 330 feet from the West Section line in Saguache County, Colorado. L. Decreed source of water: Confined Aquifer (the well is 375 feet deep). M. Appropriation Date: December 31, 1900. N. Total amount decreed to structure: 50 gpm = 0.111 cfs. O. Decreed use: Irrigation and Stockwater. P. Amount of water that applicant intends to change: 50 gpm. **4.** Decreed water right for which change is sought: Q. Name of structure: Artesian Well No. 22, Case No. W-230, Permit No. 48961-F, WDID 2705616. R. Date of original and all relevant subsequent decrees: April 25, 1974, Case No: W-230, Court: District Court, Water Division No. 3. S. Legal description of decreed structure: SW 1/4 NW 1/4 Section 13, Township 42 North, Range 7 East, NMPM at a point 1896 feet from the North Section line and 495 feet from the West Section line in Saguache County, Colorado. T. Decreed source of water: Confined Aquifer (the well is 360 feet deep). U. Appropriation Date: December 31, 1900. V. Total amount decreed to structure: 20 gpm = 0.045 cfs. W. Decreed use: Irrigation and Stockwater. X. Amount of water that applicant intends to change: 20 gpm. **5.** Detailed description of proposed change: Our original filing sought to consolidate three confined aquifer well rights into a single confined aquifer well that will be used to provide supplemental irrigation water for the NW 1/4 Section 13, T42N, R7E, NMPM (Field No. 1). In this amended application, Applicants request the same consolidation into one well structure that would be designated as: Well No. 1, Case No. 19CW06, WDID 2706346 The consolidated well will be limited to 120 gpm, no more than 7.23 acre-feet of annual withdrawal

with no more than 6.0 acre-feet of that being annually consumed. Applicants request the ability to use this quantified amount of historic use on a year-round basis for commercial use including irrigation within greenhouse(s). The Applicants will construct a single replacement well that would produce from the confined aquifer with a range of total depth of 300 feet to 375 feet. Applicants will install and maintain a separate metering system in order to measure withdrawal and consumptive use. Applicant is applying to consolidate Well Nos. Artesian 20, Artesian 21, and Artesian 22, Case No. W-230 into one new confined aquifer well for commercial use. Name of landowners: Kenny D. and Dana K. Smith 3034 County Road 51, Center CO 81125. The recommendation of the Division Engineer pursuant to C.R.S. 37-92-302(4) is available for review in the Office of the Water Court Clerk.

**2021CW21: Kelby and Jacque Pepper, 4502 CR 59, Center, CO 81125, dg@mvtag.com, 719-588-8442. Application for Change of Water Right in Saguache County. 2.** Decreed water right for which change is sought: **(Move From Well- No. 3-S)** Name of structure: Well Case No. 99CW0049 No. 3 S, Permit No. 44501-F, WDID 2706165. Date of original and all relevant subsequent decrees: April 12, 2002. Legal description of structure as described in most recent decree that adjudicated the location: NW 1/4 SW 1/4 Section 7, Township 41 North, Range 10 East, NMPM, at a point 1,320 feet from South Section line and 600 feet from West Section line, in Saguache County, Colorado. Decreed source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 110 feet with 30 feet of 16-inch diameter plain casing and 16-inch perforated casing from 30 feet to 110 feet. Appropriation Date: April 28, 1980. Decreed flow rate: 1,000 GPM individually and in combination with Well No. 3, Case No. 82CW172. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Absolute, 15 GPM Commercial- Humidification of farm commodities. **3.** Decreed water right for which change is sought: **(Move From Well No. 3)** Name of structure: Well No. 3 Case No. 82CW172, Permit Number 23354-F, WDID 2705575. Date of original and all relevant subsequent decrees: May 27, 1983. Legal description of structure as described in most recent decree that adjudicated the location: NW 1/4 SW 1/4 Section 7, Township 41 North, Range 10 East, NMPM, at a point 1,330 feet from South Section line and 1,310 feet from West Section line, in Saguache County, Colorado. Decreed source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 100 feet with 16" plain casing from 0 to 39 feet and 16" perforated casing from 39 to 100 feet. Appropriation Date: April 28, 1980. Decreed flow rate: 1,000 GPM. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Absolute 15 GPM Commercial- Humidification of farm commodities. **4.** Detailed description of proposed change: **Move To Well (well no. 3- C)** Name of structure: Well Permit No. 255075, WDID 2706344. Date of original and all relevant subsequent decrees: N/A. The well permit was issued February 2, 2004. Legal description of structure as described in the well permit: NE 1/4 NE 1/4 SE 1/4 Section 12, Township 41 North, Range 9 East, NMPM, at a point 2100 feet from South Section line and 350 feet from East Section line, in Saguache County, Colorado. Source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 96 feet with 8" plain casing 0 to 76 feet and perforated casing from 76 feet to 96 feet. Appropriation Date requested is April 28, 1980, the same date of appropriation as Well No. 3. Proposed amount flow rate: 15

GPM. Pump: 1/2 HP Submersible. Current permitted use or uses: Stockwater and Domestic. Amount of water that applicant intends to change: Absolute 15 GPM Commercial-Humidification of farm commodities. Applicant requests 15 gpm and 1.00 acre feet annually be moved from 1.5 acres of land currently subject to irrigation by Well No. 3, Case No. 82CW172, Permit No. 23354-F, WDID 2705575 and Well No. 3S, Case No. 99CW49, Permit Number 44501-F, WDID 2706165 to be used for commercial purposes for: **1.** > One Potato Storage Facility which stores up to 135,000 cwt of potatoes. > Equipment washing. **2.** The applicant is declaring 1.5 acres of “dry up”, from the center of the pivot sprinkler system located in the SW 1/4 of Section 7, Township 41 North, Range 10 East, NMPM. At present, the applicants are irrigating 124 acres under said pivot. Dry up would be accomplished by deactivating nozzles within 1.5 acres under irrigation near the center of the pivot sprinkler system. **3.** The Estimated Annual Water Usage Needed:

<b>Usage Type</b>	<b>Estimated Water Usage</b>	<b>AF/Year CU</b>
135,000 cwt Potato Storage	.67AF/100,000 cwt	.900 AF
Equipment Washing		.100 AF
		<b>Total 1.00 AF</b>

The present storage capacity is 95,000 cwt. Applicants would like to potentially add another 40,000 cwt to the facility at some point in the future. **4.** Well Permit No. 255075, under this new decree, will be used for the above uses. A total of 15 gpm will be removed from the 1,000 gpm of combined flow rate decreed to Well Nos. 3 and 3-S. The subject well, no. 3-C, will become a non-exempt well structure with year-round commercial use. The well will subject to the Rules Governing the Withdrawal of Groundwater in Water Division No. 3. (The Rio Grande Basin) as finalized in Case No. 15CW3024. Said well will be contracted into the RGWCD Groundwater Management Sub-District No. 1. Location information in UTM format: Easting 418173.5 Northing 4185434.9 Zone 13. Legal description using PLSS: Saguache County NE 1/4 of the SE 1/4 Section 12, Township 41N, Range 9E, NMPM. Approximately 2100 feet from the South Section line and 350 feet from the East Section line. Source of PLSS information: Well permit no. 255075. Name and address of owners: Not Applicable.

**2021CW22: Michael K and Cathy L Hale, 7222 CR 53, Center, CO 81125, [dg@mvtag.com](mailto:dg@mvtag.com), 719-588-8442. Application for Change of Water Right, in Saguache County. 2.** Decreed water right for which change is sought: Name of structure: Well Case No. W-0402 Well No. 2, Permit No. 11660-R, WDID 2705304. Date of original and all relevant subsequent decrees: August 1, 1974. Legal description of structure as described in most recent decree that adjudicated the location: NW 1/4 SW 1/4 Section 30, Township 42 North, Range 9 East, NMPM, in Saguache County, Colorado. (No distances from section lines in Decree or Permit). Decreed source of water: Confined Aquifer of the Closed Basin. The depth of the well is 1,450 feet with 841 feet of plain 16” casing and perforated 10” casing from 842 feet from to 1,450 feet. Appropriation Date: September 8, 1954. Permitted amount flow rate: 1,100 GPM. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Absolute 50 GPM Commercial - Humidification of farm commodities, livestock, domestic and lawn irrigation. **3.** Detailed description of proposed change: Applicant requests 50 gpm and 6.00 acre feet annually

be moved from 5 acres of land currently subject to irrigation by Well Case No. W-0402 Well No. 2, Permit No. 11660-R, WDID 2705304 to be used for commercial, domestic and lawn, and livestock watering purposes for: 1. > Two Potato Storage Facilities which store up to 150,000 cwt of potatoes. > Domestic and Lawn Irrigation, three residences. > Livestock Watering > Equipment washing. 2. The applicant is declaring 5.0 acres of “dry up”, from lands historically irrigated by the subject well.

3. The Estimated Water Usage Needed:

Usage Type	Estimated Water Usage	AF/Year CU
150,000 cwt Potato Storage	.67AF/100,000 cwt	1.000 AF
Domestic and Lawn Irrigation		1.100 AF
Livestock Watering Up 500 Head for 60 Days		3.800 AF
Equipment Washing		.100 AF
		Total 6.000 AF

The present storage capacity is 150,000 cwt. There are two storage units as follows:

Seed Storage	50,000.00 cwt
Market Storage	100,000.00 cwt

Well PN 11660-R, a portion of, under this new decree, will be used for the above uses. A total of 50 gpm will be removed from the 1,100 gpm flow rate decreed to subject well 11660-R, for irrigation use. That portion of the subject well will become a non-exempt well structure with year-round commercial use. The well will subject to the Rules Governing the Withdrawal of Groundwater in Water Division No. 3. (The Rio Grande Basin) as finalized in Case No. 15CW3024. Said well is in Water Management Sub-District No. 5. The well is presently configured with two flow meters to account for flow rate to the headquarter uses, and the irrigation use. Location information in UTM format: Easting 408917 Northing 4190152 Zone 13. Legal Description using the PLSS: NW 1/4 of the SW 1/4 Section 30, Township 42N, Range 9E, NMPM. 1,496 Feet from South Section line and 341 Feet from West Section line. Name and address of owners: Not Applicable.

**2021CW3008 CONCERNING THE APPLICATION FOR WATER RIGHTS OF UNITED STATES OF AMERICA IN DEADMAN CREEK IN SAGUACHE COUNTY, APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S. 1. Name, mailing address, email address and telephone number of applicant.**

United States of America, Department of the Interior, U.S. Fish & Wildlife Service, % Brian S. Caruso, Water Resources Division Chief, 134 Union Blvd., Lakewood, CO 80228, (303) 226-4491, Brian\_Caruso@fws.gov. **2. Overview:** The Baca National Wildlife Refuge (“Refuge”) is operated by the United States Fish & Wildlife Service (“USFWS”) and is located just north of Great Sand Dunes National Park and Preserve. The Refuge was established to protect important water, ecological, cultural, and wildlife resources in the San Luis Valley. One of the water rights that USFWS holds within the Refuge diverts from Deadman Creek. The water right is the Baca Grant No. 4 Irrigating Ditch No. 25 (Priority No. 10) (“Baca Ditch No. 25”). Through this application, USFWS seeks a decree confirming a

simple change in the surface point of diversion for Baca Ditch No. 25, pursuant to section 37-92-305(3.5), C.R.S. (2020). The USFWS seeks no other changes to Baca Ditch No. 25 through this application. **3. Name of structure:** Baca Grant No. 4 Irrigating Ditch No. 25 (Priority No. 10). **A. Date of original and all relevant subsequent decrees:** Adjudication of the Priority of Rights to the Use of Water for Irrigation in Water District No. 25, District Court of the Sixth Judicial District of the State of Colorado (Mar. 28, 1890). **B. Legal description of point of diversion as described in most recent decree that adjudicated the location:** The headgate of the ditch is situated on the north bank of the North Branch of Dead Man Creek in Saguache County from whence Baca Grant No. 4 Survey Mile Post No. 34 bears South 82°50' West 18,935 feet or NW 1/4 of the NW 1/4 of Section 10, Township 1 South, Range 1 West, Luis Maria Baca Grant No. 4 Survey. Also described as 4192095 Northing, 432653 Easting, Zone 13. **C. Decreed source of water:** Deadman Creek, tributary of San Luis Creek. **D. Appropriation Date:** May 10, 1870 (Priority No. 10). **E. Total amount decreed to structure:** 24.0 c.f.s., absolute. **F. Decreed use:** Irrigation. **4. Detailed description of proposed simple change in point of diversion:** The originally decreed point of diversion for Baca Ditch No. 25 is located on Deadman Creek. The stream channel at this point is extremely sandy and does not lend itself to proper diversion from the stream. As a result, this structure has washed out and been replaced several times. Through this Application, the USFWS requests a simple change in the point of diversion for the Baca Ditch No. 25, to a point approximately 1,350 feet downstream on Deadman Creek. The change will allow more efficient water delivery to the decreed place of use and will reduce ditch and structure maintenance costs. The new point of diversion and the originally-decreed point of diversion are depicted in Exhibit A. Aside from the requested simple change in point of diversion, USFWS seeks no other changes to Baca Ditch No. 25 in this Application. There are no intervening surface diversion points or inflows between the decreed point of diversion and the requested new point of diversion. The requested change will not result in diversion of a greater flow rate or amount of water than has been decreed to Baca Ditch No. 25, or a diversion of water that is greater than what is physically and legally available at the original point of diversion. Due to the location of Baca Ditch No. 25, the requested change will not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. **5. Location of the new point of diversion:** At a point on Deadman Creek, approximately 1,350 feet downstream of the decreed point of diversion, in the NE 1/4 of the NW 1/4, Section 10, Township 1 South, Range 1 West, Baca P.M. **A. UTM: Zone 13: Easting: 432801, Northing: 4192304. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed:** Not applicable. The new headgate location is located on federal land within the Refuge.

**Case No.: 2021CW3009 APPLICATION FOR WATER RIGHT IN CONEJOS COUNTY**  
**Name, mailing address, email address and telephone number of applicant:** Jason D. Coombs, 23719 County Road 15, La Jara, CO 81140 (c/o Richard J. Mehren, John E. Peckler, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 300, Boulder, Colorado 80302 **Name of structure:** Coombs Diversion Point No. 1. **Location of structure and point of**

diversion: The location of the Coombs Diversion Point No. 1 is as follows: UTM description: 412124mE, 4132436mN, Zone 13 South, NAD 83, as shown on the map attached as **Exhibit A**. The source of the UTM coordinates is a handheld GPS unit. Source: Underground seepage water, wastewater, spring water and all other water that accrues to the Morgan Seepage Ditch (a/k/a Morgan Drain or Morgan Ditch). The decree entered by the District Court in and for Conejos County on March 8, 1929 in Civil Action No. 1744 entitled “In the Matter of the Adjudication of Priorities of Water Rights in Water District No. 21” (the “CA 1744 Decree”) determined that the source of water claimed by this application for the subject water right is developed water “that is not tributary to nor a part of any natural stream of the State of Colorado” and that the “water does not now and never did, constitute any part of the flow of any natural stream of the State of Colorado and did not reach any such stream through underground channels or water courses or by percolation so as to add to the flow thereof and is not and never was water to which any other ditch is entitled for the supply of the several appropriators or rights to use of water owned or claimed by any such ditch or ditches.” See, pages 3 and 10 of the CA 1744 Decree. Priority: Date of appropriation: April 29, 2021. How appropriation was initiated: By forming the intent to appropriate the claimed water right; by posting notice of the Applicant’s claimed appropriation at or near the point of diversion described in paragraph 3, above; by filing the application in this case to adjudicate the claimed water right; and by the installation of a pump at the point of diversion for diversion of the claimed water right. Date water first applied to beneficial use: N/A. Uses: Irrigation of 160 acres located within the NE 1/4 and the E 1/2 of the NW 1/4 of Section 28, Township 36 North, Range 9 East of the NMPM, as generally shown on the map attached as **Exhibit A**. Amount claimed: 3.0 cfs, CONDITIONAL. To the extent Applicant diverts and places all or any portion of the claimed water right to beneficial use while this Application is pending before the Water Court, Applicant will seek to make absolute in the decree to be entered by the Water Court in this case all or any portion of the water right that is so diverted and placed to the claimed beneficial irrigation use. Names and addresses of owners or reputed 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: Applicant, Springe Coombs, and Larry W. Coombs own the land where the Coombs Diversion Point No. 1 and its associated ditch and holding pond system have been constructed and are operated. Springe Coombs’ mailing address is 23719 County Road 15, La Jara, Colorado 81140. Larry W. Coombs’ mailing address is 23721 County Road 15, La Jara, Colorado 81140. The Coombs Diversion Point No. 1 is located on and diverts water from the Morgan Seepage Ditch, which is owned, operated and maintained by the Morgan Drainage District. The mailing address for the Morgan Drainage District is c/o Virgil Valdez, 14541 County Road 101S, Alamosa, Colorado 81101. Remarks or any other pertinent information: Applicant also owns an interest in the water rights decreed to the Morgan Drainage District by the CA 1744 Decree (the “Coombs Morgan Drainage District Water Right”). The water right claimed in this Application is in addition to and is separate and distinct from the Coombs Morgan Drainage District Water Right.

**2021CW3010: Mike and Jim Kruse Partnership, 72 Cascade Ave., Alamosa, CO 81101, mblmkruse@msn.com, 303-941-8522, Application for Water Rights in the Closed Basin, in Alamosa, Rio Grande, and Saguache Counties. Application for Approval of Plan for Augmentation and Recharge.**

2. Name of structures to be augmented: The Plan will augment any well within Response Area No. 1 of the Closed Basin (“Plan Wells”), the boundary of which is shown on Exhibit A, that is owned by the Partnership or that the Partnership agrees to cover under this Plan pursuant to the Annual Operations Report and procedures described in this Application. A list of the Plan Wells that may be operated under the Plan as of the date of this Application is provided in Exhibit B and shown in Exhibit A. 3. Water rights to be used for augmentation: Water diverted by the following mutual ditch and reservoir companies and irrigation district (“Recharge Ditches”), to which the Partnership or others who may agree to be covered by this Plan are entitled, will be used as sources of augmentation supply. Additional augmentation sources may be added to the Plan in the future pursuant to section 37-92-305(8), C.R.S. Each of the Recharge Ditches divert water from the Rio Grande into Response Area No. 1 and their respective water rights are listed in Exhibit C. A portion of the water diverted by the Recharge Ditches is considered imported to the Closed Basin, may be legally used to recharge the aquifers in Response Area No. 1 (“RA-1”), and may be fully consumed. The specific amount and ownership of water from the Recharge Ditches that will be used for recharge under this Plan will be specified each year in the Annual Operations Report described below. Presently, the Partnership commits the following amounts of water for use in the Plan. A. The Rio Grande Canal Water Users Association (“Association”). Presently, the Partnership commits ten (10) shares in the Association to the Plan under Certificate No. 5549. In addition, the Partnership owns 6.51 cfs of water under priority 178 and 3.91 cfs of water under priority 198 from the Rio Grande and delivered by the Association under certain “special water” contracts that could be committed toward the Plan in the future. B. The San Luis Valley Irrigation District (“District”). Presently, the Partnership commits 160 acres in the District to the Plan from a parcel owned by the Partnership located in the NW 1/4 of S23, T40N, R9E. C. The San Luis Valley Canal (“SLV Canal”). Presently, the Partnership commits fifty (50) shares in the SLV Canal to the Plan under Certificate No. 1631. D. The Santa Maria Reservoir Company (“SMRC”). Presently, the Partnership does not commit any shares in the SMRC to the Plan but reserves the right to do so in the future. E. The Prairie Ditch Company (“PDC”). Presently, the Partnership does not commit any shares in the PDC to the Plan but reserves the right to do so in the future. 4. The water rights for the Recharge Ditches were previously decreed for recharge purposes in Case Nos. W-3979, W-3980, 96CW45, 96CW46, and 13CW3002. The Partnership will continue to utilize its interests in the Recharge Ditches for their decreed recharge purposes. The Partnership seeks confirmation of the right to use the Recharge Ditches for recharge under the specific terms of the decree to be entered in this case. 5. Complete statement of plan for augmentation and recharge: The Plan will prevent injury to other water rights by recharging water to the aquifers in RA-1 in sufficient amounts to prevent a net depletion to groundwater storage caused by pumping of the Plan Wells. The cumulative total consumptive use from pumping of the Plan Wells will be limited to no more than the cumulative total amount of water recharged to the aquifers in RA-1. The Partnership will develop and implement a system of measurement, monitoring, and accounting that will ensure that the cumulated total pumping consumptive use of the Plan Wells does not exceed the cumulative total recharge of the aquifers

in RA-1. Because pumping consumptive use will not exceed recharge of the aquifers in RA-1, the Partnership will be able to demonstrate that it will not deplete the Rio Grande or other surface streams from pumping of the Plan Wells. If necessary, the Partnership will utilize shares in the Santa Maria Reservoir Company decreed for augmentation purposes or other valid replacement sources to replace any depletions to the Rio Grande. The details of the operation of the Plan are outlined as follows:

A. Annual pumping consumptive use. The annual pumping consumptive use will be computed based on the measured annual pumping of each well multiplied by the consumptive use percentage for the use of the pumped water, assuming standard consumptive use percentages. To provide for accurate accounting, all Plan Wells will be equipped with flow meters compliant with the Division Engineer's 2006 Well Measurement Rules.

B. Underground reservoirs. The Plan utilizes the aquifers in RA-1 in the Closed Basin as underground reservoirs. Water the Partnership recharges into the aquifers in RA-1 is made available for subsequent withdrawal.

C. Dominion. The Partnership will quantify the volume of water recharged into the aquifers in RA-1 and maintain dominion of that water through the accounting to be performed in connection with this Plan.

D. Calculation of surface water recharge. Recharge of the aquifers in RA-1 will be computed as the Partnership's pro-rated diversions in the Recharge Ditches that it commits to the Plan, reduced by (1) a calculated percentage to reflect evaporation losses, (2) a calculated percentage to reflect use of the Recharge Ditches outside of RA-1, and (3) by the amount of water consumed through direct irrigation use.

E. Unused recharge. The Partnership may sell some or all of its unused recharge to the Special Improvement District No. 1 of the Rio Grande Water Conservation District or persons owning wells within RA-1 upon mutually agreeable terms.

F. Pumping limits. The cumulative annual consumptive use from pumping of the Plan Wells in the current year will be limited to no more than the cumulative total recharge of the aquifers in RA-1 under this Plan minus the cumulative pumping consumptive use in prior years minus any unused recharge the Partnership has sold. Consumptive use of ground water pumped for irrigation and other uses will be computed using commonly accepted methods.

G. Operations report. The Plan will be based on operations from November through October ("Plan Year"). No later than April 15, the Partnership will submit to the Division Engineer a report describing the Plan's operation for the current Plan Year ("Annual Operations Report"). The Annual Operations Report will include (1) the Plan Wells to be included under the Plan during the current Plan Year, (2) the pro-rata interest in each Recharge Ditch that will be committed to the Plan for recharge during the current Plan Year, (3) projected annual withdrawals and annual consumptive use from withdrawals for all Plan Wells during the current Plan Year, (4) the total recharge to the aquifers in RA-1 available to offset water consumptively used from pumping of the Plan Wells during the current Plan Year, and (5) information documenting the Plan's compliance toward achieving sustainability of the aquifers in RA-1 during the current Plan Year.

H. Accounting report. Each year, the Partnership will submit to the Division Engineer a report summarizing the Plan accounting during the prior Plan Year ("Annual Accounting Report"). The Annual Accounting Report will include (1) annual withdrawals and annual consumptive use from withdrawals for all Plan Wells during the prior Plan Year (calculated in accordance with standard consumptive use percentages), (2) water recharged to the aquifers in RA-1 during the prior Plan Year, (3) total net recharge to the aquifers in RA-1, and (4) information documenting the Plan's compliance toward achieving sustainability of the aquifers in RA-1 during the prior Plan Year.

I. Alternate Plan to Achieve a



Sustainable Water Supply. Pursuant to Rule 8.6 of the Division 3 Groundwater Rules, the Partnership will contribute its proportionate interest in the rim inflows into the aquifers in RA-1 toward the sustainability of those aquifers. Rim inflows are naturally occurring recharge to the aquifers of the Closed Basin. By committing its proportionate interest in the rim inflows toward sustainability, the Partnership in no way abandons its entitlement to these rim inflows for future use. At such a time when the Plan Wells can demonstrate that they have proportionately paid their past depletions to the aquifers in RA-1, the Partnership may establish a plan to pump its proportionate interest in the rim inflows without the need for augmentation. J. Notice of Annual Operations Report. The Annual Operations Report submitted to the Division Engineer will include the Plan Wells to be augmented and the amount and ownership of the Recharge Ditches committed under the Plan during the current Plan Year. The Annual Operations Report will be provided to all parties to this case, the Division Engineer, and will be made available to the public in any year in which the list of Plan Wells or recharge sources to be used for the Plan Year changes. 6. Name and address of 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. Not applicable.

**THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS 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 notified that you have until the last day of June 2021, to file with the Water Clerk 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 or a protest to the requested correction. A copy of such a statement of opposition or protest must also be served upon the Applicant or the Applicant's attorney and an affidavit or certificate of such service must be filed with the Water Clerk. The filing fee for the Statement of Opposition is \$192.00. Forms may be obtained from the Water Clerk's Office or our website at [www.courts.state.co.us](http://www.courts.state.co.us). Jennifer Pacheco, Water Clerk, Water Division 3, 8955 Independence Way, Alamosa, CO 81101.