

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, 2022 for each county affected.

2021CW1: Eric L. Ellithorpe, Attn: Jake, PO Box 1108, Center, CO 81125, jake@aspenllc.com, 719-480-5588. Amended Application for Change of Water Right in Saguache County. Structure name: Well No. 2, Case No. W-286, WDID 2705651, Permit no. 13861-R (Well No. 2) Note: Well No. 2A, Well Permit No. 046561-F, Case No. 10CW07, WDID 2706273 is an existing alternate point of diversion for Well No. 2. Date of original and all relevant subsequent decrees: May 31, 1935, Case No. W-286, Court: District Division 3. Amended for Supplemental Well Case No. 2010CW7 March 7, 2011. Legal description as described in most recent decree that adjudicated the location: Please See Attached (attachments available at the Water Court Clerk's office) SW1/4 of the NE1/4 Section 17, Township 41 North, Range 8 East. NMPM at a point 2589 feet from the North section line and 2618 from the East section line in Saguache County Colorado. This location of Well No. 2 as corrected in Case No. 10CW07. Decreed source of water: Unconfined Aquifer of the Closed Basin. Appropriation date: May 31, 1935. Total amount decreed: Absolute 1,800 gpm. Decreed use: Irrigation. Amount of water applicant intends to change: Absolute 1,800 gpm at a supplemental point of diversion to Well No. 2. Detailed description of change: The Applicant seeks approval to construct and use a SUPPLEMENTAL WELL (no longer applying as a replacement well). This well was recently completed to a depth of 80 feet under Permit No. 46561- F-R. Permit No. 46561-F-R was issued as a replacement for well no. 46561-F (Well No. 2A). However, this well cannot produce sufficient water to be a replacement of Well No. 2A. Therefore, Applicant requests to amend the application to have this well serve as a supplemental irrigation well. The Applicant has three existing adjudicated irrigation wells supplying a standard size center pivot sprinkler within the NE1/4 of Section 17, Township 41 North, Range 8 East, N.M.P.M. The applicant seeks to retain and use these three existing wells in CONJUNCTION with the proposed supplemental well located near 401677 mE 4184122 mN and within the NE1/4 of Section 17, T41N, R8E, N.M.P.M. This plots to a point approximately 2,500 Feet from the North Section line and 1,600 from the East Section line. Use of the supplemental well will only be used under the decreed uses in conjunction with the other existing wells on the NE1/4 Section 17, Township 41 North, Range 8 East, N.M.P.M. There will be no expanded use of ground water by use of the supplemental well. The use of ground water from this supplemental well combined with well nos.: WDID 2705651 (Well No. 2, Case No. W- 286) and WDID 2705383 (Well No. 1, Case No. W-286) is restricted to irrigation use of not more than 153.5 acres in the NE1/4 of Section 17 Township 41 North, Range 8 East, NMPM and pursuant to the decree in case No. 10CW07 , WDID 2706273 (Well No. 2A) is limited to the irrigation of not more than 135.9 acres in the NE1/4 of Section 17, Township 41 North, Range 8 East, NMPM. The pumping rate of the proposed supplemental well shall not exceed 1,800 gpm. The combined pumping rate of this supplemental well and Well No. 2 and Well No. 2A shall not exceed 1800 gpm. The proposed date of appropriation is May 31,1935. If applicant is changing or adding a point of diversion (including the drilling of a replacement well more than 200 feet from the decreed location), please provide the new location

of the structure; or if applicant is changing the decreed point of diversion to conform to the actual location, please provide the actual location: Please See Above. Location information: PLLS: Legal description: Saguache County, SW 1/4 of the NE 1/4 of Section 17, Township 41N, Range 8E, N.M.P.M. Points of diversion as provided by the CDWR: Location information in UTM format: Easting 401650 Northing 4184127, Zone 13. Street address: SW1/4 of the NE 1/4 of Section 17, Township 41 North, Range 8 East, N.M.P.M. Source of UTM's: DWR. Name and address of reputed owner: Eric L. Ellithorpe, Attn: Jake, PO Box 1108, Center, CO 81125.

2022CW5: Barry and Patricia Pitarresi, 133 Parkview LN, Boyd, TX 76023, barpitem@gmail.com, 940-255-6248. Protest to Final Abandonment List in Alamosa County. Water right description: Name of structure: W-2431 Well No. 11. Date of original decree: December 31, 1945. Case number: WDID 2012372, Court: Water Div 3. Decreed legal description of structure location: SW 1/4 of the NW 1/4 of Section 10, Township 38N, Range 11E, 40 acres (see attached topographic map) (attached map available for review at the Water Court Clerk's Office). Alamosa County, CO. Source of water: Unconfined closed basin – San Luis Valley. Decreed uses: Irrigation and livestock. Appropriation date: December 31, 1945. Decreed amount: 250 gpm. Amount and use listed as having been abandoned: 20 acres of 40-acre parcel and irrigation water. Former district number and page number where listed on abandonment list: Water Division 3 List – page 16. Factual and legal basis for this protest: Our 40-acre property was purchased with water rights on August 20, 2008. In 2010 our well was placed on the Abandonment List. We were able to prove the prior owner's use of the well water and how he used it before us. We provided google earth pictures that proved it was irrigated property, as that was also being contested. We included paperwork, pictures, expenses and receipts of what we did from 2008 to late 2010 and early 2011. This included the purchases of a pump, generator, and pipes. The well was removed from the abandonment list on July 13, 2011 and never went to court. All of that information should be on file in your Alamosa office. The former owner had the well cleaned out and water tested for us in 2009, but we were not up there when that was done. From 2010 Forward: Well was never capped as far as we knew. The 20-inch casing was damaged and bent out of shape. We tried to extract water manually using the pump and generator but were unable to get any. We hired a well driller to check the well. He said the well collapsed and it probably happened when water was pumped out too fast. He gave us an estimate to repair the well for \$4,372.40 not including the electrical hook up. Since the well had no cap, we decided to have one welded on, and because of the bent casing it was the only option we had. That was for safety purposes as a child could easily fall into a 20-inch casing. Animals and debris could contaminate the well and aquifer as well. Around that same time, after talking to Pat McDermott in your office, we decided to place the well on the inactive list until we could afford to get it repaired and hook up to electricity. During that time we were also making improvements to our property that included adding a small cabin and barn, domestic well and pump system, well shed, electric wiring to the cabin, barn and well shed, a transformer, and barbed wire fencing around our 40 acre perimeter with 5 gates. After the barbed wire fence was completed in July 2014, we grazed cattle on 34 of our acres. That gave us our agricultural beneficial use for tax purposes. We are still grazing cattle to this day. Property was listed for sale with water rights included on November 29, 2020. No offers were made, and we took it off the market. We joined Subdivision No. 6 Rio Grande Water Conservation District on April 29, 2020. After meeting with 2 different people in their offices, and after several phone calls and emails with them, we were told they could not determine if our well was on the 2020 Abandonment

List. And it was our understanding, from information in their email, that by joining Subdivision No. 6 and listing our well as a Subdistrict Well, that the Abandonment would no longer be an issue. January 2, 2020, we had an estimate done of \$14,336.62 from Central Pump Company to get well working and hooked to the electrical power line. May 28, 2020, we had old damaged 20-inch casing removed and replaced with a new 18-inch steel pipe. We had well cleaned again as Central Pump Company also told us the well had collapsed. Remarks: We can provide you copies of any receipts, paperwork, pictures, etc. that you need. Some of the early work we did on the well was from 2010 and was included in information we first sent you regarding the 2010 Well Abandonment. We are planning on pumping water as soon as possible. Right now, we are looking into some less expensive ways besides hooking up electricity to the electrical pole as it is quite a distance from the well and very expensive. We are considering a solar pump to flood the area around the well where the cows graze. And we should also be able to get water now with our pump and generator. We have a copy of Decreed water rights that were settled in Water Court from September 1977, which were against abandonment of this well. ...if that is anything you need to see. We try to visit our property 4 or 5 times a year. We do all our shopping in Alamosa, frequent their restaurants, recreation areas, shops, hardware stores, lumber yards, and other facilities. That brings an economic benefit to the town. We paid a premium price for our 40-acre property because of the water rights, and without those it would lose its value.

2022CW6: Brian W. and Terry R. Harrison, 2031 West County Road 9 North, Monte Vista, CO 81144, terrbria4@gmail.com, 719-850-1220. Application for Change of Water Right in Rio Grande County. Decreed water right for which change is sought: Name of structure: Well No. 1, Case No. W-672, WDID 2009460, Permit No. 3268-F (Well No. 1). Date of original and all relevant subsequent decrees: December 19, 1974 Case No: W-672 Court: Division 3 Water Court. Legal description of structure as described in most recent decree that adjudicates the location: SE 1/4 SE 1/4 Section 15, Township 40 North, Range 7 East, NMPM, in Rio Grande County, Colorado. Note to the Court- The original Ruling and Decree erroneously stated the well is located in the SE 1/4 SE 1/4 Section 15, Township 40 North, Range 7 East, NMPM. Well No. 1 is actually located in the SW 1/4 SE 1/4 Section 15, Township 40 North, Range 7 East, NMPM as verified by the Colorado Division of Water Resources staff. The GPS location of the actual well is: UTM, NAD83 394689 mE, 4173730 mN. The well is located in the very southwest corner of the SE 1/4 Section 15, Township 40 North, Range 7 East, NMPM. Applicants seek to correct the decreed location in this application. Decreed source of water: Confined Aquifer. Note to the Court - while this well is decreed to produce from the confined aquifer, at a total depth of 155 feet with a perforated interval of 15 feet to 155 feet, the well actually produces from both the unconfined and confined aquifers. Applicants seek to correct the decreed source in this application. Appropriation date: July 13, 1961. Total amount decreed to structure: Absolute 1,500 gpm being 3.34 cfs. Decreed use: Irrigation. Amount of water applicant intends to change: Absolute 100 gpm being 0.222 cfs. Detailed description of proposed change: Applicant seek to change 100 gpm (total) from Well No. 1, Case No. W-672 and convert 70 gpm to commercial use at Well No. 1 and transfer 30 gpm to well no. 252753-A for commercial use. Both wells produce from the confined aquifer. Applicant intends to use the transferred 100 gpm for commercial use in two potato storages at 2501 W Cty Rd 9 North, Center, Co (70 gpm) and one storage and shop at 2031 W Cty Rd 9 North (30 gpm). Applicant intends to use the transferred 100 gpm for commercial use in existing potato storage facilities totaling 160,000 cwt, future potato storage facilities that would include

humidifier, washing, cleaning, fluming, packing, hay steaming, restrooms, and other associated commercial use. Well No. 1 is located in the southwest corner of the SE1/4 Section 15, T40N, R7E, NMPM and well no. 252753-A is located in the southeast corner of the SE 1/7 Section 15, T40N, R7E, NMPM. In order to offset the consumptive use for commercial purposes with the transferred 100 gpm, applicant will dry-up the northeast and southeast corners of the existing center pivot sprinkler on the SE 1/4 Section 15, T40N, R7E, NMPM from groundwater use. These corners were historically flood irrigated (1924-1974) with surface water and well water. The dry-up of approximately 10 acres of corners alone will generate approximately 2-acre feet of consumptive use. All water used for commercial purposes will be metered in accordance with the Division 3 Well Measurement Rules. If necessary, applicant will dry-up sufficient corners on the SE 1/4 Section 15, T40N, R7E, NMPM from groundwater use to offset the commercial water needed. Applicant will limit the use of groundwater from well #25358-F and #34808F to irrigation of not more than 130 acres within the SE 1/4 Section 15 Township 40 North, Range 7 East, NMPM in the future to offset the consumptive use of the commercial uses. Surface water rights, Rio Grande Canal and Santa Maria Reservoir shares, will continue to be applied to the whole quarter-section for irrigation or recharge purpose. Actual or new location of well: Note to the Court- The original Ruling and Decree erroneously stated the well is located in the SE1/4 SE 1/4 Section 15, Township 40 North, Range 7 East, NMPM. Well No. 1 is actually located in the SW 1/4 SE 1/4 Section 15, Township 40 North, Range 7 East, NMPM as verified by the Colorado Division of Water Resources staff. The GPS location of the actual well is: UTM, NAD83 394689 mE, 4173730 mN. The well is located in the very southwest corner of the SE1/4 Section 15, Township 40 North, Range 7 East, NMPM. Applicants seek to correct the decreed location in this application. If a change in point of diversion provide legal description of decreed location and actual or new location: Well No. 1, Case No. W-672 is located in the SW 1/4 SE 1/4 Section 15, Township 40 North, Range 7 East, NMPM as verified by the Colorado Division of Water Resources staff. The GPS location of the actual well is: UTM, NAD83 394689 mE, 4173730 mN. Well No. 252753-A is located in the SE 1/4 SE 1/4 Section 15, Township 40 North, Range 7 East, NMPM as verified by the Colorado Division of Water Resources staff. The GPS location of the actual well is: UTM, NAD83 395400 mE, 4173750 mN. Name and address of reputed owners: Brian W. and Terry R. Harrison, 2031 West County Road 9 North, Monte Vista, CO 81144.

2022CW7: Dalton Wayne Cody, 2522 CR 12 South, Alamosa, CO 81101, jason@cofarmbeer.com, 719-589-2094 719-580-5084. Application for Change of Water Right in Alamosa County. Decreed water right for which change is sought: Name of structure: Well No. 1, Case No. W-735, Permit Nos. 1406-R, WDID 2009558 (“Well No. 1”). Date of original decree: May 29, 1975. Court: District Court, Water Division No. 3. Legal description of structure: SW 1/4 NW 1/4 Section 4, Township 36 North, Range 9 East, NMPM at a point 2430 feet from the North section line and 210 feet from the West section line in Alamosa County, Colorado. Decreed source of water: Confined Aquifer (well is 510 feet deep with perforated casing from 260 feet to 510 feet. Appropriation date: May 31, 1953. Total amount decreed to structure: 2500 gpm = 5.56 cfs. Decreed uses: Irrigation. Amount of water applicant intends to change: 50 gpm. Detailed description of proposed change: The water right associated with Well No. 1 (2500 gpm) will be reduced to 2450 gpm. The 50 gpm to be changed will be pumped from existing well Permit No. 54710-A, Well No. 3, Case No. W-787, WDID 2009649 (“Well No. 3”). The existing well is permitted for domestic and stockwater use at 15 gpm. Commercial use

is needed within the northwest sprinkler corner of the NW 1/4 Section 4, Township 36 North, Range 9 East, NMPM. Well No. 3 is the best water source and it also produces from the confined aquifer. The decreed location is approximately 180 feet from the North Section Line and 390 feet from the West Section Line. Future use of Well No. 3 will be for the year-round commercial malting process of grains and beer production (brewery) and associated commercial processes while retaining the household, stock watering, and landscape irrigation uses. A portion of the land historically irrigated by Well No. 1 will be retired from future irrigation. The historic consumptive use of water from Well No. 1 on the dry-up area will be moved to Well No. 3. The dry-up area can generally be described as the sprinkler corners of the sprinkler located within the NW 1/4 Section 4 and the west sprinkler corners of the sprinkler located within the NE 1/4 Section 4, all within Township 36 North, Range 9 East, NMPM. The estimated annual withdrawal of water from Well No. 3 is 7.983 acre-feet. Of that amount, approximately 3.124 acre-feet will be consumed. The commercial processes will require an annual diversion of 5.536 acre-feet with 2.008 acre-feet consumed. The domestic use will require an annual withdrawal of 2.447 acre-feet with 1.116 acre-feet consumed. Within these calculations, the domestic use includes 21,780 square feet of lawn and landscape irrigation. The Applicant does not anticipate irrigation of an area as large as the 54710-A well permit allows. This will significantly lower the actual withdrawal and consumptive use from the well. In order to offset this withdrawal and consumptive use, Well No. 1 will not be used on the dry-up area - resulting in an annual reduction of approximately 8.0 acre-feet of withdrawal and 4.8 acre-feet of consumption. These amounts will be transferred to Well No. 3 for year-round commercial use. All wells will be metered as required by the Division of Water Resources. Accounting of water use from the wells shall be kept and provided as required by the Division of Water Resources. If a change in diversion, provide legal descriptions of decreed location and actual or new location of structure: A portion of the water right decreed to Well No. 1 will be moved to Well No. 3 for year-round commercial use. The location of Well Nos. 1 and 3 will not be changed. Permit No. 54710-A location: NW 1/4 NW 1/4 Section 4, Township 36 North, Range 9 East, NMPM. This well is located at approximately 180 feet from the North Section Line and 390 feet from the West Section Line. Name and address of reputed owner: Dalton Wayne Cody, 2522 CR 12 South, Alamosa, CO 81101, jason@cofarmbeer.com, 719-589-2094 719-580-5084.

2022CW3009: Applicant: Ernest Myers and Virginia Myers, 3501 CR 53, Center, Colorado 81125; (719) 754-2139; ernie@mvproduce.com. Please send all future correspondence to Bradley C. Grasmick, Ryan M. Donovan and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5254 Ronald Reagan Drive, Ste. 1, Johnstown, CO 80534.

APPLICATION FOR CHANGE OF WATER RIGHT 1.1. Remarks: This Application seeks to correct an erroneously described place of use for a water right associated with the Well described in Paragraph 3 herein. A decree was entered in Case No. W-1791 (“1791 Decree”), attached hereto as **Exhibit 1**, for the water right from the confined aquifer associated with the Well. The place of use of such water right was not described in the 1791 Decree, but the 1791 Decree referenced the permit for the Well, Permit No. 10193-R (“Permit”) which described the place of use. The Permit erroneously designated the irrigated parcel as the NW 1/4 of Section 12, Township 43 North, Range 7 East, N.M.P.M., Saguache County, Colorado (the “NW Quarter”). Aerial photo analysis demonstrates that the Well has historically and continues to be used for irrigation in the SW 1/4 of Section 12, Township 43 North, Range 7 East, N.M.P.M., Saguache County, Colorado (the “SW Quarter”). 2.1. Water Rights Sought to be Changed: Well No. 2,

Permit No. 10193-R, WDID 2605524. (the "Well"). 3.1. *Prior Decree*: The 1791 Decree was entered on May 29, 1975, approving water rights for the Well. Nothing in this Application seeks to amend the 1791 Decree besides correcting the irrigated parcel description. 3.2. *Appropriation Date*: September 5, 1953. 3.3. *Diversion Rate*: 1,060 gpm, 2.36 cfs, 4.72 acre-feet per twenty-four hours. 3.4. *Source*: Confined Aquifer. 3.5. *Decreed Use*: Irrigation. 3.6. *Location*: NW 1/4 of the SW 1/4 of Section 12, Township 43 North, Range 7 West of the N.M.P.M., Saguache County, Colorado. 3.7. Proposed Change. Applicant seeks a decree approving a change to the erroneously described irrigated parcel in the 1791 Decree to the actual irrigated parcel, that being in the SW 1/4 of Section 12, Township 43 North, Range 7 East of the N.M.P.M., Saguache County, Colorado. Nothing herein is intended to amend, nor shall it amend, any finding of fact or conclusion of law related to the Well except for the place of use of the water right. 4.1. Augmentation. The Well is located within the Saguache Response Area and is presently included in the Rio Grande Water Conservation District - Subdistrict 5's 2021-2022 Annual Replacement Plan. 5.1. Name and Address of Owners of Structures: 6.1. Applicant owns the Well, the land upon which the Well is situated, and the actual irrigated parcel in the SW Quarter. 6.2. John M. Baxter & Catherine A. Baxter, 46570 County Road T, Saguache, CO 81149, and P.O. Box 405, Saguache, CO 81149 owns the NW Quarter. This application consists of 3 pages and 1 exhibits.

2022CW3010: ALAMOSA COUNTY; Jesus J. Salazar c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, karl@kuenholdlaw.com . APPLICATION FOR A CHANGE OF WATER RIGHTS (ALTERNATE POINT OF DIVERSION). *Decreed water rights for changes are sought*: (1) Mill Ditch, Priority No. 9, Conejos River. WDID: 2200605. Location: The existing point of diversion is in the SW 1/4 NE 1/4 Section 32, Township 34 North, Range 10 East in Conejos County, Colorado. *Source*: Conejos River. *Appropriation date*: April 1, 1856 for 12.67 cfs as Priority 9 on the Conejos River *Detailed description of proposed changes*: Applicants propose an alternate point of diversion for Jesus Salazar's 2.94 cfs of the Mill Ditch allowing it to be diverted at the El Cerrito Ditch headgate adjacent to Jesus Salazar's property. The water right will continue to be used for irrigation of the same lands that it has historically been used on. A like amount of water taken through the El Cerrito ditch head-gate in like time and amount of flow shall not be taken from the decreed Mill Ditch head-gate. Carriage water shall be left in the Mill ditch to ensure that the remaining Mill Ditch water is delivered to downstream users without impact. Applicant's property contains 53.27 acres. The same lands historically irrigated by Applicant's Mill Ditch water right will continue to be irrigated by their water which will now be conveyed through the El Cerrito Ditch headgate as an alternate point of diversion. On average, this water right has irrigated 34.3 acres. With the current center-pivot sprinkler, 30 acres are irrigated with water taken from the headgate to a reservoir. The El Cerrito ditch rights are owned by Salazar Ranches, LLC which consents to and joins in this application. The El Cerrito ditch is WDID 2200539. Its first appropriation date is May 30, 1856 and its first enlargement is October 1, 1893. The diversion structure is in the NW 1/4 NW 1/4 Section 32, Township 34 North, Range 10 East NMPM very close to the Applicant's property. The change requested in this application will not result in injury to any water right and will not result in any increase in diversions or consumptive use. *Land ownership*: Applicant owns the real property on

which the Mill Ditch water will be used and Salazar Ranches, LLC owns the El Cerrito Ditch.

2022CW3011: San Luis Valley Water Conservancy District, acting by and through its Augmentation Program Enterprise (“District” or the “Applicant”), c/o Heather Dutton, Manager, 623 Fourth Ave., Alamosa, Colorado 81101, (719) 589-2230. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, IN ALAMOSA, HINSDALE, MINERAL, RIO GRANDE AND SAGUACHE COUNTIES. Please mail copies of all pleadings in this case to Tod J. Smith, The Law Office of Tod J. Smith, LLC, 5777 Central Ave., Suite 228, Boulder, CO 80301. 2. Name of Structure: Not Applicable. 3. Description of Original Right from Original Decree: 3.1. Date of Original Decree: April 14, 2016, Case No. 09CW34, District Court, Water Division No. 3; 3.2. Location: Exchange from the Anaconda Ditch headgate located on the Rio Grande to the Rio Grande Reservoir, Santa Maria Reservoir and Continental Reservoir; 3.3. Date of Appropriation: December 31, 2009; 3.4. Amount: 3.4.1. Volume: 478 acre-feet, 3.4.2. Rate of Flow: 8.07 cfs; and 3.5. Use: Storage and augmentation as decreed for the District’s use in replacing its Participants’ out-of-priority depletions through its Augmentation Program as described in detail in the Decree in Case No. 09CW34. 4. Outline of Work Performed or Actions Taken Toward Completion of the Appropriation and Application of the Water to Beneficial Use as Conditionally Decreed: 4.1. The District operates a single, unified, and integrated Augmentation Program which includes the exchanges decreed in Case No. 09CW34. During the diligence period, the District spent substantial amounts of money and devoted hundreds of man hours to the development, operation, maintenance, and improvement of its Augmentation Program. As part of the overall effort, the District retained engineering consultants and attorneys to assist in the operation, maintenance, improvements, and protection of its water rights and operation of its Augmentation Program. The District also spent money acquiring additional augmentation water and on engineering and constructing improvements to its water supply facilities. 4.1.1. During the diligence period, the District has expended in excess of \$190,000 in legal fees, protecting the District’s water rights and facilities, and incorporating additional water supplies into its Augmentation Program. 4.1.2. During the diligence period, the District has expended in excess of \$88,000 in engineering fees and expenses, operating its Augmentation Program, evaluating additional water rights and facilities for incorporation into its Augmentation Program, and protecting its water rights and the operation of the Augmentation Program. 4.2. During the diligence period, the District acted to preserve, protect, and enhance its Augmentation Program by obtaining the following judicial decrees and filing the following applications: 4.2.1. Case No. 14CW3011, a change of Pine River Weminuche Pass Ditch water rights, Judgment and Decree entered December 9, 2019. 4.2.2. Case No. 15CW3023, diligence for the exchange originally decreed in Case No. 93CW43, Judgment and Decree entered on July 8, 2016. 4.2.3. Case No. 19CW3000, diligence for the exchanges originally decreed in Case No. 03CW41, Judgment and Decree entered on September 15, 2019. 4.2.4. Case No. 20CW3009, diligence for the exchanges originally decreed in Case No. 05CW13, Judgment and Decree entered on April 19, 2021. 4.2.5. On February 27, 2021, the District filed an application in Case No. 21CW3004 for several exchanges including the exchange of the District’s Anaconda Ditch water to Beaver and Shaw Reservoirs on the South Fork. 4.2.6. On March 28, 2011, the District

filed an application for diligence for the exchanges decreed in Case No. 07CW63. 4.3. During the diligence period, the District acquired other water rights and additional storage infrastructure on the South Fork. 4.4. The work performed and actions taken by the District during the diligence period demonstrate its continuing intent to develop the conditional appropriative right of exchange originally decreed in Case No. 09CW34. The District has shown that it can and will implement the conditional appropriative right of exchange, which will be completed and exercised with diligence within a reasonable time. 5. Water Applied to Beneficial Use and Made Absolute: The Applicant seeks to have decreed absolute the following amounts of water exchanged during the diligence period: 5.1. Dates Water Exchanged during this diligence period: 5.1.1. April – June 2018; 5.1.2. June - July 2019; 5.1.3. April - July 2020 (includes administratively approved exchanges into Beaver Reservoir); and 5.1.4. April – August 2021 (includes administratively approved exchanges into Beaver Reservoir). 5.2. Volumes of Water Exchanged during this diligence period (not including Anaconda Ditch water administratively exchanged into Beaver Reservoir): 5.2.1. In 2018, the Applicant exchanged a total of 198.84 acre-feet into Rio Grande Reservoir as follows: April – 96.72 acre-feet; May – 59.52 acre-feet; June – 42.60 acre-feet; 5.2.2. In 2019, the Applicant exchanged a total of 37.51 acre-feet into Rio Grande Reservoir as follows: June - 16.60 acre-feet; August 20.91 acre-feet; and 5.2.3. In April 2020, the Applicant exchanged 89.10 acre-feet into Continental Reservoir. 5.3. Maximum Rate at which water was exchanged during this diligence period: 4.19 cfs. 6. Names and addresses of owners of land upon which water is and will be stored: 6.1. Rio Grande Reservoir: San Luis Valley Irrigation District, 296 Miles Street, P.O. Box 637, Center, Colorado 81125, (719) 754-2254. 6.2. Santa Maria Reservoir: Santa Maria Reservoir Company, P.O. Box 288, Monte Vista, Colorado 81144, (719) 852-3556. 6.3. Continental Reservoir: United States of America, c/o Rio Grande National Forest Divide Ranger District, P.O. Box 270, Creede, Colorado 81130, (719) 658-2556 (The owner of Continental Reservoir is the Santa Maria Reservoir Company) 7. Date of Filing of the Application: This application for finding of reasonable diligence and to make absolute has been filed on or before April 30, 2022, in accordance with the Court’s Notice Concerning Conditional Water Right, dated January 19, 2022. Requested Relief: WHEREFORE, the San Luis Valley Water Conservancy District respectfully requests entry of a decree: (1) decreeing that the exchange rate of 4.19 cfs has been exercised and made absolute; (2) decreeing that an annual volume of 198.84 acre-feet has been exchanged and made absolute; (3) confirming that work on one feature of the District’s single, unified, and integrated Augmentation Program shall continue to be considered in finding reasonable diligence in the development of all features of its Augmentation Program, including this exchange originally decreed in Case No. 09CW34; and (4) determining that the District has demonstrated reasonable diligence in the development of the exchange originally decreed in Case No. 09CW34 and continuing the remaining portion of the conditional water right in the amount of 279.16 acre-feet and a rate of flow of 3.88 cfs in good standing and setting a date by which the District must file a subsequent finding of reasonable diligence. (The application is 5 pages).

2022CW3012: Amanda Stagner, 15004 CR 20, Sanford, CO 81151. Direct all correspondence to counsel for Applicant: Mirko L. Kruse, Kruse Law PLLC, 383 Corona Street, Denver, CO

80218, mkruse@kruselawpllc.com. **APPLICATION FOR ABSOLUTE SURFACE WATER RIGHTS IN CONEJOS COUNTY.** 2. Description of Absolute Surface Water Rights:

Applicant seeks to adjudicate water rights derived from tail and wastewater from the irrigation of lands near Applicant's ranch. This tail water flows onto Applicant's ranch and collects and terminates in a natural slough. Applicant has used and will use this tail water for irrigation of crops and pasture. Applicant will install any measurement structure as deemed necessary by the Division Engineer, and Applicant acknowledges that there is no guarantee of the continuation of the amount, timing, or location of these tail water rights.

A. Name of Structure: Stagner Bar Ditch and Culvert. i. Amount: 8 cfs, absolute. Any amount or portion of this water right not decreed absolute pursuant to this Application will be claimed conditional. ii. Source: Seepage, wastewater, and tail water from irrigation of lands lying generally in Section 8, Township 34N, Range 10E, N.M.P.M., Conejos County, Colorado. This water begins collecting within the Stagner Bar Ditch along County Road S and within the reach identified on the map in **Figure 1**. If left undiverted, this water would collect and terminate in a natural slough on Applicant's ranch. iii. Point of Diversion: At the intersection of Country Road S and County Road 20 by means of a culvert under County Road 20, which is located in the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 34N, Range 10E, N.M.P.M. and as identified on the map in **Figure 1** (UTM Zone 13, Easting 420865, Northing 4118542). iv. Type of Use: Irrigation. v. Place of Use: About 147 acres, portions of which are located in the West 1/2 of the Southwest 1/4 of Section 4 and the East 1/2 of the Northwest 1/4 and West 1/2 of the Northeast 1/4 of Section 9, Township 34N, Range 10E, N.M.P.M. and as identified on the map in **Figure 1**. vi. Appropriation Date: May 1, 2006. Applicant reserves the right to claim an earlier appropriation date upon discovering evidence of the date of appropriation from her predecessor-in-interest. vii. How Appropriation Was Initiated: By clearing culvert and diverting and utilizing water for irrigation.

B. Name of Structure: Stagner Slough and Headgate. i. Amount: 10 cfs, absolute. Any amount or portion of this water right not decreed absolute pursuant to this Application will be claimed conditional. ii. Source: Seepage, wastewater, and tail water from irrigation of lands lying generally in Section 8, Township 34N, Range 10E, N.M.P.M., Conejos County, Colorado. This water begins collecting in the Stagner Slough in the Northwest 1/4 of the Northwest 1/4 of Section 9 and Southeast 1/4 of the Northeast 1/4 of Section 8, Township 34 N, Range 10E, N.M.P.M. and as identified on the map in **Figure 1**. If left undiverted, this water would collect and terminate in a natural slough on Applicant's ranch. iii. Point of Diversion: In the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 34N, Range 10E, N.M.P.M., by means of a headgate as identified in **Figure 1** (UTM Zone 13, Easting 420907, Northing 4118179). iv. Type of Use: Irrigation. v. Place of Use: About 184 acres, portions of which are located in the West 1/2 of the Southwest 1/4 of Section 4 and the Northwest 1/4 and West 1/2 of the Northeast 1/4 of Section 9, Township 34N, Range 10E, N.M.P.M. and as identified on the map in **Figure 1**. vi. Appropriation Date: May 1, 2006. Applicant reserves the right to claim an earlier appropriation date upon discovering evidence of the date of appropriation from her predecessor-in-interest. vii. How Appropriation Was Initiated: By opening headgate and diverting and utilizing water in slough for irrigation.

3. Name and Address of Landowners Upon Which Any New or Existing Diversion Will Be Constructed: Applicant.

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 2022, 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. Jennifer Pacheco, Water Clerk, Water Division 3, 8955 Independence Way, Alamosa, CO 81101.