

**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, 2023 for each county affected.

2023CW2: Vicki Sue Bamber Trust, 725 College, Springfield, CO 81073.

Rtbambe23@gmail.com, 719-523-3497. Application for Change of Water Right in Alamosa County. Decreed water right for which change is sought: **A.** Name of structure: Well No. 3, Case No. W-479, Permit No. 5164-F, WDID 2009158 (Well No. 3). **B.** Date of original and subsequent decrees: December 13, 1973 Case No: W-479 Court: Water Division No. 3. **C.** Legal description of structure: Well No. 3 is located by decree in the NW1/4 NE1/4 Section 19, Township 40 North, Range 9 East, NMPM, Alamosa County, at a point 475 feet from the North Section line and 2682 feet from the East Section line. The well actually exists by GSP at UTM, NAD83, 409323 mE, 4173433 mN. **D.** Decreed source of water: Unconfined aquifer (total depth of 84 feet with perforated casing from 24 feet to 84 feet). **E.** Appropriation date: March 18, 1964. **F.** Total amount decreed to structure: Absolute: 2,200 gpm being 4.90 cfs. **G.** Decreed use: Irrigation. **H.** Amount of water applicant intends to change: 50 gpm being 0.111 cfs, Absolute. Detailed description of change: Applicant seeks to change 50 gpm (0.111 cfs) of Well No. 3 and use the flowrate and historic consumptive use for year-round commercial needs associated with potato storage and cleaning. Applicant requests the 50 gpm be converted to commercial use in a potato storage facility for year-round storage of potatoes in a 50,000-cwt unit, washing of equipment and the facility, and drinking and sanitary needs in an office. In order to offset the consumptive use for commercial purposes associated with the changed 50 gpm, Applicant will permanently dry-up the sprinkler corners of the existing center pivot sprinkler on the NE1/4 Section 19, T40N, R9E, NMPM from groundwater use. These corners were historically flood irrigated (1945- 1980) with surface water (Farmers Union Canal) and well water. The dry-up of the sprinkler corners will generate approximately 2.0 acre-feet of average annual consumptive use. Applicant will limit future commercial use to not more than 2.0 acre-feet of consumptive use per calendar year. All water used for commercial purposes will be metered in accordance with the Division 3 Well Measurement Rules. Applicant will limit the use of groundwater from well no. 3 along with Well No. 4-R, Case No. 82CW29; to irrigation of not more than 130.0 acres within the NE1/4 Section 19, Township 40 North, Range 9 East, NMPM in the future to offset the consumptive use of the commercial uses. Surface water rights via the Farmers Union Canal, will continue to be applied to the whole quarter-section for irrigation or recharge purposes. Applicants propose to drill a new unconfined aquifer well to supply water for the potato storage facility located in the northeast corner of the NE1/4 Section 19, T40N, R9E, NMPM. Changed or added point of diversion: The new unconfined aquifer well is to be located in the NE1/4 NE1/4 Section 19, T40N, R9E, NMPM at approximate GPS location 410090 mE, 4173525 mN. Name and address of reputed owners: Vicki Sue Bamber Trust 725 College, Springfield, CO 81073.

2023CW3: Hooper Ridge Farms, LLC C/O Thomas Biel. 921 East Road 9 North, Center, CO 81125. 2002bcc@gmail.com. 719-754-2605. Application for Change of Water Right in Alamosa County. Decreed water right for which change is sought: **A.** Name of structure: Well No. 2, Case No. W-1197, Permit No. 12012-R, WDID 2010305. **B.** Date of original and all subsequent decrees: October 9, 1975 Case No: W-1197 Court: District Court, Water Division No. 3. **C.** Legal description of structure: SW1/4 NE1/4 Section 6, Township 40 North, Range 10 East, NMPM at a point 2590 feet from the North section line and 2610 feet from the East section line in Alamosa County Colorado. Well no. 12012-R was replaced under permit no. 12012-R-R in 1991 to a depth of 95 feet. The current location of this well is located by GPS at UTM, Zone 13S, NAD 83 at: 419071 mE, 4177719 mN. This well is currently located near the northwest corner of the farm reservoir that is used for recharge of the surface water delivered from the San Luis Valley Irrigation District. The WDID for the replacement well is 2014335. The current well no. 12012-R-R will be moved in 2023 approximately 145 feet to the northwest. The new well no. 12012-R-R will be very near: GPS at UTM, Zone 13S, NAD 83 at: 419065 mE, 4177745 mN. The WDID will remain 2014335. The applicant desires to retain that portion of production from the confined aquifer that the original Well No. 2 produced. The previous owner elected to replace Well No. 2 to produce only from the unconfined aquifer (1991 replacement well was only 95 feet deep). However, this applicant has always been interested in restoring that portion of the historic well production from the original Well No. 2 from the confined aquifer by drilling a partial replacement of the Well No. 2 water right into the confined aquifer. **D.** Decreed source of water: Confined Aquifer (the original well was 185 feet deep with unknown perforated interval). **E.** Appropriation date: April 30, 1947. **F.** Total amount decreed to structure: 1,500 gpm=3.34 cfs. **G.** Decreed use or uses: Irrigation of the NE1/4 Section 6, T40N, R10E, NMPM. **H.** Amount of water that applicant intends to change: 1,500 gpm. Detailed description of change: • Well No. 2 (1991 replacement) will be moved to a new location about 145 feet northwest of the existing well. The new well will be located at approximately GPS location 419065 mE, 4177745 mN. Use will be only on the NE1/4 Section 6, T40N, R10E, NMPM. Well permit no. 87662-F was issued November 22, 2022. The new replacement well was completed April 12, 2023 to 110 feet in the unconfined aquifer. • The existing well no. 12011-R-R will be plugged and abandoned. • Applicant also desires the right to drill the replacement well to a depth not to exceed the top of the confining clay series. Legal descriptions of decreed location and actual or new location: See above. Change in point of diversion: See above. **Part B – Transfer of a portion of the water right decreed to Well No. 2, Case No. W-1197 to Well No. 155178-A for Commercial Use:** Decreed water right for which change is sought: **I.** Name of structure: Well No. 2, Case No. W-1197, Permit No. 12012-R-R (87662-F). **J.** Date of original decree: October 9, 1975 Case No: W-1197 Court: District Court, Water Division No. 3. **K.** Legal description of structure: SW4 NE1/4 Section 6, Township 40 North, Range 10 East, NMPM at a point 2590 feet from the North section line and 2610 feet from the East section line in Alamosa County Colorado. This well was relocated under permit no. 12012-R-R in 1991 and recently 3565-F-R and is currently located by GPS north of the reservoir at UTM, Zone 13S, NAD 83 at: 419065 mE, 4177745 mN. **L.** Decreed source of water: Confined Aquifer (the original well was 185 feet deep. The first replacement well was drilled to a depth of 95 feet. The most recent replacement well drilled under Permit No. 87662-F was completed to a depth of 110 feet. **M.** Appropriation

date: April 30, 1947. **N.** Total amount decreed to structure: 1,500 gpm=3.34 cfs. **O.** Decreed use: Irrigation of the NE1/4 Section 6, T40N, R10E, NMPM. **P.** Amount of water that applicant intends to change: 50 gpm = 0.111 cfs. Detailed description of change: Applicant requests the 50 gpm be converted to year-round commercial use in a potato storage facility (65,000 cwt storage) that includes cleaning of the facility and equipment. In order to offset the consumptive use for commercial purposes with the changed 50 gpm, Applicant will permanently dry-up the sprinkler corners of the NE1/4 Section 6, T40N, R10E, NMPM from groundwater use. These corners were historically flood irrigated (1942- 1977) with surface water (Farmers Union Canal) and well water. The dry-up of approximately 10 acres of corners alone will generate approximately 2.0 acre-feet of average annual consumptive use. Applicant will limit future commercial use to not more than 2.0 acre-feet of consumptive use per calendar year. 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 NW1/4 Section 19, T40N, R9E, NMPM from groundwater use to offset the commercial water need. Applicant will limit the use of groundwater from well no. 1-R, Case No. 11CW18; well no. 2-R of this case, and Well No. 3-R, Case No. 11CW18; to irrigation of not more than 130.0 acres within the NE1/4 Section 6, Township 40 North, Range 10 East, NMPM in the future to offset the consumptive use of the commercial uses. Surface water rights, Farmers Union, will continue to be applied to the whole quarter-section for irrigation or recharge purposes. New location of structure: The well currently permitted as no. 155178-A is located in the SE1/4 NE1/4 Section 6, T40N, R10E, NMPM at approximate GPS location 419775 mE, 4177582 mN. This well is 80 feet deep and produced from the unconfined aquifer. Name and address of purported owner: Hooper Ridge Farms, LLC. 0921 East County Road 11 North, Center, CO 81125. 2002bcc@gmail.com. 719-754-2605.

2023CW3005: (16CW3006; 06CW0017) **RIO GRANDE WATER CONSERVATION DISTRICT** c/o David W. Robbins, Peter J. Ampe, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, Phone: (303) 296-8100, Fax: (303) 296-2388, E-mail: davidrobbins@hillandrobbins.com, peterampe@hillandrobbins.com. **APPLICATION FOR FINDING OF DILIGENCE AND TO MAKE ABSOLUTE IN PART IN ALAMOSA COUNTY.** 1. Name, mailing address, and telephone number of Applicant: Rio Grande Water Conservation District, c/o General Manager, 8805 Independence Way, Alamosa, Colorado 81101, Telephone: 719-589-6301. 2. Name of Structures: Recharge Points X, Y, and Z. 3. Describe conditional water right, as to each structure, giving the following from the Referee's Ruling and Judgment and Decree: A. Date of Original Decree: January 29, 1988, *nunc pro tunc* December 22, 1987, Case No. 85CW78, continued as conditional by decrees in Case Nos. 93CW42 (November 29, 1995) and 01CW22 (May 29, 2003) and changed in Case No. 06CW17 (July, 2010), and as continued conditional by decree in Case No. 16CW3006. B. Court: District Court, Water Division 3, State of Colorado. C. Location: i. Point of Diversion X: A surface water diversion located in the SE1/4 SW1/4 Section 31, T. 27 S., R. 73 W., 6th P.M., Alamosa County, Colorado, whence the Southeast Corner of said Section 31 bears S. 72° 19' 14" E., 3006.32 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch ±3 feet deep, ±10 feet wide, ±4050 feet in length on either side of the following described centerline, to-wit: Beginning at the diversion point located in the SE1/4 SW1/4 Section 31, T. 27 S., R. 73 W., 6th P.M., Alamosa County, Colorado, whence the Southeast Corner of said Section 31 bears S. 72° 19' 14" E., 3006.32 feet distant;

thence along the following courses and distances: S. 46° 25' 25" W., 203.63 feet; S. 3° 24' 23" W., 162.85 feet; S. 11° 37' 39" E., 64.90 feet; S. 15° 24' 05" W., 247.64 feet; S. 13° 08' 48" W., 290.05 feet; S. 0° 09' 57" E., 103.66 feet; S. 34° 57' 40" W., 127.17 feet; S. 0° 59' 45" W., 190.04 feet; S. 18° 47' 40" W., 119.12 feet; S. 10° 35' 47" E., 179.30 feet; S. 0° 59' 54" E., 118.97 feet; S. 28° 06' 59" W., 214.41 feet; S. 7° 33' 46" E., 254.75 feet; S. 52° 25' 46" W., 82.88 feet; N. 89° 59' 08" W., 180.78 feet; S. 55° 04' 03" W., 131.36 feet; S. 77° 05' 12" W., 140.60 feet; N. 72° 05' 04" W., 107.92 feet; S. 59° 30' 17" W., 198.17 feet; N. 82° 42' 52" W., 330.65 feet; S. 44° 59' 00" W., 251.89 feet; S. 20° 28' 08" W., 254.52 feet to the point of termination located in SW1/4 NW1/4 Section 6, T. 28 S., R. 73 W., 6th P.M. whence the Northeast Corner of said Section 6 bears N. 68° 35' 45" E., 4990.83 feet distant. ii. Point of Diversion Y: A surface water diversion located in the SW1/4 SE1/4 Section 31, T. 27 S., R. 73 W., 6th P.M., Alamosa County, Colorado, whence the Southeast Corner of said Section 31 bears S. 82° 05' 16" E., 2351.12 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch ±5 feet deep, ±10 feet wide, ±3265 feet in length on either side of the following described centerline, to-wit: Beginning at the diversion point located in the SW1/4 SE1/4 Section 31, T. 27 S., R. 73 W., 6th P.M., Alamosa County, Colorado, whence the Southeast Corner of said Section 31 bears S. 82° 05' 16" E., 2351.12 feet distant; thence along the following courses and distances: S. 13° 48' 05" W., 281.85 feet; S. 24° 27' 27" W., 237.09 feet; S. 13° 24' 02" W., 370.60 feet; S. 6° 57' 55" W., 424.96 feet; S. 07° 37' 46" W., 259.59 feet; S. 10° 27' 59" E., 162.11 feet; S. 30° 58' 47" W., 143.03 feet; S. 17° 38' 19" W., 275.36 feet; S. 0° 35' 50" W., 235.45 feet; S. 29° 55' 46" W., 236.34 feet; S. 21° 48' 50" W., 303.79 feet; S. 35° 53' 13" W., 196.76 feet; S. 49° 25' 00" W., 203.57 feet; S. 72° 39' 58" W., 239.06 feet to the point of termination located in NE1/4 SW1/4 Section 6, T. 28 S., R. 73 W., 6th P.M. whence the Northeast Corner of said Section 6 bears N. 51° 11' 20" E., 4523.81 feet distant. iii. Point of Diversion Z: (1) Point Z-1: A surface water diversion located in the SW1/4 NW1/4 Section 6, T. 28 S., R. 73 W., 6th P.M., Alamosa County, Colorado, whence the Northeast Corner of said Section 6 bears N. 68° 35' 45" E., 4990.83 feet distant. (2) Point Z-2: A surface water diversion located in the NE1/4 SW1/4 Section 6, T. 28 S., R. 73 W., 6th P.M., Alamosa County, Colorado, whence the Northeast Corner of said Section 6 bears N. 51° 11' 20" E., 4523.81 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of a native grass meadow encompassed ±452 acres located in portions of W½ Section 6, T. 28 S., R. 73 W., 6th P.M. and Section 7, T. 39 N., R. 13 E., N.M.P.M. and SE1/4 SE1/4 Section 12 and Section 13, T. 39 N., R. 12 E., N.M.P.M. lying within the following metes and bounds: Beginning at Diversion Point Z-1 located in the SW1/4 NW1/4 Section 6, T. 28 S., R. 73 W., 6th P.M., Alamosa County, Colorado, whence the Northeast Corner of said Section 6 bears N. 68° 35' 45" E., 4990.83 feet distant; thence S. 47° 53' 08" E., 1511.96 feet to Diversion Point 2 located in the NE1/4 SW1/4 Section 6, T. 28 S., R. 73 W., 6th P.M., Alamosa County, Colorado, whence the Northeast Corner of said Section 6 bears N. 51° 11' 20" E., 4523.81 feet distant; thence along the following courses and distances: S. 29° 18' 07" W., 226.10 feet; S. 82° 02' 07" W., 1929.43 feet; S. 39° 41' 32" W., 3201.35 feet; N. 89° 51' 44" W., 420.23 feet; S. 01° 39' 24" W., 1987.84 feet; S. 69° 23' 18" W., 1898.59 feet; S. 04° 09' 44" W., 1053.06 feet; S. 40° 22' 57" W., 2005.53 feet; N. 89° 28' 46" W., 2101.99 feet; N. 00° 11' 58" W., 548.62 feet; N. 40° 02' 20" E., 2626.64 feet; N. 87° 47' 30" E., 1002.54 feet; N. 30° 28' 19" E., 3012.11 feet; N. 75° 26' 25" E., 867.45 feet; N. 27° 07' 49" E., 624.61 feet; N. 00° 08' 18" E., 3166.02 feet; S. 89° 33' 28" E., 2538.42 feet; N. 87° 04' 08" E., 790.43 feet to the place of beginning which is identical to Diversion Point Z-1, located in the SW1/4 NW1/4 Section 6, T.

28 S., R. 73 W., 6th P.M., Alamosa County, Colorado, whence the Northeast Corner of said Section 6 bears N. 68° 35' 45" E., 4990.83 feet distant. (3) Site Z is described in the Stipulation between The Nature Conservancy and the Bureau of Land Management in Case No. 00CW39 as “the historically irrigated area of the Zapata Ranch south of the former golf course area and including the restored wetlands within that area.” See Stipulation, p. 3. (4) Annual recharge through Site Z shall be determined by calculating the portion of water lost or recharged to the underground aquifer through the practice of irrigation with water that passes through Sites X and Y and is delivered to Site Z at Points Z-1 and Z-2 above. The irrigation efficiency for Site Z is estimated to be 40% which is typical for flood irrigation of meadows on relatively high permeability soils as documented in Soil Survey of Alamosa Area, Colorado (1973) and Colorado Irrigation Guide (1978) both prepared by USDA Soil Conservation Service. Therefore, water lost or annually recharged to the underground aquifer through Site Z is 60% of the water delivered to Site Z at Points Z-1 and Z-2 and measured in accordance with Paragraph 7.e. of the 06CW17 Decree. If the irrigation practices on Site Z are changed in the future such that the irrigation efficiency on the parcel is increased, the calculation of the amount of recharge to the system will be adjusted to reflect the change. The recharge occurring at Site Z is consistent with historical irrigation practices. The District has no control over those practices. iv. See general location map attached as Exhibit A. D. Source: ditches obtaining their water supply from North and South Zapata Creeks under the water rights of The Nature Conservancy. The source of water for Site Z is return flows from the irrigation of land at Site Z under said water rights. E. Amount and Appropriation Date: i. Rate of flow: a. With an appropriation date of July 16, 1985: Point of Diversion X: 10 c.f.s., conditional; Point of Diversion Y: 8 c.f.s., conditional; Points of Diversion Z: Diversion Point (1): 4 c.f.s., conditional; Diversion Point (2): 4 c.f.s., conditional. b. With an appropriation date of December 18, 2003, that being the date the Bureau of Land Management entered into a stipulation with the Rio Grande Water Conservation District in Case No. 00CW39 that contemplated these changes: Point of Diversion X: 40 c.f.s., conditional; Point of Diversion Y: 12 c.f.s., conditional; Point of Diversion Z: Diversion Point (1): 26 c.f.s., conditional; Diversion Point (2): 6 c.f.s., conditional. ii. Volume to be stored: a. With an appropriation date of July 16, 1985: Point of Diversion X: 2,000 acre-feet, conditional; Point of Diversion Y: 350 acre-feet, conditional; Points of Diversion Z: 350 acre-feet, conditional. b. With an appropriation date of December 18, 2003: Point of Diversion X: 400 acre-feet, conditional; Point of Diversion Y: 850 acre-feet, conditional; Points of Diversion Z: 1,350 acre-feet, conditional. F. Use: Recharge for the purposes set forth in the Closed Basin Water Salvage Project decree in Case No. 85CW78, District Court, Water Division No. 3. G. Depth (if well): N/A. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the Diligence period the District purchased and installed a Parshall flume at the Z point of diversion. Water was diverted and recharged through each site, but the amount of recharge was only recorded at the Z point of diversion and recharge site. The highest instantaneous flow was 10.17 cfs on June 6, 2021. The highest annual volume recorded was 467 acre-feet in 2021. During the diligence period, the District has spent approximately \$2,587 on administrative, engineering, and legal expenses associated with activities directly related to the development of this water right. 5. Names and Addresses of Land Owners: The Nature Conservancy, 2424 Spruce St., Boulder, CO 80302. 6. Request to Make Absolute, in Part: Based upon the reported diversions to the Division of Water Resources, the District requests the Court decree 10.17 cfs as absolute to the Z point of diversion, making the 4 cfs under the July 16, 1985 priority date

absolute and 6.17 cfs of the 26 cfs under the December 18, 2003 appropriation date, leaving 19.83 cfs conditional. The District further requests 437 acre-feet be made absolute at the Z point of recharge, making all 350 acre-feet under the appropriation date of July 16, 1985 absolute and 117 acre-feet under the December 18, 2003 absolute, leaving 1,233 acre-feet conditional. In consideration of the foregoing activities directed to the diligent operation of the Zapata Ranch recharge sites, the Applicants respectfully request that the Court enter a judgment and decree finding that the Applicants have exercised reasonable diligence in the development of the remainder of the conditional water rights listed above.

You are notified that you have until the last day of June 2023, 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.