

**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 February, 2023 for each county affected.

2022CW1: Darrin Mitchell and Jason Mitchell, 5518 E Road 4N, Monte Vista, CO 81144, darrinmitchell1@gmail.com, jason.mitchell22@hotmail.com, 719-850-2137, 719-588-0977.

Amended Application for Change of Water Right in Rio Grande County. A. Structure name: A: Well #9, W99; Permit 8564-R, WDID 2006262 (AKA Main Cellar and Office Well) and B: Well #8, W0872; Permit 152171-A; WDID 2009804; (AKA Seed Cellar on Field 14). **B.** Date of original decree(s): A: April 27, 1973 B: May 7, 1974 Case No: A: W-99 and B: W0872 both in District Court in and For Division No. 3. State of Colorado. **C.** Legal description: **A:** NW 1/4 of NE 1/4 S13 T39N R8E, NMPM at a point 75 feet from North Section Line and 2655 feet from West Section Line. Rio Grande County. Colorado. **B:** NE 1/4 of the NE 1/4 Section 18 Township 39 North Range 9 East NMPM, Alamosa County, Colorado at a point 20 Feet from the North section line and 510 Feet from the East Section Line. **D.** Decreed source of water: A: Unconfined aquifer and B: Confined aquifer. **E.** Appropriation date: A: August 10, 1935 and B: May 14, 1945. **F.** Amount: Absolute A: 1600 GPM being 3.56 Cubic ft per second being 7.12 Acre Feet in 24 hours and B: 50 Gallons per minute being 0.111 cubic feet per second being 0.222 acre feet in 24 hours. **G.** Decreed uses: A: Irrigation and B: Domestic and stockwater. **H.** Amount applicant intends to change: Absolute A and B: 50 GPM. being 0.111 cfs, being 0.222 acre feet in 24 hours. **I.** Name of structures (transfers from wells): A. Well No. 5R, Case No. W-3532; Permit No. 5921-R-R; WDID 2013491 (Pivot well on Field No. 5) and B. Well No. 7, Case No. W-99; Permit 11688-F; WDID 2008435; (West well on Field No. 5). **J.** Date of original and all relevant subsequent decrees: A. January 13, 1977 B. April 27, 1973 Case No: A. W-3532 and B. W-99 both in District Court in and for Division No. 3., State of Colorado. **K.** Legal description of structure as described in most recent decree that adjudicated the location: A. Center of the SE 1/4 Section 10, T39N, R8E, NMPM at a point 1320 feet from South Section Line and 1320 feet from East Section Line, Rio Grande County, Colorado. B. NW 1/4 of the SE 1/4 Section 10, Township 39 North, Range 8 East, NMPM, Rio Grande County, Colorado at a point 2478 Feet from the South section line and 2655 Feet from the West Section Line. **L.** Decreed source of water: A. Unconfined aquifer B. Confined Aquifer **M.** Appropriation Date: A. June 1, 1936 and May 29, 1967. **N.** Total amount decreed to structure in gallons per minute or cubic feet per second: Absolute A. 1200GPM being 2.67 Cubic ft per second being 5.34 Acre feet in 24 Hrs and B. 2400 Gallons per minute being 5.34 cubic feet per second being 10.68 acre feet in 24 hours. **O.** Decreed use: A. Irrigation and B. Irrigation of lands. **P.** Amount of water that applicant intends to change: Absolute A and B: 50 GPM, being 0.111 cfs, being 0.222 acre feet in 24 hours. **NOTE:** This Amended Application changes the Transfer From water rights. These Transfer From wells are located within the SE 1/4 Section 10, T39N, R8E, NMPM, Rio Grande County. The Transfer To wells remain the same as detailed in the original 22CW01 application with one well in Alamosa County and the other in Rio Grande County.

Proposed changes: Part A. Applicants seek to remove 50 gallons per minute, Absolute from WDID 2013441, Permit No. R-5921-RF, Case W-3532 Well No. 05R (Donor Well A); located at the center of the SE 1/4 Section 10, T39N, R8E, NMPM, Rio Grande County, and adjudicated for 1200 GPM from the unconfined aquifer and transfer the flowrate and historic use to Well No. 9, Case No. W-99; Permit 8564-R; WDID 2006262 (AKA Main Cellar and Office Well; AKA Recipient Well A) Decree attached) located in the NW 1/4 of the NE 1/4 Section 13, T39N, R8E, NMPM, Rio Grande County. Applicants seek to change the decreed use of the 50 GPM transferred from Irrigation to Commercial use for the humidification of adjacent potato storage facilities and for washing of storages and farm equipment. Currently the storage capacity at this location is 260,000 cwt of potatoes with a maximum consumptive use of $0.67 \text{ af}/100,000 \text{ cwt} \times 2.6 = 1.74$ acre feet for humidification and 1.5 acre feet for washing of storage facilities and of farm equipment, a total of 3.24 acre feet. Water use has been metered and reported since 2009 at both wells. Annual diversion records are attached for both the donor well and the recipient well. Consumptive use calculations for this transfer are attached. **Part B:** Applicants seek to remove 50 gallons per minute, absolute, from WDID 2008435, Permit No. 11688-F; Well No. 7, Case No. W-99 (Donor Well B); located in the NW 1/4 of the SE 1/4 Section 10, T39N, R8E, NMPM and adjudicated for 2400 GPM from the confined aquifer (Decree Attached) and transfer the flowrate and historic use (Confined aquifer portion) to Well No. 8, Case No. W-0872; Permit No. 152171-A; WDID 2009804; (Seed Cellar on Field 14) (Recipient Well B) located in the NE 1/4 of the NE 1/4 Section 18, T39N, R9E, NMPM, Alamosa County, also a confined well (see Map). Both wells are currently metered in accordance to Division 3 well metering rules, but there is only one year of record (2021: 0.17 Acre Feet) for diversions for WDID 2009804 as the meter was installed in February of 2021. Diversion Records for WDID 2008346 are attached. Well Meter certification attached for the new meter on WDID 2009804. Applicants seek to add 50 GPM of commercial use to WDID 2009804 (Seed Cellar on Field 14) to Commercial from Domestic and Stockwater for the humidification of currently 30,000 cwt potato seed cellar in addition to wash water for the cellars and farm equipment. Consumptive use at this location is estimated at a maximum of $0.67 \text{ af}/100,000 \text{ cwt} \times 0.3 = 0.201$ acre-feet plus 0.75 acre feet for washing for a total of 0.95 acre feet. Consumptive use calculations are attached for WDID 2008435; Well No. 7, Case No. W-99 (Donor Well B); Located in the NW 1/4 of the SE 1/4 Section 10, T39N, R8E, NMPM, Rio Grande County. WDID 2008435; Permit; W-99#7 (Donor Well B) is perforated in the confined. In the order to offset consumptive use of approximately 4.75 acre feet for commercial purposes at these two location (WDID 2006262 and WDID 2009804), applicants will limit the irrigated acreage on Michell Ag Production FLP Field #5 (SE 1/4 Section 10, T39N R8E, NMPM, Rio Grande County) to 130 acre and will permanently dry up 30 acres all four corners of the field historically flood irrigated from 1961 to 1976. 30 acres of flood irrigated corners will generate a reduction of $1.42 \text{ acre-ft/acre} \times 30 \text{ acres} = 42.6$ acre feet. The irrigation system currently in place irrigates 145 acres (Corner system) and the removal of the corner system on the Field 5 (Winter of 2022) will reduce the recently irrigated acreage from 145 to 130 acres. Field 5 was one of the earliest corner systems in place and Google Earth imagery indicates that the system was in place since 1985. Recent reduction in consumptive use on 15 acres is $1.42 \text{ f.} \times 15 = 21.3$ acre feet. Location Information: A. Donor Well WDID:

2013441 Legal Description: County Rio Grande C of the SE 1/4 Section 10 Township 39N Range 8E NMPM. A. Recipient Well WDID: 2006262 Legal Description: County Rio Grande NW 1/4 of the NE 1/4 Section 13 Township 39N Range 8 E NMPM. B. Donor Well WDID 2008435 Legal Description: County Rio Grande NW 1/4 of the SE 1/4 Section 10 Township 39N Range 8E NMPM. B. Recipient Well WDID: 2009804 Legal Description: County Alamosa NE 1/4 of the NE 1/4 Section 18 Township 39N Range 9E NMPM. C. Points of Diversion: a. Location information in UTM format: UTM coordinates A. Donor Well: Easting 404696 Northing 4166047 WDID 2013441. A. Recipient Well: Easting 407517 Northing 4165542 WDID 2006262. B. Donor Well: Easting 404287 Northing 4166056 WDID 2008435. B. Recipient Well: Easting 409831 Northing 4165524 WDID 2009804 Zone 13. Street Address: A. Recipient Well 5500 E County Road 4 N, Monte Vista CO 81144. B. Recipient Well 2-1478 Fourmile Lane, Monte Vista CO 81144. Source of UTM's A. Hand Held Garmin B. RGDSS Map. Accuracy of location displayed on GPS device 10 ft. Names and address of owners Darrin Mitchell 5518 E Road 4 N, Monte Vista CO 81144 and Jason Mitchell 5518 E Road 4 N, Monte Vista, CO 81144

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 April 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.