

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 January, 2021 for each county affected.

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**2021CW3001 LJ FARMS, LLC** (c/o Richard J. Mehren, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, Colorado 80302) **APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.6) IN COSTILLA COUNTY**

2. Decreed water right for which correction is sought: 2.1 Name of structure: Well No. 1. 2.2 Original decree: Case No. W-1145, District Court, Water Division No. 3, State of Colorado, entered September 25, 1975 (“W-1145 Decree”). 2.3 Decreed but erroneously described point of diversion: NW1/4 SE1/4 Section 21, Township 3 North, Range 73 West, 6th P.M., at a point 1,500 feet from the East Section line and 2,600 feet from the South Section line, in Costilla County, Colorado, as shown on the map attached as **Exhibit A**. 2.4 Source: Unconfined aquifer. 2.5 Appropriation date: December 31, 1943. 2.6 Amount: 1,200 gpm (2.67 cfs), absolute. 2.7 Use: Irrigation. 2.8 Registration No.: 12540. 2.9 WDID: 2405084. 3. Detailed description of proposed correction to an established but erroneously described point of diversion: Well No. 1 has diverted water from the same physical location since the date of entry of the W-1145 Decree. That location is the corrected (actual) point of diversion described in paragraph 4, below, rather than the erroneous point of diversion described in the W-1145 Decree and in paragraph 2.3 above. LJ Farms and its predecessor-in-interest in ownership of Well No. 1 have diverted water under the water right decreed to Well No. 1 solely at the corrected (actual) point of diversion with the intent to divert pursuant to the W-1145 Decree. Pursuant to C.R.S. § 37-92-305(3.6) LJ Farms therefore seeks correction of the established but erroneously described point of diversion for Well No. 1. 4. Legal description of the corrected (actual) point of diversion: 4.1 Location information in UTM format: 450053.81 mE, 4117788.05 mN, Zone 13 South, NAD 83. 4.1.1 Source of UTM coordinates: Field survey. 4.1.2 Accuracy of location displayed on GPS device: 1 meter. 4.2 PLSS legal description: NW1/4 SE1/4 Section 21, Township 3 North, Range 73 West, 6th P.M, at a point 1,377 feet from the East Section line and 2,182 feet from the South Section line, in Costilla County, Colorado as shown on the map attached as **Exhibit A**. 4.2.1 Source of PLSS description: Field survey. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: No diversion structure or storage structure will be constructed or modified and no water will be stored under this Application. LJ Farms owns the land where Well No. 1 is located. Wherefore, pursuant to C.R.S. § 37-92-305(3.6), LJ Farms respectfully requests that the

Court enter a decree granting this Application and correcting the legal description of the established but erroneously described point of diversion for Well No. 1 Water Right.

**CASE NO. 2021CW3003; COSTILLA COUNTY;** Theresa Lobato, Michael Angelo Lobato, Margaret Ann Stewart Lobato, c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, [karl@kuenholdlaw.com](mailto:karl@kuenholdlaw.com) . APPLICATION FOR A CHANGE OF WATER RIGHTS (*Decreed water rights for changes are sought:* (1) Well No. 1: Decree: 04/25/1974, Water Division 3, Case No. W-2134. WDID 2405184. Location: the well is situated in the SE 1/4 SW 1/4 Section 31, Township 3 North, Range 71 West CSPM at a point 1320 feet from South Section Line and 1450 feet from West Section Line, in Costilla County, Colorado. Source: Unconfined Aquifer. Appropriation date: December 31, 1938 Amounts: 20 gallons per minute, being .045 cubic feet of water per second of time, being 1,114-acre feet of water in a period of twenty-four hours. Uses in Decree: commercial and stock water. *Detailed description of proposed changes:* This Application seeks approval of a change of use of a commercial well. Well No 1 in W-2134 historically provided water for a gravel pit and then for an extended period of time for a commercial pig farm, slaughtering house, and canning operation. The requested change is to use this well for a commercial, industrial, irrigation, and domestic uses associated with a marijuana cultivation and processing facility including but not limited to year-round irrigation, employee drinking/sanitary use, and water for the production of edibles and food/drink products on the subject property. Applicants (via their business entity High Valley Farms and Ranches LLC) have obtained approval of five substitute water supply plans for this commercial use at the Applicant's marijuana grow facility from the Colorado Division of Water Resources. The fifth such approval was dated March 3, 2020. (Plan ID 5696) An application for an SWSP for March 1, 2021 to February 28, 2022 is being filed simultaneously with this Application pursuant to C.R.S. 37-92-308(4). *Land ownership:* Applicants owns the real property on which the existing Well No. 1, is located.

**2021CW1 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHT OF ERIC L. ELLITHORPE, IN SAGUACHE COUNTY,** (Attn: Jake) P.O. Box 1108, Center, CO 81125, [jake@aspennllc.com](mailto:jake@aspennllc.com), 719-480-5588. Decreed water right for which change is sought: Name of structure: Well No. 2A, Well Permit No. 046561-F, Case No. 10CW07, WDID 2706273. 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 of structure as described in most recent decree that adjudicated the location: Copy of Decree from 2010CW7 available for review at the Alamosa Court Clerk's Office. Center of the NE1/4 Section 17, Township 41, Range 8E NMPM at a point 1321 feet from the North Section line and 1356 from the East Section line in Saguache County Colorado. Decreed source of water: Unconfined Aquifer of the Closed Basin. Appropriation Date: May 31, 1935 Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute 1,000 gpm. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Absolute 1,000 gpm at an alternate point of diversion to Well No. 2A Case 10CW07. Detailed description of proposed change: The Applicant has 3 adjudicated irrigation wells supplying a standard size center pivot sprinkler within the NE1/4 of Section 17, Township 41 North, Range 8 East, NMPM. The applicant seeks to move Well No. 2A from its current

location at the Center of the quarter section to southern edge of the field. The replacement well will be located near 401677 mE 4184122 mN and within the NE1/4 of Section 17, T41N, R8E, NMPM. This plots to a point approximately 2,562 Feet from the North Section line and 1,587 from the East Section line. Use of the replacement well will only be used under the decreed uses in conjunction with the other existing wells on Section 17, Township 41 North, Range 8E, NMPM. The old well No. 046561-F will be plugged and abandoned. The applicant also desires the right to drill the replacement well to a depth that utilizes the full extent of the unconfined aquifer to the top of the blue clay layer. 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: Please see above. Location Information: PLSS: County: Saguache, NE1/4 Section 17, Township 41N, Range 8E, NMPM. Points of Diversion: UTM Coordinates Easting 401677 Northing 4184122, Zone 13. Street address: NE 1/4 of Section 17, Township 41 North, Range 8 East, NMPM. Name and address of owner: Eric L. Ellithorpe, (Attn Jake), PO Box 1108, Center, CO 81125.

**2021CW2 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHT OF SAND DUNE FARM, LLC IN ALAMOSA COUNTY.** Sand Dune Farm LLC, 10539 North 104 Road, Hooper, CO 81136, [sales@zapataseedcompany.com](mailto:sales@zapataseedcompany.com), 719-754-9048. Decreed water right for which change is sought: Name of structure: Well No. 5, WDID 2005135, Permit No. 18623F. Date of original and all relevant subsequent decrees: 9 October 1975. Case No: W-3389. Court: District Court Water Division 3. Legal description of structure as described in most recent decree that adjudicated the location: Center of NW1/4, Section 29, Township 40 North, Range 9 East, NMPM, at a point 1320 feet from the North Section line and 1320 feet from the West Section line, in Alamosa County, Colorado. Decreed source of water: Unconfined Aquifer. Appropriation date: November 25, 1974. Total amount decreed to structure: Absolute: 1000 gpm or 2.23 cfs. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: 1000 gpm. Detailed description of proposed change: This filing seeks approval to construct a supplemental well to be used with Well #5 to irrigate the historically irrigated land within the NW1/4, Section 29, Township 40 North, Range 9 East, NMPM. The supplemental well will be located within the NW1/4, Section 29, Township 40 North, Range 9 East, NMPM. There will be no increase to the current limitations on pumping or area of use for Well #5. The depth of the supplemental well will not exceed 120 feet or the top of the confining clay series. Please see description of change for the changes to decreed point of diversion. Location: PLLS Information: County: Alamosa NE1/4 NW1/4, Section 29, Township 40N, Range 9E, NMPM. Points of diversion: Distance from Section Lines: 1320 feet from North and 1320 feet from West. Name and address of owners: Patrick B. Brownell, 10539 North 104 Road, Hooper, CO 81136.

**2021CW3 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHT OF THE JORIE S. SCOTT LIVING TRUST IN RIO GRANDE COUNTY.** The Jorie S. Scott Living Trust, Jorie S. Scott, Trustee. 8490 North Highway 285, Center, CO 81125, [lbarsranch@gojade.org](mailto:lbarsranch@gojade.org), 719-754-2508. Decreed water right for which change is sought: Name of structure: Well No. 5, Case No. W-822, WDID 2009720, Permit No. 2995-F. Date of original and all relevant subsequent decrees: March 18, 1974, Case No. W-822, Court: District Division 3. Legal description of structure: SW1/4 SW1/4 of Section 19, Township 40 North, Range 8

East, NMPM at a point 1300 feet from the South Section line and 60 feet from the West Section line in Rio Grande County, Colorado. Decreed source of water: Unconfined Aquifer of the Closed Basin. Appropriation date: March 16, 1961. Total amount decreed to structure: 1200 gpm being 2.67 cfs. Decreed use: Irrigation. Amount of water the applicant intends to change: 600 gpm as a partial replacement point of diversion to a new and separate irrigation well. Detailed description of proposed change: The JORIE S. SCOTT LIVING TRUST, dated October 18, 2004 (Applicant) owns one-half interest in the subject underground water right: Well No. 5, Case No. W-822, WDID 2009720, Permit No. 2995-F (Well No. 5). The existing Well No. 5 is located about 500 feet south of the Applicant's property line. Applicant owns the majority of the northwest sprinkler corner of the SW1/4 of Section 19, Township 40 North, Range 8 East, NMPM, the tract measuring 6.002 acres. Applicant proposes to drill a new unconfined aquifer irrigation well to produce not more than 600 gpm (1.335 cfs). The well will be located on the Trust property and used to irrigate the land within the Trust property boundary. The historical service area of Well No. 5 was the entire SW1/4 of Section 19, Township 40 North, Range 8 East, NMPM. Applicant requests that, if approved, this change of water right would limit use of the new well to land within the Trust property. The Applicant prays this change has no effect on irrigation water rights within the SW1/4 of Section 19, Township 40 North, Range 8 East, NMPM not owned by the Applicant. The Applicant requests the right to drill the replacement well anywhere on the Trust property and to a depth not to exceed 110 feet (depth of the confining clay series per the State Engineer) or to the top of the confining clay series, whichever comes first. See above for change in point of diversion, legal descriptions of decreed location and actual or new location of structure. Name and address of owner: The Jorie S. Scott Living Trust, Jorie S. Scott, Trustee, 8490 North Highway 285 Center, CO 81125, [lbarsranch@gojade.org](mailto:lbarsranch@gojade.org), 719-754-2508.

**2021CW4 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHT OF KENT AND VIVIAN REINHARDT REVOCABLE TRUST IN CONEJOS COUNTY.**

Kent and Vivian Reinhardt Revocable Trust, 25025 County Road 10 La Jara, CO 81140, [reinkvc@gojade.org](mailto:reinkvc@gojade.org), 719-589-2192. Decreed water right for which change is sought: Name of Structure: Well No. 3, Case No. W-464, Registration No. 8214-R, WDID 2005165. Date of original decree: September 19, 1974, Case No: W-464, Court: Water Court-Division 3. Legal description of the structure as described in the most recent decree that adjudicated the location: Well No. 3 is located with the SW1/4 SW1/4 Section 23, Township 36 North, Range 8 East, NMPM in Conejos County, Colorado. Decreed source of water: Confined Aquifer. Appropriation date: April 30, 1952 for 1500 gpm being 3.34 cfs and April 23, 1964 for 600 gpm being 1.33 cfs. Total amount decreed to structure: Absolute: 2,100 gpm, being 4.67 cubic feet per second of time. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: 2,100 gpm, being 4.67 cfs, absolute. Detailed description of proposed change: Part A: Applicant intends to adjudicate the new location of Well No. 3. A replacement well was completed to a depth of 746 feet on May 5, 2003, under Permit No. 8214-R-R. This new well is approximately 370 feet east of the old well. The permit limited the use of this well to 2,100 gpm and a limited area of use that the Applicant intends to correct in Part B of this application. Suggested name of the replacement well is: Well No. 3-R, WDID 2014440. Part B: Applicant intends to clarify/correct the legal area of use of Well No. 3, Case No. W-464. The 8214-R-R well permit limited the legal area of use of the new well to the SW1/4 of Section 23, T36N, R8E,

NMPM. This limited acreage is not consistent with historical use. Applicant contends Well No. 3 has historically combined with Terrace Irrigation Company share water, and well nos. 8213-R, 8215-R and 8216-R to irrigate the SW1/4, the SE1/4, and the NE1/4 of Section 23, T36N, R8E, NMPM. The following points support the contention: ●In the W-64 application to Water Court, applicant Royce Reinhardt and predecessor to this Applicant, indicated filling of reservoir. This reservoir is also filled with Terrace Irrigation Company share water, which can be used throughout the historic area. ●The network of ditches shown on aerial photos indicates water from the reservoir, including well No. 8214-R, could be delivered to the SW1/4, the SE1/4, and the NE1/4 of Section 23, T36N, R8E, NMPM. ●The intent to clarify/correct the legal area of use is in no way intended to extend or expand use of this well but to allow the owners the ability to use this water right in the most efficient, cost effective manner consistent with historic use. ●Notice of Appeal filed in 2003 is attached. Affidavits supporting Appeal attached. (Available for inspection in the Office of the Water Court Clerk) ●Land Ownership: SW1/4 and NE1/4, Section 23, T36N, R8E, NMPM were always the same owner. The SE1/4 of Section 23, T36N, R8E, NMPM in whole or part was leased from the State of Colorado in the 1960's and 1970's and irrigated with water from Well No.3, 8214-R in conjunction with aforementioned surface and underground water rights. The SE1/4 of Section 23, T36N, R8E, NMPM was purchased by Royce and Jessie Reinhardt around 1979. Division III Non-exempt Well Permit Application Checklist prepared by Division III states that there is a ditch that is supplied by this pond (that Well No.3 8214-R discharges into) that flows to another irrigation pond in SW corner of NE1/4 of Section 23, T36N, R8E, NMPM. Actual or new location of well in UTM format: Well No. 3-R – Northing 4133754 Easting 404870. UTM coordinates obtained from the Colorado Division of Water Resources, Zone 13, UTM NAD83. The 3-R Well is located within the SW1/4 SW1/4, Section 23, Township 36 North, Range 8 East, NMPM in Conejos County, Colorado. Change in point of diversion: Provided above. Name and address of owner: Kent and Vivian Reinhardt Revocable Trust, 25025 County Road 10, La Jara, CO 81140.

**2021CW5 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHT OF PAUL KELLY DEACON IN RIO GRANDE COUNTY.** Paul Kelly Deacon, 4039 E. County Road 4 North, Monte Vista, CO 81144, [deaconpkd@yahoo.com](mailto:deaconpkd@yahoo.com), 719-850-1313. Decreed water right for which change is sought: Name of structure: Well No. 5, Case No. W-1705, Permit No. 6053-R, WDID 2011201 (Well No.5). Date of original decree: August 14, 1975, Case No: W-1705. Court: Water Division No. 3. Legal description of structure as described in the most recent decree: Well No. 5 is located by decree at 450 feet from the South Section line and 150 feet from the West Section line in the SW1/4 SW1/4, Section 11, Township 39 North, Range 8 East, NMPM, Rio Grande County. Decreed source of water: Unconfined aquifer. Appropriation date: November 15, 1942. Total amount decreed to structure: Absolute 600 gpm being 1.34 cfs. Decreed uses: Irrigation and stockwater. Amount of water applicant intends to change: 600 gpm being 1.34 cfs, Absolute. Detailed description of change: Applicant seeks to add commercial use to the existing decreed uses for Well No. 5 for use in a potato storage facility, washing, fluming, packing and other associated commercial uses including year-round irrigation within a greenhouses(s). Applicant also seeks to transfer 50 gpm (0.111 cfs) from Well No. 5 to the well currently permitted as No. 242335 for these same year-round commercial uses. In order to offset the consumptive use for commercial purposes, Applicant will permanently dry-up all the corners of the existing center pivot sprinkler from groundwater use. A portion of these corners were

historically irrigated (1980-2002) with an end gun on the sprinkler that covered 10 acres. The dry-up of 10 acres of end-gun land alone will generate approximately 8.0 acre-feet of average annual consumptive use. Applicant will limit future commercial use to not more than 5.0 acre-feet of consumptive use. All water used for commercial purposes will be metered in accordance with the Division 3 Well Measured Rules. Applicant will limit the use of groundwater from well Nos. 3, 4, and 5, Case No. W-1705 to irrigation of not more than 120.0 acres within the SW1/4, Section 11, Township 39 North, Range 8 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 purposes. Change in point of diversion: The well currently permitted as No. 242335 is located in the SE1/4 SW1/4 Section 11, T39N, R8E, NMPM at GPS location 405790 mE, 4165675 mN. This well will be known in the future as Well No. 5-R, a partial replacement of the water right taken from Well No. 5. The actual location of Well No. 5 is in the SW1/4 SW1/4 Section 11, T39N, R8E, NMPM at GPS location 405170mE, 4165750 mN. Name and address of owner: Paul Kelly Deacon, 4039 E. County Road 4 North, Monte Vista, CO 81144.

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**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 March 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.