

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 July, 2021 for each county affected.

**2020CW1: Gary V. Seger Trust and Carolyn J. Seger Trust, 2600 N County Road 1 E, Monte Vista, CO 81144, 719-850-8845. Amended Application for Change of Water Right in Rio Grande County.** Structure Name: Well No. 2-A. Case Nos. 84CW90 and W-3847 (WDID 2005399). Permit Nos. 25361-F and 25361-F-R. Date of original decree(s): September 29, 1980, June 20, 1986 Case No: W-3847, 84CW90. Court: District Court – Water Division 3. Legal description: Center of the NE 1/4. Section 13, Township 40 North. Range 6 East, NMPM at a point 1320 feet from North Section line and 1320 feet from East Section line in Rio Grande County, Colorado. Decreed source of water: Unconfined. Appropriation dates: January 15, 1973 and February 28, 1940. Total amount decreed: Absolute 895 gpm. Decreed use: Irrigation. Amount of water applicant intends to change: Absolute 895 gpm. Detailed description of change: A replacement well was drilled pursuant to the application pending in case no. 20CW1 under well permit no. 85009-F. The driller had construction problems which caused construction to stop above the permitted level. Due to these issues we are concerned that the replacement well will not be sufficient. With this amended application we request to make the new well (permit no. 85009-F) a supplemental well to the original (permit no. 25361-F-R). The new well has been assigned WDID 2014574 and named 20CW1 Well No. 2-AR. Location information in UTM format: Easting 388595 Northing 4174998 Zone 13. Name and address of owners: N/A.

**2020CW14: James N. and Maria L. Hart, 2483 N Highway 285, Monte Vista, CO 81144, [james@hartfarmsinc.com](mailto:james@hartfarmsinc.com), 719-588-1284, and Brett and Joni Hemmerling, 3290 W. County Road 4.5 N, Monte Vista, CO 81144, [hemmerlingbrett@hotmail.com](mailto:hemmerlingbrett@hotmail.com), 719-850-8866. Amended Application for Change of Underground Water Right in Rio Grande County. Addition of a Supplemental Well on the SW1/4 Section 10, Township 39 North Range 7 East, NMPM, And Division of the Water Right originally adjudicated as Well No. 1, Case No. W-1460, Permit No. 10636-R, WDID 2005883.** Decreed water rights for which change is sought: Name of structure: Well No. 1A, Case No. 79CW81 making a conditional change of water right, Permit No. 25207-F, WDID 2005884 Case No. 84CW66 making absolute the change of water right for Well No. 1-A (Hart APD Well). Structure name: Well No. 1, Case No. W-1460, Registration No. 10636-R, WDID 2005883 (Hemmerling Parent Well). Date of original decree: Case No. 79CW81: August 11, 1980. Case No: 84CW66: November 29, 1985. Case No: W-1460: July 17, 1975. Court: District Court, Water Division No. 3. Legal description of decreed structures: Well No. 1A: Center of the SW1/4 Section 10, Township 39 North, Range 7 East, NMPM at a point 1320 feet from the South Section line and 1320 feet from the West Section line, in Rio Grande County, Colorado. This well is located by GPS at UTM NAD83

394164 mE, 4166147 mN. Well No. 1: NE1/4 SE1/4 Section 9, Township 39 North, Range 7 East, NMPM at a point 2540 feet from the South Section line and 1220 feet from the East Section line, in Rio Grande County, Colorado. This well is located by GPS at UTM NAD83 393367 mE, 4166518 mN. Decreed source of water: Well No. 1A: Unconfined aquifer of the Rio Grande. The well is 100 feet deep. Well No. 1 is 160 feet deep with a decreed source: confined aquifer. With a perforated interval of 18 feet to 160 feet, this well actually produces from the unconfined and confined aquifers. Appropriation date for both wells: May 1, 1956. Total amount decreed to structure: Well No. 1A: 900 gpm = 2.00 cfs as an alternate point of diversion to Well No. 1, Case No. W-1460, Registration No. 10636-R, WDID 2005883. Decreed use: Irrigation. Amount of water applicant intends to change: Applicants Hart intend to divide off 900 gpm and 480 acre-feet from the Well No. 1 water right. Hart continues the application for a supplemental point of diversion well to Well No. 1A for use on the SW1/4 Section 10, T39N, R7E, NMPM. Applicants Hemmerling will retain 800 gpm and use of the parent Well No. 1. Detailed description of proposed change: This amended filing seeks approval to: A. Bifurcate the 1700 gpm water right originally adjudicated to Well No. 1 into 900 gpm for the Hart wells and 800 gpm to the parent well now owned by Hemmerling. NMPM. The supplemental well will be located within the northwest corner of the SW1/4 Section 10, Township 39 North, Range 7 East, NMPM. There will be no increase to the current limitation on pumping or area of use for Well No. 1-A. The depth of the supplemental well will not exceed 100 feet or the top of the confining clay series. Legal description of decreed location and actual or new location of well: Applicant is applying to bifurcate the original Well No. 1 water right and obtain a supplemental well to Well No. 1-A, Case No. 79CW81 (84CW66). Change in point of diversion: Yes, see above. Names and addresses of owners: James N. and Maria L. Hart 2483 N. Highway 285, Monte Vista, CO 81144 james@hartfarmsinc.com (719) 588-1284. Brett and Joni Hemmerling, 3290 W. County Road 4.5 N, Monte Vista, CO 81144 hemmerlingbrett@hotmail.com (719) 850-8866.

**2020CW18: The Jean K. and Wayne C. Davis Trust B, 49529 County Road C, Center, CO 81125, [davis-seed@live.com](mailto:davis-seed@live.com), 719-850-1100. Amended Application for Change of Water Right in Saguache County.** Name of structure: Well No. 1-A, Case No. 79CW52 (WDID 2705198). Permit Nos. 20573-F and 20573-F-R: Well No. 1. Case No. W679. Permit Nos. 11179-R and 84933-F (WDID 2705199). Date of original and all relevant subsequent decrees: May 28, 1980 and November 21, 1974 Case Nos: 79CW52 and W679 Court: District Court-Water Division 3. Legal description of structure: Well No. 1-A- Center of the NW 1/4, Section 17, Township 41 North, Range 8 East, NMPM at a point 1320 feet from North Section line and 1320 feet from West Section line in Saguache County Colorado. Well No. 1- SW 1/4 NW 1/4, Section 17, Township 41 North, Range 8 East NMPM, at a point 2599 feet from North Section line and 86 feet from West Section line, in Saguache County, Colorado. Decreed source of water: Unconfined. Appropriation date: June 16, 1954. Total amount decreed to structure: Absolute 1000 gpm, (Well No. 1-A) 1500 gpm (Well No. 1). Decreed use: Irrigation. Amount of water applicant intends to change: Absolute 1000 gpm (Well No. 1-A) 1500 gpm (Well No. 1). Detailed description of proposed change: A replacement well was drilled pursuant to the application pending in case no. 20CW18 under well permit no. 20573-F-R. The replacement well did not produce as hoped for and is needed in an effort to get the full adjudicated flow rate. With

this amended application, we request to make the new well (permit no. 20573-F-R) a 1000 gpm supplemental well to the original well (Well No. 1. W679) and the APD (Well No. 1-A, 79CW52). The new well has been assigned WDID 2706343 and named 20CW18 Well No. 1A-R. Points of diversion location information in UTM format: Easting 400555 Northing 4184125 Zone 13. Name and address of owners: N/A.

**2021CW25: Sand Dune Farm LLC, 10539 North 104 Rd., Hooper, CO 81136, sales@zapataseedcompany.com, 719-754-9048, Application for Change of Water Right, in Alamosa, County.** Structure name: Well No. 4, WDID 2005846, Permit No. 22546-F. Date of original decree(s): May 24, 1979, Case No. W-3883, Well No. 4, Court: District Court Water Division 3. Legal description: Center of SE1/4, Section 18, Township 40 North, Range 10 East, NMPM, at a point 1320 feet from the South Section line and 1320 feet from the East Section line, in Alamosa County. Colorado. Decreed source of water: Unconfined Aquifer. Appropriation date: June 8, 1977. Amount: 1000 gpm Absolute. Use: Irrigation. Amount Applicant intends to change: 1000 gpm Absolute. Proposed change: This filing seeks approval to construct an additional supplemental well to be used with well permit 22546-F and 27365-F-R to irrigate the historically irrigated land within the SE1/4, Section 18, Township 40 North. Range 10 East, NMPM. The supplemental well will be located within the SE1/4, Section 18, Township 40 North. Range 10 East, NMPM. There will be no increase to the current limitations on pumping or area of use for wells 22546-F and 27365-F-R. The depth of the supplemental well will not exceed 120 feet or the top of the confining clay series. Change in or additional point of diversion: See above. Location information: PLSS legal description: Alamosa County, SE 1/4, Section 18, Township 40N, Range 10, NMPM. Distance from Section Lines: 1320 Feet from S and 1320 Feet from E. Source of PLSS information: Well Decree. Name of Owner: Sand Dune Farm LLC, 10539 North 104 Rd., Hooper, CO 81136.

**2021CW26: Sand Dune Farm LLC, 10539 North 104 Rd., Hooper, CO 81136, sales@zapataseedcompany.com, 719-754-9048, Application for Change of Water Right, in Alamosa, County.** Structure name: Well No. 1, Case No. 81CW56, WDID 2008153, Permit No. 24334 F. Date of original decree(s): December 16, 1981. Court: District Court Water Division 3. Legal description: Center of SE1/4, Section 13, Township 40 North. Range 9 East, NMPM, at a point 1320 feet from the South Section line and 1320 feet from the East Section line in Alamosa County, Colorado. Decreed source of water: Unconfined Aquifer. Appropriation date: July 30, 1979. Amount: 1000 gpm Absolute. Use(s): Irrigation. Amount Applicant intends to change: 1000 gpm Absolute. Proposed change: This filing seeks approval to construct a supplemental well to be used with well 24334F and 24734F to irrigate the historically irrigated land within the SE1/4, Section 13. Township 40 North, Range 9 East, NMPM. The supplemental well will be located within the SE1/4, Section 13, Township 40 North. Range 9 East, NMPM. There will be no increase to the current limitations on pumping or area of use for wells 24334F and 24734F. The depth of the supplemental well will not exceed 120 feet or the top of the confining clay series. Change in or additional point of diversion: See above. Location

information: PLSS legal description: Alamosa County, SE 1/4, Section 13, Township 40N, Range 9E, NMPM. Distance from Section Lines: 1320 Feet from N and 1320 Feet from W. Name of Owner: Sand Dune Farm LLC, 10539 North 104 Rd., Hooper, CO 81136.

**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 September 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.