

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, 2022 for each county affected.

2020CW3016 Co-Applicants' names: (1) Navajo Development Co., Inc., 2043 S Washington Street, Denver, Colorado 80210, 719-850-8443, c/o Stephen H. Leonhardt and April D. Hendricks, Burns, Figa & Will, P.C., 6400 S. Fiddler's Green Circle, #1000, Greenwood Village, CO 80111, (303) 796-2626; and (2) Rio Grande Water Conservation District (RGWCD) and Special Improvement District No. 2 of the RGWCD, 8805 Independence Way, Alamosa, CO 81101, 719-589-6301, c/o David W. Robbins and Peter J. Ampe, Hill & Robbins, P.C., 1660 Lincoln St., Suite 2720, Denver, CO 80264, (303) 296-8100. **AMENDED APPLICATION FOR APPROPRIATIVE RIGHT OF EXCHANGE AND TO CHANGE PURPOSE OF USE. 3. Summary of Application.** Navajo is the owner of the Williams Creek Squaw Pass Diversion ("WCSPD") water right, which diverts water from the Williams Creek drainage in Water Division 7 into Squaw Creek in Water Division 3. Navajo has entered into a contract with RGWCD, acting for and on behalf of the Subdistrict, to sell its remaining uncommitted interest in the WCSPD water right to the Subdistrict, together with the WCSPD infrastructure. Each year since at least 1987, Navajo has operated an exchange by which WCSPD transmountain water is delivered down Squaw Creek to the Rio Grande River, and then exchanged on the Rio Grande River from its confluence with Squaw Creek into Rio Grande Reservoir in Hinsdale County. Navajo, RGWCD, and the Subdistrict now seek judicial confirmation of this appropriative right of exchange and, additionally, seek to add or confirm the following beneficial uses of the WCSPD water right: augmentation, replacement, remedy of injurious depletions as part of a subdistrict's approved Annual Replacement Plan in accordance with the Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (the Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for all Irrigation Water Rights, Case No. 15CW3024, District Court, Water Division No. 3, and storage of the WCSPD water right in Rio Grande Reservoir. Co-Applicants additionally seek to confirm the quantification of the historical consumptive use of the WCSPD water right, based on previous decrees in Case Nos. W-1869-78 (Water Div. 7) and W-3930 (Water Div. 3) Co-Applicants recognize that portions of the WCSPD water right have been dedicated to existing and future plans for augmentation, and those portions of the WCSPD water right will continue to be used in compliance with the terms and conditions of such plans. 4. **Description of Appropriative Right of Exchange.** 4.1. **Name of Exchange:** WCSPD – Rio Grande Reservoir Exchange. 4.2. **Location of Structures Involved:** 4.2.1. **Exchange-from point:** Confluence of the Rio Grande and Squaw Creek in the SE¹/₄NE¹/₄ of Section 13, Township 40 North, Range 4 West, N.M.P.M. 4.2.2. **Exchange-to point:** Rio Grande Reservoir, located in Sections 5, 6, 7, 8, 9, 10, 13, 14, 15, and 16, Township 40 North, Range 4 West, and Sections 31 and 32 of Township 41 North, Range 4 West, of the N.M.P.M., Hinsdale County, Colorado. 4.3. **Source:** Rio Grande River. 4.4. **Exchange Reach:** The exchange reach is from the point where Squaw Creek enters the Rio Grande, as described in Paragraph 3.2.1 above,

to Rio Grande Reservoir, as described in 3.2.2 above. The exchange reach, exchange-from point and exchange-to point are shown on Figure 1 attached to the Amended Application.

4.5. Appropriation: 4.5.1. Date of Appropriation: May 1, 1987, when the exchange of WCSPD water into Rio Grande Reservoir was initially operated. Pursuant to C.R.S. § 37-92-305(10), this appropriation date shall be recognized and preserved as the priority date of the exchange. 4.5.2. How Appropriation was Initiated: By operating an exchange to store WCSPD water in Rio Grande Reservoir.

4.6 Exchange Rate Claimed: 10 c.f.s., absolute. 4.7 Source of Substitute Supply Water: Williams Creek Squaw Pass Diversion, in former Water District No. 29, Water Division 7 of the State of Colorado, being adjudicated and decreed as Ditch No. 236, Priority No. 310, which decreed Priority Date of September 9, 1937, for 10 cubic feet of water per second of time from three tributaries of Williams Creek, where water is diverted at three points: (i) on the left bank of the south fork of the east fork of Williams Creek, (ii) on the left bank of the middle fork of the west fork of Williams Creek, and (iii) on the left bank of the north fork of the west fork of Williams Creek, all as set forth on the maps, filings and decree, such point of diversion situate approximately in Section 21 of unsurveyed Township 39 North, Range 3 West, N.M.P.M. The WCSPD right was changed to allow municipal, recreation and augmentation uses in Case No. W-1869-78, Water Div. 7. In addition to diversions under these decrees, water is diverted through the WCSPD under free river conditions. Several augmentation plans, replacement plans and substitute water supply plans for use of the WCSPD right have been approved in Water Division 3, including Navajo's augmentation plans in Case No. W-3930, and subsequently in Case No. 01CW3. 4.8 Uses: All uses for which the water given as substitute supply is decreed, and which can be made by or through Navajo, which include the following: municipal (including commercial, industrial, domestic and sewage treatment), irrigation, storage, recreation, replacement of evaporative depletions, and augmentation, including Navajo's augmentation plan decreed in Case No. 01CW3, and remedy of injurious depletions under a subdistrict's approved annual replacement plans pursuant to the Rules Governing Withdrawal of Groundwater in Water Division 3, consistent with paragraph 6.2 below.

5. Water Quality: Pursuant to C.R.S. § 37-92-305(5), the substituted water provided by Navajo for the exchange herein is of a quality, quantity, and continuity to meet the requirements of use for which the receiving senior appropriators have normally used such water.

6. Change of Purpose of Use of WCSPD Water Right: 6.1 The WCSPD water right is described above in Paragraph 4.7. The WCSPD water right is a transmountain diversion out of Williams Creek (Water District No. 29) decreed on April 19, 1962, Civil Action No. 1751 (Water Division 7) for 10 cfs, absolute, into Squaw Creek, a tributary of the Rio Grande in Water District No. 20 (Water Division No. 3). As mentioned above, the WCSPD water right was previously changed in Case No. W-1869-78, Water Div. 7 (February 28, 1979), from irrigation use to allow municipal and recreation use, and for augmentation uses in the augmentation plan decreed in Case No. 3930, Water Div. 3. Co-Applicants will comply with the terms and conditions established in the W-1869-78 decree. The W-1869-78 decree required that the annual diversion of water under the WCSPD water right "not exceed the average annual amount of historic use" (which was stated in the decree entered in Case No. W-3930 as 168 AF of imported water per year), with specified adjustment for annual yield forecasts. The decreed amount of historical use continues to control pursuant to C.R.S. § 37-92-305(3)(e). 6.2 By this Amended Application, Co-Applicants seek to confirm the historical consumptive use of, and add or confirm

the following beneficial uses of, the WCSPD water right: augmentation, replacement, remedy of injurious depletions under a subdistrict's approved Annual Replacement Plan, directly by the Subdistrict or through a lease to another Special Improvement District or Subdistrict within Water Division No. 3, including by exchange, and all other beneficial uses listed in paragraph 4.8 above. Co-Applicants additionally seek to store the changed portion of the WCSPD water right in Rio Grande Reservoir, by separate agreement with the owner of that reservoir. No other changes to the WCSPD water right are requested. 6.3 Additional portions of the WCSPD water right have been conveyed to third parties for use in their augmentation plans that have been or will be separately decreed by the Water Court, Water Division 3. This Application does not seek to alter or amend any of those augmentation plan decrees. 7. Names and addresses of 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 will be stored: To the best of Navajo's and the Subdistrict's knowledge, the owners of the underlying lands on which the existing storage structure listed above is located are as set forth below. No construction of new structures or modification of existing structures is contemplated in connection with this appropriation. 7.1 Rio Grande Reservoir is owned by the San Luis Valley Irrigation District ("SLVID"), 296 Miles St., Center, CO 81125; and is located on lands owned by SLVID and the U.S. Forest Service, Rio Grande National Forest, 1803 W. Highway 160, Monte Vista, CO 81144. 7.2 Storage of Co-Applicants' WCSPD water in Rio Grande Reservoir will be made in accordance with and subject to the terms and conditions of their storage leases with SLVID. WHEREFORE, the Co-Applicants respectfully request that this Court enter a decree confirming the Co-Applicants' claimed appropriative right of exchange and granting such other relief to the Co-Applicants as the Court deems just and proper.

2022CW30: Michael K. and Cathy L. Hale, 7222 CR 53, Center, CO 81125. Direct all correspondence to counsel for Applicant: Mirko L. Kruse, Kruse Law PLLC, 383 Corona Street, Denver, CO 80218, mkruse@kruselawpllc.com. **AMENDED APPLICATION FOR DETERMINATION OF WATER RIGHTS (GROUND WATER) AND FOR CHANGE OF WATER RIGHTS.** The location of the wells subject to this Application are shown on the map in **Figure 1. 1. Water Rights to be Given Determination and/or Changed.** A. Structure: Meadow Ranch HQ Well No. 4; Permit No. 11663-R; WDID 2705285. i. Original Decree: July 1, 1975; Case No. W-0903; Division 3 Water Court. ii. Location: NW ¼ of the NW ¼, Section 36, Township 42 North, Range 8 East, N.M.P.M., at a point 1,215 feet from the North section line and 75 feet from the West section line, Saguache County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: June 10, 1952. v. Amount Decreed: 400 gpm, being .891 cfs and 1.78 acre-feet per 24 hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 400 gpm, being .891 cfs and 1.78 acre-feet per 24 hours. B. Structure: Meadow Ranch HQ Well No. 5; Permit No. 11664-R; WDID 2705742. i. Original Decree: July 1, 1975; Case No. W-0903; Division 3 Water Court. ii. Location: SW ¼ of the SW ¼, Section 36, Township 42N, Range 8E, NMPM, at a point 245 feet from the South section line and 141 feet from the West section line, in Saguache County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: May 4, 1954. v. Amount Decreed: 567 gallons per minute; being 2.52 acre feet per twenty-four hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 567 gallons per minute; being 2.52 acre feet per twenty-four hours. C. Structure: Meadow Ranch HQ Well No. 7; Permit No. 11666-R; WDID 2705298. i.

Original Decree: July 1, 1975; Case No. W-0903; Division 3 Water Court. ii. Location: SW ¼ of the SW ¼, Section 31, Township 42N, Range 9E, NMPM, at a point 164 feet from the West section line and 121 feet from the South section line, in Saguache County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: September 19, 1955. v. Amount Decreed: 1,200 gallons per minute; being 5.34 acre feet per twenty-four hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 1200 gallons per minute; being 5.34 acre feet per twenty-four hours. D. Structure: Meadow Ranch HQ Well No. 8; Permit No. 11667-R; WDID 2705288. i. Original Decree: July 1, 1975; Case No. W-0903; Division 3 Water Court. ii. Location: SW ¼ of the SW ¼, Section 25, Township 42 North, Range 8 East, N.M.P.M., at a point 78 feet from the West section line and 203 feet from the South section line, Saguache County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: December 31, 1955. v. Amount Decreed: 1200 gallons per minute; being 5.34 acre feet per twenty-four hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 1200 gallons per minute; being 5.34 acre feet per twenty-four hours. E. Structure: Meadow Ranch HQ Well No. 12; Permit No. 3911-F; WDID 2705305. i. Original Decree: July 1, 1975; Case No. W-0903; Division 3 Water Court. ii. Location: SW ¼ of the SE ¼, Section 31, Township 42N, Range 9E, NMPM, at a point 2,707 feet from the West section line and 84 feet from the South section line, in Saguache County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: February 4, 1963. v. Amount Decreed: 2,185 gallons per minute; being 9.73 acre feet per twenty-four hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 2,185 gallons per minute; being 9.73 acre feet per twenty-four hours. F. Structure: Meadow Ranch HQ Well No. 14; Permit No. 20548-F; WDID 2705286. i. Original Decree: September 17, 1974; Case No. W-1843; Division 3 Water Court. ii. Location: SE ¼ of the SW ¼, Section 36, Township 42N, Range 8E, NMPM, at a point 30 feet from the South section line and 2,600 feet from the West section line, in Saguache County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: December 31, 1956. v. Amount Decreed: 1,000 gallons per minute; being 4.46 acre feet per twenty-four hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 1,000 gallons per minute; being 4.46 acre feet per twenty-four hours. 2. Description of Requested Determination: Applicants seek an order from the Court confirming that the Decree in Case No. W-0903 allows the Meadow Ranch Well Nos. 7 and 12 and the Decree in Case No. W-1843 allows the Meadow Ranch Well No. 14 (1) to be used for irrigation purposes, including by sprinkler irrigation methods, and (2) to be used to irrigate section 32, T42N, R9E, N.M.P.M. The Court has authority to grant the requested relief under the Water Right Determination and Administration Act of 1969, section 37-92-101 et seq., and C.R.C.P. 57. *In re King Consol. Ditch Co.*, 250 P.3d 1226, 1237 (Colo. 2011) (“An applicant who holds a prior adjudicated decree may file an application with the water court for review and determination of the scope and content of the prior decree.”). Applicants will request modification of existing well permits as necessary to reflect the order from the Court. 3. Detailed Description of Proposed Changes: A. Change in Place of Use: Applicants seek a change in the place of use of the Meadow Ranch HQ Well Nos. 4, 5, 8 & 14 to be used to irrigate section 35, Township 42N, Range 8E, N.M.P.M., including by sprinkler methods and utilizing a pump. B. Change for Alternate Points of Diversion: Applicants also seek an alternate point of diversion for the groundwater rights associated with the Meadow Ranch HQ Well Nos. 4 & 8 to be withdrawn

at the Meadow Ranch HQ Well Nos. 5 & 14. Taken through the Meadow Ranch HQ Well Nos. 5 & 14, this water will be used to irrigate lands on Section 35, Township 42N, R8E, N.M.P.M., and as shown on the map in **Figure 1**. The Meadow Ranch HQ Well Nos. 4 & 8 will be diverted under the same flow rate and volumetric limits. Withdrawals from the Meadow Ranch HQ Well Nos. 5 & 14 as alternate points of diversion for the Meadow Ranch HQ Well Nos. 4 & 8 will be combined with the withdrawals made under the independent groundwater rights for the Meadow Ranch HQ Well Nos. 5 & 14 decreed in Case Nos. W-0903 and W-1843. The alternate points of diversion are further described as follows: i. Alternate Points of Diversion: Meadow Ranch HQ Well Nos. 5 & 14, as described in paragraph 3 above. ii. Proposed Terms and Conditions: Applicant proposes the following terms and conditions to prevent injury to other water rights: a. Flow Rate and Volumetric Limits: Combined withdrawals—as a flow rate and volumetric limit—from the Meadow Ranch HQ Well Nos. 4 & 8 and the Meadow Ranch HQ Well Nos. 5 & 14 as alternate points of diversion for the Meadow Ranch HQ Well Nos. 4 & 8 will not exceed the combined withdrawals for the Meadow Ranch HQ Well Nos. 4 & 8 as currently decreed in Case No. W-0903. b. Measurement: All wells will comply with the Rules Governing the Measurement of Groundwater Diversions Located in Water Division No. 3, The Rio Grande Basin, including installation and maintenance of well meters and annual reporting of well meter readings. c. Administration: All wells will be used in compliance with the Rules Governing the Withdrawal of Groundwater in Water Division No. 3. d. Well Permits: Applicant will request modification of existing well permits as necessary to reflect the final provisions of the decree in this case. C. Other Changes: In the alternative and to the extent that the Court does not award Applicants’ requested relief described in paragraph 2, Applicants request a change of water rights to allow the Meadow Ranch HQ Well Nos. 7 & 12 (1) to be used for irrigation purposes, including by sprinkler irrigation methods, (2) to be used to irrigate section 32, T42N, R9E, N.M.P.M.; and (3) to be withdrawn through artesian flow or pumping methods. In the alternative and to the extent that the Court determines that only the Meadow Ranch HQ Well Nos. 12 & 14 can irrigate Section 32, as requested in paragraph 2, Applicants request a change of use of water rights to allow the Meadow Ranch HQ Well No. 7 (1) to be used for irrigation purposes, including by sprinkler irrigation methods, (2) to be used to irrigate section 35, T42N, R8E, N.M.P.M.; and (3) to be withdrawn through artesian flow or pumping methods. 4. Owners of Land Upon Which Any New Diversion or Storage Structure Will Be Constructed: Applicants.

2022CW3029: Michael K. and Cathy L. Hale, 7222 CR 53 Center, CO 811125. Direct all correspondence to counsel for Applicants: Mirko L. Kruse, Kruse Law PLLC, 383 Corona Street, Denver, CO 80218, mkruse@kruselawpllc.com. **PROTEST TO FINAL ABANDONMENT**

LIST. 1. Description of Water Right: A. Name of structure: W1843 Headquarters Well No. 14 (“Meadow Ranch Well No. 14”); WDID 27052. B. Date of original decree: December 31, 1972, Case No. W-1843, Water Court Division No. 3. C. Decreed legal description of structure location: SE ¼ of the SW ¼, Section 36, Township 42 North, Range 8 East, N.M.P.M., at a point 30 feet from the South section line and 2,600 feet from the West section line, in Saguache County, Colorado., as shown on **Exhibit A**. D. Source of water: Confined aquifer. E. Decreed use or uses: Irrigation and stockwater. F. Appropriation date: December 31, 1956. G. Decreed amount: 1000 gpm, being 2.23 cfs and 4.46 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 3900 acres of irrigation in all of Sec. 28, Sec. 29, Sec. 30,

T42N, R9E, and the E ½ of Sec. 12, S ½ and NE ¼ of Sec. 23, and N ½ of Sec. 24, T42N, R8E, N.M.P.M.; limited to irrigation of 1600 acres in all of Sec. 25 and S ½ of Sec. 24, T42N, R8E, N.M.P.M., and all of Sec. 31, T42N, R9E, N.M.P.M., as shown on **Exhibit A. I. Page number where listed on abandonment list:** Page 12. **2. Factual and Legal Basis for Protest:** The Division Engineer has not met its initial burden showing that the Meadow Ranch Well No. 14 did not irrigate the acres subject to abandonment from 2010 to 2020. Evidence of irrigation practices, diversion records, maintenance of the land for irrigation, and other evidence of use shows that the well was used on portions of the lands subject to abandonment. Alternatively, even if the Meadow Ranch Well No. 14 did not irrigate the lands subject to abandonment, the non-use is justifiable because there has been increased seepage losses during flood irrigation in recent years that have made it difficult to irrigate the full decreed acreage from this well. Other evidence of maintenance of the wells and ditches, attempts to put the water to use on the lands subject to abandonment, diversion records, efforts to sell the water rights, and other evidence demonstrates that there was no intent to partially abandon the right to irrigate acres from the Meadow Ranch Well No. 14. **3. Other Remarks:** The Water Judge for Division No. 3 has ruled that this protest may be filed pursuant to Section 37-92-401(6). C.R.S., as shown on the Order attached as **Exhibit B.**

2022CW3031: 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 Prior Decrees:** 3.1. Date of Original Decree: December 19, 1994, Case No. 93CW43, District Court, Water Division No. 3; 3.2. Date of First Decree Finding Reasonable Diligence: September 20, 2001, Case No. 2000CW38, District Court Water Division No. 3; 3.3. Date of Second Decree Finding Reasonable Diligence: June 4, 2009, Case No. 07CW47, District Court, Water Division No. 3; 3.4. Date of Third Decreed Finding Reasonable Diligence: July 8, 2016, Case No. 15CW3023, District Court, Water Division No. 3. **4. Description of Water Right:** 4.1. Name of Water Right: Piños Creek Exchange; 4.2. Location: The lower terminus of the exchange reach is the confluence of the Rio Grande and Piños Creek in Section 30, Township 40 North, Range 5 East of the N.M.P.M., Rio Grande County, Colorado. The upper terminus of the exchange reach is the point of diversion of the Del Norte Pipeline located at a point on the west bank of Piños Creek whence the southwest corner of Section 10, Township 39 North, Range 5 East of the N.M.P.M. bears north 0° 36’ West, a distance of 2,547 feet. The District may also carry out this exchange to any other facility now existing or hereafter constructed on Piños Creek within the exchange reach. 4.3. Source of Substitute Supply: Applicant’s ¼ interest in and to the following priorities of the Pine River Weminuche Pass Ditch, originally decreed in Case No. 84CW16: 1965-13, October 11, 1934, 6.0 cfs; 1965-14, November 1, 1934, 6.0 cfs; 1965-19, June 10, 1936, 6.0 cfs. The Pine River Weminuche Pass Ditch diverts water from the Rio Los Piños, a tributary of the San Juan River in Water Division No. 7. Following importation of the water from Water Division No. 7 into the Rio Grande basin, Water Division No. 3, the water can be delivered as a source of substitute supply to the confluence of Rio Grande and Piños Creek. The exchange operates against native flows of

Piños Creek. 4.4. Date of Appropriation: February 28, 1991. 4.5. Amount: 4.0 cfs conditional; annual volume of 17 acre-feet. 4.6. Uses: Augmentation purposes to replace out-of-priority depletions to Piños Creek, streams tributary to Piños Creek, or the Rio Grande pursuant to the District's Augmentation Program. **5. Outline of Work Performed or Actions Taken Toward Completion of the Appropriation and Application of the Water to Beneficial Use as Conditionally Decreed:** 5.1. The District operates a single, unified, and integrated Augmentation Program which incorporates several augmentation plans and exchanges, including those decreed in Case Nos. 84CW16, 94CW52, 03CW41, 05CW13, 07CW63, 09CW34. and 14CW3011. During the diligence period the District spent substantial amounts of money and devoted hundreds of man hours to the development, operation, maintenance, improvement of, and acquisition of water rights for inclusion in its Augmentation Program. As part of its 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 incurred the costs related to acquiring additional augmentation water, legal and engineering fees related to changing water rights, and engineering and constructing improvements to its water supply facilities. 5.1.1. During the diligence period, the District expended in excess of \$300,000 in legal fees, protecting the District's water rights and facilities, and incorporating additional water supplies into its Augmentation Program; and 5.1.2. During the diligence period, the District expended in excess of \$300,000 in engineering fees and expenses, operating its Augmentation Program, evaluating additional water rights and facilities for incorporation into its Augmentation Program, protecting its water rights and the operation of the Augmentation Program, and improving the District's water supply infrastructure; and 5.2. During the diligence period, the District acted to preserve, protect, and enhance its Augmentation Program by obtaining judicial decrees in the following cases: 5.2.1. Case No. 11CW19, for diligence for the exchange originally decreed in Case No. 03CW41, and an absolute decree for that exchange in the amount of 23.50 acre-feet, at a rate of 6.96 cfs; 5.2.2. Case No. 13CW3006, for diligence for the exchange originally decreed in Case No. 05CW13; 5.2.3. Case No. 4CW3011 for a change of Pine River Weminuche Pass Ditch water rights, Judgement and Decree entered December 9, 2019; 5.2.4. Case No. 19CW3000, for diligence for the exchanges originally decreed in Case No. 03CW41, Judgement and Decree entered on September 15, 2019; 5.2.5. Case No. 20CW3009, for diligence for the exchanges originally decreed in Case No. 05CW13, Judgment and Decree entered on April 19, 2021; and 5.3. During the diligence period, the District acted to protect and enhance its Augmentation Program by filing an application on February 27, 2021, for several exchanges of the District's water supplies to Beaver Park and Shaw Reservoirs on the South Fork of the Rio Grande. 5.4. During the diligence period, the District entered into extensive negotiations and ultimately acquired Shaw Reservoir located on a tributary to the South Fork of the Rio Grande. 5.5. During the diligence period, the District entered into negotiations regarding the acquisition of other water rights. 5.6. 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. 93CW43. 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. **6. Absolute Claim:** During the diligence period that District operated its Piños Creek exchange to augment wells which cause out-of-priority depletions to

Piños Creek and the Rio Grande. The exchange was operated as follows: 6.1. at the rate of 1.5 cfs and a volume of 1.0 acre-feet on May 29, 2020; 6.2. at the rate of 0.51 cfs and a volume of 1.0 acre-feet on June 26-27, 2021; and 6.3. at the rate of 0.76 cfs and a volume of 1.0 acre-feet on May 22-23, 2022. **7. Names and addresses of owners of land upon which structures are located in which water that may be exchanged pursuant to the decree in Case No. 93CW43 may be stored:** 7.1. Rio Grande Reservoir: San Luis Valley Irrigation District, 296 Miles Street, P.O. Box 637, Center, Colorado 81125 (719) 754-2254; 7.2. Santa Maria Reservoir: Santa Maria Reservoir Company, P.O. Box 288, Monte Vista, Colorado 81144 (719) 852-3556; 7.3. 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). **8. Date of Filing of the Application:** This application for finding of reasonable diligence and to make absolute has been filed on or before July 31, 2022, in accordance with the Judgment and Decree entered on July 8, 2016, in Case No. 15CW3023. **Requested Relief** WHEREFORE, the San Luis Valley Water Conservancy District respectfully requests entry of a decree: (1) confirming that work on one feature of the District's single, unified, and integrated Augmentation Program shall continue to be considered in finding reasonable diligences in the development of all features of its Augmentation Program, including this exchange originally decreed in Case No. 93CW43; (2) determining that the District has operated the exchange originally decreed in Case No. 93CW43, at a rate of 1.5 cfs, and in the amount of 1.0 acre-feet; (3) determining that the District has made absolute 1.5 cfs of the original decreed conditional rate of flow of 4.0 cfs; (4) determining that the District has demonstrated reasonable diligence in the development of the remainder of the exchange originally decreed in Case No. 93CW43, continuing the conditional water right in good standing at a rate of 2.5 cfs [4.0 cfs – 1.5 cfs absolute] and in the amount of 16 acre-feet [17 acre-feet – 1.0 acre-foot previously decreed absolute], and setting a date by which the District must file a subsequent finding of reasonable diligence. (The application is 6 pages)

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 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.