

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 June, 2022 for each county affected.

2022CW3: Michael K. and Cathy L. Hale, 7222 CR 53 Center, CO 81125. Direct all correspondence to counsel for Applicants: Mirko L. Kruse, Kruse Law PLLC, 383 Corona Street, Denver, CO 80218, mkruse@kruselawpllc.com. AMENDED AND COMBINED PROTEST TO FINAL ABANDONMENT LIST. Protest for Meadow Ranch Well Nos. 4 & 5: 1. Description of Water Right: A. Name of structure: W0903 Headquarters Well No. 4; WDID 2705285. B. Date of original decree: December 31, 1972, Case No. W-0903, Water Court Division No. 3. C. Decreed legal description of structure location: NW 1/4 of the NW 1/4, 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. D. Source of water: Confined aquifer. E. Decreed use or uses: Irrigation. F. Appropriation date: June 10, 1952 G. Decreed amount: 400 gpm, being .891 cfs and 1.78 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 2400 acres of irrigation in all of Sec. 13, Sec. 28, Sec. 29, and the N 1/2 of Sec. 24, T42N, R8E, N.M.P.M.; limited to irrigation of 800 acres in all of Sec. 25 and S 1/2 of Sec. 24, T42N, R8E, N.M.P.M. I. Page number where listed on abandonment list: Page 6. 2. Description of Water Right. A. Name of structure: W0903 Headquarters Well No. 5; WDID 2705742. B. Date of original decree: December 31, 1972, Case No. W-0903, Water Court Division No. 3. C. Decreed legal description of structure location: SW 1/4 of the SW 1/4, Section 36, Township 42 North, Range 8 East, N.M.P.M., at a point 245 feet from the South section line and 141 feet from the West section line, Saguache County, Colorado. D. Source of water: Confined aquifer. E. Decreed use or uses: Irrigation. F. Appropriation date: May 4, 1954. G. Decreed amount: 567 gpm, being 1.26 cfs and 2.52 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 960 acres of irrigation in all of Sec. 13 and N 1/2 of Sec. 24, T42N, R8E; limited to irrigation of 1600 acres in all of Sec. 25, Sec. 36, and S 1/2 of Sec. 24, T42N, R8E, N.M.P.M. I. Page number where listed on abandonment list: Page 7. 3. Factual and legal basis for protest: The Division Engineer has not met its initial burden showing that the Meadow Ranch Well Nos. 4 & 5 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 wells were used on portions of the lands subject to abandonment. Alternatively, even if the Meadow Ranch Well Nos. 4 & 5 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 these wells. 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 Nos. 4 & 5. **Protest for Meadow Ranch Well Nos. 1, 8, 10 & 11:** 4. Description of Water Right: A. Name of structure: W0903 Headquarters Well No. 1; WDID 2705294. B. Date of original decree: December 31, 1972, Case No. W-0903, Water Court Division No. 3. C. Decreed legal description of structure location: 98 feet from the South section line, and

21 feet from the West section line, in the SW 1/4 of the SW 1/4, Section 13, Township 42 North, Range 8 East, N.M.P.M., County of Saguache. D. Source of water: Unconfined aquifer E. Decreed use or uses: Irrigation F. Appropriation date: May 31, 1951 G. Decreed amount: 1,000 gpm, being 2.23 cfs and 4.46 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 159 acres of irrigation in the SW 1/4 of Sec. 13, T42N, R8E; limited to irrigation of 1 acre in the SW 1/4, Sec. 13, T42N, R8E, N.M.P.M. I. Page number where listed on abandonment list: Page 6. 5. Description of Water Right: A. Name of structure: W0903 Headquarters Well No. 8; WDID 2705288 B. Date of original decree: December 31, 1972, Case No. W-0903, Water Court Division No. 3 C. Decreed legal description of structure location: SW 1/4 of the SW 1/4, 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. D. Source of water: Confined aquifer E. Decreed use or uses: Irrigation F. Appropriation date: December 31, 1955 G. Decreed amount: 300 gpm, being 0.668 cfs and 1.34 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 2400 acres of irrigation in all of Sec. 13, N 1/2 of Sec. 24, T42N, R8E, and all of Sec. 28 and Sec. 29, T42N, R9E; limited to irrigation of 800 acres in all of Sec. 25 and S 1/2 of Sec. 24, T42N, R8E, N.M.P.M. I. Page number where listed on abandonment list: Page 7. 6. Description of Water Right: A. Name of structure: W0903 Headquarters Well No. 10; WDID 2705189. B. Date of original decree: December 31, 1972, Case No. W-0903, Water Court Division No. 3 C. Decreed legal description of structure location: NW 1/4 of the NW 1/4, Section 36, Township 42 North, Range 8 East, N.M.P.M., at a point 1,088 feet from the North section line and 122 feet from the West section line, Saguache County, Colorado. D. Source of water: Unconfined aquifer. E. Decreed use or uses: Irrigation F. Appropriation date: November 25, 1956 G. Decreed amount: 2,000 gpm, being 4.46 cfs and 8.92 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 2240 acres of irrigation in the N 1/2 of Sec. 24 and all of Sec. 23, T42N, R8E, and all of Sec. 28 and Sec. 29, T42N, R9E; limited to irrigation of 960 acres in N 1/2 of Sec. 24 and all of Sec. 25, T42N, R8E, N.M.P.M. I. Page number where listed on abandonment list: Page 7. 7. Description of Water Right: A. Name of structure: W0903 Headquarters Well No. 11; WDID 2705291. B. Date of original decree: December 31, 1972, Case No. W-0903, Water Court Division No. 3. C. Decreed legal description of structure location: SW 1/4 of the SW 1/4, Section 25, Township 42 North, Range 8 East, N.M.P.M., at a point 21 feet from the South section line and 1,185 feet from the West section line, Saguache County, Colorado. D. Source of water: Unconfined aquifer. E. Decreed use or uses: Irrigation. F. Appropriation date: November 30, 1956. G. Decreed amount: 1,900 gpm, being 4.23 cfs and 8.46 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 2400 acres of irrigation in all of Sec. 13 and N 1/2 of Sec. 24, T42N, R8E, and all of Sec. 28 and all of Sec. 29 of T42N, R9E; limited to irrigation of 800 acres in all of Sec. 25 and S 1/2 of Sec. 24, T42N, R8E, N.M.P.M. I. Page number where listed on abandonment list: Page 7. 8. Factual and legal basis for protest: Non-use of the Meadow Ranch Well Nos. 1, 8, 10 & 11 on the lands subject to abandonment 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 these wells. Other evidence of maintenance of the wells and ditches, attempts to put the water to use on the lands subject to abandonment, 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 Nos. 1, 8, 10 & 11. **Protest for Faucette Ranch Wells:** 9. Description of Water Right: A. Name of structure: W1360 Well No. 3; WDID 2705278 B. Date of original decree: December 31, 1972, Case No. W-1360, Water Court Division No. 3. C. Decreed legal description of structure location: SW 1/4 of

the SW 1/4, Section 27, Township 42 North, Range 8 East, N.M.P.M., at a point 50 feet from the South section line and 400 feet from the West section line, in Saguache County, Colorado. D. Source of water: Confined aquifer. E. Decreed use or uses: Irrigation. F. Appropriation date: June 30, 1951. G. Decreed amount: 1,100 gpm, being 2.45 cfs and 4.90 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 2180 acres of irrigation in all of sec. 23, all of sec. 26, the East 1/2 of Sec. 22, and the E 1/2 of Sec. 27, T42N, R8E; limited to irrigation of 60 acres in the S 1/2 of the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of Sec. 27, T42N, R8E. I. Page number where listed on abandonment list: Page 9. 10. Description of Water Right: A. Name of structure: W1360 Well No. 4; WDID 2705277. B. Date of original decree: December 31, 1972, Case No. W-1360, Water Court Division No. 3 C. Decreed legal description of structure location: SW 1/4 of the SW 1/4, Section 27, Township 42 North, Range 8 East, N.M.P.M., at a point 100 feet from the West section line and 50 feet from the South section line, in Saguache County, Colorado. D. Source of water: Confined aquifer E. Decreed use or uses: Irrigation F. Appropriation date: April 30, 1951 G. Decreed amount: 1,600 gpm, being 3.57 cfs and 7.14 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 1860 acres of irrigation in all of sec. 23, all of sec. 26, E 1/2 of Sec. 22 and W 1/2 of Sec. 27; limited to irrigation of 60 acres in the S 1/2 of the SW 1/4 of the NW 1/4 and NW 1/4 of the SW 1/4 of Sec. 27. I. Page number where listed on abandonment list: Page 9. 11. Description of Water Right: A. Name of structure: W1360 Well No. 5; WDID 2705279. B. Date of original decree: December 31, 1972, Case No. W-1360, Water Court Division No. 3. C. Decreed legal description of structure location: SW 1/4 of the SW 1/4, Section 27, Township 42 North, Range 8 East, N.M.P.M., at a point 60 feet from the South section line and 2,300 feet from the West section line, in Saguache County, Colorado. D. Source of water: Confined aquifer. E. Decreed use or uses: Irrigation. F. Appropriation date: May 31, 1954. G. Decreed amount: 900 gpm, being 2.01 cfs and 4.02 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 1120 acres of irrigation in all of sec. 26, E 1/2 of Sec. 27, and the S 1/2 of Sec. 23, T42N, R8E; limited to irrigation of 160 acres in the E 1/2 of Sec. 27. I. Page number where listed on abandonment list: Page 9. 12. Description of Water Right: A. Name of structure: W1360 Well No. 6; WDID 2705280. B. Date of original decree: December 31, 1972, Case No. W-1360, Water Court Division No. 3. C. Decreed legal description of structure location: SW 1/4 of the NW 1/4, Section 27, Township 42 North, Range 8 East, N.M.P.M., at a point 2,500 feet from the North section line and 150 feet from the West section line, in Saguache County, Colorado. D. Source of water: Confined aquifer. E. Decreed use or uses: Irrigation. F. Appropriation date: April 25, 1963. G. Decreed amount: 1,200 gpm, being 2.67 cfs and 5.34 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 2440 acres in and around the W 1/2 of Sec. 27, T42N, R8E; limited to irrigation of 60 acres in the W 1/2 of Sec. 27, T42N, R8E, N.M.P.M. I. Page number where listed on abandonment list: Page 9. 13. Factual and legal basis for protest: The Division Engineer has not met its initial burden showing that the Faucette Ranch Wells 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 wells were used on substantial portions of the lands subject to abandonment. Alternatively, even if the Faucette Wells 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 these wells. 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 Faucette Wells. **Protest for Neppl Well.** 14. Description of Water Right: A. Name of structure. W2471 Well No. 1; WDID 2706027. B. Date of original decree: December 31, 1972, Case No. W-2471, Water Court Division No. 3. C. Decreed legal description of structure location: SW 1/4 of the SW 1/4, Section 27, Township 42 North, Range 9 East, N.M.P.M., at a point 100 feet from the West section line and 150 feet from the South section line, in Saguache County, Colorado. D. Source of water: Confined aquifer. E. Decreed use or uses: Irrigation. F. Appropriation date: May 18, 1967. G. Decreed amount: 1,800 gpm, being 4.01 cfs and 8.02 acre-feet per 24 hours. H. Amount and use or uses listed as having been abandoned: 114 acres of irrigation in the SW 1/4 of Sec. 7, T42N, R9E; limited to irrigation of 46 acres in the SW 1/4 of Sec. 7, T42N, R9E, N.M.P.M. I. Page number where listed on abandonment list: Page 18. 15. Factual and legal basis for protest: The Division Engineer has not met its initial burden showing that Neppl Well 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 substantial portions of the lands subject to abandonment. Alternatively, even if the Neppl Well 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 well and ditches, attempts to put the water to use on the lands subject to abandonment, diversion records, efforts to sell the water right, and other evidence demonstrates that there was no intent to partially abandon the right to irrigate acres from the Neppl Well.

2022CW11 Joseph T. Valdez, 14299 State Hwy 15, La Jara, CO 81140, jtvaldez@gmail.com, 719588-2575. Application for Change of Water Right in Conejos County. Decreed water right for which change is sought: Name of structure: Well No. 1 W-2264. Date of original decree: 12-15-1996, Case No: W-2264. Legal description: SW1/4 SW1/4, Section 9, Township 35 North, Range 9 East, NMPM at a point 25 feet south from section line and 33 feet from West section line in Conejos County Colorado. Decreed source of water: Confined Aquifer. Appropriation date: 11-30-1946, 8-31-1951. Total amount decreed: Absolute. Amount of water applicant intends to change: 6.62 cfs. Detailed description of proposed change: To replace collapsed well. PLSS legal description: County: Conejos, SW1/4 of the SW1/4, Section 9, Township 35 N, Range East, NMPM. Distance from Section Lines: 825 Feet from South and 33 Feet from West.

2022CW12 Sanford Cemetery District, PO Box 54, Sanford, CO 81151, 719-274-4107. Application for Change of Water Right in Conejos County. Decreed water right for which change is sought: Name of Structure: Well Nos. 1-6 in Case No. W-832 (WDID 2105896). Date of original decree: February 27, 1973, Case No: W-832, Court: District Court Water Division 3. Legal description of structure: Well No. 1- NE 1/4 of the NE 1/4 of 31-35N-10E. NMPM 510' from NSL and 355' from ESL. Well No. 2- NE 1/4 of the NE 1/4 of 31-35N-10E. NMPM 601' from NSL and 56' from ESL. Well No. 3- NE 1/4 of the NE 1/4 of 31-35N-10E. NMPM 690' from NSL and 350' from ESL. Well No. 4- NE 1/4 of the NE 1/4 of 31-35N-10E. NMPM 825' from NSL and 127' from ESL. Well No. 5- NE 1/4 of the NE 1/4 of 31-35N-10E, NMPM 849' from NSL and 480' from ESL. Well No. 6- NE 1/4 of the NE 1/4 of 31-35N-10E. NMPM 1213' from NSL and 93' from ESL. Decreed source of water: Confined Aquifer for all 6 wells. Appropriation date: Well No. 1- 12/31/1920, Well No. 2- 12/31/1935. Well No. 3- 12/31/1950. Well No. 4- 12/31/1951. Well No. 5- 12/31/1930. Well No. 6- 12/31/1920. Total amount decreed

to structure: Absolute Well No. 1- 15 gpm. Well No. 2- 15 gpm. Well No. 3- 15 gpm. Well No. 4- 15 gpm. Well No. 5-15 gpm. Well No. 6- 15 gpm. Decreed use: cemetery irrigation. Amount of water applicant intends to change: Absolute All. Detailed description of change: Request to adjudicate well permit no. 17117-F. This permit was issued April 4, 1973 as a replacement well to Well Nos. 1-6 in case no. W-832. The permit required that a decree be obtained. The well(s) have always been a source of irrigation at the cemetery as well as been used to sink graves year-round. These water rights should not be limited to the irrigation season for that reason. PLSS information: Legal description: County: Conejos NE 1/4 of the NE 1/4, Section 31, Township 35N, Range 10E, NMPM. UTM Coordinates: Easting 419180 Northing 4121644 Zone 13.

2022CW13 RBC Ranch Properties, RLLLP c/o Robert Barnhardt, 94 Troon Circle, Durango, CO 81301, bobbca@aol.com, 970-799-1607. Protest to Final Abandonment List in Conejos County. Name of structure: Well No 1, Case No: W-1990, WDID 2205695. Date of original decree: March 20, 1975, Case No: W-1990, Court Div. 3. Decreed legal description: SW 1/4 NW 1/4, Section 34, T36N, R 11E, NMPM. Source of water: Confined Aquifer, Decreed use: Irrigation. Appropriation Date: July 14, 1941. Decreed amount: 3000 GPM (6.68 cfs). Amount and use listed as having been abandoned: 6.68 cfs, All decreed uses. Former District Number and Page Number where listed on Abandonment list: WD22, P15. Name of structure: Well No 2, Case No W-1990, WDID 2205696. Date of Original Decree: March 20, 1975 Case No: W-1990 Court: Div 3. Decreed Legal Description of Structure Location: SW 1/4 NW 1/4, Section 34, T36N, R11E, NMPM. Source of Water: Confined Aquifer. Decreed Use: Domestic, Irrigation, and Stock Water. Appropriation Date: May 7, 1943 Decreed Amount: 500 GPM (1.11 CFS) Amount and use or uses listed as having been abandoned: 1.11 CFS Irrigation, 0.9986 CFS Domestic and Stock Water. Former District Number and Page Number where listed on Abandonment List: WD22, P 15. Name of Structure: Well No 3, Case No W-1990, WDID 2205697. Date of Original Decree: March 20, 1975 Case No: W-1990 Court: Div 3. Decreed Legal Description of Structure Location: NW 1/4 NW 1/4 Section 34, T36N, R11E, NMPM. Source of Water: Confined Aquifer. Decreed use or uses: Irrigation. Appropriation Date: March 15, 1942 Decreed Amount: 500 GPM (1.11 CFS) Amount and use or uses listed as having been abandoned: Abandon all but 10 acres of irrigated land. Former District Number and Page Number where listed on Abandonment List: WD22, P 15. Name of Structure: Well No 4, Case No W-1990, WDID 2205698. Date of Original Decree: March 20, 1975. Case No: W-1990 Court: Div 3. Decreed Legal Description of Structure Location: NW 1/4 SW 1/4 Section 27, T36N, R11E, NMPM. Source of Water: Confined Aquifer. Decreed use or uses: Irrigation. Appropriation Date: April 15, 1942. Decreed Amount: 1000 GPM (2.23 CFS). Amount and use or uses listed as having been abandoned: 2.23 CFS, All decreed uses. Former District Number and Page Number where listed on Abandonment List: WD22, P 15. Name of Structure: Well No 5, Case No W-3827, WDID 2206414. Date of Original Decree: March 11, 1982 Case No: W-3827 Court: Div 3. Decreed Legal Description of Structure Location: NW 1/4 NW 1/4 Section 34, T36N, R11E, NMPM. Source of Water: Confined Aquifer. Decreed use or Uses: Irrigation, Wildlife habitat, and propagation. Appropriation Date: July 14, 1941. Decreed Amount: 1000 GPM (2.23 CFS). Amount and use or uses listed as having been abandoned: Limit to irrigation of 14 Acres, and Wildlife uses (not aquaculture). Former District Number and Page Number where listed on Abandonment List: WD22, P19. State factual and legal basis for this Protest: 1. Complied with all regulation including filing of form 7's and necking down the discharges to 2". 2. Joined Subdistrict No 6 of the Rio Grande Water Conservation District. 3. Most of the acreage of the ranch has a Wetlands Reserve Easement through the NRCS. 4. Ranch has been

continuously leased for grazing. 5. Ranch has been continuously leased for water fowl hunting. 6. Have met with Division of Water Resource Staff to discuss administrative issues since mid 2000's.

2022CW14 Meeper, LLC a Delaware Limited Liability Company PO Box 185, Angel Fire, NM 87710 dbnmexico@hotmail.com, 505-206-5061. Protest to Final Abandonment List in Rio Grande County. Name of structure: Valdez Ditch #2 Priority 916-13A. Date of Original Decree: 9-13-1916 Case No: 9131916 Court: 3. Decreed Legal Description of Structure Location: SE 1/4 of the SE 1/4, Section 3, T39N, R4E, NMPM. Source of Water: Wolf Creek. Decreed use or uses: Irrigation. Appropriation Date: 4-30-1882 Decreed Amount: 4 CFS. Amount and use or uses listed as having been abandoned: Everything. Former District Number and Page Number where listed on Abandonment List: Water District 20, Page 4. State factual and legal basis for this Protest: This water right, Valdez Ditch #2 was involved in extensive litigation with the prior owner which ran in stages for nearly 8 years. The case ended in 2015. US District Court, District of Colorado 12CV01732-WYD-KMT. We spent a significant amount of money litigating this and many other issues with property after purchase in 2005. I have/had no intention of knowingly or not to abandon this water right. Remarks: If any structures are needed on this ditch to be installed or built we will comply.

2022CW15 Meeper, LLC a Delaware Limited Liability Company PO Box 185, Angel Fire, NM 87710 dbnmexico@hotmail.com, 505-206-5061. Protest to Final Abandonment List in Rio Grande County. Name of Structure: Valdez Ditch #1 Priority 916-13. Date of Original Decree: 9-13-1916 Case No: 9131916 Court: 3. Decreed Legal Description of Structure Location: NE 1/4 of the NE 1/4 of Section 10, T39N, R4E, NMPM. Source of Water: Wolf Creek. Decreed use or uses: Irrigation. Appropriation Date: 4-30-1882. Decreed Amount: 4 CFS. Amount and use or uses listed as having been abandoned: Everything. Former District Number and Page Number where listed on Abandonment List: Water District 20, Page 4. State factual and legal basis for this Protest: This water right, Valdez Ditch #1 was involved in extensive litigation with the prior owner which ran for nearly 8 years. The case ended in 2015, Meeper, LLC V Freeman and Joyce Lester, etal. US District Court , District of Colorado-12CV01732-WYD-KMT. We spent significant amounts of money litigating this and many other issues with the property, I have/had no intention of knowingly or not to abandon this water right. Remarks: If any structures need to be installed or built we will comply with any request.

2022CW16 Meeper, LLC PO Box 185, Angel Fire, NM 87710 dbnmexico@hotmail.com, 505-206-5061. Protest to Final Abandonment List in Rio Grande County. Name of Structure: Wolf Creek Ditch #3. Date of Original Decree: 9-13-1916 Case No: 913-1916 Court 3. Decreed Legal Description of Structure Location: SE 1/4 of the SW 1/4 of Section 26, T40N, R4E, NMPM. Source of Water: Wolf Creek. Decreed use or uses: Irrigation. Appropriation Date: 5-31-1910 Decreed Amount: 3 CFS. Amount and use or uses listed as having been abandoned: Everything. Former District Number and Page Number where listed on Abandonment List: 20 Page 19. State factual and legal basis for this Protest: This water right Wolf Creek #3 was involved in extensive litigation with the prior owner which ran for nearly 8 years. The case ended in 2015, Meeper, LLC v Lester, Freeman and Joyce, ATG4, Davis Engineering, Suzy Woodward, Charles Powers Esq. We spent a large amount of money litigating all the issues especially water right. US District Court, District of CO 12CV01732-WYD-KMT. We never intentionally or otherwise intended to abandon these water rights. Remarks: We will add/build any structures deemed necessary to comply with any order from the Water District.

2022CW17 Rio Grande County Attorney: Nancy Lake 925 6th ST Room 207, Del Norte, CO 81132 attorney@riograndecounty.org (719)657-2744. Protest to Final Abandonment List in Rio Grande County. Name of Structure: Well No. 01, Case No. W-1345, WDID 2010552. Date of Original Decree: September 10, 1974 Case No: W-1345 Court: Water Division No 3. Decreed Legal Description of Structure Location: NE 1/4 SW 1/4 Section 20, Township 40 North, Range 6 East, NMPM. Source of water: Unconfined Aquifer. Decreed use: Irrigation of Lands. Appropriation Date: June 30, 1955. Decreed Amount: 400 gpm being 0.891 cfs. Amount and use or uses listed as having been abandoned: 0.891 cfs All Decreed Uses. Former District Number and Page Number where listed on Abandonment List: Former Water District No. 20, listed on Page 9 of 20. State factual and legal basis for this Protest: Protestants/Owners acquired this water right with the purchase of the property on May 28, 1999. The property was purchased in order to expand and support Rio Grande County's gravel pit and asphalt plant for future infrastructure projects and maintenance activities. There was no power or well head to the above described well at the time of purchase and the well has remained capped and unused. Retaining the decreed water is vital to the County's ability to continue necessary maintenance and construction of county roads and bridges in Rio Grande County. Additionally Astronaut Rominger Airport, located on mile north of the property, continues to expand and is a potential location for proposed Wildfire Firefighting Air base. Rapid access to water would be essential in order to perform fire suppression and containment activities in an emergency.

2022CW18 Dennis Doiel 2898 W 110th Place Westminster 80234 ddlastrip@gmail.com 303-908-3196. Application for Change of Water Right in the San Luis Creek or its tributaries in Saguache County. Name of structure: Well No. 4, WDID No. 2505286. Date of original and all relevant subsequent decrees: 12/31/1972 Case No: W-1953 Court: Water Division 3. Legal description of structure: SW1/4 SE1/4, Section 5, Township 44 North, Range 10 East, NMPM, in Saguache County, Colorado. The GPS location of the well is UTM Zone 13S NAD83 mE 421934 and mN 4216098. Decreed source of water: Confined aquifer. The depth of the well is 300 feet with casing of 2 inches in diameter, and the perforations were unknown in the Referee's Ruling. Appropriation Date: December 31, 1930. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute 0.056 cfs. Decreed use or uses: Irrigation, domestic and stockwater. Amount of water that applicant intends to change: Absolute 0.056 cfs. Detailed description of proposed change: Well owner would like to quantify the historic consumptive use associated with Well No, 4, to the extent necessary, in order to use water for year-round commercial uses associated with a marijuana cultivation facility, including but not limited to year-round irrigation, employee drinking and sanitary use, domestic purposes and the manufacturing of edible products and drinks. Well No. 4 will be capped and abandoned and a new well drilled in the NE 1/4 of 5-44N-10E NMPM. We have operated under SWSP ID 5954 for the past 4 years using a different well. That SWSP allowed for 2 acre-feet of water to be used commercially outside of the irrigation season and for year-round employee drinking and sanitary use. We will continue to work with the Division Engineer's office to determine appropriate limits. This well is not currently enrolled in Groundwater Management Subdistrict #4 (San Luis Creek). If this request is granted by the Court we will contract the well into Subdistrict #4 to comply with the Groundwater

Rules. Change or added point of diversion: Location information: PLSS Legal description: Saguache County, NW 1/4 of the NE 1/4, Section 5, Township 44N, Range 10E, NMPM. Points of diversion: Location information in UTM format: Easting 421934 Northing 4216098 Zone 13.

2022CW19 Donald Luedtke 10025 State HWY 15 South, Monte Vista, CO 81144

don.luedtke.JT@gmail.com (719)852-0646. Protest to Final Abandonment List in Rio

Grande County. Name of Structure: W2590 Well No 1. Date of Original Decree: 5-15-1967 Case No. 2012680 Court Water Div. 3. Source of Water: Well Ground Water. Decreed use or uses: 4.0100. Appropriation Date: 5-15-1967 Decreed Amount 4.0100. Amount and use or uses listed as having been abandoned: 0.1114 CSTK 0.0000 C IRR. Former District Number and Page Number where listed on Abandonment List: Water Distc. 3 Page 17 #W2590 Well No. 1. State factual and legal basis for this Protest: This well is just inactive for time being. No sensible owner would abandon a irrigation well. Would like to keep inactive until put into use. Property value will drop on this move will get legal consultation if need be.

2022CW20 David and Leah Coblentz 6090 CR FF, La Jara, CO 81140 dg@mtvag.com

(719)852-0113. Protest to Final Abandonment List in Conejos County. Name of Structure:

Well No 1. Date of Original Decree: December 31, 1972 Case No: W-2537 No 1. Court: Water Court Div 3. Decreed Legal Description of Structure Location: SW 1/4 SW 1/4 Section 31, Township 37 North, Range 8 East, NMPM, at a point 60 feet from the south section line and 300 feet from the west section line, all in Rio Grande County, Colorado. Source of water: Un-Confined Aquifer. Decreed use: Irrigation. Appropriation Date: May 1, 1963 Decreed Amount: 350 GPM. Amount and use or uses listed as having been abandoned: Partial Abandonment of 40 Acres for Irrigation out of 100 acres. Name of Structure: Well No 2. Date of Original Decree: December 31, 1972 Case No W-2537 No. 2 Court: Water Court Div 3. Decreed Legal Description of Structure Location: SW 1/4 SW 1/4 Section 31, Township 37 North, Range 8 East, NMPM, at a point 65 feet from the south section line and 250 feet from the west section line, all in Rio Grande County, Colorado. Source of water: Un-Confined Aquifer. Decreed use or uses: Irrigation. Appropriation Date: June 1, 1963 Decreed Amount: 350 GPM. Amount and use or uses listed as having been abandoned: Partial Abandonment of 40 Acres for Irrigation out of 100 acres. Former District Number and Page Number where listed on Abandonment List; Page 18. State factual and legal basis for this Protest: The quarter section on which these wells are decreed for irrigation is irrigated by a 100 acre full circle sprinkler. There are 60 acres planted to alfalfa hay and the remainder is 40 acres of irrigated pasture. In 2010 this water right was up for abandonment. The previous landowner entered into negotiations with the Division 3 Engineer, whereby that landowner was given 10 additional years to put the groundwater to beneficial use on 100 acres under a pivot sprinkler. During that 10 year period, Coblentz purchased the farm and placed a sprinkler on it in the spring of 2013, and has actively irrigated the pivot circle with 60 acres of alfalfa. In the fall of 2019, Coblentz also began irrigating the 40 acres of pasture under the pivot for 100 acres of irrigated land, to keep the decree in compliance. Photographs are included as exhibits to show how the 40 acres in question were actively irrigated between the fall of 2019 and December of 2020. Additionally, Coblentz irrigated the 40 acres in question in the fall of 2017 and 2018. Also, provided is an affidavit from A J De Poy, the tenant at the time, that confirms he did irrigate the 60 acres of alfalfa and 40 acres of pasture in the fall of 2019. The protesting party, David and Leah Coblentz have actively irrigated 60 acres of alfalfa since placing the sprinkler on the subject quarter in 2014. The principal reason they did not irrigate all 100 acres was that the subject well, W-2537 No. 1, in order to enhance the flow rate so they can

more adequately irrigate the full 100 acres in crops such as alfalfa and grain. The protesting party contends they met with the Division 3 Engineer and staff in 2014, prior to installing the sprinkler system, to get clarity on how many acres they could irrigate and what flow rate they could draw from the No. 1 well. Coblentz contends he was told he could set the sprinkler for 100 acres at 450 GPM. The Division told him they are not all that concerned with flow rate, but more concerned with a maximum of 100 acres and annual volume pumped. Once Coblentz set up the system and began operating the one good well, within weeks, the Division staff served him with a cease-and-desist order on the use of the well. When Coblentz inquired, the Division told him he could not pump over 350 GPM from the one good well to supply the sprinkler. The parties have been in dispute over the issue ever since. Hence the reason they have only been actively irrigating 60 acres of forage hay crops, and recently the 40 remaining acres of pasture in 2019 and 2020. In 2021, Coblentz began actively irrigating all 100 acres with crops. In the 2014 irrigation season, Coblentz sought and received permission from Pat McDermott to clean out Well No. 1, so they could place a sprinkler on the property. When well cleaning began, personnel from DOWR Served Coblentz with a cease and desist order to halt cleaning. Coblentz then contacted Mr. McDermott again and was again given permission to clean out the Well No. 1. Coblentz's well contractor began cleaning the well out and was for a second time served with a cease and desist order from Division 3 personnel to halt well cleaning. Coblentz was very much of the opinion he was being harassed by the State. As previously mentioned, this wells are now basically governed by a stipulation (copy attached) in Case No. 2012CW17. This stipulation was agreed to between the Division Engineer and a prior land owner by the name of Robert Fiorito. The stipulation gave Fiorito 10 years to place the wells into production of 100 irrigated acres. Due to marginal flow rate of Well No. 2 and abnormally hot and dry weather, Coblentz has hesitated to plant all 100 acres until he could reach an agreement with the Division Engineer for the movement of Well No. water right and flow rate into well No. 2. Coblentz has had discussions with the Division Engineer and staff to do this However, since the wells were placed on the 2020 abandonment list, the Division has been hesitant to any kind of agreement allowing that. In December of 2020, Coblentz retained the services of Mountain Valley Agribusiness, LLC and Dee Greeman to assist them in further negotiations with the State to get the wells off the abandonment list. Formal protests were filed with the Division. After engaging Mountain Valley Agribusiness, Mr. Greeman conducted research of the wells in question and downloaded documentation. Then he began preparing protests to submit to the Division of Water Resources. He then conducted a tour of the farm and inspection on December 19, 2020. At that time, he noted the 40 acres of pasture had been irrigated substantially some time prior to the date of inspection, as evidenced of the attached photos which show ruts made by the sprinkler wheels going across the 40 acres of pasture. Mr. Greeman inquired with Mr. Coblentz as to when this activity started. Coblentz stated they had begun irrigating the pasture lands in the early fall of 2019 in preparation for tillage in the spring of 2021 to get the lands planted to a forage crop in the 2020 irrigation season. However, Coblentz's tenant, Andrew De Poy decided not to plant a permanent crop on the 40 acres for 2 reasons. 1. He was not sure there would be enough water at 350 GPM to actively irrigate the 40 acres to a permanent crop due to the dry spring and summer of 2020, and 2, The Division staff warned Coblentz that the wells were going to be placed on the abandonment list and could be subject to a letter of violation of the terms of the aforementioned of the Stipulation. Mr. Coblentz did say that they also irrigated the pasture in the summer of 2020 between cutting of hay on the other 60 acres. Also, attached is an affidavit from Andrew De Poy, in which he declares that he did in fact applied water through the sprinkler across the 40

acre pasture in the early fall until November 1, 2019. Remarks: Although Coblentz was hesitant to actively irrigate the 40 acres in question. It was because of numerous hot and dry growing season during the prior 7 years through 2019. Coblentz did, in the end, apply water to beneficial use in the fall of 2019 and should be entitled to preserve the right in its entirety. With advances in irrigation technology, he does feel he can adequately irrigate the full 100 acres under the decree and stipulation. Coblentz also feels he should have the right to move the other 100 GPM from well No 2 into well No 1, through a proper water court action, moving forward.

2022CW21 John J. Tschirky and Karen Koltes PO Box 544 Garrett Park, MD 20896
khkandjtt@hotmail.com (301)793-7920. Protest to Final Abandonment List in Saguache County. Name of structure: Harence D2 W/Mill Creek as source. Date of Original Decree: Nov. 23,1889. Case No Orig. Adjudication/Div. 3. Decreed legal Description of Structure Location: See Exhibit "A" Section 32, Township 45N, Range 6E NMPM. Source of water: Mill Creek. Decreed use: Irrigation. Appropriation Date: April 1, 1886 Decreed Amount 2CFS. Amount and use or uses listed as having been abandoned: 2.0 CFS for irrigation. Former District Number and Page Humber were listed on Abandonment list: District #2; Page #3 of 20. State factual and legal basis for the Protest: See attached: Exhibit "B" for full narrative. Please see attachments of Exhibit A and Exhibit B.

2022CW22 Roland Ramsey/Freemon Property CO LTD 5005 Seymour Hwy, Wichita Falls, TX. 76310 roland.ramsey@rmsenv.com (940)733-2144. Protest to Final Abandonment List in Rio Grande County. Name of Structure: Freemon Waste Water Ditch. Date of Original Decree: March 11, 1988 Case No: 86CW31 Court: Water Division No 3. Decreed Legal Description of Structure Location: SE 1/4 NE 1/4 Section 2, Township 39 North, Range 6 East, N.M.P.M, at a point which is about 2,000 feet from the North section line and about 1,302 feet from the East section line in Rio Grande County, CO. Source of water: Waste water tributary to the Rio Grande River. Decreed use: Irrigation of Lands Appropriation Date: July 15, 1966 Decreed Amount: 5 cfs Amount and use or uses listed as having been abandoned: 5 cfs - all decreed uses Former District number and Page Number were listed on Abandonment List: Former Water District No 20, listed on page 3 of 20. State of factual and legal basis for this Protest: These water rights have been used on this property by owner/tenants since 1966. There was no previous knowledge that these water rights were intended to be placed on the 2020 Revised Abandonment List. Current owner did not receive notification of the listing on the Division Engineer's preliminary list. These water rights are an integral part of an active farming/ranching property that includes hay production and grazing. There are multiple water sources to the farm/ranch that include Rio Grande No. 1 ditch water rights and this waste water ditch collection water from west of the property. Each water source is important for a successful farming and ranching operation. Remarks: Owner/Tenants of the property include: Former-Floyd Freemon 1966 to late 19680s/early 1990s Former-Jim Shaffer to early 2000s Current: Vick Lusero from early 2000s to present (Shane Johnson co-farms/grazes fir the past several years)

2022CW23 Tedd O. Hennigh and Candice N. Hennigh 1203 West County Road 7 North: Monte Vista, CO. 81144 hennbiz@yahoo.com (719)850-1835. Application For Change Of Water Right Part 1: Addition of Supplemental Well on Field: East Schmidt (NW 1/4 Section 14, T40N, R7E, NMPM) Decreed water right for which change is sought: Name of Structure:

Well No. 11-R, Case No. 2000CW02, Permit No R-13406-RF, WDID 2013797 Date of original and all relevant subsequent decrees: September 27, 2000 Case No: 2000CW02 Court, District Court, Water Division No. 3 Legal description of decreed structure: Center of the NW 1/4 Section 14, Township 40 North, Range 7 East, NMPM. Decreed source of water: Unconfined aquifer Appropriation Date: April 26, 1960 Total amount decreed to structure: 1000 gpm =2.23 cfs Decreed use: Irrigation Amount of water that applicant intends to change: 1000 gpm =2.23 cfs Detailed description of proposed change: This filling seeks approval to construct a supplemental well to be used in combination with Well No. 11-R to irrigate the historically irrigated land within the NW 1/4 Section 14, Township 40 North, Range 7 East, NMPM. The supplemental well will be located within the NW 1/4, Section 14, Township 40 North, Range 7 East, NMPM. There will be no increase to the current limitation on pumping or area of use for Well No 11-R as these limitations were set forth in the Case No. 2000CW02 ruling and decree. The depth of the supplemental well will not exceed 120 feet or the confining clay series. Applying to obtain a supplemental well to Well No. 11-R, Case No. 2000CW02, Permit no. R-13406-RF. If change in point of division: Yes, see above.

Part 2: Adjudication of an Existing Irrigation Well and Addition of a Supplemental Well on Field: East Barry (NW 1/4 Section 7, T40N R8E, NMPM) Decreed water right for which change is sought: Name of structure: Well No. 3, Case No. W-1057, Permit No. 11005-R, WDID 2010119 (Well No 3) Date of Original and all relevant subsequent decrees: October 10, 1974 Case No: W-1057 Court District Court, Water Division No 3. Legal Description of Structure: SW 1/4 of the NW 1/4 Section 7, Township 40 North, Range 8 East, NMPM Decreed source of water: Unconfined aquifer. Appropriation Date: July 31, 1955. Total Amount decreed to structure: 1,340 gpm = 2.98 cfs. Decreed use: Irrigation. Amount of water that applicant intends to change: 1,340 gpm =2.98 cfs. Detailed description of proposed change: This filing seeks approval for adjudication of well permit no R11005-RF (Well No. 3-R, WDID 2014147) that was constructed to a depth of 101 feet in 1978 as a replacement of well no. 11005-R; AND use the original well no. 11005-R (Well No. 3) as a supplemental well to be used in combination with Well No. 3-R to irrigate the historically irrigated land within the NW 1/4 Section 7, Township 40 North, Range 8 East, NMPM. Well No 3-R is located near the center of the NW 1/4 Section 7, Township 40 North, Range 8 East, NMPM at a point with GPS location of UTM, NAD83, zone 13S, 399174 mE, 4176468 mN. The source of the GPS location is the Colorado Division of Water Resources. There will be no increase in the current permitted pumping limitations or area of use for Well No. 3-R. There has been consistent metered use of Well No 3-R before and after flowmeter installation in 2007. The depth of the old Well No. 3 is 89 feet. If however, the old Well No. 3 structure is not sufficient Applicants request the ability to drill a new, unconfined aquifer well near the location of Well No. 3 as a new supplemental well. The depth of the supplemental well will not exceed 110 feet or the to of the confining clay series. Well No. 3 is located near the southwest corner of the NW 1/4 Section 7, Township 40 North, Range 8 East, NMPM at a point with GPS location of UTM, NAD83, Zone 13S, 398775 mE, 4176100 mN. The source of the GPS location is owner supplied. Applicant is applying to adjudicate a well drilled in 1978 under permit no. R11005-RF as a replacement for Well No. 3, Case No. W-1057 and use the old Well No. 3 as supplemental well or drill a new supplemental well if the old Well No. 3 is not able to produce sufficient water. If change in point of diversion, or new location of structure: Yes, see above. Part 3: Adjudication of an Existing Irrigation Well and Addition of a Supplemental Well on Field: 112 Quarter (NE 1/4 Section 2, T40N, R7E, NMPM). Decreed

water right for which change is sought: Name of structure: Well No. 2, Case No. W-613, Permit No. 1410-R, WDID 2009375 (Well No. 2). Date of original and all relevant subsequent decrees: January 30, 1974 Case No: W-613 Court: District Court, Water Division No. 3. Legal description of decreed structure: SW 1/4 of the NE 1/4 Section 2, Township 40 North, Range 7 East, NMPM. Decreed source of water: Unconfined aquifer. Appropriation Date: July 31, 1955. Total amount decreed to structure: 2,000 gpm = 4.46 cfs. Decreed use: Irrigation. Amount of water that applicant intends to change: 2,000 gpm = 4.46 cfs. Detailed description of proposed change: This filing seeks approval for adjudication of well permit no. R1410-RF (Well No. 2-R, WDID 2014280) that was constructed to a depth of 125 feet in 1981 and again to a depth of 110 feet in 1990 as a replacement of well no. 1410-R; AND seeks approval to construct a supplemental well to be used in combination with Well No. 2-R to irrigate the historically irrigated land within the NE 1/4 Section 2, Township 40 North, Range 7 East, NMPM. The supplemental well will be located within the NE 1/4, Section 2, Township 40 North, Range 7 East NMPM. Well No. 2-R is located near the center of the NE 1/4 Section 2, Township 40 North, Range 7 East, NMPM at a point with GPS location of UTM, NAD83, Zone 13S, 396738 mE, 4178099 mN. The source of the GPS location is the Colorado Division of Water Resources. There has been consistent metered use of Well No. 2-R before and after flowmeter installation in 2007. If applicant is drilling a replacement well more than 200 feet from the decreed location, provide legal descriptions of decreed location and actual or new location of well: Applying to adjudicate a well drilled in 1990 under permit no. R-1410-RF as a replacement for Well No. 2, Case No. W-613 and drill a new, unconfined aquifer supplemental irrigation well. If a change in point of diversion provide legal descriptions of decreed location: Yes, see above. Note: All three-quarter sections detailed above are located within the service area of the Rio Grande Canal Water Users Association and the Santa Maria Reservoir Company. Applicants will continue to call for and use the surface water available for irrigation or recharge use. All the current irrigation wells detailed above are within Groundwater Management Subdistrict No. 1 of the Rio Grande Water Conversation District. All supplemental wells will be contracted with Subdistrict No. 1. Names and addresses of purported owners: Tedd O. Hennigh and Candice N. Hennigh, 1203 West County Road 7 North, Monte Vista, CO 81144, hennbiz@yahoo.com (719) 850-1835.

2022CW24 Jake Borntreger, 15731 State Highway 142, La Jara, CO 81140, 719-480-2084. Application for Change of Water Rights in the Conejos River or its tributaries in Conejos County. Decreed water right for which change is sought: Name of structure: W3651 Well No. 1 (WDID 2206399). Date of original and all relevant subsequent decrees: 12/31/1976 Case No: W3651. Court: District Court. Legal description of structure as described in most recent decree that adjudicated the location: NW 1/4 SW 1/4, Section 2, Township 33 North, Range 9 East, NMPM, at a point 2500 feet from South Section line and 650 feet from West Section line, in Conejos County, Colorado. Decreed source of water: Unconfined. Appropriation date: August 8, 1952. Total amount decreed to structure: Absolute 15 gpm. Decreed uses: Domestic and Stockwater. Amount of water that applicant intends to change: Absolute 15 gpm. Detailed description of proposed change: We request to replace Well No. 1 in case no. W-3651 at a new location more than 200 feet away from the decreed location. The original Well No. 1 will be abandoned when the new structure is completed. Well permit no. 326870-A may be re-permitted as the replacement for Well No. 1 subject to approve of the decree. At the new location, Well No. 1 in case no. W-3651 will be used for its decreed purposes of domestic and stockwater. The well will serve 1 home, a 6,000 square foot garden and livestock at a flow rate of 15 gpm. New

location of structure: PLSS: NW 1/4 of the SW 1/4, Section 2, Township 33 N, Range 9 E, NMPM. Points of diversion: Location information UTM coordinates: Easting 414549 Northing 4109587 Zone 13.

2022CW25 Lightwalker Trust, 36710 County Road CC36, Saguache, CO 81149, drdinfo@earthlink.net, 719-588-6246. Diane D. Dunlap, Trustee, Old Cow Town. Protest to Final Abandonment List in Saguache County. Water right: Name of Structure: Harence Ditch No. 2. Date of Original Decree: November 23, 1889. Case No.: Original Adjudication Div. 3. Court: 26th Water District. Decreed legal description of structure location: The headgate of the Harence Ditch No. 2 is situated at a point on the right bank of Mill Creek, a tributary of Saguache Creek, whence the Northeast quarter corner of Section 32, Township 45 North of Range 6 East, NMM, bears North 25 degrees 8 minutes east 3236.2 feet; the general course is Southeasterly bearing a little to the east. Source of water: Mill Creek. Decreed use: Irrigation. Appropriation Date: April 1, 1886. Decreed Amount: 2.0 CFS Amount and use or uses listed as having been abandoned: 2.0 CFS, Irrigation. Former District Number and Page Number where listed on Abandonment List: District Court 26, Water District No. 3, Page No. 3 of 20. State factual and legal basis for this Protest: Used for irrigation of about 100 acres of land belonging to protestant/owner and draws supply of water from said creek as adjudged and decreed that there be allowed to flow into said ditch from said creek for the use and for the benefit of the parties lawfully entitled thereto under virtue of said appropriation by original construction - Priority No. 117 2 cubic feet of water per second of time. Also source of fire protection. Remarks: There has been limited water supply in Mill Creek. There has been no intent to abandon the water rights for Harence Ditch No. 2 for this has been overlooked for the past four years of ownership. The headgate needs to be addressed.

2022CW26 Flying X Cattle Co Inc., 30755 Hwy 114, Saguache, CO 81149, flyingxcattleco@gmail.com, 719-655-2255. Protest to Final Abandonment List in Saguache County. Description of water right: Name of Structure: W0094 PUMP WELL NO 04. Date of Original Decree: 12/31/1950. Case No: W-94 Court: Water Division 3. Decreed legal description of structure location: NE 1/4 NE 1/4, Section 18, Township 44 North, Range 8 East NMPM, at a point 700 feet from North Section line and 1320 feet from East Section line, in Saguache County, Colorado. Source of water: Confined San Luis Valley. Decreed use: domestic, stock, and irrigation. Appropriation Date: 12/31/1950. Decreed Amount: 2.6700 cfs. Amount and use or uses listed as having been abandoned: 2.67 cfs of domestic, stock, and Irrigation. Former District Number and Page Number where listed on Abandonment List: FINAL REVISED ABANDONMENT LIST OF WATER RIGHTS IN WATER DIVISION 3 page 4 of 20. Factual and legal basis for this Protest: After final rules for Dumping in Subdistrict 5 are in place, I plan to use this water to irrigate the surrounding area with an augmentation plan using surface water rights already in place and attached to the land. The structure is already in place and all pieces for augmentation are owned and accounted for. All that is necessary to use this well is minimal maintenance and replacement of electrical wiring that has been struck by lightning. We have been waiting final rulings on pumping in subdistrict 5 before allocating finances to the project. This well is currently used for stock water to corrals and the domestic water for house/barn. House is gone but the water to home site and barn are still in use.

2022CW27 Sofia Land Trust, Robert Tafoya, 58916 County Road T, Saguache, CO 81149, 505-249-4668. Protest to Final Abandonment List in Saguache County. Description of water right: Name of structure: Well No. 2 W-2150. Date of original decree: 12/31/1910. Case No.: W-2150. Court: Water Division 3. Decreed legal description of structure location: NW 1/4 NE 1/4, Section 6, Township 43 North, Range 10 East, NMPM, at a point of 600 feet from the North Section Line and 2600 feet from East Section Line in Saguache County. Source of water: Confined San Luis Valley. Decreed uses: Domestic, irrigation and stockwater. Appropriation date: 12/31/1910. Decreed amount: 175 gpm. Amount and use listed as having been abandoned: 0.3900 lrr 0.2786, domestic and stockwater. Former district number and page number where listed on Abandonment List: Page 15. Factual and legal basis for this protest: Robert Tafoya purchased the land where said well is located in the summer of 2021 and not informed said well was on the abandonment list. 2. The Land was placed in the Sofia Land Trust. 3. Within a month of purchase, Robert approached the Division of Water Resources in Alamosa Colorado to inquire about transferring the Water Right to the Sofia Land Trust. He was told, they (the Division) would look into the process of Transfer. 4. On December 22, 2021, Robert was informed by E-mail from Kevin Boyle the well was on the final revised abandonment list. 5. The conflict is, who owns the water right? The division notified the past landowner, Richard Maestas concerning the newly established rules by the State of Colorado Division of Water Resources governing the use for the well. Robert contends the Tafoya family owns the Water Right. 6. Robert on many occasions cleared the brush near the well so to create some grazing for his livestock. With the current drought conditions, it would be handy to have some grass for the livestock, 7. Even though Robert believed the Tafoya family owned the water right, the previous landowner did not allow us on the land to use the water.

2022CW28 Kalee Schreck and Mike Schreck, 47468 County Road B, Center, CO 81125, proseed@gojade.org, 719-850-2502, 719-850-1074. Protest to Final Abandonment List in Saguache County. Description of water right: Name of Structure: W1644, Well# 1 (WDID 2705296). Date of original decree: 12/31/1972. Case No: W1644 Court: Div. 3. Decreed legal description of structure location: SW 1/4 NW 1/4, Section 21, T42N, R8E, NMPM. Source of water: Confined aquifer. Decreed use: Irrigation. Appropriation date: 6/20/1956. Decreed amount: 2.67 cfs (1200 gpm). Amount and use listed as having been abandoned: Abandonment of 60 acres limiting to 100 acres. Former district number and page number where listed on abandonment list: Page 11 of 20. Factual and legal basis for this protest: We are actively pursuing the irrigation of the entire quarter section and feel that a limitation would be inappropriate at this time. Remarks: We have done work with our own personal equipment to maintain and facilitate the better movement of water to cover the entire 160 acres.

2022CW29 Earl J. Valdez, Ranch Manager, PO Box 342 San Luis, CO 81152, earljvaldez@yahoo.com, 719-206-0576, 817-676-4219. Protest to Final Abandonment List in Costilla County. Description of water right: Name of structure: Bertram Well W-1501, Well # 1 (WDID 2405141). Date of original decree: 12/31/1976. Case No. W-1501. Court: 3. Decreed legal description of structure location: NE 1/4 SW 1/4, Section 24, T1N, R72W, Costilla PM. Source of water: Unconfined. Decreed uses: Irrigation and stock. Appropriation date: 12/31/1955. Decreed amount: 400 gpm. Amount and use listed as having been abandoned: All. Former district number and page number where listed on abandonment list: District 24 page 11. Factual and legal basis for protest: Well is currently still in use.

2022CW30 Earl J. Valdez, Ranch Manager, PO Box 342 San Luis, CO 81152, earljvaldez@yahoo.com, 719-206-0576, 817-676-4219. Protest to Final Abandonment List in Costilla County. Description of water right: Name of structure: Cole Well W-1730, Well # 1 (WDID 2405160). Date of original decree: 12/31/1972. Case No.: W-1730. Court: 3. Decreed legal description of structure location: SW 1/4 NE 1/4, Section 25, T1N, R72W, Costilla PM. Source of water: Unconfined. Decreed use: Irrigation. Appropriation date: 12/31/1950. Decreed amount: 800 gpm. Amount and use listed as having been abandoned: All. Former district number and page number where listed on abandonment list: District 24 page 12. Factual and legal basis for protest: Well is currently still in use.

2022CW31 Cindy Adkins, 931 Weber, Alamosa, CO 81101, cindyecinacia.com, 719-850-2241. Protest to Final Abandonment List in Saguache County. Description of water right: Name of structure: A Ditch. Date of original decree: 12/31/1987. Case No.: 88CW0007. Court: District 3. Decreed legal description of structure location: SW 1/4 SW 1/4 SW 1/4, Section 29, Township 42N, Range 7E, NMPM. Source of water: Carnero. Decreed use: Irrigation. Appropriation date: 4/15/1986. Decreed amount: 10 cubic feet. Amount and use listed as having been abandoned: 10 cubic feet/all decreed uses. Former district number and page number where listed on abandonment list: District 27, page 2. Factual and legal basis for protest: Land has been in conservation program since 2018. Dry water years prior to that.

2022CW32 Stanton W. Johnson and Jaelyn Johnson, 9026 South County Road 2 East, Monte Vista, CO 81144, johnsonsjdml@yahoo.com, 719-850-2632. Protest to Final Abandonment List in Conejos County. Description of water right: Name of structure: Well No. 4, Case No. W-133, WDID 2205059. Date of original decree: 7/16/1973. Case No: W-133 Water Div. 3. Legal description of structure location: SW 1/4 SW 1/4, Section 33, Township 35N, Range 10 East, NMPM. Source of water: Confined aquifer. Decreed use: Irrigation of lands. Appropriation date: 12/31/1958. Decreed amount: 350 gpm being 0.78 cfs. Amount and use listed as having been abandoned: 0.78 cfs – all decreed uses. Former district number and page number where listed on abandonment list: Former Water District No. 20, listed on page 4 of 20. Name of structure: Well No. 6, Case No. W-133, WDID 2205061. Date of Original Decree: July 16, 1973 Case No: W-133 Court: Water Division No. 3. Decreed legal description of structure location: NE1/4 SE1/4 Section 32, Township 35 North, Range 10 East, N.M.P.M. Source of water: Confined Aquifer. Decreed use: Irrigation of Lands. Appropriation Date: December 31, 1958. Decreed Amount: 350 gpm being 0.78 cfs. Amount and use or uses listed as having been abandoned: 0.78 cfs- all decreed uses. Former District Number and Page Number where listed on Abandonment List: Former Water District No. 20, listed on Page 4 of 20. Factual and legal basis for this Protest: Protestants / Owners acquired these water rights with the purchase of the ranch on August 1, 2021. There was no previous knowledge that these water rights were intended to be placed on the 2020 Revised Abandonment List. Current owners did not receive notification of the listing on the Division Engineer's preliminary list. These water rights are an integral part of a multi-purpose property that includes farming, ranching, residential and grazing operations. There are multiple water sources to the ranch that include ditch water rights, irrigation wells, and free flowing stockwater wells. Each water source is important for a successful farming and ranching operation. The Protestants have not had sufficient time of ownership to fully understand and incorporate the water rights that have been listed on the 2020

Abandonment. Remarks: Protestants are acquiring more information as to the historic use of the subject wells.

21CW3021 AMENDED APPLICATION FOR APPROVAL OF CHANGES IN WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING RECHARGE IN ALAMOSA, HINSDALE, MINERAL AND RIO GRANDE COUNTIES

1. Name, Address and Telephone Number of Applicant: McCullough Farms, LLC, Attn: Lynn McCullough, 2544 East Road 4 North, Monte Vista, CO 81144, c/o William H. Caile, Kylie J. Crandall, Hayley K. Siltanen, Holland & Hart LLP, 555 17th St., Ste. 3200, Denver, CO 80202-3921, (303) 295-8000. 2.

Overview: A. Applicant owns and operates a potato/grain farm which currently includes 57 irrigation wells, 2 commercial wells and 1 irrigation/commercial well, all of which pump from the confined or unconfined aquifers of the Closed Basin. The Closed Basin is the area of the San Luis Valley located north of the Rio Grande that is separated from the Rio Grande by both a topographic and hydraulic divide. Twenty-eight quarter sections are currently irrigated by groundwater. Commercial wells are used for potato storage humidification and a potato packing warehouse. B. Applicant seeks approval of a “one-for-one” recharge and augmentation plan to allow for the continued use of groundwater in compliance 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 (the “Groundwater Rules”). For wells that are subject to the Groundwater Rules, groundwater withdrawals may occur only if they are made pursuant to a court-approved augmentation plan, a substitute water supply plan, or a groundwater management plan adopted by a Subdistrict. C. Under the approval sought in the Application, fully consumable surface water will be recharged into the aquifers in exchange for the right for Applicant’s wells to pump against the amount recharged. Applicant owns surface water rights decreed for irrigation, including shares in the Rio Grande Canal Water Users Association, the Santa Maria Reservoir Company, the Billings Ditch Company, and the Prairie Ditch Company. All of these companies also have decrees which allow use of water for recharge of the aquifers in the Closed Basin. To the extent that these approvals do not include Applicant’s intended use for recharge and augmentation pursuant to the Application, Applicant requests a change of its surface water rights to allow such use. D. Applicant’s wells are currently included in the Annual Replacement Plan (“ARP”) operated by Subdistrict No. 1 of the Rio Grande Water Conservancy District (“District”). Applicant will continue to participate in, and operate under, the Subdistrict No. 1 ARP (and subsequently-approved ARPs) or a substitute water supply plan approved by the State Engineer, while the Application herein is pending. Upon approval of a decree in this matter, Applicant may elect to implement the augmentation plan approved herein upon notice to the District and the Division Engineer, or may continue to operate under the Subdistrict No. 1 ARP for so long as that remains practical and/or desirable. 3. Irrigated

Lands: Applicant currently owns 28 quarter sections that are or will be irrigated by groundwater pursuant to the augmentation plan claimed. The location of Applicant’s fields is depicted on the map attached to the Application as Figure 1. The legal descriptions are further described as follows: SE1/4 Sec. 32 T40N R8E; SW1/4 Sec. 33 T40N R8E; NW1/4 Sec. 4 T39N R8E; NW1/4 Sec. 16, T39N, R8E; SW1/4 Sec. 3, T39N R8E; NE1/4 Sec. 35 T40N R8E; NW1/4 Sec. 12 T39N R8E; NW1/4 Sec. 30, T39N R9E; NE1/4 Sec. 23 T40N R8E; NE1/4 Sec. 4 T39N R8E; SE1/4 Sec. 29

T40N R8E; NW1/4 Sec. 21 T40N R8E; SW1/4 Sec. 14 T40N R8E; SW1/4 Sec. 9 T39N R9E; SE1/4 Sec. 34 T40N R8E; NE1/4 Sec. 32 T40N R8E; NE1/4 Sec. 33 T40N R8E; NW1/4 Sec. 34 T40N R8E; NE1/4 Sec. 16 T39N R8E; NE1/4 Sec. 8 T39N R8E; NE1/4 Sec. 15 T40N R8E; SW1/4 Sec. 10 T40N R8E; SE1/4 Sec. 9 T40N R8E; SW1/4 Sec. 9 T40N R8E; NW1/4 Sec. 9 T40N R8E; SW1/4 Sec. 4 T40N R8E; SW1/4 Sec. 31 T40N R9E; and NW1/4 Sec. 31 T40N R9E. 4. Structures to be Augmented: A. Applicant currently operates 57 irrigation wells, 2 commercial wells, and 1 irrigation/commercial well that will be augmented by this plan. These existing wells are listed in the following table. Fifty-seven (57) of the wells pump groundwater from the unconfined aquifer of the Closed Basin. Three (3) of the wells pump groundwater from the confined aquifer of the Closed Basin. The map attached to the Application as Figure 2 shows the location of each well. The legal description, well permit information, decree information, authorized amounts and uses are specified in the following table.

No .	Case No.	Permit No.	Well Location	Flowrate (gpm)	Vollume (acre-ft)	Use
	Unconfined Aquifer:					
1	92CW039 Well No 02R	11294-R-R	SE/32/40N/8E/N	1200	480	Irr.
2	W0345 Well No 04	11296-R	NWSE/32/40N/8E/N	1350	480	Irr.
3	W0345 Well No 03	11295-R-R	NWSE/32/40N/8E/N	1340	480	Irr.
4	W3748 Well No 09R	13148-F-R	SW/33/40N/8E/N	1400	400	Irr.
5	W0103 Well No 11	3945-F	NW/SW/33/40N/8E/ N	1900	Not Specified	Irr.
6	Permit 24119-F	24119-F	NW/4/39N/8E/N	1100	400	Irr.
7	W0515 Well No 02	7207-R	SW/NW/4/39N/8E/ N	1200	534	Irr.
8A	W0372 Well No 01	126-R,126-R-R	NW/NW/16/39N/8E/ /N	1200	480	Irr.
8B	W0372 Well No 01	126-R,126-R-R	NW/NW/16/39N/8E/ /N	1200	480	Irr.
9	W0372 Well No 03	5654-F	NW/NW/16/39N/8E/ /N	1500	Not Specified	Irr.

10	W3392 Well No 02R	8696-R-R	SW/3/39N/8E/N	1000	480	Irr.
11	W0359 Well No 01	8695-R	NW/SW/3/39N/8E/ N	1100	Not Specified	Irr.
12	W3485 Well No 07	18680-F	NE/NE/35/40N/8E/ N	1500	480	Irr.
13	W1479 Well No IRR 02	6040-R-R	SW/NE/35/40N/8E/ N	2050	500	Irr.
14	81CW006 Well No 04A	25116-F	NW/12/39N/8E/N	1350	400	Irr.
15	W2280 Well No 06	11237-F-R	NW/30/39N/9E/N	1000	480	Irr.
16	W2280 Well No 01	11676-F	NW/NW/30/39N/9E /N	1250	480	Irr.
17	W3797 Well No 03A	22907-F	NE/23/40N/8E/N	1000	480	Irr.
18	W0115 Well No 04	54-R	SW/NE/23/40N/8E/ N	1600	Not Specified	Irr.
19	W0320 Well No 06	6218-F	NE/NE/4/39N/8E/N	1400	Not Specified	Irr.
20	W3882 Well No 06A	23183-F	SE/29/40N8E/N	1000	350	Irr.
21	W0471 Well No 06	13551-R	NW/SE/29/40N8E/N	1200	Not Specified	Irr.
22	W3882 Well No 01A	21581-F	NW/21/40N/8E/N	1000	350	Irr.
23	W0508 Well No 02	13553-R	SW/NW/21/40N/8E/ N	1100	230	Irr.
24	83CW028 Well No 02R	1966-R	SW/14/40N/8E/N	1145	400	Irr.
25	W0725 Well No 01	1967-R	NW/SW/14/40N/8E/ N	1500	1400	Irr.

26	W3424 Well No 01	8693-R-R	SW/9/39N/8E/N	1000	480	Irr.
27	W0340 Well No 02	8694-R	NW/SW/9/39N/8E/ N	1100	420.6	Irr.
28	W3437 Well No 01R	11446-R-R	NW/SE/34/40N/8E/ N	1000	480	Irr.
29	W0408 Well No 02	11447-R	NW/SE/34/40N/8E/ N	2000	Not Specified	Irr.
30	W3797 Well No 06	12781-R-R	NE/32/40N/8E/N	1000	400	Irr.
31	W0115 Well No 06	5463-F	SW/NE/32/40N/8E/ N	2000	Not Specified	Irr.
32	99CW011 Well No 2R	139-R-R	NE/33/40N/8E/N	1000	400	Irr.
33	W0137 Well No 03	2512-F	SW/NE/33/40N/8E/ N	1350	400	Irr.
34	W3797 Well No 09R	12780-R-R	NW/34/40N/8E/N	1000	350	Irr.
35	W0115 Well No 05	55-R	SW/NW/34/40N/8E/ N	2600	Not Specified	Irr.
36	82CW195 Well No 05A	22713-F	NE/16/39N/8E/N	1000	480	Irr.
37	W0372 Well No 05	4223-F	NW/NE/16/39N/8E/ N	1300	Not Specified	Irr.
38	79CW083 Well No. 03R	10625-R-R	NW/NE/8/39N/8E/N	1000	400	Irr.
39	W0136 Well No. 01	10627-R	NE/NE/8/39N/8E/N	1800	Not Specified	Irr.
40	W3669 Well No 03A	21395-F	NE/NE/15/40N/8E/ N	1000	350	Irr.
41	W0343 Well No 03	12213-R	SW/NE/15/40N/8E/ N	2000	Not Specified	Irr.

42	W3669 Well No 04A	21504-F	SW/SW/10/40N/8E/ N	1000	350	Irr.
43	W0343 Well No 04	12214- R,12214-R- R	SW/SW/10/40N/8E/ N	2000	Not Specified	Irr.
44	W3669 Well No 01A	21369-F	SE/SE/9/40N/8E/N	1000	350	Irr.
45	W0528 Well No 01	12165-R	SW/SE/9/40N/8E/N	1800	Not Specified	Irr.
46	W3246 Well No 03	16674-F	SW/9/40N/8E	1000	400	Irr.
47	W0222 Well No 01	14108-R	NW/SW/9/40N/8E	1000	Not Specified	Irr.
48	W3459 Well No 01	19336-F	NW/NW/9/40N/8E/ N	1000	350	Irr.
49	W0564 Well No 01	11297-R	SW/NW/9/40N/8E/ N	1100	480	Irr.
50	W3538 Well No 01R	19149-F	SW/4/40N/8E/N	1000	240	Irr.
51	W0435 Well No 01	1482- R,5737-F	SW/SW/4/40N/8E/N	2000	Not Specified	Irr.
52	W3465 Well No 04R	6008-R-R	NW/SW/31/40N/9E/ N	1100	480	Irr.
53	W0424 Well No 06	3030-F	SW/SW/31/40N/9E/ N	1275	Not Specified	Irr.
54	07CW10 Well No 2-R	21788-F	SW/NW/31/40N/9E/ N	1000	400	Irr.
55	W528 Well No 2	12166-R	SW/SE/9/40N/8E/N	2000	302.7/16.2 2	Irr., Comm.
56	W3421 Well No 01	20434-F-R	SE/SW/9/39N/8E/N	1000	100	Comm.
57	W1461 Well No. 07	59652-F	SE/SW/9/39N/8E/N	50	7.18	Comm.

	Confined Aquifer:					
58	W0316 Well No 03	1615-R-R	SW/NW/12/39N/8E/ N	2400	Not specified	Irr.
59	W0320 Well No 03	920-R	NW/NE/4/39N/8E/N	1320	Not specified	Irr.
60	Well 0841 Well No 06	15514-F, 232-R	SW/NW/31/40N/9E/ N	2000	300	Irr.

B. Additional Wells: Applicant requests the right to include additional wells in the plan decreed herein, upon notice to the Division Engineer and upon such other terms and conditions as the Court may determine. 5. Water Rights to be Used for Augmentation: A. Applicant owns shares in the following mutual ditch and reservoir companies (collectively, “Applicant’s Ditch Company Shares”), and water available to Applicant under its Ditch Company Shares will be used for augmentation in the plan decreed herein: i. Rio Grande Canal Water Users Association: 256.7 shares; ii. Santa Maria Reservoir Company: 230 shares; iii. Prairie Ditch Company: 6 shares; and iv. Billings Ditch Company: 30 shares. B. Description of Water Rights: The mutual ditch and reservoir companies’ water rights are described as follows: i. Rio Grande Canal Water Users Association: (a) Structure: Rio Grande Canal (WDID 2000812). (1) Source: Rio Grande. (2) Rio Grande Canal water rights listed in the following table:

Priority No.	Amount (c.f.s.)	Appropriation Date	Adjudication Date
176	2.8	08/31/1879	05/01/1896
178	11.2	11/30/1879	05/01/1896
197	20	12/31/1880	05/01/1896
198	19.6	01/01/1881	05/01/1896
216-A	318.4	09/02/1881	05/01/1896
235	0.6	07/01/1882	05/01/1896
276-A	22.8	06/10/1885	05/01/1896
288-A	22.7	06/10/1886	05/01/1896
312-A	26	06/10/1887	05/01/1896
338-1/2A	33.6	06/10/1888	05/01/1896
344	24.4	03/30/1889	05/01/1896
358-A	16.6	06/10/1889	05/01/1896
363-A	43.4	06/10/1890	05/01/1896
363-B	52	07/24/1890	05/01/1896
365	293.7	11/17/1891	05/01/1896
1903-24-C	45	06/30/1891	04/09/1903
1903-30-C	84.96	06/30/1892	04/09/1903
1903-34-C	48.99	06/30/1893	04/09/1903
1903-37-B	38.74	06/30/1894	04/09/1903

1903-41-B	41.34	06/30/1895	04/09/1903
1903-45-C	88.14	06/30/1896	04/09/1903
1903-46-C	81.71	06/30/1897	04/09/1903
1903-49-D	183.6	06/30/1898	04/09/1903
1903-52-C	82.68	06/30/1899	04/09/1903
1903-57-A	44.92	06/30/1900	04/09/1903
1903-61-A	43.62	06/30/1901	04/09/1903

ii. Santa Maria Reservoir Company. (a) Structure: Maria Reservoir (WDID 2003558). (1) Source: North Clear Creek, Bennett Creek, Boulder Creek. (2) Maria Reservoir water rights include: 15,871.21 ac-ft with an 08/11/1896 appropriation date and 09/13/1916 adjudication date; and 21,652.79 ac-ft with an 09/22/1902 appropriation date and 09/13/1916 adjudication date. (b) Structure: Continental Reservoir (WDID 2003536). (1) Source: North Clear Creek. (2) Continental Reservoir water rights include: 8,832.0 ac-ft with an 06/01/1901 appropriation date and 12/15/1934 adjudication date; and 17,884.00 ac-ft with an 05/04/1907 appropriation date and 19/15/1934 adjudication date. iii. Prairie Ditch Company. (a) Structure: Prairie Ditch (WDID 2000798). (1) Source: Rio Grande. (2) Prairie Ditch water rights listed in the following table:

Priority No.	Amount (c.f.s.)	Appropriation Date	Adjudication Date
11	3.00	05/01/1872	05/01/1896
297	105.10	02/09/1887	05/01/1896
308	0.75	04/01/1887	05/01/1896
328	0.75	04/01/1888	05/01/1896
353	2.85	04/01/1889	05/01/1896
1903-17-A	11.07	06/30/1889	04/09/1903
1903-22-C	36.84	06/30/1890	04/09/1903
1903-24-E	59.90	06/30/1891	04/09/1903
1903-30-D	20.18	06/30/1892	04/09/1903
1903-34-E	22.79	06/30/1893	04/09/1903
1903-37-D	20.84	06/30/1894	04/09/1903
1903-41-D	24.74	06/30/1895	04/09/1903
1903-45-E	16.20	06/30/1896	04/09/1903
1903-46-E	15.63	06/30/1897	04/09/1903
1903-49-F	10.42	06/30/1898	04/09/1903
1903-52-E	6.51	06/30/1899	04/09/1903
1903-57-D	6.84	06/30/1900	04/09/1903
1903-61-B	2.61	06/30/1901	04/09/1903

iv. Billings Ditch Company. (a) Structure: Billings Ditch (WDID 2000546). (1) Source: Rio Grande. (2) Billings Ditch water rights are listed in the following table:

Priority No.	Amount (c.f.s.)	Appropriation Date	Adjudication Date
34	1.5	04/30/1874	05/01/1896
209	7.8	04/30/1881	05/01/1896

305	16.7	04/01/1887	05/01/1896
324	4.44	04/01/1888	05/01/1896
349	4.5	04/01/1889	05/01/1896

6. Recharge: Applicant has a number of existing recharge basins and drain stretches which can currently be used for surface water recharge. Applicant may also add recharge facilities to the plan decreed herein, subject to the provisions of any decree entered herein. A. Existing Recharge Facilities: The location of the existing recharge basins and drain ditch stretches is shown on Figure 3, attached to the Application. The legal description and surface area specifications of each of the existing facilities listed in the following table.

Field	Legal Address	Area (acres)	Description
1	NW 1/4 SE 1/4 T40N R8E NMPM	0.63	NW Pond
2	NE 1/4 SW 1/4 S33 T40N R8E NMPM	1.66	NE Pond
4	S of NW 1/4 S16 T39N R8E NMPM	0.69	S Drain
5	NE 1/4 SW 1/4 S3 T39N R8E NMPM	1.38	NE Pond
6	N of NE 1/4 S35 T40N R8E NMPM	0.61	N Drain
7	NW 1/4 NW 1/4 S12 T39N R8E NMPM	3.37	NW Pond
7	SW 1/4 NW 1/4 S12 T39N R8E NMPM	3.75	SW Pond
8	NW 1/4 NW 1/4 S30 T39N R9E NMPM	4.08	NW Pond
9	N of NE 1/4 S23 T40N R8E NMPM	0.64	N Drain
10	SW 1/4 NE 1/4 S4 T39N R8E NMPM	2.69	SW Pond
11	NW 1/4 SE 1/4 S29 T40N R8E NMPM	2.37	NW Pond
12	N of NW1/4 S21 T40N R8E NMPM	0.72	N Drain

13	NW 1/4 SW 1/4 S14 T40N R8E NMPM	4.94	NW Pond
14	Middle of SW 1/4 S9 T39N R9E NMPM	0.61	Mid Drain
15	NW 1/4 SE 1/4 S34 T40N R8E NMPM	7.02	NW Pond
16	SW 1/4 NE 1/4 S32 T40N R8E NMPM	2.5	SW Pond
18	N of NW 1/4 S34 T40N R8E NMPM	0.71	N Drain
19	SW 1/4 NE 1/4 S16 T39N R8E NMPM	3.09	SW Pond
20	NW1/4 NE 1/4 S8 T39N R8E NMPM	1.34	NW Pond
27	SE 1/4 SW 1/4 S31 T40N R9N NMPM	1.02	SE Pond
	Total	43.82	

B. Additional Recharge Facilities: Applicant requests the right to include additional recharge facilities in the plan decreed herein, upon notice to the Division Engineer and upon such other terms and conditions as the Court may determine. 7. Complete Statement of Plan for Augmentation: A. Applicant is requesting a one-for-one augmentation plan that will meet the substantive requirements of the Groundwater Rules. Upon approval and implementation of the augmentation plan claimed herein, Applicant will dedicate its Ditch Company Shares, described in Paragraph 5, to be annually recharged to the confined and unconfined aquifers of the Closed Basin. The lands that were historically irrigated with Applicant’s Ditch Company Shares will be permanently removed from irrigation with surface water pursuant to Division of Water Resources protocol. B. During each irrigation season, Applicant will deliver water available under Applicant’s Ditch Company Shares into the existing and potential future infiltration basins described in Paragraph 6. Applicant will calculate and account for the total amount of fully consumable water recharged to the confined and unconfined aquifers from water deliveries under Applicant’s Ditch Company Shares. Such recharge will be calculated, taking into account the amount of canal headgate diversions attributable to Applicant’s Ditch Company Shares, evaporative losses, and the portion of recharge to each of the confined and unconfined aquifers. C. The amount of water that may be pumped from Applicant’s wells in any year (“Total Pumping Credit Available”) will be dependent on cumulative calculated consumptive use credit from recharge under this plan, less cumulative pumping consumptive use in previous years, and accounting for any recharge accretion dedicated to meeting sustainability goals. Applicant will have accounting procedures to prevent over-pumping. In the event that pumping in any year

exceeds the Total Pumping Credit Available, Applicant will account for and repay any shortage the following year. D. Applicant will be able to demonstrate that pumping of its wells will not deplete the Rio Grande or other surface streams, because pumping consumptive use will not exceed recharge credit. If necessary, Applicant may utilize its Ditch Company Shares or other legally available replacement sources to replace any depletions to the Rio Grande. E. Sustainability: Applicant will dedicate a portion of its recharge accretions to contribute to the sustainability of the aquifers and satisfy Applicant's pro rata responsibility to recover the aquifers to a sustainable water level. Applicant has also made a significant individual contribution to attainment of sustainability over the last approximately ten years, through participation in the Subdistrict No. 1 ARPs, water conservation efforts, and fallowing and rotational crop selection, that may be considered in the determination of sustainability herein. Applicant may also satisfy the sustainability requirements through other means, including but not limited to dedication of rim inflows. 8. Owners of land upon which any new or modified diversion or storage structure or modification to any existing diversion or storage structure will be located or upon which water is or will be stored, including modification to the existing storage pool: Applicant or its affiliates. (17 incl. exhibits) 17499225_v2

2022CW3015 Chay and Jennifer Yund, 13050 County Road AA, La Jara, CO 81140, flinthamhills@gmail.com, 719-580-2881. Protest to Final Abandonment List in Conejos County. Name of structure: Well No. 1, Case No. W-1938, Permit No. 4714-F, WDID 2205650. Date of original decree: 02/15/1979. Case No: W-1938 Court: Water Division 3. Decreed legal description of structure location: NE 1/4 SE 1/4, Section 17, T35N, R11E, NMPM, at a point 1760 feet from south section line and 1310 feet from east section line in Conejos County, Colorado. Source: Unconfined aquifer. Decreed use: Irrigation. Appropriation date: 12/31/1954. Decreed amount: 2250 gpm being 5.01 cfs. Amount and use listed as having been abandoned: 5.01 cfs. Former District Number and Page Number where listed on Abandonment List: Well No. 1, W-1938 is listed on page 14 of the Final Revised Abandonment List, December 2021. Factual and legal basis for this protest: The well has not been abandoned. On August 7, 2020, Protestants' predecessors, James W Land and Lois L Land entered into an agreement with the Colorado Division of Water Resources whereby the parties stipulated to the acreage to be irrigated by the well and the DWR agreed to remove the well from the 2020 Decennial Abandonment List. A copy of the agreement is attached as Exhibit A (available in the Alamosa Combined Court Clerk's Office). Protestant is at a loss as to why, after filing his protest to the abandonment, attached as Exhibit B (available in the Alamosa Combined Court Clerk's Office), the well remains on the Division Engineer's Final Revised Abandonment List. Remarks: This protest should not have been necessary and should be uncontested.

2022CW3016 APPLICATION FOR CHANGE OF CONDITIONAL WATER RIGHTS IN MINERAL COUNTY 1. Applicant's name, address, telephone number, and email address: Wolf Creek Ski Corporation ("Wolf Creek"), c/o Jennifer M. DiLalla and Lindsey A. Ratcliff, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302 2. Decreed conditional water rights for which changes are sought: Snowmaking Water Tanks 1, 2, 3, 4, and 5, as described in pars. 2.1 and 2.2 below. 2.1 Original decrees and all relevant subsequent decrees: 2.1.1 Snowmaking Water Tanks 1, 2, 3, and 4: Case No. 96CW44, entered July 21, 2000 ("96CW44 Decree"); Case No. 96CW32, entered July 21, 2000; Case No. 06CW15, entered March 24, 2008; Case No. 14CW3008, entered Aug. 2, 2015; Case No.

21CW3017 (pending); all in the Dist. Court for Water Div. No. 3. 2.1.2 Snowmaking Water Tank 5: Case No. 00CW41, entered July 2, 2002; the 96CW44 Decree; Case No. 08CW12, entered Feb. 12, 2009; Case No. 15CW3003, entered Nov. 5, 2015; Case No. 21CW3022 (pending); all in the Dist. Court for Water Div. No. 3. 2.2 Legal descriptions of structures as described in most recent decree that adjudicated location: The approximate locations of the decreed places of storage are shown on the map attached as **Ex. A.** 2.2.1 Snowmaking Water Tank 1 (“Tank 1”): Commencing at the Northwest corner of Tract 37, T37N, R2E, N.M.P.M., as monumented by a 2-3/8 inch aluminum pipe with cap marked A.P. 4 and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8 inch pipe with cap, marked A.P. 5, with all bearings contained herein relative thereto; thence South 57° 30' West, 3,020 feet more or less. 2.2.2 Snowmaking Water Tank 2 (“Tank 2”): Commencing at the Northwest corner of Tract 37, T37N, R2E, N.M.P.M., as monumented by a 2-3/8 inch aluminum pipe with cap marked A.P. 4 and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8 inch pipe with cap, marked A.P. 5, with all bearings contained herein relative thereto; thence South 57° West, 3,090 feet more or less. 2.2.3 Snowmaking Water Tank 3 (“Tank 3”): Commencing at the Northwest corner of Tract 37, T37N, R2E, N.M.P.M., as monumented by a 2-3/8 inch aluminum pipe with cap marked A.P. 4 and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8 inch pipe with cap, marked A.P. 5, with all bearings contained herein relative thereto; thence South 6° 45' West, 3,080 feet more or less. 2.2.4 Snowmaking Water Tank 4 (“Tank 4”): Commencing at the Northwest corner of Tract 37, T37N, R2E, N.M.P.M., as monumented by a 2-3/8 inch aluminum pipe with cap marked A.P. 4 and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8 inch pipe with cap, marked A.P. 5, with all bearings contained herein relative thereto; thence South 5° 45' West, 3,050 feet more or less. 2.2.5 Snowmaking Water Tank 5 (“Tank 5”): Commencing at the Northwest corner of Tract 37, T37N, R2E, as monumented by a 2-3/8" aluminum pipe with cap marked A.P. 4, and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8" pipe with cap marked A.P. 5, with all bearings contained herein relative thereto; thence South 28° 43' W, 4,300 feet more or less. 2.2.6 Tanks 1, 2, 3, 4, and 5 are referred to collectively in this Application as the “Snowmaking Tanks.” 2.3 Points of diversion: The approximate locations of the decreed points of diversion for the Snowmaking Tanks are shown on the map attached as **Ex. A.** 2.3.1 Snowmaking Diversion Point 1 (“Ski Area Pipeline”): Commencing at the Northwest corner of Tract 37, T37N, R2E, N.M.P.M., as monumented by a 2-3/8 inch aluminum pipe with cap marked A.P. 4 and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8 inch pipe with cap marked A.P. 5, with all bearings contained herein relative thereto; thence South 57° West, 2,340 feet more or less. 2.3.2 Ski Area Pipeline alternate point of diversion decreed in Case No. 96CW32: Commencing at the Northwest corner of Tract 37, T37N, R2E, N.M.P.M., as monumented by a 2-3/8 inch aluminum pipe with cap marked A.P. 4 and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8 inch pipe with cap marked A.P. 5, with all bearings contained herein relative thereto; thence South 45° 06' West, 2,750 feet, more or less. 2.3.3 Snowmaking Diversion Point 2: Commencing at the Northwest corner of Tract 37, T37N, R2E, N.M.P.M., as monumented by a 2-3/8 inch aluminum pipe with cap marked A.P. 4 and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8 inch pipe with

cap marked A.P. 5, with all bearings contained herein relative thereto; thence South 56° West, 3,350 feet more or less. 2.3.4 Snowmaking Diversion Point 3: Commencing at the Northwest corner of Tract 37, T37N, R2E, N.M.P.M., as monumented by a 2-3/8 inch aluminum pipe with cap marked A.P. 4 and considering the West line of said Tract 37 to bear South to the Southwest corner of said Tract 37 as monumented by a 2-3/8 inch pipe with cap, marked A.P. 5, with all bearings contained herein relative thereto; thence South 03° 46' West, 3,060 feet more or less. 2.3.5 Alternate points of diversion: Snowmaking Diversion Points 1, 2, and 3 are decreed as alternate points of diversion for each other. 2.3.6 No change in points of diversion: Wolf Creek claims no change to the decreed points of diversion described in pars. 2.3.1 through 2.3.4 above. 2.4 Sources: Unnamed tributaries of Pass Creek, a tributary of the South Fork of the Rio Grande River. 2.5 Appropriation dates: 2.5.1 Tanks 1, 2, 3, and 4: Nov. 18, 1995, for snowmaking use; Sept. 24, 1996, for commercial, domestic, and fire protection uses. 2.5.2 Tank 5: Dec. 26, 2000. 2.6 Amounts: 2.6.1 Tank 1: 500,000 gallons (1.534 acre-feet (“af”)), conditional. 2.6.2 Tank 2: 500,000 gallons (1.534 af), conditional. 2.6.3 Tank 3: 500,000 gallons (1.534 af), conditional. 2.6.4 Tank 4: 500,000 gallons (1.534 af), conditional. 2.6.5 Tank 5: 500,000 gallons (1.534 af), conditional. 2.7 Decreed uses: Snowmaking, commercial, domestic, and fire protection uses at the Wolf Creek Ski Area (“Ski Area”). The approximate location of the Ski Area is shown on the map attached as **Ex. A**. 2.8 Historical use: Not applicable because the water rights are conditional. 3. First claim: Tank 1 change of location: 3.1 Amount of water to be changed: Entirety of the water right. 3.2 Detailed description of proposed change: Wolf Creek seeks to correct the decreed location of Tank 1 to match the as-built location, as described below and shown on **Ex. A**. 3.2.1 Changed location: SE1/4 NW1/4 of Section 8, T37N, R2E of the N.M.P.M., Mineral County, as shown on **Ex. A**. (UTM: 341309 E, 4148483 N, Zone 13, NAD 83). 3.2.2 No increase in contemplated draft: Because it does not involve an increase in volume or a change in point of diversion, the claimed change in decreed location to match the as-built location will not increase Tank 1’s contemplated draft on the stream. 4. Second claim: Tank 2 change of location: 4.1 Amount of water to be changed: Entirety of the water right. 4.2 Detailed description of proposed change: Wolf Creek seeks to correct the decreed location of Tank 2 to match the as-built location, as described below and shown on **Ex. A**. 4.2.1 Changed location: SE1/4 NW1/4 of Section 8, T37N, R2E of the N.M.P.M., Mineral County (UTM: 341012.22 E, 4148443.95 N, Zone 13, NAD 83), as shown on **Ex. A**. 4.2.2 No increase in contemplated draft: Because it does not involve an increase in volume or a change in point of diversion, the claimed change in decreed location to match the as-built location will not increase Tank 2’s contemplated draft on the stream. 5. Third claim: Tank 4 transfer to Tanks 2 and 5: 5.1 Amount of water to be changed: Entirety of the Tank 4 water right. 5.2 Detailed description of proposed change: Wolf Creek seeks to transfer half of Tank 4’s decreed volume to Tank 2 at the changed location described in par. 4.2.1 above; and half of Tank 4’s decreed volume to Tank 5 at the decreed location described in par. 2.2.5 above. 5.2.1 Transfer to Tank 2: Following transfer of 250,000 gallons (0.767 af) of Tank 4’s decreed volume to Tank 2, Tank 2’s decreed volume will be 750,000 gallons (2.301 af), conditional. 5.2.2 Transfer to Tank 5: Following transfer of 250,000 gallons (0.767 af) of Tank 4’s decreed volume to Tank 5, Tank 5’s decreed volume will be 750,000 gallons (2.301 af), conditional. 5.2.3 No remaining volume decreed to Tank 4 following transfer: Following the transfer described in this par. 5, Tank 4 will have no decreed volume remaining. 5.2.4 No increase in contemplated draft: Because the claimed transfer will not increase the combined volume decreed to be stored in the Snowmaking Tanks and does not involve a change in point of diversion, the transfer will not increase Tank 4’s contemplated draft

on the stream. 6. Fourth claim: change to Tanks 2, 3, and 5 to include alternate places of storage: 6.1 Amount of water to be changed: Entirety of the Tank 2 and Tank 5 water rights following the changes described in pars. 4 and 5 above, and entirety of the Tank 3 water right. 6.2 Detailed description of proposed change: Wolf Creek seeks a further change to the Tank 2, Tank 3, and Tank 5 water rights, following the changes described in pars. 4 and 5 above, to allow water diverted under those water rights to be stored in any of the Snowmaking Tanks except for Tank 4 as alternate places of storage. As changed by this Application, Tanks 1, 2, 3, and 5 as alternate places of storage for the Tank 2, Tank 3, and Tank 5 water rights will be known as the “Wolf Creek Snowmaking Tank Field.” Wolf Creek will store water in the Wolf Creek Snowmaking Tank Field to maximize snowmaking efficiency. 6.3 No increase in contemplated draft: Because the claimed change of Tanks 2, 3, and 5 to include alternate places of storage will not increase the combined volume decreed to be stored in the Snowmaking Tanks and does not involve a change in point of diversion, the claimed alternate places of storage will not increase the water rights’ contemplated draft on the stream. 7. Exchange-to point under decreed exchanges: The Snowmaking Tanks are places of storage under the exchanges decreed in Case Nos. 96CW44 and 00CW41 (“Snowmaking Exchanges”). Because Wolf Creek claims no change to the decreed points of diversion for the Snowmaking Tanks, the exchange-to points under the Snowmaking Exchanges are not affected by this Application. 8. Name and address of owner 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: U.S. Forest Service, Rio Grande National Forest, 1803 W. Highway 160, Monte Vista, Colorado, 81144. WHEREFORE, Wolf Creek asks that the Court enter a decree granting this Application and approving the changes of water rights described in pars. 3 through 6 above.

2022CW3017 Julie L. Miller and Dana E. Elisco, 12054 CR 109 South, Alamosa, CO 81101, wbysw@yahoo.com, 915-226-1475. Protest to Final Abandonment List in Alamosa County.

Name of structure: Well No. 1, Well Permit No. 14324-R (WDID 2005667). Date of Original Decree: August 24, 1984 Case No: 83CW054; 88CW21. Court: District Court, Water Division 3. Decreed Legal Description of Structure Location: SE 1/4 NE1/4, Section 30, Township 37 North, Range 10 East, NMPM, 1500 FNL and 75 FEL, Alamosa County, CO.[Actual Location: UTM x 419365.0, UTM y 4142491.0.]. Source of water confined and unconfined aquifers. Decreed uses: irrigation and domestic. Appropriation Date: June 1, 1947. Decreed Amount:200 gpm, being .45 cfs. Amount and use or uses listed as having been abandoned: All. Page Number where listed on Abandonment List 1. Factual and legal basis for this protest: A. No previous owner intended to abandon this water right. This water right has been beneficially used for its decreed uses since entry of the Decrees. Although there was a period of time during which this water right was not used, the original owner of this water right took affirmative steps evidencing lack of intent to permanently discontinue the use of this water right. Evidence of this lack of intent to abandon includes: beneficial use for decreed purposes: maintenance of diversion structures; filing notices of change of ownership; engaging the services of an attorney to provide advice regarding how to protect this water right and avoid the listing of this water right on the Abandonment List; diligent efforts to sell this water right; and the sale of this water right. B. This water right was used by the original owner for the decreed purposes until September 20, 2007, when the original owner filed a Notice of Inactivation. C. For a period of time the original owner of this water right suffered from a mental condition which excused her non-use of this water right and which condition constituted a legal impediment to exercising this water right. D. The second owner of this water right did not intend to abandon this water

right. The second owner took affirmative steps evidencing lack of intent to permanently discontinue the use of this water right, including: conferring with the Division Engineer's staff regarding the status of the well and what steps were necessary to prevent abandonment of this water right; being assured by the Division Engineer's staff that the owner was acting in a manner that would prevent this water right from being included on the Abandonment List; conducting a well pump test of this water right; marketing this water right for sale; and, selling this water right to the current owner. E. The current owners of this water right never intended to abandon this water right. The current owners took affirmative steps evidencing lack of intent to permanently discontinue the use of this water right. Prior to purchasing this water right, the current owners met with the Division Engineer and the Division Engineer's staff members on multiple occasions to investigate and determine the viability of this water right. The current owners obtained an opinion from the Division Engineer's staff that this water right was viable and, based on this opinion, then purchased this water right. The current owners obtained advice from the Division Engineer's staff regarding how to reactivate the well and beneficially use this water right and complied with that advice. The current owners retained legal counsel and successfully defended against the Division Engineer's attempt to unilaterally deem this water right abandoned. The current owners took all the steps advised by the Division Engineer's staff to reactivate the well permit, arranged for inclusion of the well in Subdistrict 6, installed and tested the equipment necessary to apply this water right to beneficial use, and expended approximately \$45,000.00 to beneficially use this water right through purchase of a pump, piping, well meter, well meter certification, a generator, and a water reel sprinkler. Remarks: This water right has not been abandoned.

22CW3018 Mark Allen, 11195 W 17th Ave., Bldg. 9-105, Lakewood, CO 80215, Telephone: 480-395-5700, Email: emmellay@gmail.com. PROTEST TO FINAL ABANDONMENT LIST in SAGUACHE COUNTY. Please send all pleadings and correspondence to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., NAZARENUS STACK & WOMBACHER LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111 (Attorneys for Mark Allen). 2. Describe the Water Right: A. Name of Structure: W1870 Well No 01. B. Date of Original Decree: 09/19/1974. Case No: W-1870. Court: Saguache County District Court in and for Water Division No. 3. C. Decreed Legal Description of Structure Location: NE1/4 of the NE1/4, Section 7, Township 44 North, Range 8 East NMPM, at a point 12 feet from the North section line and 435 feet from the East section line, in Saguache County, Colorado as shown on **Exhibit A**. D. Source of Water: Unconfined Aquifer. E. Decreed Use(s): Irrigation. F. Appropriation Date: 07/19/1944. G. Decreed Amount: 2.23 cubic feet. H. Amount and Use(s) Listed as Having been Abandoned: 2.23 cubic feet, all decreed uses. I. Former District Number and Page Number where Listed on the Abandonment List: Water District 26 and Page 12 of the Final Revised Abandonment List for Water Division 3. 3. State Factual and Legal Basis for this Protest: Since 2019, Mr. Allen has been in talks with Subdistrict No. 5 of the Rio Grande Water Conservation District (the "Subdistrict") concerning the purchase of augmentation water for the subject well. Mr. Allen has documentation of his correspondence with representatives of the Subdistrict and in-person meetings with representatives to discuss the same. He has been told that the Subdistrict will not enter into additional augmentation contracts until such time as they are able to acquire additional replacement water and an associated replacement plan. The replacement plan submitted by the Subdistrict in 2021 was rejected by the State Engineer's office. The status of the 2022 Replacement Plan is unknown at this time. The Subdistrict's ability to develop an acceptable replacement plan is outside of Mr. Allen's control;

however, Mr. Allen has gone so far as offering to sell surface water rights from his land to the Subdistrict to assist them in developing a replacement plan. In furtherance of those negotiations, the Subdistrict prepared a historical consumptive use analysis for the surface right in question, but ultimately did not move forward with the purchase for an undisclosed reason. The Subdistrict subsequently approached Mr. Allen's realtor, in the fall of 2021, to again begin negotiating a purchase of all the land and water rights. However, half of the surface water rights had already been sold in a separate deal. It is our understanding that the Division 3 Engineer's preference is for existing wells to be augmented pursuant by the various Subdistricts that have been established for this purpose, as opposed to independent augmentation plans for each well. Consistent with this preference, Mr. Allen has spent the last 3+ years working with the Subdistrict in hopes of receiving augmentation water once a replacement plan is approved. Mr. Allen has no intent to abandon W1870 Well No. 1 and remains hopeful that the Subdistrict will develop a sufficient replacement plan and then be able to provide him with the augmentation water that he has been seeking since 2019. For the above reasons as well as others that will be described in more detail at trial, Mr. Allen protests the listing of W1870 Well No. 1 on the abandonment list.(4 pages, 1 exhibit)

2022CW3019 COSTILLA COUNTY. PROTEST TO INCLUSION OF WELL NO. 2 W-1349 WATER RIGHT ON DIVISION 3 FINAL ABANDONMENT LIST (2021CW3023).

Natural Prairie Colorado Farmland Holdings, LLC, a Colorado Limited Liability Company (Natural Prairie) submits its protest to inclusion of Well No. 2 W-1349 aka Perry Reservoir Well (Well No. 2 W-1349) on the Colorado Division of Water Resources Final Revised Abandonment List of Water Rights in Water Division 3 dated December 20, 2021 (Division 3 Final Abandonment List). **1.** Name, Mailing Address, Email Address and Telephone Number of Protestant/Owner. Natural Prairie Colorado Farmland Holdings, LLC, a Colorado Limited Liability Company, c/o Donald DeJong, President, 811 State Highway 87, P.O. Box 659, Hartley, Texas 79044, (806) 365-4189. Please send all documents, requests for information and correspondence to Natural Prairie's counsel: David C. Taussig, Alan E. Curtis, Virginia M. Sciabbarrasi, WHITE & JANKOWSKI LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441, Fax: (303) 825-5632. davet@white-jankowski.com; alanc@white-jankowski.com; virginias@white-jankowski.com. **2.** Description of Protestant/Owner. Natural Prairie is an organic dairy that owns and operates farmland and water rights in Colorado and raises organic alpha hay in the San Luis Valley. Natural Prairie owns Well No. 2 W-1349. **3.** Description of Water Right. **a.** Name of Structure. Well No. 2 W-1349. **b.** Original Decree. Case No. W-1349, District Court, Water Division 3, March 6, 1975. A copy of the Well No. 2 W-1349 Decree is attached as EXHIBIT A. **c.** Decreed Legal Description of Structure. The decreed location for Well No. 2 W-1349 is in the SE1/4 of the SE1/4, Section 14, Township 31 South, Range 75 West of the 6th PM, at a point 950 feet from South Section line and 50 feet from East Section line, in Costilla County, Colorado. See also USGS topographic map showing the location of Well No. 2 W-1349, attached as EXHIBIT B. **d.** Source of Water. Confined aquifer, San Luis Valley. **e.** Decreed Use or Uses. Domestic, irrigation and stockwater. **f.** Appropriation Date. May 31, 1951. **g.** Decreed Amount. Per section 6 of the Well No. 2 W-1349 Decree "200 gallons per minute, being .446 cubic feet of water per second of time, being .892 acre feet of water in a period of twenty-four hours." **h.** Amount and Use or Uses Listed as Having Been Abandoned. 0.4460 cubic feet per second for irrigation. **i.** Former District Number. Water District 35. **j.** Page Number Where Listed on Final Abandonment List. Page 9 of 20. **k.** WDID Number. 3505345. **l.** Administration Number. 37040.00000. **4.** Factual and Legal Bases for Protest. **a.** Legal Bases for Protest. **i.** "Abandonment of a water right'

means the termination of a water right in whole or in part as a result of the intent of the owner thereof to discontinue permanently the use of all or part of the water available thereunder.” C.R.S. § 37-92-103(2) (emphasis added). **ii.** “[I]f a water right holder fails to apply a water right to beneficial use for a period of ten years or more, the period of nonuse creates a rebuttable presumption that the water right holder has abandoned the right.” *Wolfe v. Jim Hutton Educ. Found.*, 344 P.3d 855, 857 (Colo. 2015). “Once triggered, the burden shifts to the water right holder to demonstrate a lack of intent to abandon.” *Id.* **iii.** The Colorado Supreme Court “has consistently held that a finding of abandonment requires the concurrence of two elements: a sustained period of non-use and an intent to abandon.” *E. Twin Lakes Ditches & Water Works, Inc. v. Bd. of County Comm’rs of Lake County*, 76 P.3d 918, 921 (Colo. 2003) (emphasis added). **iv.** “[T]he element of intent remains the touchstone of the abandonment analysis, and the owner of the water right can rebut the presumption of abandonment by introducing evidence sufficient to excuse the non-use or demonstrate an intent not to abandon.” *Id.* (emphasis added). **v.** “Courts have identified various factors to determine whether a water right holder intended to abandon his water right including: (1) repair and maintenance of diversion structures; (2) attempts to put the water to beneficial use; (3) active diversion records and non-appearance of the water right on the State Engineer’s abandonment list; (4) diligent efforts to sell the water right; (5) filing documents to protect, change, or preserve the right; (6) leasing the water right; and (7) economic or legal obstacles to exercising the water right.” *Wolfe*, 344 P.3d at 859. **vi.** “In making his or her determinations with respect to abandonment, the division engineer shall investigate the circumstances relating to each water right for which the available water has not been fully applied to a beneficial use” C.R.S. § 37-92-401(c). **b. Factual Bases for Protest.** Since July 1, 2010 when the prior Division 3 abandonment list issued, Natural Prairie engaged in the following acts demonstrating Natural Prairie does not intend to abandon all or any portion of the water right for Well No. 2 W-1349: **i. Acquisition of Water Rights for Well No. 2 W-1349.** On May 15, 2015, Natural Prairie acquired the Rio Grande Meadowlark Ranch along with Well No. 2 W-1349 and other water rights associated with the ranch. As part of that acquisition, Natural Prairie performed due diligence on the water right for Well No. 2 W-1349. The land and water rights deeds are attached as EXHIBIT C and EXHIBIT D, respectively. The water rights deed specifically conveyed the water right for Well No. 2 W-1349 to Natural Prairie. See item 10 at page 4. The fact that Natural Prairie conducted diligence on and obtained and paid value for Well No. 2 W-1349 in 2015 demonstrates lack of intent to abandon the water right associated with Well No. 2 W-1349. **ii. Inclusion of Lands in Trinchera Subdistrict GMP and ARP.** Natural Prairie is a major participant in the Groundwater Management Subdistrict of the Trinchera Water Conservancy District’s (Trinchera Subdistrict) Ground Water Management Plan (GMP), which was submitted for approval on February 28, 2020 (EXHIBIT E). The Trinchera Subdistrict allocates an annual allotment of pumping to participants in the GMP based in part on lands authorized to be irrigated within the GMP. The GMP was approved by the State Engineer on March 13, 2020 (EXHIBIT F). Lands that can be irrigated by Well No. 2 W-1349 are included in the GMP. The Trinchera Subdistrict recently obtained approval of its 2021 Annual Replacement Plan which includes an allotment of pumping to Natural Prairie based in part on land that can be served by Well No. 2 W-1349 (EXHIBIT G). **iii. Future Plans for Use of Well No. 2 W-1349.** It is the goal of the Trinchera Subdistrict to recover the aquifer to support full pumping by all water rights. When that occurs, Natural Prairie can begin actively irrigating with Well No. 2 W-1349 when sustainability is achieved and it makes economic sense to irrigate lands using Well No. 2 W-1349. **iv. Payment of Taxes on Irrigated Pasture Land.** Among other things, Well No. 2 W-1349 is decreed for irrigation

use. This is the use proposed to be abandoned by the Division 3 Final Abandonment List. Every year since acquiring the Rio Grande Meadowlark Ranch, Natural Prairie has paid real property taxes on the land, which is assessed as “irrigated pasture land.” v. Inclusion of Omitted Irrigated Lands. Portions of the Rio Grande Meadowlark Ranch that can be irrigated by Well No. 2 W-1349 were inadvertently omitted from the Trinchera Subdistrict boundaries when it was formed. In November 2019, Natural Prairie petitioned to include all of its land, including land irrigated by Well No. 2 W-1349, into the Trinchera Subdistrict. That petition for inclusion was granted by Trinchera Subdistrict Resolution dated February 12, 2020 (EXHIBIT H) and by Order of the Costilla County District Court in Case No. 2007CV66, entered April 13, 2020 (EXHIBIT I). **5.** Request for Removal from Division 3 Final Abandonment List. Based on the foregoing information, Natural Prairie respectfully requests that the water right for Well No. 2 W-1349 be removed from the Division 3 Final Abandonment List. **6.** Reservation of Right to Raise Additional Factual and Legal Bases for Protest. Natural Prairie reserves the right to raise additional factual and legal grounds in opposition to the listing of Well No. 2 W-1349 on the Division 3 Final Abandonment List as additional information becomes available. (7 Pages; 9 Exhibits)

2022CW3020 COSTILLA COUNTY. PROTEST TO INCLUSION OF WELL NO. 5 W-1349 WATER RIGHT ON DIVISION 3 FINAL ABANDONMENT LIST (2021CW3023).

Natural Prairie Colorado Farmland Holdings, LLC, a Colorado Limited Liability Company (Natural Prairie) submits its protest to inclusion of Well No. 5 W-1349 aka Perry South Well (Well No. 5 W-1349) on the Colorado Division of Water Resources Final Revised Abandonment List of Water Rights in Water Division 3 dated December 20, 2021 (Division 3 Final Abandonment List).

1. Name, Mailing Address, Email Address and Telephone Number of Protestant/Owner. Natural Prairie Colorado Farmland Holdings, LLC, a Colorado Limited Liability Company, c/o Donald DeJong, President, 811 State Highway 87, P.O. Box 659, Hartley, Texas 79044, (806) 365-4189. Please send all documents, requests for information and correspondence to Natural Prairie’s counsel: David C. Taussig, Alan E. Curtis, Virginia M. Sciabarrasi, WHITE & JANKOWSKI LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441, Fax: (303) 825-5632 davet@white-jankowski.com; alanc@white-jankowski.com; virginias@white-jankowski.com. **2.** Description of Protestant/Owner. Natural Prairie is an organic dairy that owns and operates farmland and water rights in Colorado and raises organic alpha hay in the San Luis Valley. Natural Prairie owns Well No. 5 W-1349. **3.** Description of Water Right. **a.** Name of Structure. Well No. 5 W-1349. **b.** Original Decree. Case No. W-1349, District Court, Water Division 3, March 6, 1975. A copy of the Well No. 5 W-1349 Decree is attached as EXHIBIT A. **c.** Decreed Legal Description of Structure. The decreed location for Well No. 5 W-1349 is in the NE1/4 of the SE1/4, Section 23, Township 31 South, Range 75 West of the 6th PM, at a point 2,500 feet from South Section line and 210 feet from East Section line, in Costilla County, Colorado. See also USGS topographic map showing the location of Well No. 5 W-1349, attached as EXHIBIT B. **d.** Source of Water. Confined aquifer, San Luis Valley. **e.** Decreed Use or Uses. Irrigation and stockwater. **f.** Appropriation Date. May 31, 1950. **g.** Decreed Amount. Per section 6 of the Well No. 5 W-1349 Decree “1300 gallons per minute, being 2.90 cubic feet of water per second of time, being 5.80 acre feet of water in a period of twenty-four hours.” **h.** Amount and Use or Uses Listed as Having Been Abandoned. 2.00 cubic feet per second for irrigation. **i.** Former District Number. Water District 35. **j.** Page Number Where Listed on Final Abandonment List. Page 9 of 20. **k.** WDID Number. 3505348. **l.** Administration Number. 36675.00000. **4.** Factual and Legal Bases for Protest. **a.** Legal Bases for Protest. **i.** “‘Abandonment of a water right’ means the termination of a water right in whole or in part as a result of the intent of the owner thereof to

discontinue permanently the use of all or part of the water available thereunder.” C.R.S. § 37-92-103(2) (emphasis added). **ii.** No intent for abandonment shall be found if the nonuse of a water right is a result of participation in a water conservation program approved by a water conservancy district. C.R.S. § 37-92-103(2)(b)(I). **iii.** “[I]f a water right holder fails to apply a water right to beneficial use for a period of ten years or more, the period of nonuse creates a rebuttable presumption that the water right holder has abandoned the right.” *Wolfe v. Jim Hutton Educ. Found.*, 344 P.3d 855, 857 (Colo. 2015). “Once triggered, the burden shifts to the water right holder to demonstrate a lack of intent to abandon.” *Id.* **iv.** The Colorado Supreme Court “has consistently held that a finding of abandonment requires the concurrence of two elements: a sustained period of non-use and an intent to abandon.” *E. Twin Lakes Ditches & Water Works, Inc. v. Bd. of County Comm’rs of Lake County*, 76 P.3d 918, 921 (Colo. 2003) (emphasis added). **v.** “[T]he element of intent remains the touchstone of the abandonment analysis, and the owner of the water right can rebut the presumption of abandonment by introducing evidence sufficient to excuse the non-use or demonstrate an intent not to abandon.” *Id.* (emphasis added). **vi.** “Courts have identified various factors to determine whether a water right holder intended to abandon his water right including: (1) repair and maintenance of diversion structures; (2) attempts to put the water to beneficial use; (3) active diversion records and non-appearance of the water right on the State Engineer’s abandonment list; (4) diligent efforts to sell the water right; (5) filing documents to protect, change, or preserve the right; (6) leasing the water right; and (7) economic or legal obstacles to exercising the water right.” *Wolfe*, 344 P.3d at 859. **vii.** “In making his or her determinations with respect to abandonment, the division engineer shall investigate the circumstances relating to each water right for which the available water has not been fully applied to a beneficial use” C.R.S. § 37-92-401(c). **b. Factual Bases for Protest.** Since July 1, 2010 when the prior Division 3 abandonment list issued, Natural Prairie engaged in the following acts demonstrating Natural Prairie does not intend to abandon all or any portion of the water right for Well No. 5 W-1349: **i.** Acquisition of Water Rights for Well No. 5 W-1349. On May 15, 2015, Natural Prairie acquired the Rio Grande Meadowlark Ranch along with Well No. 5 W-1349 and other water rights associated with the ranch. As part of that acquisition, Natural Prairie performed due diligence on the water right for Well No. 5 W-1349. The land and water rights deeds are attached as EXHIBIT C and EXHIBIT D, respectively. The water rights deed specifically conveyed the water right for Well No. 5 W-1349 to Natural Prairie. See item 13 at page 5. The fact that Natural Prairie conducted diligence on and obtained and paid value for Well No. 5 W-1349 in 2015 demonstrates lack of intent to abandon the water right associated with Well No. 5 W-1349. **ii.** Inclusion of Water Rights for Well No. 5 W-1349 and Natural Prairie Lands in Trinchera Subdistrict GMP and ARP. Natural Prairie is a major participant in the Groundwater Management Subdistrict of the Trinchera Water Conservancy District’s (Trinchera Subdistrict) Ground Water Management Plan (GMP), which was submitted for approval on February 28, 2020 (EXHIBIT E). The Trinchera Subdistrict allocates an annual allotment of pumping to participants in the GMP based in part on lands authorized to be irrigated within the GMP. The GMP was approved by the State Engineer on March 13, 2020 (EXHIBIT F). Lands authorized to be irrigated by Well No. 5 W-1349 are included in the GMP. The Trinchera Subdistrict recently obtained approval of its 2021 Annual Replacement Plan which includes an allotment of pumping to Natural Prairie based in part on land that can be served by Well No. 5 W-1349 (EXHIBIT G). **iii.** Well No. 5 W-1349 Included in Trinchera Subdistrict Conservation Program and Sustainability Plan. The Subdistrict has a water conservation program (Water Conservation Program) defined in paragraph 1.45 of the GMP as follows: “Water Conservation Program” means a program adopted by a water

conservancy district to satisfy the provisions of C.R.S. § 37-93-103(2) and/or C.R.S. § 37-92-305(3)(c). The Trinchera Water Conservancy District has adopted, and the Trinchera Subdistrict has approved, a Water Conservation Program that affords the protections of C.R.S. § 37-93-103(2) and C.R.S. § 37-92-305(3)(c) to Subdistrict Wells and other water rights within the Trinchera Subdistrict. Paragraph 2.4.4 of the GMP concerning the Water Conservation Program states: The Trinchera Water Conservancy District has adopted, and the Trinchera Subdistrict has approved, a Water Conservation Program . . . the Owner of a Subdistrict Well or of other water rights within the Trinchera Subdistrict may elect to temporarily reduce the amount of land under irrigation or otherwise reduce the consumptive use of water, and the period of non-use or reduced use will not be considered to be a period of non-use for purposes of abandonment or reductions in the associated water right, to the extent provided by law. (emphasis added). The State Engineer has approved the Sustainable Trinchera Water Supply, which has been implemented by the Trinchera Subdistrict manage water levels in the aquifer as required by rules adopted in Case No. 15CW3024. See, e.g., Exhibit E paragraphs 1.41, 2.3.1, 2.5.2, 3.1.1, and 3.5 through 3.12. Well No. 5 W-1349 is part of the Water Conservation Program and the Sustainable Trinchera Water Supply plan and cannot be subject to abandonment so long it is included in those plans. **iv.** Future Plans for Use of Well No. 5 W-1349. It is the goal of the Trinchera Subdistrict to recover the aquifer to support full pumping by all water rights. When that occurs, Natural Prairie can begin actively irrigating with Well No. 5 W-1349 when sustainability is achieved, and it makes economic sense to irrigate lands using Well No. 5 W-1349. **v.** Payment of Taxes on Irrigated Pasture land. Among other things, Well No. 5 W-1349 is decreed for irrigation use. This is the use proposed to be abandoned by the Division 3 Final Abandonment List. Every year since acquiring the Rio Grande Meadowlark Ranch, Natural Prairie has paid real property taxes on the land, which is assessed as “irrigated pasture land.” **vi.** Payment of Trinchera Subdistrict Fees on Well No. 5 W-1349. In 2019, 2020, and 2021, Natural Prairie paid the Trinchera Subdistrict \$500.00 per well for inclusion in the Trinchera Subdistrict’s plan of water management. This payment included Well No. 5 W-1349. **vii.** Inclusion of Omitted Irrigated Lands. Portions of the Rio Grande Meadowlark Ranch that can be irrigated by Well No. 5 W-1349 were inadvertently omitted from the Trinchera Subdistrict boundaries when it was formed. In November 2019, Natural Prairie petitioned to include all of its land, including land irrigated by Well No. 5 W-1349, into the Trinchera Subdistrict. That petition for inclusion was granted by Trinchera Subdistrict Resolution dated February 12, 2020 (EXHIBIT H) and by Order of the Costilla County District Court in Case No. 2007CV66, entered April 13, 2020 (EXHIBIT I). **5.** Request for Removal from Division 3 Final Abandonment List. Based on the foregoing information, Natural Prairie respectfully requests that the water right for Well No. 5 W-1349 be removed from the Division 3 Final Abandonment List. **6.** Reservation of Right to Raise Additional Factual and Legal Bases for Protest. Natural Prairie reserves the right to raise additional factual and legal grounds in opposition to the listing of Well No. 5 W-1349 on the Division 3 Final Abandonment List as additional information becomes available. (8 Pages, 9 Exhibits)

22CW3021 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. 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. 2. Water Rights to be Given Determination and/or Changed. A. Structure:** Faucette Well No. 3; Permit No. 11865-R; WDID 2705279. **i.** Original Decree: July 25, 1974; Case No. W-1360; Division 3 Water Court. **ii.** Location: SW 1/4 of the SW 1/4, Section 27,

Township 42N, Range 8E, NMPM, at a point 50 feet from the South section line and 400 feet from the West section line, in Saguache County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: June 30, 1951. v. Amount Decreed: 1100 gallons per minute; being 4.90 acre feet per twenty-four hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 1100 gallons per minute; being 4.90 acre feet per twenty-four hours. B. Structure: Faucette Well No. 4; Permit No. 11864-R; WDID 2705277. i. Original Decree: July 25, 1974; Case No. W-1360; Division 3 Water Court. ii. Location: SW 1/4 of the SW 1/4, Section 27, Township 42N, Range 8E, NMPM, at a point 100 feet from the West section line and 50 feet from the South section line, in Saguache County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: April 30, 1951. v. Amount Decreed: 1600 gallons per minute; being 7.14 acre feet per twenty-four hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 1600 gallons per minute; being 7.14 acre feet per twenty-four hours. C. Structure: Faucette Well No. 5; Permit No. 11865-R; WDID 2705279. i. Original Decree: July 25, 1974; Case No. W-1360; Division 3 Water Court. ii. Location: SE 1/4 of the SW 1/4, Section 27, Township 42N, Range 8E, NMPM, at a point 60 feet from the South section line and 2,300 feet from the West section line, in Saguache County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: May 31, 1954. v. Amount Decreed: 900 gallons per minute; 4.02 acre feet per twenty-four hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 900 gallons per minute; 4.02 acre feet per twenty-four hours. D. Structure: Faucette Well No. 6; Permit No. 4076-F; WDID 2705280. i. Original Decree: July 25, 1974; Case No. W-1360; Division 3 Water Court. ii. Location: SW 1/4 of the NW 1/4, Section 27, Township 42N, Range 8E, NMPM, at a point 2,500 feet from the North section line and 150 feet from the West section line, in Saguache County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: April 25, 1963. v. Amount Decreed: 1,200 gallons per minute; 5.34 acre feet per twenty-four hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 1,200 gallons per minute; 5.34 acre feet per twenty-four hours. 3. Description of Requested Determination: Applicants seek an order from the Court confirming that the Decree in Case No. W-1360 allows the Faucette Wells (1) to be withdrawn from natural artesian pressure or using a pump, (2) to be used for irrigation purposes, including by sprinkler irrigation methods, and (3) to be used to irrigate section 26, T42N, R8E, 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. *See 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 also request modification of existing well permits for the Faucette Well Nos. 3, 4, 5 & 6 as necessary to reflect the order from the Court. 4. Detailed Description of Proposed Change: Applicants also seek an alternate point of diversion to withdraw the groundwater rights associated with the Faucette Well Nos. 3, 5 & 6 described in Paragraph 3 above at the Meadow Ranch HQ No. 13 Well. Taken through the Meadow Ranch HQ No. 13 Well, this water will be used to irrigate lands on Section 26, Township 42N, R8E, N.M.P.M., and as shown on the map in **Figure 1**. The Faucette Well Nos. 3, 5 & 6 will be diverted under the same flow rate and volumetric limits. This change will in no way affect the separate and independent ground water right adjudicated for the Meadow Ranch HQ No. 13 Well in case No. W-0903, which has and will be used on separate lands. Withdrawals from the Meadow Ranch HQ No. 13 Well as an alternate point of diversion for the Faucette Well Nos. 3, 5 & 6 will be separately metered and reported from those made under the independent groundwater right decreed for the Meadow

Ranch HQ No. 13 Well in Case No. W-0903. The alternate point of diversion and Applicant's proposed terms and conditions associated with this change are further described as follows: A. Alternate Point of Diversion: Meadow Ranch HQ No. 13 Well; Permit No. 5364-F; WDID 2705290. i. Original Decree: The Meadow Ranch HQ No. 13 Well has a separate and independent priority adjudicated in Case No. W-0903. This application does not seek to change or modify any portion of this water right. ii. Location: SW 1/4 of the NW 1/4, Section 25, Township 42N, Range 8E, N.M.P.M. (UTM Zone 13, Easting 407420, Northing 4190306). iii. Source: Confined aquifer. B. Proposed Terms and Conditions: Applicant proposes the following terms and conditions for the alternate point of diversion: i. Flow Rate and Volumetric Limits: Combined withdrawals—as a flow rate and volumetric limit—from the Faucette Well Nos. 3, 5 & 6 and the Meadow Ranch HQ No. 13 as an alternate point of diversion for the Faucette Well Nos. 3, 5 & 6 will not exceed the combined withdrawals for the Faucette Well Nos. 3, 5 & 6 as currently decreed in Case No. W-1360. ii. 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. In addition, the Meadow Ranch HQ No. 13 Well will be separately metered to adequately measure and record the withdrawals from the Meadow Ranch HQ No. 13 Well as an alternate point of diversion for the Faucette Well Nos. 3, 5 & 6 as distinguished from those made under the independent groundwater right decreed and permitted for the Meadow Ranch HQ No. 13 Well in Case No. W0903. iii. Administration: All wells will be used in compliance with the Rules Governing the Withdrawal of Groundwater in Water Division No. 3. iv. 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 4, Applicants request a change of water rights to allow the Faucette Well Nos. 3, 4, 5 & 6 to be: (1) withdrawn from natural artesian pressure or using a pump, (2) used for irrigation purposes, including by sprinkler irrigation methods, and (3) used to irrigate section 26, T42N, R8E, N.M.P.M. 5. Owners of Land Upon Which Any New Diversion or Storage Structure Will Be Constructed: Applicants.

2022CW3022 Battle Mountain Resources, Inc. ("BMRI"), Attn: Julio Madrid, Environmental Specialist P.O. Box 310 San Luis, Colorado 81152, Julio.madrid@newmont.com. (719) 379-0798; Please direct all pleadings and correspondence to: James S. Witwer, Andrea M. Bronson, Davis Graham & Stubbs LLP; 1550 Seventeenth Street, Suite 500, Denver, Colorado 80202; Telephone: (303) 892-9400; E-mail: james.witwer@dgsllaw.com andrea.bronson@dgsllaw.com. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. Name, address email address, and telephone number of Applicant: (see above). 2. Introduction: a. BMRI is engaged in the reclamation and closure of a former gold mining and beneficiation project in Costilla County, Colorado, known as the San Luis Project. BMRI's reclamation and closure activities are being conducted under the regulatory authority of the Colorado Division of Reclamation, Mining and Safety ("DRMS"), pursuant to BMRI's reclamation permit and the technical revisions thereto, and subject to certain requirements of the Colorado Department of Public Health and Environment ("CDPHE"). As part of its reclamation activities, BMRI monitors and, as needed, pumps ground water in and near its backfilled West Pit to prevent ground water flow from the backfilled pit to the alluvium of Rito Seco, a tributary of Culebra Creek. At the present time, ground water pumped from the backfilled West Pit and the alluvium downgradient from the backfilled pit is principally

delivered directly to an onsite water treatment plant, where it is treated and discharged to Rito Seco. Replacement of out-of-priority depletions associated with BMRI's water management activities are controlled by the plan for augmentation decreed on July 17, 2013 in Case No. 07CW42, Water Division No. 3. This application presents claims for findings of reasonable diligence with respect to BMRI's underground water rights or portions thereof, that are presently decreed conditional and are associated with its water management activities. The conditional underground water rights are part of BMRI's integrated water supply system related to its reclamation and closure activities, therefore, for purposes of demonstrating diligence, work on any part of BMRI's integrated water supply system will be considered diligence. The conditional water right decreed to West Pit Well BF-6, Permit No. 52743-F, was made absolute in all respects in Case No. 2015CW3015, Water Division No. 3, June 7, 2016 for ground water remediation.

3. Name of Structures:

- a. Alluvial Well M-32 (Well Permit No. 53737-F)
- b. Alluvial Well M-33 (Well Permit No. 53738-F)
- c. Alluvial Well M-18 (Well Permit No. 52744-F)
- d. Alluvial Well M-19 (Well Permit No. 52745-F)
- e. Alluvial Well M-28 (Well Permit No. 52746-F)
- f. Alluvial Well M-29 (Well Permit No. 52747-F)
- g. Alluvial Well M-20 (Well Permit No. 52748-F)

4. Description of Conditional Water Rights:

- a. Date of Original Decree: July 2, 2002, Case No. 99CW57, Water Court, Water Division No. 3.
- b. Subsequent Decrees Awarding Findings of Reasonable Diligence: June 7, 2016, Case No. 2015CW3015, Water Court, Water Division No. 3.
- c. Legal Description: The Alluvial Wells are located in T32S, R71W, 6th P.M., Costilla County, CO. A map illustrating the general location of all structures described below is attached to the Application as Exhibit A.

- i. Alluvial Well M-32: SW1/4 of NE1/4, Section 20. Per the well permit associated with this well, Permit No. 53737-F, more specifically located 1450 feet from the North section line and 1360 feet from the East section line.
- ii. Alluvial Well M-33: NW1/4 of NE1/4, Section 20. Per the well permit associated with this well, Permit No. 53738-F, more specifically located 1310 feet from the North section line and 1350 feet from the East section line.
- iii. Alluvial Well M-18: SW1/4 of NW1/4, Section 21. Per the well permit associated with this well, Permit No. 52744-F, more specifically located 1747 feet from the North section line and 148 feet from the West section line.
- iv. Alluvial Well M-19: SW1/4 of NW1/4, Section 21. Per the well permit associated with this well, Permit No. 52745-F, more specifically located 1670 feet from the North section line and 21 feet from the West section line.
- v. Alluvial Well M-28: SW1/4 of NW1/4, Section 21. Per the well permit associated with this well, Permit No. 52746-F, more specifically located 1691 feet from the North section line and 95 feet from the West section line.
- vi. Alluvial Well M-29: SW1/4 of NW1/4, Section 21. Per the well permit associated with this well, Permit No. 52747-F, more specifically located 1797 feet from the North section line and 213 feet from the West section line.
- vii. Alluvial Well M-20: SE1/4 of NE1/4, Section 20. Per the well permit associated with this well, Permit No. 52748-F, more specifically located 1590 feet from the North section line and 117 feet from the East section line.

d. Source of Water:

- i. Alluvial Well M-32: Ground water.
- ii. Alluvial Well M-33: Ground water.
- iii. Alluvial Well M-18: Ground water.
- iv. Alluvial Well M-19: Ground water.
- v. Alluvial Well M-28: Ground water.
- vi. Alluvial Well M-29: Ground water.
- vii. Alluvial Well M-20: Ground water.

e. Appropriation Date and Amount:

- i. Alluvial Well M-32: May 4, 2000; 40 gpm total (26 gpm absolute, 14 gpm conditional), with total pumping through all Alluvial Wells not to exceed 550 gpm or 400 acre-feet per year.
- ii. Alluvial Well M-33: May 4, 2000; 20 gpm total (6 gpm absolute, 14 gpm conditional), with total pumping through all Alluvial Wells not to exceed 550 gpm or 400 acre-feet per year.
- iii. Alluvial Well M-18: June 28, 1999; 50 gpm total (31 gpm absolute, 19 gpm conditional), not to exceed 81 acre-feet per year and with total

pumping through all Alluvial Wells not to exceed 550 gpm or 400 acre-feet per year. iv. Alluvial Well M-19: June 28, 1999; 50 gpm total (29 gpm absolute, 21 gpm conditional), not to exceed 81 acre-feet per year and with total pumping through all Alluvial Wells not to exceed 550 gpm or 400 acre-feet per year. v. Alluvial Well M-28: June 28, 1999; 50 gpm total (19 gpm absolute, 31 gpm conditional), not to exceed 81 acre-feet per year and with total pumping through all Alluvial Wells not to exceed 550 gpm or 400 acre-feet per year. vi. Alluvial Well M-29: June 28, 1999; 50 gpm total (32 gpm absolute, 18 gpm conditional), not to exceed 81 acre-feet per year and with total pumping through all Alluvial Wells not to exceed 550 gpm or 400 acre-feet per year. vii. Alluvial Well M-20: August 9, 1999; 50 gpm total (10 gpm absolute, 40 gpm conditional), not to exceed 81 acre-feet per year and with total pumping through all Alluvial Wells not to exceed 550 gpm or 400 acre-feet per year. f. Use: i. Alluvial Well M-32: Ground water remediation. ii. Alluvial Well M-33: Ground water remediation. iii. Alluvial Well M-18: Ground water remediation. iv. Alluvial Well M-19: Ground water remediation. v. Alluvial Well M-28: Ground water remediation. vi. Alluvial Well M-29: Ground water remediation. vii. Alluvial Well M-20: Ground water remediation. g. Depth: (All information from corresponding well permit files) i. Alluvial Well designated M-32: 72 feet ii. Alluvial Well designated M-33: 68 feet iii. Alluvial Well designated M-18: 49 feet iv. Alluvial Well designated M-19: 50 feet v. Alluvial Well designated M-28: 46.5 feet vi. Alluvial Well designated M-29: 48 feet vii. Alluvial Well designated M-20: 50 feet. 5. 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 previous diligence period: a. From 2016-2022, BMRI expended approximately \$112,000 on outside water resources engineering costs to implement the augmentation plan decreed in Case No. 07CW42, Water Division No. 3, which augmentation plan replaces out-of-priority depletions caused by the Alluvial Wells. b. From 2016-2022, BMRI expended approximately \$44,000 on outside water resources engineering costs for interfacing with the Division of Water Resources staff regarding BMRI's water management activities. c. From 2016-2022, BMRI expended approximately \$62,000 on outside water resources engineering costs to develop accounting required by the decree in Case No. 07CW42. d. From 2016-2022, BMRI expended approximately \$61,000 on outside water resources engineering costs to develop, refine, and implement the West Pit groundwater model in order to better replicate the groundwater system response in the area of the West Pit and associated Rito Seco alluvial aquifer. e. From 2016-2022, BMRI expended approximately \$37,000 on operation, maintenance, and replacement of lysimeter equipment downgradient of the tailings ponds pursuant to the terms of the decree in Case No. 07CW42. f. From 2016-2022, BMRI expended approximately \$900,000 on power costs from running the water treatment plant and pumping the Alluvial Wells. g. From 2016-2022, BMRI expended approximately \$58,000 on BMRI staff performing daily monitoring of the water levels, reading totalizing flow meters, and preparing necessary reporting for Alluvial Wells Nos. M-32 and M-33. h. From 2016-2022, BMRI expended approximately \$7,800 on BMRI staff performing monthly monitoring of the water levels for Alluvial Wells Nos. M-18, M-19, M-28 and M-29. i. From 2016-2022, BMRI expended approximately \$7800 on BMRI staff performing weekly and quarterly monitoring of the water levels of Alluvial Well No. M-20. j. From 2016-2022, BMRI expended approximately \$14,000 performing monthly and quarterly water quality sampling of Alluvial Well No. M-20. k. From 2016-2022, BMRI expended approximately \$126,000 on outside legal fees defending and ensuring compliance with the water rights decreed for the Alluvial Wells including implementing and ensuring compliance with the augmentation plan entered in Case No. 07CW42, Water

Division No. 3, reviewing the Water Division No. 3 Water Court resumes, defending against water right abandonment claims for one of the water rights decreed for augmentation use in Case No. 07CW42, participating in the Water Division No. 3 Groundwater Rules hearing in Case No. 15CW3024 with respect to Costilla Plain ground water rights also decreed for such augmentation use, and monitoring the proceedings to form the Groundwater Management Subdistrict of the Trinchera Water Conservancy District pursuant to such Groundwater Rules, which could benefit the continued use of another water right decreed for such augmentation use. 6. Names(s) and address(es) of owner(s) or reputed owners of the land: All structures to which the conditional rights at issue are decreed are located on lands owned by BMRI. WHEREFORE, BMRI respectfully requests that the Court enter an order and decree: a. Finding that BMRI has been reasonably diligent in the development of the conditional water rights described herein; and b. Continuing the conditional portions of the water rights for the Alluvial Wells described herein in full force and effect as follows:

Subject Water Right	Conditional
Alluvial Well M-32 (Well Permit No. 53737-F)	14 gpm
Alluvial Well M-33 (Well Permit No. 53738-F)	14 gpm
Alluvial Well M-18 (Well Permit No. 52744-F)	19 gpm
Alluvial Well M-19 (Well Permit No. 52745-F)	21 gpm
Alluvial Well M-28 (Well Permit No. 52746-F)	31 gpm
Alluvial Well M-29 (Well Permit No. 52747-F)	18 gpm
Alluvial Well M-20 (Well Permit No. 52748-F)	40 gpm

c. Providing such other relief as the Court deems proper.

2022CW3024 RIO GRANDE COUNTY, Applicant, City of Monte Vista, Attn: Gigi Dennis, City Manager, 95 West First Avenue, Monte Vista, CO 81144; (719) 852-2692. Application for Correction of an Established but Erroneously Described Point of Diversion Pursuant to C.R.S. § 37-92-305(3.6) in Rio Grande County. Please address all correspondence to: Peter D. Nichols, Esq., Geoffrey M. Williamson, Esq., Megan Gutwein, Esq., Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302; (303) 402-1600; pdn@bhgrlaw.com; gmw@bhgrlaw.com; mg@bhgrlaw.com. 2. Decreed water right for which correction is sought: Well No. 6. A. Name of structure: Well No. 6. B. Date of original decree: July 3, 1975, Case No. W-847. There are no subsequent decrees. C. Decreed location of structure: SE1/4, NW1/4,

Section 36, Township 39 North, Range 7 East, NMPM, at a point 1575 feet from the North Section line and 1700 feet from the West Section line, in Rio Grande County, Colorado. See map attached as Exhibit A. D. Decreed use: Irrigation. E. Source of water: Unconfined aquifer. F. Appropriation Date: June 30, 1949. G. Amount: 190 gpm, being 0.423 cfs and 0.846 acre-feet of water in a period of 24 hours, absolute. H. Amount Applicant seeks to change: 190 gpm, being 0.423 cfs and 0.846 acre-feet of water in a period of 24 hours, absolute.

3. Detailed description of proposed correction of erroneously described point of diversion: A. Complete statement of correction: An “[e]stablished but erroneously described point of diversion” is a point of diversion that “has been at the same physical location since the applicable decree or decrees confirmed the water right,” “is not located at the location specified in the applicable decree or decrees confirming the water right,” and “[f]rom which the diverter has diverted water with the intent to divert pursuant to the decree or decrees confirming the water right.” C.R.S. § 37-92-305(3.6)(a)(II). An application seeking a correction to an erroneously described point of diversion must not be combined with any change of water right, diligence proceeding, or application to make a water right absolute. C.R.S. § 37-92-305(3.6)(d)(V). The water right for Well No. 6 was originally decreed in Case No. W-847 (July 3, 1975, Water Division 3). The decree describes the legal location of the Well as the SE1/4 NW1/4, Section 36, Township 39 North, Range 7 East, NMPM at a point 1575 feet from North Section line and 1700 feet from West Section line, in Rio Grande County, Colorado. The Application in Case No. W-847, however, describes the location as the SE Quarter of the NE Quarter of Section 36, Township 39N, Range 7E, NMPM, Rio Grande County, Colorado, located in the vicinity of the Monte Vista Community golf course, Monte Vista, Colorado. Further, the actual physical location of Well No. 6—both currently and since entry of the W-847 decree—is within the SW1/4, NE1/4 of Section 36. This location is the location of the well from which Monte Vista has diverted and used water in accordance with the Well No. 6 water right. Applicant has diverted water under this water right for its decreed uses from its actual location, and Applicant does not seek any other type of change in this application. Applicant seeks a correction in the location of the decreed point of diversion of Well No. 6 as described in paragraph 3.B below and shown on the attached Exhibit A. The proposed correction in erroneously described point of diversion will not result in total combined diversions of a greater flow rate than the 0.423 cfs decreed to the Well. Water is physically and legally available at the decreed rate at the original diversion point from which the proposed change is being made. The proposed correction in erroneously described point of diversion will also not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right, as the Well will continue diverting water from the unconfined aquifer as it always has. Well No. 6 and its water right are included in Monte Vista’s proposed plan for augmentation that is currently pending in Case No. 16CW3024, Water Division 3. B. Location of corrected point of diversion: SW1/4, NE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2075 feet from the North Section line and 1338 feet from the East Section line, in Rio Grande County, Colorado, at NAD 1983 UTM Zone 13N coordinates of 4160204 m N, 398108 m E. 4. Name and address of owner of land upon which requested correct point of diversion is located: Applicant.

WHEREFORE, Applicant requests this Court enter a decree: a) Granting a correction of an erroneously described point of diversion for Well No. 6 as applied for herein; and b) Grant such other and further relief as the Court deems proper. (Application is 5 pages and 1 Exhibit)

2022CW3025 Speartex GrainCompany Attn: Mary Dixon, P. O. Box 747 Spearman, Texas 79081, maryfdixon@outlook.com (870) 270-0046. Protest to Final Abandonment List in

Saguache County. Name of structure: Well No. 1 (Permit No. 19121-R; WDID 2505167) (“Well No. 1 Water Right”) Date of original decree: Case No. W-984, entered March 27, 1975, District Court for Water Division No. 3, State of Colorado (“W-984 Decree”). Decreed legal description: NW1/4 SW1/4, Section 5, Township 44 North, Range 10 East, NMPM, at a point 2,540 feet from South Section line and 60 feet from West Section line, in Saguache County, Colorado. The decreed location of Well No. 1 Water Right is shown on the map attached hereto as **Exhibit A**. Source of water: Confined Aquifer. Decreed use: Irrigation. Appropriation date and decreed amount: June 30, 1952 for 2,240 gallons per minute (“gpm”), being 4.99 cubic feet per second (“cfs”), being 9.98 acre-feet (“AF”) in a period of twenty-four hours. Amount and use or uses listed as having been abandoned: All decreed places of use except 160 acres in SW1/4 Section 5, T44N, R10E, NMPM. Former district number and page number where listed on abandonment list: Water Division No. 3, Water District No. 25; listed on page 7 of the Division Engineer’s Final Abandonment List. Name of structure: Well No. 2 (Permit No. 12494-F; WDID 2505168) (“Well No. 2 Water Right”). Date of original decree: W-984 Decree. Decreed legal description: NW1/4 NE1/4, Section 8, Township 44 North, Range 10 East, NMPM, at a point 30 feet from North Section line and 2,630 feet from East Section line, in Saguache County, Colorado. The decreed location of Well No. 2 Water Right is shown on the map attached hereto as **Exhibit A**. Source of water: Unconfined Aquifer. Decreed use: Irrigation. Appropriation date and decreed amount: November 20, 1967 for 2,000 gpm, being 4.46 cfs, being 8.92 AF in a period of twenty-four hours. Amount and use or uses listed as having been abandoned: All decreed places of use except 160 acres in NE1/4 Section 8, T44N, R10E, NMPM. Former district number and page number where listed on abandonment list: Water Division No. 3, Water District No. 25; listed on page 7 of the Division Engineer’s Final Abandonment List. Name of structure: Well No. 4 (Unregistered; WDID 2505170) (“Well No. 4 Water Right”). Date of original decree: W-984 Decree. Decreed legal description: SE1/4 SW1/4, Section 8, Township 44 North, Range 10 East, NMPM, at a point 200 feet from South Section line and 1980 feet from West Section line, in Saguache County, Colorado. The decreed location of Well No. 4 Water Right is shown on the map attached hereto as **Exhibit A**. Source of water: Confined Aquifer. Decreed uses: Domestic, irrigation, and stockwater. Appropriation date and decreed amount: June 30, 1952 for 300 gpm, being 0.668 cfs, being 1.336 AF in a period of twenty-four hours. Amount and use or uses listed as having been abandoned: 0.668 cfs for irrigation and 0.5566 cfs for domestic and stockwatering uses. Former district number and page number where listed on abandonment list: Water Division No. 3, Water District No. 25; listed on page 7 of the Division Engineer’s Final Abandonment List. Name of structure: Well No. 5 (Unregistered; WDID 2505171) (“Well No. 5 Water Right”). Date of original decree: W-984 Decree. Decreed legal description: NE1/4 NW1/4, Section 8 Township 44 North, Range 10 East, NMPM, at a point 10 feet from North Section line and 1600 feet from West Section line, in Saguache County, Colorado. The decreed location of Well No. 5 Water Right is shown on the map attached hereto as **Exhibit A**. Source of water: Confined Aquifer. Decreed use: Irrigation. Appropriation date and decreed amount: July 31, 1952 for 300 gpm, being 0.668 cfs, being 1.336 AF in a period of twenty-four hours. Amount and use or uses listed as having been abandoned: 0.688 cfs for all decreed uses (irrigation). Former district number and page number where listed on abandonment list: Water Division No. 3, Water District No. 25; listed on page 7 of the Division Engineer’s Final Abandonment List. The Well No. 1 Water Right, Well No. 2 Water Right, Well No. 4 Water Right, and the Well No. 5 Water Right are hereinafter referred to as the “Spartex Water Rights.” Factual and legal basis for this protest: Applicable legal standards: Abandonment of a water right requires a finding of

non-use coupled with an intent to abandon the water right. C.R.S. § 37-92-103(2); *People v. City of Thornton*, 775 P.2d 11 (Colo. 1989). Failure to apply water to beneficial use for a period of ten years or more, however, creates a rebuttable presumption of abandonment, which shifts the burden onto the owner of the water right to rebut the presumption of abandonment. C.R.S. 37-92-402(11); *Haystack Ranch, LLC v. Fazzio*, 997 P.2d 548, 552 (Colo. 2000). A presumption of abandonment is rebutted when the “[o]wner establishes some fact or condition that excuses the nonuse or shows the owner’s intent not to abandon the water right.” *Id.* at 552.

Abandonment is a question of fact depending on the particular circumstances of each case. *Id.* Intent is the critical element in determining abandonment. *City and County of Denver v. Snake River Water Dist.*, 788 P.2d 772, 776 (Colo. 1990). Factual grounds for this protest: The Speartex Water Rights are an integral component of the water supply for the Speartex farm located in the SW1/4 of Section 5, all of Section 8 and the N1/2 of Section 17 all in Township 4 North, Range 10 East, N.M.P.M., Saguache County, Colorado (“Speartex Farm”). The following facts refute any assertion that the Speartex Water Rights have not been used for ten or more years and demonstrate a clear lack of intent to abandon the Speartex Water Rights. The term “abandonment period” as used in this Protest means the period from January 1, 2011 through December 31, 2020. Speartex has included the entirety of the Speartex Farm and the Speartex Water Rights within Special Improvement District No. 4 of the Rio Grande Water Conservation District (“Subdistrict No. 4”) in order to preserve and protect its right to use Speartex Water Rights for irrigation of the entire Speartex Farm. In addition, the Speartex Water Rights have been included in Subdistrict No. 4’s Annual Replacement Plans beginning in 2020 so that the wells may continue to be used to provide water to the Speartex Farm. The Well Nos. 1 and 2 Water Rights have been used consistently for irrigation purposes during the abandonment period. Review of Colorado Division of Water Resources (“DWR”) diversion records indicates that Well No. 1 Water Right was consistently diverted and placed to its decreed beneficial irrigation use during the abandonment period. During the abandonment period, water diverted under the Well No. 1 Water Right has been placed to irrigation use on lands located in the SW1/4 of Section 5 and the NW1/4 of Section 8, Township 44 North, Range 10 East, N.M.P.M. in Saguache County, Colorado. During the abandonment period, water diverted under the Well No. 2 Water Right has been placed to irrigation use on lands located in the NE1/4 of Section 8, Township 44 North, Range 10 East, N.M.P.M. in Saguache County, Colorado. This use has been documented by the Division No. 3 Engineer’s office. The actions taken by Speartex demonstrate intent to continue putting these water rights to use on the decreed lands and intent not to abandon the water rights. In addition, Speartex has installed cement pads in the center of each individual quarter section of the Speartex Farm to allow for the installation of center pivot sprinklers to irrigate the Speartex Farm. A map showing these pads is attached as **Exhibit B**. Currently center pivot sprinklers are installed in the SW1/4 of Section 5, the NW1/4 of Section 8 and the NE1/4 of Section 8. With the additional cement pads installed by Speartex in the center of the SW1/4 of Section 8, the center of the SE1/4 of Section 8, the center of the NE1/4 of Section 17 and the center of the NW1/4 of Section 17, Speartex is situated to install up to four additional center pivots that could be served by a combination of the Speartex Water Rights to irrigate the remainder of the Speartex Farm. Speartex has never expressed any intent and has no intent to abandon use of the Speartex Water Rights for irrigation of the entirety of the Speartex Farm. The actions taken by Speartex demonstrate intent to continue putting these water rights to use on the decreed lands and intent not to abandon the water rights. Speartex has also completed general maintenance and required repairs associated with operating the Speartex Water Rights and the irrigation system on

the Speartex Farm during the abandonment period. Speartex also spent approximately \$140,000 during the abandonment period on two new center pivot sprinklers for irrigation of the Speartex Farm. In summary, at no point in time has Speartex intended to abandon any amount or use of the Speartex Water Rights. The actions described above clearly demonstrate Speartex's lack of intent to abandon the Speartex Water Rights. Accordingly, for the foregoing reasons, Speartex respectfully requests that the entirety of the Speartex Water Rights be removed from the Division Engineer's Final Abandonment List.

22CW3026 RIO GRANDE COUNTY. Protestant/Owner, City of Monte Vista, Attn: Gigi Dennis, City Manager, 95 West First Avenue, Monte Vista, CO 81144, (719) 852-2692.

PROTEST TO FINAL ABANDONMENT LIST in Rio Grande County. Please address all correspondence to: Peter D. Nichols, Esq., Geoffrey M. Williamson, Esq., Megan Gutwein, Esq., Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600, pdn@bhgrlaw.com; gmw@bhgrlaw.com; mg@bhgrlaw.com. 2. Description of Water Right. A. Name of structure: Well No. 6. B. Date of original decree: July 3, 1975, Case No. W-8487. There are no subsequent decrees. C. Decreed location of structure: SE1/4, NW1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 1575 feet from the North Section line and 1700 feet from the West Section line, in Rio Grande County, Colorado. Actual location of structure: SW1/4, NE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2075 feet from the North Section line and 1338 feet from the East Section line, in Rio Grande County, Colorado at NAD 1983 UTM Zone 13N coordinates of 4160204 m N, 398108 m E. See map attached as Exhibit A. D. Decreed use: Irrigation. E. Source of water: Unconfined aquifer. F. Appropriation Date: June 30, 1949. G. Amount: 190 gpm, being 0.423 cfs and 0.846 acre-feet of water in a period of 24 hours. H. Amount and use listed as abandoned: 0.423 cfs, all decreed uses. I. District number and page number where listed on Abandonment List: Water District No. 20, page 6 of Abandonment List. 3. Factual and Legal Basis for Protest: Abandonment of a water right is "the termination of a water right in whole or in part as a result of the intent of the owner thereof to discontinue permanently the use of all or part of the water available thereunder." C.R.S. § 37-92-103(2). Abandonment therefore requires both the intent to abandon a water right along with nonuse of available water under the subject right. *CF&I Steel Corp. v. Purgatoire River Water Conservancy Dist.*, 515 P.2d 456, 458 (Colo. 1973). As described below, Monte Vista has diverted water under the Well No. 6 water right since 2010, so the requisite abandonment element of nonuse has not been met. Moreover, Monte Vista has no intent to abandon Well No. 6 or the water right associated with it. A. No nonuse – decreed location of well incorrect: The water right for Well No. 6 was originally decreed in Case No. W-847 (July 3, 1975, Water Division 3). The decree describes the legal location of the Well as the SE1/4 NW1/4, Section 36, Township 39 North, Range 7 East, NMPM at a point 1575 feet from North Section line and 1700 feet from West Section line, in Rio Grande County, Colorado. The Application in Case No. W-847, however, describes the location as the SE Quarter of the NE Quarter of Section 36, Township 39N, Range 7E, NMPM, Rio Grande County, Colorado, located in the vicinity of the Monte Vista Community golf course, Monte Vista, Colorado. This location as described in the Application in Case No. W-847 is near the actual location of the well from which Monte Vista has diverted and used water in accordance with the Well No. 6 water right. Monte Vista's consultants, SGM, Inc., researched and prepared a detailed memorandum regarding the history of Well No. 6, which is attached and incorporated hereto as Exhibit B. Importantly, SGM concluded that the location of the Well was described incorrectly in the decree as being in the SE1/4, NW1/4, when it is actually located in the SW1/4, NE1/4 of Section

36. Concurrent with this Protest, Monte Vista is separately filing an Application to Correct an Erroneously Described Point of Diversion with this Court to correct the well's decreed location. Although the decreed location of Well No. 6 is incorrect, the well itself and the water right associated with it have been used during the 2010 to 2020 period that the Division Engineer uses as the basis for identifying rights to include on the abandonment list. In fact, the well was operational and used up through April of 2011, as detailed in Exhibit B (Exhibit B at 3). Well No. 6 and the water right associated with it were used for years to irrigate the school sports fields until the new school was built in Monte Vista (Exhibit B at 2-3). Power was removed from the area in 2011 and the City has not yet been able to restore power and install piping due to budget constraints. B. No intent to abandon: Monte Vista also has no intent to abandon Well No. 6, which is the second element required for abandonment of a water right. Evidence of Monte Vista's lack of intent to abandon includes, but is not limited to, the facts that the City (1) actually did use the well until the new school was constructed and the power pole for the well was relocated in 2011; (2) included the well as an augmented structure in its pending augmentation plan application (Case No. 16CW3024); and (3) included the well in its 2018 Water Efficiency Plan because the City intends to put the well back to use when there are sufficient funds available (See Exhibit B at 3). In the future when funds are available, Monte Vista intends to use water from Well No. 6 to irrigate the golf course, which is in close proximity to the well, as the school district has transitioned to artificial material for its sports complex. See Statement of Objection 4.b, Attachment A to Exhibit B. WHEREFORE, Protestant/Owner prays this Court: a) Remove the Well No. 6 water right from the 2020 Abandonment List; and b) Grant such other and further relief as the Court deems proper. (Protest is 6 pages and has 2 Exhibits)

2022CW3027 SAGUACHE COUNTY. 1.a. Hill Family Partnership CJH ("Hill Family Partnership") c/o Corey Hill, 38373 State Highway 114, P.O. Box 557, Saguache, CO 81149, Telephone: (719) 221-1506, ahill2424@gmail.com; b. Colorado Cattlemen's Agricultural Land Trust ("CCALT") c/o Megan Knott, Stewardship Director, P.O. Box 773014, Steamboat Springs, CO 80487, Telephone: (720) 557-8272, megan@ccalt.org. c. Copies of all pleadings to David L. Kueter, #26136, Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, CO 80202, Telephone: (303) 722-2828, dkueter@holsingerlaw.com. **PROTEST TO FINAL ABANDONMENT LIST IN SAGUACHE COUNTY.** 2.A. Name of Structure: W1736 Well No. 1. B. Date of Original Decree: July 25, 1974, Case No. W-1736. C. Decreed Legal Description of Structure Location: The Well is located in the SE1/4 SE1/4, Section 7, Township 44 North, Range 8 East, N.M. P.M., at a point 250 feet from the South section line and 380 feet from the East section line, in Saguache County, Colorado. See **Exhibit A**. D. Source of water: Saguache Creek. E. Decreed uses: Irrigation and stockwater. F. Appropriation Date: August 31, 1955. G. Decreed Amount: 0.891 c.f.s. H. Amount and uses listed as having been abandoned: 0.8910 c.f.s., for irrigation use. I. Former District Number and Page Number where listed on Abandonment List: District 26, Page 12 of the Revised Abandonment List of Water Rights in Water Division 3, dated December 20, 2021. 3.A. Name of Structure: W1736 Well No. 2. B. Date of Original Decree: July 25, 1974, Case No. W-1736. C. Decreed Legal Description of Structure Location: The Well is located in the SE1/4 SE1/4, Section 7, Township 44 North, Range 8 East, N.M. P.M., at a point 380 feet from the East section line and 50 feet from the South section line in Saguache County, Colorado. See **Exhibit A**. D. Source of water: Saguache Creek. E. Decreed uses: Domestic, irrigation, and stockwater. F. Appropriation Date: August 31, 1955. G. Decreed Amount: 2.01 c.f.s. H. Amount and uses listed as having been abandoned: 2.01 c.f.s., for all decreed uses. I. Former District Number and Page Number where listed on Abandonment List:

District 26, Page 12 of the Revised Abandonment List of Water Rights in Water Division 3, dated December 20, 2021. 4. State factual and legal basis for this Protest: a. Hill Family Partnership is the owner of the water right, which is subject to a conservation easement held by CCALT (see **Exhibit B**). b. In 2014, the water rights and the property on which they are used were conveyed by Judy Marold, to Gary and Alice Hill, Hill Family Partnership's predecessors-in-interest. Gary and Alice Hill grant the conservation easement to CCALT in 2019, and subsequently conveyed the water rights and property to Hill Family Partnership in 2019. Attempts to sell and purchase of a water right are evidence of lack of intent to abandon the right. *East Twin Lakes v. Lake County*, 76 P.3d 918, 924 (Colo. 2003). c. Both wells were included in the 2020 and 2021 annual replacement plans for Subdistrict 5 of the Rio Grande Water Conservancy District, demonstrating the intent to put the water rights to beneficial use. d. As part of the conservation easement transaction, the property on which the water rights are historically applied was enrolled in the Agricultural Conservation Easement Program ("ACEP") administered by the Natural Resources Conservation Service. See **Exhibit C**. Pursuant to C.R.S. § 37-92-103(2)(a), no intent to discontinue permanent use shall be found for purposes of determining an abandonment of a water right for the duration that the land on which the water rights has been historically applied is enrolled under a land conservation program. Number of pages of Protest: 74, including 68 pages of exhibits. **SAGUACHE COUNTY.**

22CW3028 Mirko L. Kruse, 383 Corona Street, Denver, CO 80218, (719) 588-4096, mkruse@kruselawpllc.com. **PROTEST TO FINAL ABANDONMENT LIST.** 1. Description of Water Right: A. Name of structure: White Ditch Enlargement No. 2. B. Date of original decree: December 22, 1988, Case No. 88CW7, Water Court Division No. 3. C. Decreed legal description of structure location: SW 1/4 of the SW 1/4 of Section 31, Township 42 North, Range 7 East, N.M.P.M., at a point 1,500 feet from the West section line and 1,181 feet from the South section line, in Saguache County, Colorado. D. Source of water: Carnero Creek. E. Decreed use or uses: Irrigation. F. Appropriation date: April 15, 1982. G. Decreed amount: 8 cfs, absolute. H. Amount and use or uses listed as having been abandoned: 4.9 cfs; with 3.1 cfs remaining. I. Page number where listed on abandonment list: Page 19. J. Remarks: The location of the White Ditch headgate and its decreed place of use is shown on the map in **Exhibit A**. 2. Factual and legal basis for protest: Based on a review of diversion records and comments available on the Colorado Decision Support Systems, there were few if any years since 2010 in which the White Ditch Enlargement No. 2 was in priority. The White Ditch Enlargement No. 2 is a flood right with a very junior priority. Only in years with substantial snowpack and runoff in the Carnero Creek Basin will the right come into priority and even then only for a limited period of time. The period since 2010 has been one of significant and extended drought and the conditions necessary for this flood right to come into priority have not presented themselves. Even if the water right was unused for ten or more years, there are several facts justifying the non-use and demonstrating that there was no intent of abandonment, including that the headgate of the White Ditch was repaired in or around 2019, portions of the White Ditch have been repaired, maintained, and cleaned since 2010, and the water right was conveyed since 2010. Most significantly, however, the White Ditch Enlargement No. 2 has rarely if ever been in priority since 2010. If conditions return in which this water right becomes available for diversion and use once again, it will be an important water right for protestant.

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 August 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.