

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 March, 2021 for each county affected.

2021CW17: Jess Douglas and Emily Lynn Freel, 7257 County Road 112, Mosca, CO 81146, freelfarms@gmail.com, 719-588-7051, Application for Change of Water Right, in Alamosa, County. Part A- Adjudication of an existing supplemental well on Field No. 3

(NE1/4 Section 14, T39N, R10E, NMPM) Structure name: Well No. 1, Case No. W-3934, Permit No. 22527-F, WDID 2013624 (Well No.1). Date of original decree(s): May 24, 1979 District Court, Water Division 3. Legal description: SW1/4 NE1/4 Section 14, Township 39 North, Range 10 East NMPM. Decreed source of water: Unconfined Aquifer. Appropriation date: June 10, 1977. Amount: 600 GPM, being 1.34 cfs. Use(s): Irrigation. Amount Applicant intends to change: 600 GPM, being 1.34 cfs. Proposed change: This portion of the filing seeks to adjudicate an existing supplemental well, Permit No. 36604-F, WDID 2014264. This supplemental well is located within the SW1/4 NE1/4 Section 14, Township 39 North, Range 10 East, NMPM with GPS location of UTM, NAD83 425474 mE, 4164737 mN. The supplemental well was drilled under Permit No. 36604-F in 1990 to 60 feet. This well (No. 1-S) produces from the unconfined aquifer. The combined production of Well No. 1 and Well No. 1-S was originally limited to 600 gpm and the irrigation of 58 acres in the NE1/4 Section 14, Township 39 North, Range 10 East NMPM by permit no. 36604-F. Applicants request the future use of Well No. 1 be limited to the irrigation of the NE1/4 Section 14, Township 39 North, Range 10 East NMPM as originally adjudicated in Case No. W-3934 and permitted in no. 22527-F. Applicants also request that Well No. 1-S be allowed to irrigate 10 acres in the southwest corner of the NE1/4 Section 14 and the southeast corner of the NW1/4 Section 14, all in Township 39 North, Range 10 East NMPM. The Applicants intend to place a “mini-pivot” onto those two sprinkler corners. Applicants are willing to limit the future use of Well No. 1 to 126 acres within the NE1/4 Section 14, Township 39 North, Range 10 East NMPM in order to offset the use of Well No. 1-S on 10 acres under the mini-pivot. The N1/2 of Section 14, T39N, R10E, NMPM is within the defined service area of the Prairie Ditch Company. Applicants have shares associated with this land that are used for direct irrigation and recharge. **Part B - Addition of a Supplemental Well on Field No. 3** This portion of the filing seeks approval to construct a supplemental well (aka Well No. 1-SS) to be used in combination with Well No. 1 to irrigate not more than 126 acres within the NE1/4 Section 14, Township 39 North, Range 10 East, NMPM. This second supplemental well will be drilled within the NE1/4 Section 14, Township 39 North, Range 10 East NMPM and produce from the unconfined aquifer. Estimated depth of 70 feet. The combined production of Well No. 1, Well No. 1-S, and Well No. 1-SS will be limited to 600 gpm. All wells will be metered as required by the State Engineer. Applicant is applying to decree an existing supplemental well to Well No. 1, Case No. W-3934 that will be named Well No. 1-S and also obtain an additional supplemental well that will be named Well No. 1-SS. Change in or additional point of diversion: Yes, see above. Name and address of owners: Jess Douglass and Emily Lynn Freel, 7257 County Road 112 Mosca, CO 81146.

2021CW18: John D. Myers, 59 County Rd 60 Hooper, CO 81136, jmyers@jdmfarms.com 719-580-7296, Application for Change of Underground Water Right, in Saguache, County. Addition of a Supplemental Irrigation Well on the SE1/4 Section 34, Township 41 North, Range 9 East, NMPM Structure name: Well No. 1, Case No. 80CW007, Permit No. 16250-F, WDID 2005586. Date of original decree(s): Case No. 80CW7: March 25, 1983. District Court, Water Division No. 3. Legal description: SW1/4 SE1/4 Section 34, Township 41 North, Range 9 East, NMPM at a point 120 feet from the South Section line and 2600 feet from the East Section line, in Saguache County, Colorado. This well is located by GPS at UTM NAD83 414186 mE, 4178742 mN. Decreed source of water: Unconfined of the Closed Basin. The well is 100 feet deep. Appropriation date: April 12, 1972. Amount: 1,200 gpm = 2.67 cfs. Use(s): Irrigation. As limited by the Ruling in Case No. 80CW7, irrigation of the SE1/4 Section 34, Township 41 North, Range 9 East, NMPM. Amount Applicant intends to change: 1,200 gpm. Proposed change: Applicants seek approval to construct a supplemental well to be used in combination with Well No. 1 & No. 1A to irrigate the historically irrigated land within the SE1/4 Section 34, Township 41 North, Range 9 East, NMPM. The supplemental well will be located within the SE1/4 Section 34, Township 41 North, Range 9 East, NMPM. There will be no increase to the current decreed limitations on pumping or area of use for Well No. 1. & No. 1A The depth of the supplemental well will not exceed 100 feet or the top of the confining clay series. Meter records for the past decade for Well No. 1 & No. 1A show consistent use between 192 and 288 acre-feet pumped per year. Applying to obtain a supplemental well to Well No. 1, Case No. 80CW7. Change in or additional point of diversion: Yes, see above. Name and address of owner: John D. Myers, 59 County Rd 60 Hooper, CO 81136.

2021CW19: Jacob E. and Aubrey R. Pargin, 11485 County Road 2W, Center, CO 81125, jacobpargin@yahoo.com, 970-764-5738, Application for Change of Water Right in the Rio Grande River or its Tributaries, in Rio Grande, County. Structure name: Well No. 17, Case No. W-2361, Registration No. 6204-R, WDID 2006646 (Well No. 17). Date of original decree(s): December 15, 1977 Case No: W-2361 Court: Water Division No. 3. Legal description: Well No. 17 is located by decree at 2640 feet from the North section line and 2610 feet from the East section line in the SW1/4 NE1/4 Section 3, Township 40 North, Range 7 East, NMPM, Rio Grande County. Decreed source of water: Confined aquifer (Note: at a decreed total depth of 100 feet with perforated casing from 30 feet to 70 feet, this well actually produces from the unconfined aquifers). Applicants request the Court to correct this error in description of the decreed water source. Appropriation date: April 30, 1951. Amount: 2,250 gpm being 5.01 cfs, Absolute. Use(s): Irrigation. Amount Applicant intends to change: 50 gpm being 0.111 cfs, Absolute. Proposed change: Applicants seek to convert 50 gpm (0.111 cfs) in Well No. 17 to year-round commercial use in a 50,000 cwt potato storage facility, washing, packing, hay steaming, and other associated commercial uses. That well is located in the southwest corner of the field and serves both the sprinkler and the potato storage facility. In order to offset the consumptive use for commercial purposes with the converted 50 gpm, Applicants will permanently dry-up sufficient previously irrigated land within the southwest and the southeast corners of the existing center pivot sprinkler on the NE1/4 Section 3, T40N, R7E, NMPM from groundwater use. These corners were historically flood irrigated (1951 - 1978) with surface water and well water. The dry-up of approximately 14 acres of corners alone will generate approximately 3.65 acre-feet of average annual consumptive use factoring in many years of nonuse. Applicant will limit future commercial use to not more than 1.80 acre-feet of

consumptive use. All water used for commercial purposes will be metered in accordance with the Division 3 Well Measurement Rules. If necessary, Applicant will dry up sufficient land on the NE1/4 Section 3, T40N, R7E, NMPM from groundwater use to offset the commercial water need. Applicant will limit the use of groundwater from well no. 17, Case No. W-2361 and 17A, Case No. 91CW21 to irrigation of an agreed to acreage within the NE1/4 Section 3, Township 40 North, Range 7 East, NMPM in the future to offset the consumptive use of the commercial uses. Surface water rights, Rio Grande Canal and Santa Maria Reservoir shares, will continue to be applied to the whole quarter-section for irrigation or recharge purposes. Change in or additional point of diversion: The well currently permitted as no. 6204-R (Well No. 17) is located in the southwest corner of the NE1/4 Section 3, T40N, R7E, NMPM at GPS location 394709 mE, 4177749 mN. This well will be used for irrigation and commercial use in the future. The actual water source of Well No. 17 is the unconfined aquifer. Name and address of owners: Jacob E. & Aubrey R. Pargin 11485 County Road 2W, Center, CO 81125.

2021CW20: George W. Whitten Jr., San Juan Ranch LLC., 52501 C.R. U Saguache, CO 81149, moovcows@gmail.com, 719-655-2003, Application for Simple Change in Surface Point of Diversion, in Saguache, County. Structure name: Well No. 1, Case No. W-531 WDID 2705232. Date of original decree(s): May 15, 1975 Case No. W-531 Court: Division 3. November 3, 1999 Case No. 1999CW44. Legal description: SW1/4 NE1/4 Sec 9 Township 42N R7E NMPM. Decreed source of water: Unconfined Aquifer. Appropriation date: 6/1/1951. Amount: Absolute 1500. Use(s): Irrigation. Amount Applicant intends to change: Absolute 1500. Proposed change: This filing seeks to change the point of diversion of the well approximately 1,400 feet from the current location to the center of NE1/4 Sec 9 Township 42N R7E. This is to increase efficiency both in consumptive use and energy. There will be no increase in current limitation or area of use. Depth will not exceed 170 feet. Applicant wishes to keep old well as domestic and stock well. Location of new surface point of diversion Saguache County NE1/4 of the NE1/4, Section 9, Township 42N, Range 7 East, NMPM. Point of Diversion UTM coordinates: Easting 394040 Northing 4195990 Zone 13. Source of UTM's DWR map. Accuracy of location displayed on GPS device: 50 feet. Distance from Section lines: 1,171 Feet from the North Section line and 1,375 feet from East Section line. Source of PLSS information: Geo Measure. Street address: 44010 County Road M, Center, CO. Name and address of owner: San Juan Ranch, LLC, 52501 County Road U, Saguache, CO 81149.

CASE NO. 2021CW3005; RIO GRANDE COUNTY; Sarah H. Rierson dba Rierson Farms c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, karl@kuenholdlaw.com. Petition for Correction of Decree. *Decreed water rights for which correction or changes are sought:* (1) Well No. 6: Orig. Decree: 04/28/1972, Water Division 3, Case No. W-46. Location: the well is situated in the SE 1/4 NE 1/4 Section 14, Township 40 North, Range 8 N.M.P.M. in Rio Grande County, CO at a point 2550 feet from the North section line and 280 feet from the East section line Rio Grande County, Colorado. *Source:* Unconfined Aquifer. Appropriation date: December 29, 1962 *Amounts:* .45 cubic feet of water per minute, being .90-acre feet of water in a period of twenty-four hours. Uses in Decree: irrigation. (An error) *Detailed description of proposed changes:* Petitioner seeks to amend the decree to modify the use of Well No. 6 from irrigation use to commercial, fire, and water stock uses which is what it was originally permitted for and which is what the application for a decree requested. A

scrivener's error in the Referee Ruling repeated in the Decree mistakenly misstated the actual use of the Well and this Petition seeks to have that error corrected. Correcting the decree to commercial use and for fire and stock watering rather than irrigation will not cause injury to any party and confirm the historic use. The well will no longer be decreed for irrigation. **Land ownership:** Petitioner owns the real property and existing Well No. 6, the only diversion structure contemplated and affected by this Application.

CASE NO. 2021CW3006; MINERAL COUNTY; Karen R Rhoads and John H. Rhoads, c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, karl@kuenholdlaw.com. APPLICATION FOR A CHANGE OF WATER RIGHTS (change seeks a decree to allow permanent leasing of water for direct flow irrigation, recharge purposes within the boundaries of Subdistrict No. 1, Rio Grande Water Conservation District and for contractual use by subdistricts for replacement of injurious depletions to the Rio Grande River and its tributaries from non-exempt wells). *Decreed water rights for changes are sought:* Bristol Head Reservoir Nos. 1 and 2 and Bristol Head Reservoir No. 2 Enlargement Location: The Bristol Head Reservoirs No. 1 is located in Township 40 North, Range 2 West of the NMPM, on Seepage Creek, a tributary of the Rio Grande River. The dam is located in the NW 1/4 of Section 1, Township 40 North, Range 2 West, NMPM, of said Seepage Creek. The Bristol Head Reservoir No. 2 is located in Township 40 North, Range 2 West of the NMPM, on Seepage Creek, a tributary of the Rio Grande River. The dam is located in the NE 1/4 of Section 2, Township 40 North, Range 2 West, NMPM and Section 35, Township 41 North, Range 2 West, NMPM, of said Seepage Creek. The Enlargement Bristol Head Reservoir 2 is located in Township 40 North, Range 2 West of the NMPM, on Seepage Creek, a tributary of the Rio Grande River. The dam of Enlargement Reservoir No. 2 is located in Section 2, Township 40 North, and Section 35, Township 41 North, Range 2 West, NMPM, of said Seepage Creek. Source: Seepage Creek. Appropriation date: Bristol Head Reservoir Nos. 1 and 2 both with original appropriations with Priority No. 1959-3. Bristol Head Reservoir No. 1 has a decreed storage capacity of 120.94 acre-feet, Bristol Head Reservoir No. 2 has a decreed storage capacity of 392.22 acre-feet, and Bristol Head Reservoir No. 2 Enlargement has a decreed capacity increase of 410.57 acre-feet, with a Priority No. of 1959-4. *Detailed description of proposed changes:* This Application seeks a decree allowing the permanent leasing of water for the following uses: a. Downstream irrigators as direct flow irrigation, b. Downstream irrigators for recharge purposes within the boundaries of Subdistrict No. 1, Rio Grande Water Conservation District., c. Trinchera Water Conservancy District Groundwater Management Subdistrict and/or other subdistricts, for replacement of injurious depletions to the Rio Grande River or its tributaries from non-exempt wells in the Trinchera Subdistrict. *Current leases under SWSP:* The current leases of water for 2021 for irrigation, recharge and replacement if injurious depletions are: 1. Dickey located on Trout Creek a tributary of the South Fork of the Rio Grande (located within T39N, R3E, NMPM,); 2. Crestone View Farms – Terry Good (located within T41N, R7E and R8E, NMPM) irrigated through the Rio Grande Canal; 3. Rock Paulson (fields generally located in T40N, R7E, NMPM) and irrigated through the Rio Grande Canal; 4. Owners of land irrigated under the SRS Plan for Augmentation decreed in case No. 82CW17 (located within T40N, R6E, NMPM). 5.

Chet Nash, Owner Antelope Warm Springs Ranch and the reservoir located in the NE4 Section 12, T40N, R2 West N.M.P.M. Filling of reservoir and replacement of non-augmented evaporation. 6. Trinchera Water Conservancy District: Groundwater Management Subdistrict. Replacement of injurious depletion to the Rio Grande River from non-exempt well use in the Trinchera Subdistrict. 7. Additional or alternative lessees are possible in the future. Applicants continue to use a small portion of the water to irrigate 29 acres of land owned by the Applicants and referred to as their “Del Norte Property”. The location of the Applicants’ 29 acres of land is within a fraction of the NE1/4, Section 19, Township 40 North, Range 7 East, NMPM. This property receives water through Lateral 1C of the Rio Grande Canal. *Land ownership:* The United States of America (Rio Grande National Forest) is the owner of the land on which the reservoirs are located.

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 May 2021, to file with the Water Clerk a verified statement of opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions or a protest to the requested correction. A copy of such a statement of opposition or protest must also be served upon the Applicant or the Applicant’s attorney and an affidavit or certificate of such service must be filed with the Water Clerk. The filing fee for the Statement of Opposition is \$192.00. Forms may be obtained from the Water Clerk’s Office or our website at www.courts.state.co.us. Jennifer Pacheco, Water Clerk, Water Division 3, 8955 Independence Way, Alamosa, CO 81101.