

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, 2022 for each county affected.

**2020CW15 White Rock Properties, LLC Attn: Paul New, PO Box 116, Mosca, CO 81146, [paul.whiterock@gojade.org](mailto:paul.whiterock@gojade.org), 719-588-1864. Amended Application for Adjudication of Existing Well and Change of Water Rights in Alamosa County.**  
Structure name: WDID 2014319, Permit No. 19986-F. (No Prior Decree) a.k.a. Well No. Warehouse Well, Case No. 20CW15. Date of original and all relevant subsequent decrees: No prior decree. Legal description of structure as described in most recent decree that adjudicated the location: NE1/4 SE1/4, Section 4, Township 39 North, Range 10 East, NMPM, at a point 2100 feet from South Section line and 660 feet from East Section line, in Alamosa County, Colorado. Located by the Division of Water Resources with GPS at UTM Zone 13S NAD83 422678 mE, 4167719 mN. Decreed source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 77 feet with 10 feet of perforated casing. Appropriation Date: July 17, 1975 by issuance of well permit no. 19986-F. Total amount claimed to structure in gallons per minute: Absolute 200 GPM and 50 Acre Feet Annual Use. Permitted use or uses: Domestic and Lawn Irrigation- Sangre De Cristo School District. Amount of water that applicant intends to change: Absolute 200 GPM for Commercial Use associated with a Vegetable Storage, Processing and Packing Facility. Decreed water right for which adjudication and change is sought: Name of structure: WDID 2011864, Permit No. None, Well No. 7, Case No. W-2042. Date of original and all relevant subsequent decrees: March 27, 1975 Case No: W-2042 Court: Alamosa District Court. Water Court Division Three. Decreed to Sangre de Cristo School District RE-22J. Legal description of structure as described in most recent decree that adjudicated the location: NE1/4 SE1/4, Section 4, Township 39 North, Range 10 East, NMPM, at a point 1595 feet from South Section line and 1010 feet from East Section line, in Alamosa County, Colorado. Located by the Division of Water Resources with GPS at UTM Zone 13S NAD83 422662 mE, 4167460 mN. Decreed source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 62 feet with 14" casing and perforated casing from 22 feet to 62 feet. Appropriation Date: July 23, 1964. Total amount decreed to structure in gallons per minute: Absolute 200 GPM = 0.446 cfs. Decreed use: Irrigation- Sangre De Cristo School District. Amount of water that applicant intends to change: Absolute 200 GPM from irrigation to commercial use. Proposed change: Applicant requests future use of the Warehouse Well at 200 gpm and 15 acre-feet annually to be used for commercial purposes for: Humidification of up to 100,000 cwt of potatoes (present 40,000 cwt) - Equipment washing - Drinking and Sanitary needs of the facility - Landscape Irrigation up to 0.50 acre - Commercial Kitchen / Breakroom - Future Food Processing Facility, up to 50,000 Square Feet. The Estimated Water Usage Needed:

Usage Type

Estimated Water Usage

AF / Yr Pump AF / Year CU

Humidification	100,000 Cwl	0.67	0.67
Equipment Washing	1.20 AF x 10% CU	2.09	0.21
Drinking and Sanitary	15 empl x 275 days/yr	0.20	0.02
Landscaping .50 Ac	0.053 AF/ 1000 Sq. Ft.	1.44	1.154
Kitchen and Breakroom	15 empl. X 275 days/yr	0.60	0.06
Processing 50,000 Sq. Ft.	0.20 AF / 1,000 Sq. Ft.	10.00	1.00
<b>Total</b>		<b>15.00 AF</b>	<b>3.114 AF</b>

The Warehouse Well (currently permit no. 19986-F) will be used for the above uses. A total of 200 gpm will be required for the commercial facility. The Warehouse subject well will become a non-exempt well structure with year-round commercial use. Professional engineering analysis found the historic use of the Warehouse under Permit no. 19986-F was 4.3 acre-feet of average annual withdrawal and 1.73 acre-feet of average annual consumptive use. The Applicant intends to add sufficient decreed flowrate and historic volume and consumptive use from Well No. 7, Case No. W-2042 to increase the allowable use from the Warehouse Well to the amounts required above (i.e. 15 acre-feet of annual pumping with 3.114 acre-feet of annual consumptive use). If necessary, the entire historic use of Well No. 7 and decreed water right will be transferred to the Warehouse Well. Name and address of owners: White Rock Properties, LLC. Attn: Paul New, PO Box 116 Mosca, CO 81146.

**2022CW3007; ALAMOSA COUNTY;** James Phillips and Sherry A. Phillips c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, [karl@kuenholdlaw.com](mailto:karl@kuenholdlaw.com)  
**VERIFIED PETITION FOR WATER COURT TO CORRECT THE DECREE IN W-0872** Well No. 11 (DECLARATORY JUDGMENT) or in the alternative an Application for Confirmation of Historic Appropriation. Decreed water rights for changes are sought: (1) Well No. 11: Orig. Decree: 06/06/1974, Water Division 3, Case No. W-0872 WDID: 2009807 Permit: 14945 Location: the well is situated in the SE1/4 SE1/4 Section 32, Township 39 North, Range 8 East N.M.P.M. at a point 600 feet from East Section Line and 200 feet from South Section Line, in Rio Grande County, Colorado. Source: Unconfined Aquifer. Appropriation date: August 1, 1963 Amounts: 50 gallons per minute, being 0.111 cubic feet of water per second of time, being 0.222-acre feet of water in a period of twenty-four hours. Detailed description of proposed changes: Petitioner/Applicant seeks to correct the erroneous characterization of the well as solely for domestic and stock use when it was always used to irrigate approximately five acres in addition to domestic and stock use. In the event the court does not correct the error in the decree, Petitioners/applicants request a supplemental decree to allow irrigation of five acres from the well. Land ownership: Petitioner owns the real property on which Well No. 11 is located.

**CASE NO. 2022CW3008; COSTILLA COUNTY;** The EMILY K. FOLZ REVOCABLE TRUST c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, [karl@kuenholdlaw.com](mailto:karl@kuenholdlaw.com) . Petition to Clarify Decree. *Decreed water rights for which clarification is sought:* (1) Well No. 1: Orig. Decree: 07/16/1973, Water Division 3, Case No. W-0158. *WDID:* 3505119 *Permit:* 8608-R *Location:* the well is situated in the NE1/4 NW1/4 of Section 5, Township 31S, Range 72W, 6<sup>th</sup> P.M. at a point 814 feet south of the North section line and 20 feet west from the East boundary line of the NW1/4 of Section 5 in Costilla County, Colorado. *Source:*

Unconfined Aquifer. *Appropriation date:* July 31, 1952 *Amounts:* 1950 gallons per minute being 4.35 cubic feet per second being 8.70-acre feet in a period of twenty-four hours from the unconfined aquifer. *Uses in Decree:* irrigation. *Detailed description of proposed changes:* Petitioner seeks to clarify the decree to describe the lands this well was appropriated to irrigate (conjunctively with surface rights) as the NW 1/4 of Section 5, Township 31 South, Range 72 West, Sixth P.M; the NE 1/4 of Section 6 Township 31 South, Range 72 West, Sixth P.M., and a portion of the SE 1/4 of the SE 1/4 of Section 31 Township 30 South, Range 72 West, Sixth P.M. The Decree is silent as to the area of historic use of the Well and this Petition seeks to clarify the place of use to conform to its historic use as expressly recognized by the Division of Water Resources in a December 5, 1990, letter to the prior owners acknowledging the historic use of the well on the properties described above. Correcting the decree to reflect the actual historical use will not cause injury to any party and will confirm the historic use for which this appropriation was made.

**Land ownership:** Petitioner owns the real property and existing Well No. 1, the only diversion structure contemplated and affected by this Application.

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 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](http://www.courts.state.co.us). Jennifer Pacheco, Water Clerk, Water Division 3, 8955 Independence Way, Alamosa, CO 81101.