

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 May, 2021 for each county affected.

2020CW7 The Ardell E. Versaw & Estalita M. Versaw Rev. Living Trust Dated November 3, 2014, 56040 County Road B, Center, CO 81125, 719-754-3363, versawc@gmail.com. Amended Application for Change of Water Right in Saguache County. Name of structure: Well No. 2 Case No. W667 (WDID 2009457), Permit Nos. 3260-F and 3260-F-R. Date of original decree: January 30, 1975, Case No: W-667, District Court-Water Div. 3. Legal Description of structure as described in most recent decree: SW1/4 NW1/4, Section 34, Township 41 North, Range 9 East, NMPM, at a point 2506 feet from North Section line and 24 feet from West Section line, in Saguache County, Colorado. Decreed source of water: Unconfined. Appropriation date: July 1, 1961. Total amount decreed to structure: Absolute 1500 gpm. Decreed use: Irrigation. Amount of water applicant intends to change: Absolute 1500 gpm. Detailed description of proposed change: A replacement well was drilled pursuant to the application pending in case no. 20CW7. However, the completed well did not produce as we hoped for. With this amended application we request to make the new well (permit no. 3260-F-R) a supplemental well to the original (permit no. 3260-F). The new well has been assigned WDID 2014564 and was completed to a depth of 95 feet. The UTM coordinates of the new well are Easting- 414113, Northing- 4179693. Location information in UTM format: Decreed location of Parent Well: UTM coordinates Easting 413390 Northing 4179220 Zone 13. Source of UTMs: CDSS Mapviewer. Name and address of owners: NA.

2021CW23 Segundo Diaz & L. Margarita Diaz, 0721 Lane 2 North, Alamosa, CO 81101, (719) 852-2498, diaz@gojade.org. Application for Change of Water Rights in Rio Grande County Name of structure: Well No. 2, Case No. W-350, Permit. No. 1732-R, WDID # 2008902. Well No. 2, Case No. W-350, Registration No. 1732-R was decreed on 8/1/1974, to applicant Sam Catalano. (Note: Well No. 2 was later modified by the decree in Case No. 07CW31 to applicants Segundo Diaz & L. Margarita Diaz.) Decreed location of well: NW1/4 of the NW1/4 of S25, T39N, R8E, NMPM, at a point 47 ft. from the North Section Line & 285 ft. from the West Section Line in Rio Grande County, CO. (Note: As stated and amended in Case No. 07CW31 the GPS location of the well is UTM, Zone 13S, NAD83, 406727 mE and 4162330 mN.) Decreed amount: 2000 gpm, being 4.46 cfs. Decreed Source of Water: Confined aquifer. (Note: In Case No. 2007CW21, the source was amended and corrected to show the well produces from both the confined & unconfined aquifers. It is stated that at a depth of 115 ft., with a perforated interval of 20 ft. to 115 ft., the well produces from both the confined & unconfined aquifers.) The depth of the well is 115' with 24" casing. The well has plain casing from 0' to 20' and perforated casing from 20' to 115'. Appropriation Date: 5/31/1951. Use: Stockwater & Irrigation of 240 acres, in Rio Grande County, CO. (Note: As stated and amended

in Case No. 2007CW31, the irrigation of 240 acres is within the N1/2 N1/2 and the N1/2 S1/2 N1/2 of S25, T39N, R8E, NMPM.) There are two alternate point of diversion wells for Well No. 2, Case No. W-350, Permit No. 1732. The alternate point of diversion wells are as follows: Well No. 2/3-A, Case No. 2007CW31, Permit No. 044057-F and Well No. 2/3-AA, Case No. 2007CW31, Permit No. 044056-F. **Detailed description of proposed change:** The applicants seek approval to construct a replacement well which will replace Well No. 2, Case No. W-350, Permit No. 1732-R. Replacement Well Permit No. 1732-R-R was issued on 4/30/2021. The applicants' well driller attempted to drill the replacement well but stopped due of problems that occurred during the drilling process. As a result, it was determined that a different location, more than 200 feet from the original well, would be more successful. Therefore, a change of water rights court application is required. The replacement well will be located within the West 1/2 NW1/4 of Section 25 or the E1/2 NE1/4 of S26, T39N, R8E, NMPM, in Rio Grande County, CO. There will be no expanded use of ground water by the replacement well. The use of ground water from this well and well nos. 3 (WDID 2008903) 3-A (WDID 2014037), 2/3-A (WDID 2014036) and 2/3-AA (WDID 2014035) is restricted to stockwater use and the irrigation of not more than 240 acres within the E1/2 NE1/4 of Section 26 and the N1/2 of Section 25, all in T39N, R8E, NMPM, pursuant to the decree in Case No. 07CW31. The pumping rate of the proposed replacement well shall not exceed 2000 gpm. The combined pumping rate of this well and well nos. 3, 3-A, 2/3-A and 2/3-AA shall not exceed 4000 gpm. The average annual amount of groundwater to be appropriated by this well, individually and in combination with well nos. 3, 3-A, 2/3-A and 2/3-AA (Case No. 07CW31) shall not exceed 720 acre-feet. The depth of the replacement well shall not exceed 100 feet or the top of the confining clay series, whichever comes first. The production of this replacement well is limited to the Unconfined Aquifer. The applicants do not abandon any right to secure a well that produces the historic volume and flow rate from the Confined Aquifer in association with this application. The use of the replacement well will be for irrigation & stockwater purposes. The proposed priority date of appropriation will be 5/31/1951, which is the appropriation date of Well No. 2, W-350. There are Rio Grande Canal Shares associated with this property that are used for direct irrigation or recharge. The Applicants are the owners of the land upon which the water rights will be placed to beneficial use. Note: Attached to the application are copies of Decrees, Ruling, permit documentation and maps. These documents can be viewed in the office of the Water Court.

2021CW24 Dennis Doiel, 2898 W 110th Place Westminster, CO 80234.

ddlastrip@gmail.com, 303-908-3196. APPLICATION FOR CHANGE OF WATER

RIGHT in Saguache County. Decreed water right for which change is sought: Name of structure: Well No. 1, Permit No. 12490-R, WDID No. 2505283 Date of original and all relevant subsequent decrees:12/31/1972 Case No: W-1953 Court: Water Division 3. Legal description of structure as described in most recent decree that adjudicated the location: NE1/4 NE1/4, 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 422440 and mN 4217284. Decreed source of water: Confined aquifer. The depth of the well is 200 feet with casing of 16 inches in diameter, and the perforations were unknown in the decree. Appropriation Date: May 3, 1947. Total

amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute: 2.67 cfs. Decreed use: Irrigation. Amount of water applicant intends to change: Absolute 2.67 cfs. Detailed description of proposed change: Well owner would like to quantify the historic consumptive use associated with Well No. 1, 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, as well as continued seasonal irrigation use on the historically irrigated portion of the property. We have operated under SWSP ID 5954 for the past 3 years. 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 currently enrolled in Groundwater Management Subdistrict #4 (San Luis Creek). If this request is granted by the Court, we will continue to work with and comply with the Groundwater Rules via Subdistrict #4. Location information: PLSS: NE 1/4 of the NE 1/4 Section 5, Township 44N, Range 10E, NMPM. Point of diversion: Location information in UTM format: Easting 422440 Northing 4217284, Zone 13. Source of UTMs: CDSS Mapviewer. Name and address of owner: NA. Attached to the application are Diversion Records from 2009-2020 and a map. These documents can be viewed in the office of the Water Court.

2021CW3012 San Luis Valley Water Conservancy District, acting by and through its Augmentation Program Enterprise (“District” or the “Applicant”), c/o Heather Dutton, Manager, 623 Fourth Ave., Alamosa, Colorado 81101, (719) 589-2230. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, IN ALAMOSA, HINSDALE, MINERAL, RIO GRANDE AND SAGUACHE COUNTIES.

Please mail copies of all pleadings in this case to Tod J. Smith, The Law Office of Tod J. Smith, LLC, 5777 Central Ave., Suite 228, Boulder, CO 80301. 2. Name of Structure: Not Applicable. 3. Description of Original Right from Original Decree: 3.1. Date of Original Decree: December 3, 2008, Case No. 07CW63, District Court, Water Division No. 3; 3.2. Location: Exchange from the confluence of Bear Creek and the Rio Grande, to the Rio Grande Reservoir, Santa Maria Reservoir and Continental Reservoir; 3.3. Date of Appropriation: December 12, 2001; 3.4. Amount: 3.4.1. Volume: 25.24 acre-feet; 3.4.2. Rate of Flow: 0.54 cfs. 3.5. Use: Storage and augmentation as decreed for the District’s use in replacing its Participants’ out-of-priority depletions through its Augmentation Program. 4. Outline of Work Performed or Actions Taken Toward Completion of the Appropriation and Application of the Water to Beneficial Use as Conditionally Decreed: 4.1. The District operates a single, unified, and integrated Augmentation Program which includes the exchanges decreed in Case No. 07CW63 and 14CW3021. During the diligence period, the District spent substantial amounts of money and devoted hundreds of man hours to the development, operation, maintenance, and improvement of its Augmentation Program. As part of the overall effort, the District retained engineering consultants and attorneys to assist in the operation, maintenance, improvements, and protection of its water rights and operation of its Augmentation Program. The District also spent money acquiring additional augmentation water and on engineering and constructing improvements to its water supply

facilities. 4.1.1. During the diligence period, the District has expended in excess of \$300,000 in legal fees, protecting the District's water rights and facilities, and incorporating additional water supplies into its Augmentation Program. 4.1.2. During the diligence period, the District has expended in excess of \$210,000 in engineering fees and expenses, operating its Augmentation Program, evaluating additional water rights and facilities for incorporation into its Augmentation Program, and protecting its water rights and the operation of the Augmentation Program. 4.2. During the diligence period, the District acted to preserve, protect, and enhance its Augmentation Program by obtaining the following judicial decrees: 4.2.1. In Case No. 09CW34 for a change of Anaconda Ditch water rights, Judgment and Decree entered April 14, 2016; 4.2.2. In Case No. 14CW3011 for a change of Pine River Weminuche Pass Ditch water rights, Judgment and Decree entered December 9, 2019; 4.2.3. In Case No. 15CW3023, for diligence for the exchange originally decreed in Case No. 93CW43, Judgment and Decree entered on July 8, 2016; 4.2.4. In Case No. 19CW3000, for diligence for the exchanges originally decreed in Case No. 03CW41, Judgment and Decree entered on September 15, 2019; 4.2.5. In Case No. 20CW3009, for diligence for the exchanges originally decreed in Case No. 05CW13, Judgment and Decree entered on April 19, 2021; 4.2.6. On February 27, 2021, the District filed an application for several exchanges including the exchange of the District's Bear Creek water to Beaver and Shaw Reservoirs on the South Fork. 4.3. During the diligence period, the District entered into extensive negotiations regarding the acquisition of other water rights and infrastructure which are ongoing. 4.4. The work performed and actions taken by the District during the diligence period demonstrate its continuing intent to develop the conditional appropriative right of exchange originally decreed in Case No. 07CW63. The District has shown that it can and will implement the conditional appropriative right of exchange, which will be completed and exercised with diligence within a reasonable time. 5. Water Applied to Beneficial Use and Made Absolute: The Applicant seeks to have decreed absolute the following amounts of water exchanged during the diligence period: 5.1. Dates Water Exchanged during this diligence period: 5.1.1. April – May 2016; 5.1.2. July 2019; 5.1.3. May – July 2020 (administratively approved exchanges into Beaver Reservoir); and 5.1.4. May 2021 (administratively approved exchanges into Beaver Reservoir). 5.2. Volumes of Water Exchanged during this diligence period: 5.2.1. In 2016, the Applicant exchanged a total of 17.14 acre-feet as follows: April – 0.50 acre-feet; May – 6.10 acre-feet; June – 6.20 acre-feet; July – 4.24 acre- feet into Rio Grande Reservoir; 5.2.2. In July 2019, the Applicant exchanged 4.34 acre-feet, into Continental Reservoir; 5.2.3. In 2020, the Applicant received administrative approval for the exchange of 16.64 acre-feet into Beaver Reservoir; and 5.2.4. In May 2021, the Applicant received administrative approval for the exchange of 6.10 acre-feet into Beaver Reservoir. 5.3. Maximum Rate at which water was exchanged during this diligence period: All exchanges were operated at the rate of 0.54 cfs. 6. Names and addresses of owners of land upon which water is and will be stored: 6.1. Rio Grande Reservoir: San Luis Valley Irrigation District, 296 Miles Street, P.O. Box 637, Center, Colorado 81125, (719) 754-2254. 6.2. Santa Maria Reservoir: Santa Maria Reservoir Company, P.O. Box 288, Monte Vista, Colorado 81144 (719) 852-3556. 6.3. Continental Reservoir: United States of America, c/o Rio Grande National Forest Divide Ranger District, P.O. Box 270, Creede, Colorado 81130, (719) 658-2556 (The owner of Continental Reservoir is the Santa Maria Reservoir Company). 7. Date of Filing of the Application: This application for finding of

reasonable diligence and to make absolute has been filed on or before May 31, 2021, in accordance with the Court's Notice Concerning Conditional Water Right, dated March 2, 2021. Requested Relief: WHEREFORE, the San Luis Valley Water Conservancy District respectfully requests entry of a decree: (1) decreeing that the exchange rate of 0.54 cfs has been exercised and made absolute; (2) decreeing that an annual volume of 17.14 acre-feet has been exchanged and made absolute; (3) confirming that work on one feature of the District's single, unified, and integrated Augmentation Program shall continue to be considered in finding reasonable diligence in the development of all features of its Augmentation Program, including this exchange originally decreed in Case No. 07CW63; and (4) determining that the District has demonstrated reasonable diligence in the development of the exchange originally decreed in Case No. 07CW63 and continuing the remaining portion of the conditional water right in the amount of 8.10 acre-feet in good standing and setting a date by which the District must file a subsequent finding of reasonable diligence.

2021CW3013 CONCERNING THE APPLICATION FOR A CHANGE OF WATER RIGHTS OF SIERRA GRANDE SCHOOL DISTRICT R-30 IN COSTILLA COUNTY. 1.

Name, address and telephone number of Applicant: Sierra Grande School District R-30, 17523 U.S. 160, Blanca, CO 81123, c/o Darren Edgar, Superintendent of Schools; (719)-379-3259 ext. 1002. Please direct all correspondence concerning this Application to: Lee H. Johnson, Mason H. Brown, and Sarah B. Wiedemann, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, CO 80203; Phone Number: (303) 861-9000; ljohnson@chp-law.com, mbrown@chp-law.com, swiedemann@chp-law.com. **2. Decreed water right for which change is sought:** A. Well No. 1, Case No. W-573, Well Registration No. 6878-R ("Well No. 1"). B. Date of original and all relevant subsequent decrees: August 31, 1973, Water Court, Water Division No. 3, State of Colorado. Subsequent decree correcting legal description and location of well issued on February 14, 1997, Case No. 96CW13, Water Court, Water Division No. 3, State of Colorado. C. Legal description of structure as described in most recent decree that adjudicated the location: Pursuant to the decree in Case No. 96CW13, entered on February 14, 1997, Well No. 1 is located in the NE1/4 SW1/4, Section 11, Township 30 South, Range 73 West of the 6th P.M., at a point which is 2020 feet from the South Section line and 2500 feet from the West Section line of said section in Costilla County, Colorado. The Applicant also provides the following UTM locations to describe the physical location of the well as constructed: (UTM coordinates: 454460 East, 4145143 North (meters)), Zone 13, NAD 83. D. Decreed source of water: Unconfined aquifer, permitted depth 200'. E. Appropriation Date: May 31, 1954. F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): 900 gpm or 2.0 c.f.s., absolute. G. Decreed use or uses: Irrigation. H. Amount of water that applicant intends to change: As described in Section 3, below, Applicant seeks to change the point of diversion for 300 gpm of the water right decreed to Well No. 1 and to change the type of use to include municipal, domestic, educational/school, fire protection and landscape irrigation uses, including associated storage for these uses and operational purposes, as well as the right to totally consume the water either by first use, successive use, reuse to extinction, or disposition to third parties. **3. Detailed description of proposed change:** Sierra Grande School seeks a change of point of diversion for 300 gpm of Well No. 1 (the

“Subject Water Right”) and a change in type, time, and place of use to include municipal, domestic, educational/school, fire protection and landscape irrigation uses, including associated storage for these uses and operational purposes, as well as the right to totally consume the water either by first use, successive use, reuse to extinction, or disposition to third parties. Sierra Grande School seeks to quantify the historical consumptive use associated with the Subject Water Right and use the historical consumptive use “credits” resulting from the dry-up of the historically irrigated lands for use in connection with the new school being constructed at the existing Sierra Grande School site near Fort Garland, Colorado, located on lands owned by the Applicant (the “School Lands”). Sierra Grande School has drilled a new well (the “New Well”) on the School Lands to supply water for the new building and related school uses on the School Lands. Water pumped from the New Well will be used to provide a water supply to the Sierra Grande School. Diversions of the Subject Water Right through the New Well will be included in the Trinchera Groundwater Management Subdistrict and incorporated in the Subdistrict’s Plan of Water Management or an Augmentation Plan. The Subject Water Right has been historically used as a source of water to irrigate the Montoya Farm located in Sections 10, 11, 14, and 15, Township 30 South, Range 73 West of the 6th P.M. (the “Historically Irrigated Lands”). Applicant will own and dry up approximately 54.3 acres of the Historically Irrigated Lands and will take title to one third of the groundwater right used to irrigate those lands. The portion of the Historically Irrigated Lands owned by the School District will be permanently removed from irrigation. The remaining lands owned by the Montoya Farm will continue to be irrigated by Well No. 1, but will be limited to a maximum withdrawal rate of 600 gpm and Well No. 1 will no longer be used to irrigate the portion of the Historically Irrigated Lands owned by the School District. In connection with this application, Sierra Grande School will quantify the historical consumptive use of groundwater on the Montoya Farm Parcel. Applicant will divert the Subject Water Right through the New Well on the School Lands. Consumptive use of water by the New Well will be off-set by dry-up of a portion of the Historically Irrigated Lands on the Montoya Farm and corresponding reductions in diversions and consumption by the existing Well No. 1 at the Montoya Farm in order to avoid any expansion of use. Applicant proposes that the New Well and the existing Well No. 1 will be subject to a combined overall pumping limit of 900 gallons per minute associated with the rights decreed in Case Nos. W-573 and 96CW13. A map showing the general locations of the Montoya Farm, the School Lands, and the Historically Irrigated Lands is attached as Exhibit A. Relevant pumping records for Well No. 1 are attached as Exhibit B. Applicant will permanently remove 54.3 acres of the Historically Irrigated Lands on the Montoya Farm. Applicant will apply for a new well permit for the New Well on the School Lands and, pursuant to a SWSP or the decree entered in this case, use the New Well to supply water for construction and school purposes associated with the new school development on the School Lands. Said uses on the School Lands will occur on a year-round basis. The New Well will be metered and withdrawal of the Subject Water Right through the New Well will be limited to avoid an expansion of use. Applicant will completely dry up the 54.3 acres of the Historically Irrigated Lands and use the resulting historical consumptive use “credits” either (1) for withdrawal from the New Well to supply additional future development on the School Lands or, at the Applicant’s sole option, (2) make any other use as is allowed by law. Any groundwater associated with the Subject Water Right pumped from the New Well will be fully consumable and may be used and reused to extinction. **4. Name(s) and address(es) of owners(s)**

or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so. The New Well is located on lands owned by the Applicant. Well No. 1 is located on lands owned by Joey and Marion Montoya, P.O. Box 9, Fort Garland, Colorado 81133. A copy of this application will be provided to the land-owners consistent with statutory requirements.

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 July 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.