

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 October 2021 for each county affected.

Case No. 2019CW04. Segundo Diaz & L. Margarita Diaz, 0721 Lane 2 North, Alamosa, CO 81101. Second Amended Application for Change of Water Rights & to Correct Decreed Source of Water for Well No. 1, Case No. W-2557, Regis. 10189-R in Alamosa County

**Part A, SW1/4, Section 21, Township 39 North, Range 9 East, NMPM, in Alamosa County, Colorado, Diaz Field No. 11.** Note: Part A of Case No. 2019CW04 has not been amended or changed by this second amended application.

**Part B, NW1/4, Section 28, Township 39 North, Range 9 East, NMPM, in Alamosa County, Colorado, Diaz Field No. 7.** Note: Part B of Case No. 2019CW04 has not been amended or changed by this second amended application.

**Part C, Addition of decreed flowrate to the proposed change of water rights to obtain a supplemental well for the SW1/4, Section 21, Township 39 North, Range 9 East, NMPM (Diaz Field No. 11); and a supplemental well for the NW1/4, Section 28, Township 39 North, Range 9 East, NMPM, (Diaz Field No. 7).** Name of "Transfer From" structure: Well No. 2, Case No. W-493, Regis. No. 0017, WDID 2009172. Well No. 2, Case No. W-493, Regis. No. 0017, was decreed on 9/19/1974, to applicants H. Keith Scidmore & Harold Scidmore, Jr. Decreed location of well: NW1/4 of the NW1/4 of S29, T39N, R9E, NMPM at a pt. 24' from the West Section Line & 519' from the North Section Line, in Alamosa Cty, CO. Decreed amount: 1100 gpm, being 2.45 cfs. Decreed Source of Water: Unconfined aquifer. The depth of the well is 76' with 16" casing. The well has plain casing from 0' to 60' and perforated casing from 60' to 76'. Appropriation Date: 8/31/1956. Historic Use: Irrigation in the NW1/4 of S29, T39N, R9E, NMPM, in Alamosa Cty., CO. **Proposed change:** Detailed description of proposed change: Complete statement of change, including a description of all water rights to be changed, a USGS topographic map showing the approximate location of historical use of the rights and proposed place of use, and records or summaries of records of actual diversions of each right the applicants intend to rely on to the extent such records exist. In addition, the applicants may submit a report by an engineer that includes this information. Please be aware that early in the proceedings, the applicants will be required to supply detailed information, such as the historical consumptive use on a monthly basis of the water rights the applicants propose to change and an analysis of historical return flow patterns. The applicants are encouraged to provide such information with this second amended application. Well No. 2, Case No. W-493 was adjudicated for 1100 gpm being 2.45 cubic feet of water per second of time, from the unconfined aquifer. It is proposed that 700 gpm, being 1.56 cubic feet of water per second of time, be permanently transferred from Well No. 2, W-493 for an increase of system production limit of 2700 gpm to 3400 gpm as detailed in this second amended application no. 2019CW04. By this transfer, there would be a remaining 400 gpm left in Well No. 2, Case No. W-493. **Summary of the Application with proposed changes:** 1.) As detailed in the original application filed on

4/24/ 2019, and the amended application filed on 12/16/2019, the applicants continue to seek approval to use an undecreed well as a supplemental well to be used in combination with Well No. 6, Case No. W-2557, Registration No. 15444-F to irrigate the historically irrigated land within the SW1/4 of S21, T39N, R9E, NMPM (Diaz Field No. 11). The current well is located in the SW1/4, S21, T39N, R9E, NMPM, in Alamosa Cty., CO. The GPS location of the well (as provided by the Division of Water Resources) is UTM Zone 13S NAD83 411909 mE and 4162740 mN. This current well is located 190' from Well No. 6, W-2557, Regis. No. 15444-F and has been historically connected for the water supply to a sprinkler. At an approx. depth of 80', the supplemental well produces from the unconfined aquifer. 2.) The applicants continue to seek a correction of the decreed source of water for Well No. 1, Case No. W-2557, Registration No. 10189-R. The correct source of water is the Unconfined Aquifer. There will be no increase to the current limitation on pumping or area of use for Well No. 1, W-2557. At an approximate depth of 98 feet, the well produces from the unconfined aquifer. 3.) The applicants continue to seek approval to construct a supplemental well to be used in combination with Well No. 1, Case No. W-2557, Registration No. 10189-R to irrigate the historically irrigated land within the NW1/4 of S28, T39N, R9E, NMPM (Diaz Field No. 7). The supplemental well will be located within the NW1/4 of S28, T39N, R9E, NMPM. The supplemental well will produce only from the unconfined aquifer. 4.) Applicants are filing this **second amended application** to increase the flowrate limitation set forth in Case No. 2007CW32. That case set forth a combined pumping limitation of 2700 gpm for all irrigation wells located on Diaz Field Nos. 6, 7, 8, and 11. That combined flowrate limitation will be increased by reducing the decreed flowrates of one irrigation well located on Diaz Field No. MS1 (being the NW1/4 of S29, T39N, R9E, NMPM). 700 gpm will be moved from Well No. 2, Case No. W-493, Regis. No. 0017, WDID 2009172. This will increase the allowable combined pumping of all irrigation wells on Diaz Field Nos. 6, 7, 8, and 11 to 3400 gpm. 5.) This **second amended application** supersedes the first amended application filed on 12/16/2019, as to Part C only. The claim to use Well No. 1, Case No. W-269 and Well No. 1R, Case No. W-3672 as the source for transfer of decreed flowrate is withdrawn. 6.) Note: the combined volumetric pumping limitation from Case No. 2007CW32 of 1,500 acre-feet per year for all irrigation wells on Diaz Field Nos. 6, 7, 8, and 11 will not be changed. Also, the irrigated acreage limitations set forth for Diaz Field Nos. 6, 7, 8, and 11 will not be changed. /// Names and address of owners 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: Segundo Diaz & L. Margarita Diaz, 0721 Lane 2 North, Alamosa, CO 81101. Note: Attached to the second amended application are: copies of a map, a Decree, a Ruling and a registration documentation. These documents can be viewed in the office of the Water Court.  
(10 pages including attachments)

**2021CW8: Jared Myers, 53943 County Road B, Center, CO 81125, [jared@alliedpotatoco.co](mailto:jared@alliedpotatoco.co), 719-754-3613. Amended Application for Change of Water Right in Alamosa County, Colorado.** Decreed water right for which change is sought: Name of structure: Well #1 Permit 25203-F WDID# 2008145; Well #2 Permit 25204-F WDID #2008144;

Well #3 Permit 46318-F WDID #2013954. Unnamed well Permit #29268-F WDID #2014061  
Date of original and all relevant subsequent decrees: Feb 27th, 1981. Legal description of structure as described in most recent decree that adjudicated the location: SW 1/4, NW 1/4, SECTION 7, TOWNSHIP 40N, RANGE 10 EAST OF THE NMPM. UTMX: 418618.3 UTM Y: 4176206.5. Decreed source of water: Unconfined Aquifer of the Closed Basin. Appropriation Date: Permit May 10th 1955. Total amount decreed to structure: Conditional 500 Gallons Per Minute as of: Feb 27th 1981 Absolute Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Conditional 500 Gallons Per Minute Absolute. Detailed description of proposed change: I have farmed this quarter since 2007. Well Permits 25203-F, 25204-F, and 46318-f have been pumping in tandem an average of 450 GPM with an annual pumping diversion of +/- 180 AF/year. The unnamed well Permit #29268 was granted on 11-06-1985 when a prior occupant of the land dried up 11.1 acres of irrigated land and applied for three (3.0) acre feet of commercial use for humidification in a potato storage There is no method of conveyance to use the unnamed well Permit #29268 for anything besides humidification of potatoes and will not be used in conjunction with wells associated with permits 25203-F and 25204-F. There is also no method of conveyance from the parent wells to the storage so no water from them will be used for humidification. With this application I would like to request an alternate point of diversion to drill a supplemental well in the NW 1/4 of said Section 7, Township 40N, Range 10E, NMPM. The depth of the new well will not exceed top of the confining blue clay of the unconfined aquifer or 100 feet, whichever comes first. This in order to maintain at or near the permitted and decreed flow of 500 gpm associated with permit 25203-F. Applicant is proposing to have the new point of diversion and permit #25203-F, 25204-F, and 46318-F combine for a total of not more than 1000 gpm. The total annual volumetric rate would remain at 240 acre-feet, as permitted, and decreed. The subject well is within the Rio Grande Sub-District No 1 boundary and is in the annual replacement plan of said Sub-District. Change or added point of diversion: Location information: PLSS: Legal description: County Alamosa, SW 1/4 of the NW 1/4, Section 7, Township 41N, Range 9E, NMPM. Point(s) of diversion: UTM coordinates: Easting 418618.3 Northing 4176206.5 Zone 13. Name and address of owner: Jared Myers, 53943 County Road B, Center, CO 81125.

**2021CW30 Michael K. and Cathy L. Hale, 7222 CR 53, Center, CO 81125, [dg@mtvag.com](mailto:dg@mtvag.com), 870-974-3825. Application for Change of Water Right in Saguache County, Colorado. Part A:** Decreed water right for which change is sought: Well No. 1  
Name of structure: Well Case No. W-0903 HQ 5, Permit Number 11664-R, WDID 27005742  
Date of original and all relevant subsequent decrees: July 31, 1975. Legal description of structure as described in most recent decree that adjudicated the location: **SW 1/4 SW 1/4, Section 36, Township 42 North, Range 8 East, NMPM, located 245 feet from the south section line and 141 feet from the west section line, in Saguache County, Colorado.** Decreed source of water: Confined Aquifer of the Closed Basin. The depth of the well is 1,000 feet with 530 feet of plain 10" casing and perforated 10" casing from 530 feet to 1,000 feet. Appropriation Date: May 4, 1954. Permitted amount flow rate: 567 GPM. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Absolute 567 GPM for irrigation exclusive to Section 35, Township 42 North, Range 8 East, NMPM. Well No. 2: Name of structure: Well Case No. W-1843 HQ 14, Permit Number 20548-F, WDID 2705286. Date of original and all relevant subsequent decrees: October 17, 1974. Legal description of structure as described in most recent decree that adjudicated the location: SE 1/4 SW 1/4 Section 36, Township 42 North, Range 8

East, NMPM, located 30 feet from the south section line and 600 feet from the west section line, in Saguache County, Colorado. Decreed source of water: Confined Aquifer of the Closed Basin. The depth of the well is 1,150 Feet. Casing type unknown. Appropriation Date: December 31, 1956. Permitted amount flow rate: 1,000 GPM. Decreed use or uses: Irrigation and Stock. Amount of water that applicant intends to change: Absolute 1,000 GPM for irrigation exclusive to Section 35, Township 42 North, Range 8 East, NMPM. Detailed description of proposed change: According to the records of the Division 3 Engineer's office these wells have diverted a combined annual average of 883.00-acre feet based on a 10-year average, and a maximum annual diversion of 1,232.8-acre feet. Once this change case is completed, it is believed that annual diversion will be 1,200 +or- acre feet, under a pivot sprinkler, not flood irrigation. Location information in UTM format: Well No. 1: W-0903 HQ 5: UTM coordinates: Easting 407876 Northing 4188177 Zone 13. Source of UTMs: DWR. Legal description using PLSS: County Saguache, SW 1/4 of the SW 1/4, Section 36, Township 42N, Range 8E, NMPM. Distance from section lines: 245 feet from S and 141 feet from W. Source of PLSS information: Decree. Well No. 2: W-1843 HQ14: UTM coordinates: Easting 407876 Northing 4188127 Zone 13. Source of UTMs: DWR. Legal description using PLSS: County Saguache, SW 1/4 of the SW 1/4, Section 36, Township 42N, Range 8E, NMPM. Distance from section lines: 30 feet from S and 2,600 feet from W. Source of PLSS information: Decree. Part B: Decreed water right for which change is sought: Well No. 3. Name of structure: Well Case No. W-0903 HQ 7, Permit Number 11666-R, WDID 2705298. Date of original and all relevant subsequent decrees: July 31, 1975. Legal description of structure as described in most recent decree that adjudicated the location: SW 1/4 SW 1/4 Section 31, Township 42 North, Range 9 East, NMPM, at a point 164 feet from the west section line and 121 feet from the south section line, in Saguache County, Colorado. Decreed source of water: Confined Aquifer of the Closed Basin. The depth of the well is 1,347 feet with 530 feet of plain 16" casing and perforated 10" casing from 617 feet to 1,347 feet. Appropriation Date: September 19, 1955. Permitted amount flow rate: 1,200 GPM. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Absolute 1,200 GPM for irrigation exclusive to Section 32, Township 42 North, Range 9 East, NMPM. Well No. 4: Name of structure: Well Case No. W-1843 HQ 12, Permit Number 3911-F, WDID 2705305. Date of original and all relevant subsequent decrees: July 31, 1975. Legal description of structure as described in most recent decree that adjudicated the location: SW 1/4 SE 1/4 Section 31, Township 42 North, Range 9 East, NMPM, at a point 2707 feet from the west section line and 84 feet from the south section line, in Saguache County, Colorado. Decreed source of water: Confined Aquifer of the Closed Basin. The depth of the well is 1,600 Feet with 972 feet of plain casing at 12 VA and 9 s/i" perforated casing to 1600 feet. Appropriation Date: February 4, 1963. . Permitted amount flow rate: 2,185 GPM. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Absolute 2,185 GPM for irrigation exclusive to Section 32, Township 42 North, Range 9 East, NMPM. Detailed description of proposed change: Well No. 3 W-0903 HQ 7 has been decreed for irrigation of five (5) Sections of land on the Meadow ranch. Well No. 4 W-0903 HQ 12, has been decreed for irrigation of one (1) section of land on the Meadow Ranch. Applicants wish to use these two wells, in a manifold pipeline configuration, to irrigate a large 480 + acre center pivot sprinkler system to be located within all of Section 32, Township 42 North, Range 9 East, NMPM. In exchange applicants will cease irrigating any other lands on their ranch with these wells. In exchange for approval for this change of water right, Applicants will not use these wells for flood irrigation on the 5 sections which are under their present decreed use. According to the records of the Division 3 Engineer's

office these wells have diverted a combined annual average of 663.1-acre feet based on a 10-year average, and a maximum annual diversion of 1,151.9-acre feet. Once this change case is completed, it is believed that annual diversion will be 1,200 +or- acre feet, under a pivot sprinkler, not flood irrigation. Location information in UTM format: Well No. 3: W-0903 HQ 7 UTM coordinates: Easting 408816 Northing 4188131 Zone 13. Source of UTM: DWR. Legal description using PLSS: Legal description: County Saguache, SW 1/4 of the SW 1/4, Section 31, Township 42N, Range 9E, NMPM. Distance from section lines: 121 feet from S and 164 feet from W. Source of PLSS information: Decree. Well No. 4: W-0903 HQ 12: UTM coordinates: Easting 409525 Northing 4188120 Zone 13. Source of UTM: DWR. Legal description using PLSS: Legal description: County Saguache, SW 1/4 of the SW 1/4, Section 31, Township 42N, Range 9E, NMPM. Distance from section lines: 84 feet from S and 2707 feet from W. Source of PLSS information: Decree. Summary: This application endeavors to allow the applicants, who have valid water rights, to completely change the efficiency and scope of use of the four subject wells. Historically these wells have been used, in conjunction with other irrigation wells in the ranch, to flood irrigate some 5,760 acres on the Meadow Ranch. These wells flowed into a large ditch along CR G and irrigated lands to the north and east. The maximum annual of all four combined wells was 2,384 AF. The 10-year average combined annual diversion was 1,519 AF. The proposed maximum annual diversion from these four wells should be 2,112 AF. Under sprinkler irrigation with an 83% efficiency, the proposed combined consumptive use would be 1,753 AF. With advances in sprinkler efficiency and use of irrigation management tools, the annual diversions can continue to lessen. With the advent of much higher pumping fees in Sub-District No. 1, the applicants must change the type of use and application of water from these wells. Under this plan the wells can be used in a much more effective manner, such as crop production instead of just flood irrigating pastures. Additionally, the applicants will surrender all the historically decreed lands for these wells, except for Section 32, Township 42 North, Range 9 East, NMPM. The subject wells are now contracted into Sub-District 1 and will remain so in order to be compliant with Well Administration Rules.

**2021CW33: Kenneth Carpenter, 8660 North Country Road 100, Monte Vista, CO 81144, [kcfarms01@hotmail.com](mailto:kcfarms01@hotmail.com), 719-588-1024. Application for Change of Water Right in Alamosa County, Colorado.** Decreed water right for which change is sought: Name of structure: Well No. 1, Case No. W-927, Permit No. 2685-F, WDID 2005818 (Well No. 1). Date of original and all relevant subsequent decrees: July 24, 1974 Case No: W-927 Court: Water Division No. 3. Legal description of structure as described in most recent decree that adjudicated the location: Well No. 1 is located by decree in the SW1/4 NW1/4 Section 19, Township 40 North, Range 9 East, NMPM, Alamosa County. Decreed source of water: Unconfined aquifer (total depth of 80 feet with perforated casing from 20 feet to 80 feet to the confined and confined aquifers. Appropriation Date: August 5, 1960. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Conditional N/A Absolute: 1,300 gpm being 2.90 cfs. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: 50 gpm being 0.111 cfs, Absolute. Detailed description of proposed change: Applicant seeks to change 50 gpm (0.111 cfs) of Well No. 1 and use the flowrate and historic consumptive use for year-round commercial needs associated with potato storage and cleaning. Applicant requests the 50 gpm be converted to commercial use in a potato storage facility, washing, fluming, packing, hay steaming, drinking and sanitary needs in an office, and other associated commercial uses. In order to offset the consumptive use for commercial purposes with the changed 50 gpm,

Applicant will permanently dry-up the southwest and northeast sprinkler corners of the existing center pivot sprinkler on the NW 1/4 Section 19, T40N, R9E, NMPM from groundwater use. These corners were historically flood irrigated (1936 - 1977) with surface water (Farmers Union Canal) and well water. The dry-up of approximately 10 acres of corners alone will generate approximately 2.0 acre-feet of average annual consumptive use. Applicant will limit future commercial use to not more than 2.0 acre-feet of consumptive use per calendar year. 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 corners on the NW 1/4 Section 19, T40N, R9E, NMPM from groundwater use to offset the commercial water need. Applicant will limit the use of groundwater from well no 1; well no. 2R, Case No. W-3744; and Well No. 1A, Case No. 84CW10; to irrigation of not more than 130.0 acres within the NW1/4 Section 19, Township 40 North, Range 9 East, NMPM in the future to offset the consumptive use of the commercial uses. Surface water rights, Farmers Union, will continue to be applied to the whole quarter-section for irrigation or recharge purposes. New location of change or added point of diversion: The well currently permitted as no. 2685-F is located in the SW1/4 NW1/4 Section 19, T40N, R9E, NMPM at approximate GPS location 408445 mE, 4172805 mN. Name and address of owner: Kenneth L. Carpenter, 8660 North Country Road 100, Monte Vista, CO 81144.

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