

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 August, 2022 for each county affected.

2022CW33 Burton J. Eagles 9505 North County Road 6 East Center, CO 81125
eaglesbj@hotmail.com, 719-588-0582 Application for Change of Water Right in Alamosa County. Replacement of an Irrigation Well on Field: Field No. 3 (SW 1/4 Sec 11, Township 40 North, Range 9 East, NMPM)

Decreed water right for which change is sought:

Name of structure: Well No. 4-R-R, Case No. 12CW04, Permit No. 12174-R-R, WDID 2014480 (Well No. 4-R-R). Date of original and all relevant subsequent decrees: December 7th, 2014. Court: District Court, Water Division No. 3. Legal description of decreed structure: NW 1/4 SW 1/4 Sec 11, Township 40 North, Range 9 East, NMPM. Decreed source of water: Unconfined Aquifer. Appropriation Date: March 10, 1956. Total amount decreed to structure: 600 GPM, being 1.34 cfs. Decreed use: Irrigation of not more than 130 acres within the SW 1/4 Section 11, Township 40 North, Range 9 East, NMPM. Amount of water that applicant intends to change: 600 gpm, being 1.34 cfs. Detailed description of proposed change: This filing seeks approval to move Well No. 4-R-R to a location approximately 340 feet southwest of the existing well. The replacement well will continue to provide water to irrigate the historically irrigated land within the SW 1/4 Section 11, Township 40 North, Range 9 East, NMPM. The replacement well will still be located within the northwestern portion of the SW 1/4 Section 11, Township 40 North, Range 9 East, NMPM. There will be no increase to the current limitation on pumping or area of use for Well No. 4-R-R. Current limitations are 600 gpm for irrigation use on the SW 1/4 Section 11, Township 40 North, Range 9 East, NMPM, with an annual volumetric limitation of 390 acre-feet. The depth of the replacement well will not exceed 90 feet or the top of the confining clay series. Well No. 4-R-R has been a part of the RGWCD Subdistrict No. 1 annual replacement plan since installation. The surface water from the Farmers Union Canal will continue to be called for and used for its decreed beneficial use. If applicant is correcting the location of a well in an existing decree where the actual location of the well is more than 200 feet from the decreed location, or 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 drill a replacement for Well No. 4-R-R, Case No. 12CW04 at a location just more than 200 feet from the current location. Name and address of land owner: Burton J. Eagles 9505 North County Road 6 East Center CO 81125.

2022CW34 Crestone View Farms, LLC 4575 Highway 285 Center, CO 81125
terrygood.hvh@gmail.com or L1946good@gmail.com 719-580-0798. Application for Change of Water Right in Saguache County. Decreed water right for which change is sought: Name of

structures: Well No.3 (W383, WDID 2705384), Well No. 2R (W3923, WDID 2706135) and Permit 23898-F (WDID 2706263) Date of original and all relevant subsequent decrees: 12/31/71 (W3923 and W383) Case No: W3923 and W383 Court: Water Division 3. Legal description of structure as described in most recent decree that adjudicated the location: Permit no. 23898-F is located at UTM Coordinates Easting: 401765. Northing: 4185327 which is in the NW of the SE 1/4 of Section 8, Twp. 41N, Rng. 8E. NMPM. Decreed source of water: Unconfined for Well No. 2R (W3923) and Confined for Well No. 3 (W383). Appropriation Date: 7/31/1950 and 7/31/1953. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute: 2.23 cfs (Well 2R) and 4.46 cfs (Well 3). Decreed use: Irrigation. Amount of water that applicant intends to change: Absolute All. Detailed description of proposed change: We seek to adjudicate well permit no. 23898-F that was issued in 1978 as an alternate point of diversion to well no. 1995-R. The permit required that application be made to Water Court. Through discussions with DWR it was discovered that permit 1995-R is a dually completed well producing from both the unconfined and confined aquifers. As an alternative to the proposed change to adjudicate permit no. 23898-F as an APD to permit 1995-R, we propose to make permit no. 1994-R the parent well to permit no. 23398-F instead 1995-R. Permit 1994-R only produces from the unconfined aquifer. Location Information: Legal Description: County SE 1/4 Section 8 Township 41N Range 8E NMPM. UTM Coordinates: Easting 401765 Northing 4185327 Zone 13.

2022CW35 David Chavez 16497 County Road East 5 Antonito, CO 81120. 505-660-3832. Application for Finding of Reasonable Diligence in Conejos County. Name of structure: Chavez Tailwater Ditch No.1 Type: ditch. Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: February 21, 2003 Case No. 01CW31 Court: Water Division 3. List all subsequent decrees awarding findings of diligence: Case No. 2009CW10 with a date of decree of November 9, 2009 and Case No. 2015CW3027 with a decree date of August 3, 2016, Water Court Division 3. Legal description: SW 1/4 NW 1/4 Section 30, Township 33 North, Range 10 East, N.M.P.M. at a point 2640 feet from the South Section Line and 30 feet from the West Section Line, Conejos County, Colorado. Source of water: Tailwater and overflow from lands lying west of the point of diversion. Appropriation Date: June 1, 1950 Amount: 1.5 cfs absolute and 3.5 cfs conditional. By decree, the combined maximum diversion rate for this Ditch and the Chavez Tailwater Ditch No. 2 shall not exceed 5.0 cfs. Use: Together with the Chavez Tailwater Ditch No. 2, not more than 56 acres located in the NW 1/4 Section 30, T33N, R10E, NMPM. Name of structure: Chavez Tailwater Ditch No.2 Type: ditch Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: February 21, 2003 Case No. 01CW31 Court: Water Division 3. List all subsequent decrees awarding findings of diligence: Case No. 2009CW10 with a date of decree of November 9, 2009 and Case No. 2015CW3027 with a decree date of August 3, 2016, Water Court Division 3. Legal description: SW 1/4 NW 1/4 Section 30, Township 33 North, Range 10 East, N.M.P.M. at a point 1440 feet from the North Section Line and 30 feet from the West Section Line, Conejos County, Colorado. Source of water: Tailwater and overflow from lands lying west of the point of diversion.

Appropriation Date: June 1, 1950 Amount: 1.5 cfs absolute and 3.5 cfs conditional. By decree, the combined maximum diversion rate for this Ditch and the Chavez Tailwater Ditch No. 2 shall not exceed 5.0 cfs. Use: Together with the Chavez Tailwater Ditch No. 2, not more than 56 acres located in the NW 1/4 Section 30, T33N, R10E, NMPM. Provide a 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 I have a tailwater ditch that collects water in the southwest corner of the property. This is runoff and tailwater from land located south and west of my property. This tailwater has been actively diverted and used for irrigation when it is available, particularly in the Chavez Tailwater Ditch No. 1 The Chavez Tailwater Ditch No. 2 has less water available to it in the past decade due to changes in the irrigation practice upstream. There is no headgate or measuring device currently on these Tailwater Ditches, but I understand these devices need to be installed and I am willing to do that in the future. I did install a culvert in the borrow pit ditch south of my property around 2016. The expenditure was greater than \$1000 for the cost of the culvert, and fees from the company hired to survey and install the culvert. The culvert allows the tailwater from other ranches south and west of my property to flow north to my property. I replaced the gate on the headgate of the Jaramillo Ditch No. 1 and No. 2. This is the primary water supply for my land. The tailwater is a supplemental water supply. I have actively irrigated my property with whatever water is available. I cut the meadow grass for hay and I lease the land for cow pasturing. About six years ago, I bought a Kubota tractor to do the work necessary on the ranch. Annual repair and installation of fencing keeps the cows in or out. Annual ditch maintenance to make sure I can divert whatever water I have legally available. If claim to make absolute in whole or in part: Date water applied to beneficial use: Not claiming additional absolute water right. Description of place of use where water is applied to beneficial use. The land irrigated is as described in the original 01CW31 decree. Name and address of land owner, David Chavez 16497 County Road East 5 Antonito, CO 81120.

2022CW36 William Mortenson 20910 County Road Y Sanford, CO 81151 719-274-5096. Application for Change of Water Right in Conejos County. Decreed water right for which change is sought: Name of structure: Well No. 1 (WDID 2105486) Date of original and all relevant subsequent decrees: 12/31/1972 Case No: W1991 Court Division 3. Legal description of structure as described in most recent decree that adjudicated the location: SE 1/4 NE 1/4, Section 9, Township 35 North. Range 10 East, NPM at a point 2620 feet from North section line and 1300 feet from East section line, in Conejos County, Colorado. Decreed source of water: Confined. Appropriation Date: August 10, 1953. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute 2125 gpm (4.73 cfs). Decreed uses: Irrigation and Stockwater. Amount of water that applicant intends to change: Absolute: 2125 gpm (4.73 cfs). Detailed description of proposed change: The applicant requests a change in place of use for Well NO. 1 in case no. W-1991 to include the W1/2 and NE 1/4 of the NW 1/4 of Section 3, the NE 1/4 and the SE 1/4 of Section 4, the N 1/2 of Section 9 and the W 1/2 and NE 1/4 of the NW 1/4 of Section 10; all in Twp. 35N, Rnq. 10E. A consumptive use analysis was done by aqro engineering on the subject well and is available for review. This project was

approved by the State Engineer under SWSP ID#6231. The subject well is a participant in Subdistrict # 6 and will continue to be in order to compliant with the Division 3 Groundwater Rules. Location information: Legal Description: County SW 1/4 of the NE 1/4 Section 9 Township 35 N Range 10E NMPM. UTM Coordinates: Easting 422150 Northing 4127462 Zone 13.

2022CW37 C&C Farms 1490 E County Road 5 North Monte Vista, CO 81144

Cjm55cjm@gmail.com 719-580-3356 Application for Change of Water Right in Rio Grande County. Decreed water right for which change is sought: Name of structure: Well No. 1, Registration No. 707-R (Well No. 1) Date of original and all relevant subsequent decrees: N/A not previously decreed. Legal description of structure as described in most recent decree that adjudicated the location: Well No. 1 is located by permit in the SW 1/4 SW 1/4 Section 8, Township 39 North, Range 8 East, NMPM Rio Grande County. Source of water: Unconfined aquifer. The total depth of the well is 88 feet with perforated casing from 28 feet to 88 feet. Claimed Appropriation Date: December 31, 1954. Total amount claimed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute: 1,505 gpm being 3.35 cfs. Decreed use or uses: Irrigation Amount of water that applicant intends to change: 1,000 gpm being 2.23 cfs, Absolute. Detailed description of proposed change: 1. Applicant seeks to recognize the appropriation made in Well No. 1 when it was drilled in 1954 and placed to beneficial use in 1955 for irrigation of the SW 1/4 Section 8, T39N, R8E, NMPM. Original claimant on the well registration, Gillilan, claimed 1,505 gallons per minute for irrigation on Section 8, T39N, R8E, NMPM. Applicant seeks only to adjudicate 1,000 gpm for irrigation use within the SW 1/4 Section 8, T39N, R8E, NMPM. 2. Applicant seeks to move Well No. 1 to a new location within the SW 1/4 of Section 8, T39N, R8E, NMPM and complete the replacement well into the unconfined aquifer. The replacement well will combine with existing well no. 20386-F-R for water supply to an existing center pivot sprinkler system. Applicant will limit the use of groundwater from well no. 1 to irrigation of not more than 130.0 acres within the SW 1/4 Section 8, Township 39 North, Range 8 East, NMPM in the future. The associated surface water rights, Rio Grande Canal shares, will continue to be applied to the whole quarter-section for irrigation or recharge purposes. If applicant is changing or adding a point of diversion (including the drilling of a replacement well more than 200 feet from the decreed location), please provide the new location of the structure; or if applicant is changing the decreed point of diversion to conform to the actual location, please provide the actual location: The well registered as no. 707-R is located in the SW 1/4 SW 1/4 Section 8, T39N, R8E, NMPM at approximate GPS location 400260 mE, 4165700 mN. The replacement well will be known in the future as Well No. 1-R, a replacement of the water right adjudicated to Well No. 1. Name and address of land owner: C & C Farms 1490 E. County Road 5 North Monte Vista, CO 81144

2022CW38 Veronica R. Gallegos 21729 U.S. Highway 285 La Jara, CO 81140

jlgallegos1187@gmail.com or JLGallegos@gojade.org 719-274-5215. Application for Change

of Water Right in Conejos County. Decreed water right for which change is sought: Name of Structure: Miller Ditch. Date of original decree: 7/11/1888 Case No: 7/11/1888 Court: Division 3. Legal description of structure as described in most recent decree that adjudicated the location: Headgate on the South band there of at a point near the centre of NW 1/4 of SW 1/4 Sec 8 Twp 35N Rng8E NMPM. Decreed source of water: Alamosa River. Appropriation Date: 8/10/1885 and 11/11/1886. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute 34.86 cfs and 31.54 cfs. Decreed uses: Irrigation and Domestic. Amount of water that applicant intends to change: Absolute: 450 shares. Decreed water right for which change is sought: Name of structure: Capulin Ditch. Date of original and all relevant subsequent decrees: 7/11/1888 Case No: 7/11/1888 Court: Division 3. Legal description of structure as described in most recent decree that adjudicated the location: Headgate on the South bank thereof at a point in the NE part of the SW 1/4 of SE 1/4 of Sec 9, Twp 35N, R8E NMPM. Decreed source of water: Alamosa River. Appropriation Date: 4/12/1870. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute: 31.37 cfs. Amount of water that applicant intends to change: Absolute 4 cfs. Detailed description of proposed change: We seek a confirmation of a, but not the only, lawful place of irrigation use for the water rights decreed to the Capulin and Miller Ditches. The decrees for those ditches, adjudicated in 1888, are silent to the location and amount of irrigated acreage. We believe that this confirmation is allowed under CRS 37-92-305(4)(a)(I)(B). As an exhibit we have filed a deed from 1933 showing that water was being used on the property within the first 50 years after the 1888 adjudication. Our lands are within a reasonable proximity to the ditch and to the acreage in the 1888 testimony. Pending the confirmation of lawful place of use we then seek to change that place of use within the same parcel of land. As shown in a 1941 aerial image of portion of our land was not irrigated due to there being a high spot on the property. We seek to limit the future irrigation on the parcel to ~75 acres. Which is the total amount of land irrigated on the parcel in 1941 so that we can install 2 wiper sprinklers via a NRCS project. The dimensions and locations of the wipers are shown in an attached exhibit.

2020CW3016 Co-Applicants' names: (1) Navajo Development Co., Inc., 2043 S Washington Street, Denver, Colorado 80210, 719-850-8443, c/o Stephen H. Leonhardt and April D. Hendricks, Burns, Figa & Will, P.C., 6400 S. Fiddler's Green Circle, #1000, Greenwood Village, CO 80111, (303) 796-2626; and (2) Rio Grande Water Conservation District (RGWCD) and Special Improvement District No. 2 of the RGWCD, 8805 Independence Way, Alamosa, CO 81101, 719-589-6301, c/o David W. Robbins and Peter J. Ampe, Hill & Robbins, P.C., 1660 Lincoln St., Suite 2720, Denver, CO 80264, (303) 296-8100. AMENDED APPLICATION FOR APPROPRIATIVE RIGHT OF EXCHANGE AND TO CHANGE PURPOSE OF USE. 3. Summary of Application. Navajo is the owner of the Williams Creek Squaw Pass Diversion ("WCSPD") water right, which diverts water from the Williams Creek drainage in Water Division 7 into Squaw Creek in Water Division 3. Navajo has entered into a contract with RGWCD, acting for and on behalf of the Subdistrict, to sell its remaining uncommitted interest in the WCSPD water right to the Subdistrict, together with the WCSPD infrastructure. Each year since at least 1987, Navajo has operated an exchange by which WCSPD transmountain water is

delivered down Squaw Creek to the Rio Grande River, and then exchanged on the Rio Grande River from its confluence with Squaw Creek into Rio Grande Reservoir in Hinsdale County. Navajo, RGWCD, and the Subdistrict now seek judicial confirmation of this appropriative right of exchange and, additionally, seek to add or confirm the following beneficial uses of the WCSPD water right: augmentation, replacement, remedy of injurious depletions as part of a subdistrict's approved Annual Replacement Plan in accordance 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, Case No. 15CW3024, District Court, Water Division No. 3, and storage of the WCSPD water right in Rio Grande Reservoir. Co-Applicants additionally seek to confirm the quantification of the historical consumptive use of the WCSPD water right, based on previous decrees in Case Nos. W-1869-78 (Water Div. 7) and W-3930 (Water Div. 3) CoApplicants recognize that portions of the WCSPD water right have been dedicated to existing and future plans for augmentation, and those portions of the WCSPD water right will continue to be used in compliance with the terms and conditions of such plans.

4. Description of Appropriative Right of Exchange.

4.1. Name of Exchange: WCSPD – Rio Grande Reservoir Exchange.

4.2. Location of Structures Involved:

4.2.1. Exchange-from point: Confluence of the Rio Grande and Squaw Creek in the SE 1/4 NE 1/4 of Section 13, Township 40 North, Range 4 West, N.M.P.M.

4.2.2. Exchange-to point: Rio Grande Reservoir, located in Sections 5, 6, 7, 8, 9, 10, 13, 14, 15, and 16, Township 40 North, Range 4 West, and Sections 31 and 32 of Township 41 North, Range 4 West, of the N.M.P.M., Hinsdale County, Colorado.

4.3. Source: Rio Grande River.

4.4. Exchange Reach: The exchange reach is from the point where Squaw Creek enters the Rio Grande, as described in Paragraph 3.2.1 above, to Rio Grande Reservoir, as described in 3.2.2 above. The exchange reach, exchange-from point and exchange-to point are shown on Figure 1 attached to the Amended Application.

4.5. Appropriation:

4.5.1. Date of Appropriation: May 1, 1987, when the exchange of WCSPD water into Rio Grande Reservoir was initially operated. Pursuant to C.R.S. § 37-92-305(10), this appropriation date shall be recognized and preserved as the priority date of the exchange.

4.5.2. How Appropriation was Initiated: By operating an exchange to store WCSPD water in Rio Grande Reservoir.

4.6 Exchange Rate Claimed: 10 c.f.s., absolute.

4.7 Source of Substitute Supply Water: Williams Creek Squaw Pass Diversion, in former Water District No. 29, Water Division 7 of the State of Colorado, being adjudicated and decreed as Ditch No. 236, Priority No. 310, which decreed

DATE FILED: July 29, 2022 3:58 PM Priority Date of September 9, 1937, for 10 cubic feet of water per second of time from three tributaries of Williams Creek, where water is diverted at three points: (i) on the left bank of the south fork of the east fork of Williams Creek, (ii) on the left bank of the middle fork of the west fork of Williams Creek, and (iii) on the left bank of the north fork of the west fork of Williams Creek, all as set forth on the maps, filings and decree, such point of diversion situate approximately in Section 21 of unsurveyed Township 39 North, Range 3 West, N.M.P.M. The WCSPD right was changed to allow municipal, recreation and augmentation uses in Case No. W-1869-78, Water Div. 7. In addition to diversions under these decrees, water is diverted through the WCSPD under free river conditions. Several augmentation plans, replacement plans and substitute water supply plans for use of the WCSPD right have been approved in Water Division 3, including Navajo's augmentation plans in Case No. W-3930,

and subsequently in Case No. 01CW3. 4.8 Uses: All uses for which the water given as substitute supply is decreed, and which can be made by or through Navajo, which include the following: municipal (including commercial, industrial, domestic and sewage treatment), irrigation, storage, recreation, replacement of evaporative depletions, and augmentation, including Navajo's augmentation plan decreed in Case No. 01CW3, and remedy of injurious depletions under a subdistrict's approved annual replacement plans pursuant to the Rules Governing Withdrawal of Groundwater in Water Division 3, consistent with paragraph 6.2 below. 5. Water Quality: Pursuant to C.R.S. § 37-92-305(5), the substituted water provided by Navajo for the exchange herein is of a quality, quantity, and continuity to meet the requirements of use for which the receiving senior appropriators have normally used such water. 6. Change of Purpose of Use of WCSPD Water Right: 6.1 The WCSPD water right is described above in Paragraph 4.7. The WCSPD water right is a transmountain diversion out of Williams Creek (Water District No. 29) decreed on April 19, 1962, Civil Action No. 1751 (Water Division 7) for 10 cfs, absolute, into Squaw Creek, a tributary of the Rio Grande in Water District No. 20 (Water Division No. 3). As mentioned above, the WCSPD water right was previously changed in Case No. W-1869-78, Water Div. 7 (February 28, 1979), from irrigation use to allow municipal and recreation use, and for augmentation uses in the augmentation plan decreed in Case No. 3930, Water Div. 3. Co-Applicants will comply with the terms and conditions established in the W-1869-78 decree. The W-1869-78 decree required that the annual diversion of water under the WCSPD water right "not exceed the average annual amount of historic use" (which was stated in the decree entered in Case No. W-3930 as 168 AF of imported water per year), with specified adjustment for annual yield forecasts. The decreed amount of historical use continues to control pursuant to C.R.S. § 37-92-305(3)(e). 6.2 By this Amended Application, Co-Applicants seek to confirm the historical consumptive use of, and add or confirm the following beneficial uses of, the WCSPD water right: augmentation, replacement, remedy of injurious depletions under a subdistrict's approved Annual Replacement Plan, directly by the Subdistrict or through a lease to another Special Improvement District or Subdistrict within Water Division No. 3, including by exchange, and all other beneficial uses listed in paragraph 4.8 above. Co-Applicants additionally seek to store the changed portion of the WCSPD water right in Rio Grande Reservoir, by separate agreement with the owner of that reservoir. No other changes to the WCSPD water right are requested. 6.3 Additional portions of the WCSPD water right have been conveyed to third parties for use in their augmentation plans that have been or will be separately decreed by the Water Court, Water Division 3. This Application does not seek to alter or amend any of those augmentation plan decrees. 7. Names and addresses of 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 will be stored: To the best of Navajo's and the Subdistrict's knowledge, the owners of the underlying lands on which the existing storage structure listed above is located are as set forth below. No construction of new structures or modification of existing structures is contemplated in connection with this appropriation. 7.1 Rio Grande Reservoir is owned by the San Luis Valley Irrigation District ("SLVID"), 296 Miles St., Center, CO 81125; and is located on lands owned by SLVID and the U.S. Forest Service, Rio Grande National Forest, 1803 W. Highway 160, Monte Vista, CO 81144. 7.2 Storage of Co-Applicants' WCSPD water in Rio Grande Reservoir will be made in accordance with and subject to the terms and conditions of

their storage leases with SLVID. WHEREFORE, the Co-Applicants respectfully request that this Court enter a decree confirming the Co-Applicants' claimed appropriate right of exchange and granting such other relief to the Co-Applicants as the Court deems just and proper.

CASE NO. 2022CW3032; ALAMOSA COUNTY; Jason Kirkpatrick and Kirkpatrick Survivor "A" Trust c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, karl@kuenholdlaw.com . APPLICATION FOR A CHANGE OF WATER RIGHTS (HUMIDIFICATION WELL). Applicants proposes to change a small amount of water (1.5 acre-foot CU) to commercial use from four wells decreed for irrigation use in change Case 11CW20, decree dated August 15, 1974. Decreed water rights for which changes are sought: All four wells were decreed on August 15, 1974 in Case 2011CW10. The water rights in these wells derive from Well No. 4 in Case W-299, appropriation date April 13, 1953. The four wells are: Well 4RW1 (WDID 2014505-Westbrook No. 1) SW 1/4 NE 1/4 of Section 5, Township 39N, Range 10E, NMPM; Well 4RW2 (WDID 2014504- Westbrook No. 2, SW 1/4 NE 1/4 of Section 5, Township 39N, Range 10E, NMPM); Well 4RS1 (WDID 2014506 – Shop No. 1), NW 1/4 NW 1/4 of Section 5, Township 39N, Range 10E, NMPM ; and Well 4RS2 (WDID 2014507-Shop No. 2), SW 1/4 NW 1/4 of Section 5, Township 39N, Range 10E, NMPM, Case 11CW20). These four wells are each decreed for 300 gpm. In 11CW20, a comprehensive historic consumptive use analysis was performed. All 1200 gallons decreed for Well No. 4 in W-299 were moved and approved for irrigation use via these four new wells on the N 1/2 of Section 5, Township 39 North, Range 10 East N.M.P.M. The potato storage facility requires a non-exempt commercial well used for potato storage humidification and evaporative cooling. Commercial water will also be used for washing of the storage and equipment at the facility. Detailed description of proposed changes: Applicant Kirkpatrick Survivor "A" Trust owns a potato storage facility with a capacity of 200,000 cwt located on the SW 1/4 SW 1/4 of Section 33, Township 40N, Range 10E, NMPM in Alamosa County, Colorado. The potato storage facility requires a non-exempt commercial well used for potato storage humidification and evaporative cooling. Commercial water will also be used for washing of the storage and equipment at the facility. The facility is currently served by an undecreed domestic well WDID 2014602. The Application proposes to use or redrill this well or drill a new unconfined well to serve the potato facility. The 1.5 acre-feet of consumptive use will be obtained by change from the four irrigation wells described above with a commensurate reduction in diversion and consumptive use from the four wells. Land ownership: Applicant Jason Kirkpatrick owns the four wells and land from which the water is being taken and Kirkpatrick Survivor "A" Trust owns the real property on which the existing undecreed humidification Well on the SW 1/4 SW 14 of Section 33, Township 40 North, Range 10 East, NMPM. The four irrigation wells are located on the N 1/2 of Section 5, Township 39 North, Range 10 East N.M.P.M

2022CW3033 Application for Change of Surface Water Rights and Conditional Appropriate Rights of Substitution and Exchange in Mineral, Rio Grande, Conejos, and Alamosa Counties. 1. Name, Address and Telephone Number of Applicant: United States of America, Department of

the Interior, Bureau of Land Management, San Luis Valley Field Office, 1313 Highway 160, Monte Vista, CO 81144.

2. Introduction and Background. The Bureau of Land Management (BLM) acquired the historical water rights associated with Shaw Reservoir in December 2021. In the same transaction, BLM also acquired a perpetual easement for storage space in Shaw Reservoir from San Luis Valley Water Conservancy District (SLVWCD). SLVWCD has purchased the Shaw Reservoir facilities, including the dams, outlet structures, feeder ditch, and measurement devices. BLM purchased the historical water rights and storage space to accomplish two objectives. First, the changed historical water rights will be used to support wetlands habitat and wildlife management at BLM's Blanca Wetlands Area (Blanca Wetlands) and South San Luis Lakes Area (SSLA). Second, BLM's acquired assets will be used to work cooperatively with SLVWCD and Colorado Parks and Wildlife to maintain stable water storage volumes in Shaw Reservoir to support the lake's fish population and heavy recreational use. To deliver the changed historical water rights in the correct timing and amount to support BLM's wetland habitat and wildlife management objectives, this change application (Application) requests water court confirmation of the historical consumptive use associated with the Shaw Reservoir historical water rights. The application also requests authorization to store the historical water rights in alternate locations and then subsequently release the changed historical water right for beneficial use. The request for alternate storage locations for the changed historical water rights will also facilitate maintenance of stable reservoir levels at Shaw Reservoir, because it will enable BLM to avoid changes to reservoir levels that would be necessary to release the changed water rights from Shaw Reservoir for beneficial use. The reservoirs in which the changed historical water rights will be stored include reservoirs owned and managed by Colorado Parks and Wildlife (CPW) and other reservoirs where BLM has agreements for storage space. In addition, the Application requests water court confirmation of exchange operations involving the changed historical water rights. These operations are required to move diverted water into the alternate storage locations and to deliver stored water to the place of use at Blanca Wetlands and SSLA.

3. Previous Decree Information for Water Rights to be Changed.

A. Shaw Reservoir Priority No. 1916-39A

1. Adjudication Date: September 13, 1916.
2. Appropriation Date: September 18, 1895.
3. Priority: Stream Priority 1916-39A and Reservoir Priority 1916-1.
4. Use: Irrigation.
5. Amount: 510.84 acre-feet, absolute and 127.71 acre-feet, conditional.
6. Subsequent Decree: The 127.71 acre-feet originally decreed as conditional was subsequently made absolute in Civil Action 2673, District Court, Alamosa County, entered July 18, 1960.
7. Source: Spring Creek, a natural stream of the State of Colorado.
8. Decreed Location: The outlet of Shaw Reservoir is a point between Stations 0 and 2 in the Southeast Quarter of the Southeast Quarter of Section 31, T39N R2E, New Mexico P.M.
9. Place of Beneficial Use: Not specified in the decree.

B. Shaw Reservoir Enlargement Priority 1959-15

1. Original Decree: Civil Action 2673, District Court, Alamosa County
2. Adjudication Date: July 18, 1960.
3. Appropriation Date: September 27, 1954.
4. Priority: Reservoir Priority 1959-15.
5. Use: Irrigation.
6. Amount: 42.05 acre-feet, absolute.
7. Source: Kitty Creek, also known as Cat Creek, a natural stream of the State of Colorado.
8. Decreed Location: The initial point of survey for the reservoir, as enlarged, is located at the East end of the North dam of said reservoir, whence the Southwest corner of Section 18, T39N R3E, New Mexico P.M. bears North 51 degrees 7 minutes East, 30,824.4 feet.
9. Place of Beneficial Use: Not specified in the decree.

C.

DATE FILED: August 19, 2022 3:18 PM 2 Shaw Reservoir Feeder Ditch 1. Original Decree: In The Matter Of The Adjudication Of Priorities Of Water Rights In Water District Number Twenty In The State of Colorado, District Court, Costilla County. 2. Adjudication Date: September 13, 1916. 3. Appropriation Date: May 1, 1900 4. Priority: Stream Priority 1916-50. 5. Use: Feeding Shaw Reservoir. 6. Amount: 10.0 cfs, absolute. 7. Source: Little Trout Creek, a natural stream of the State of Colorado. 8. Decreed Location: a point, in the County of Mineral, State of Colorado, on the East Bank of Little Trout Creek, North 87 degrees 50 minutes West 1,841 feet from contour post No. 13 of Shaw Reservoir located in the Northeast Quarter of Section 6, T38N R2E, New Mexico P.M.9. Place of Beneficial Use: Not specified in decree. D. Remarks Concerning Previous Decrees: The water source specified in previous decrees for the original reservoir (Spring Creek), the enlargement (Kitty Creek), and the Feeder Ditch (Little Trout Creek) are all at the same location, which is the diversion structure into the Shaw Reservoir Feeder Ditch. The creek name has changed several times since the first water right for the reservoir was established. The modern name used for the creek is Kitty Creek. 4. Change of use. A. Summary. BLM seeks to change the historical water rights described in Paragraph 3 from the original irrigation use to multiple uses, including irrigation, described below. BLM also seeks to change the place of use to the locations described below. Finally, BLM seeks confirmation of the annual volume of historical consumptive use available that may be applied under the changed water rights. B. Decreed Points of Diversion: The physical point of diversion for Shaw Reservoir Feeder Ditch will remain in the historical location and is not being changed. However, the Applicant requests that the decreed point of diversion reflect a modern legal description which incorporates GPS coordinates as follows: Shaw Reservoir Feeder Ditch – NE 1/4 SE 1/4, Section 6, T38N R2E, New Mexico P.M. NAD 83, Zone 13, 340740mE 4159302mN C. Decreed Place of Storage: The physical location of Shaw Reservoir will remain in the historical location. However, the Applicant requests that the decreed storage location reflect a modern legal description which incorporates GPS coordinates as follows: Center of North Dam (where outlet structure is located) – NE 1/4 SW 1/4, Section 5, T38N R2E, New Mexico P.M. NAD 83, Zone 1, 341566mE 4159205mN. Center of South Dam – NE 1/4 NW 1/4, Section 8, T38N R2E, New Mexico P.M. NAD 83, Zone 13, 341315mE, 4158394mN. D. Decreed Water Sources: The physical source of water for Shaw Reservoir will remain the same as historical practice. However, because of the various names used for water sources in original decrees, the Applicant seeks water court confirmation that the source of water for the Shaw Reservoir Feeder Ditch is Kitty Creek. E. Places of Storage. BLM requests water court authorization to store the changed water right in any of the following reservoirs, including authorization to carry over stored water in these facilities from one water year to the next. BLM will not store water in any of the reservoirs listed below without the written permission of the reservoir owner. This application does not request an independent water storage right in any of the reservoirs listed below and instead requests authorization to store water pursuant to an agreement between the reservoir owner and BLM. 4E. Reservoir Storage Locations. Reservoir Name: Alberta Park Reservoir WDID: 2003531 Relevant Decrees: CA2673 Absolute Amounts (AF): 597.5 Adjudication Dates: 1/27/1960 Appropriation Dates: 9/27/1930 Legal Description: Located at a point on the northwesterly end of the dam, whence the NW corner of Sec.19, T39N, R2E, NMPM bears North 26°27' West 56,628 feet. 3 Reservoir Name: Beaver Park Reservoir WDID: 2003532 Relevant Decrees: 09/13/1916 and

CA2673 Absolute Amounts (AF): 4,434 and 334.4 Adjudication Dates: 9/13/1916 and 1/27/1960 Appropriation Dates: 4/30/1910 and 5/10/1946 Legal Description: Located at a point whence the East 1/4 corner of Section 28, T39N, R3E, NMPM bears North 79°13' East 2,065.45 feet. Reservoir is located in Sec. 27, 28, 33, and 34, T39N, R3E, and Sec.3, T38N, R3E, NMPM. Reservoir Name: Big Meadows Reservoir WDID: 2003589 Relevant Decrees: CA3982 Absolute Amounts (AF): 2,437 Adjudication Dates: 4/21/1972 Appropriation Dates: 8/27/1959 Legal Description: Located at a point whence Mt. Hope bears North 85°50' West, and is a point on the Northwesterly end of the dam at high water line, and whence Heart Mountain bears South 49°00' East and is a point on the Southeasterly end of the dam at high water line. Reservoir is situated in Sections 17 and 18, T38N, R2E, NMPM. Reservoir Name: Troutvale Reservoir WDID: 2003569 Relevant Decrees: 9/13/1916 Absolute Amounts (AF): 1,020.6 Adjudication Dates: 9/13/1916 Appropriation Dates: 9/1/1911 Legal Description: Located at a point whence the North 1/4 corner of Section 16, T41N, R3W, NMPM bears North 70°54'30" West 915 feet. Reservoir Name: Troutvale Reservoir No. 2 WDID: 2003585 Relevant Decrees: CA3982 Absolute Amounts (AF): 435.37 Adjudication Dates: 4/21/1972 Appropriation Dates: 6/17/1940 Legal Description: Located at a point whence the North 1/4 corner of Section 10, T41N, R3W, NMPM bears North 27°08' West 2,175.5' and is a point on the Northwesterly end of the dam at high water line. Reservoir is situated in Section 10, T41N, R3W, NMPM. Reservoir Name: La Jara Reservoir WDID: 2103582 Relevant Decrees: 2/07/1918 Absolute Amounts (AF): 14,056.5 Adjudication Dates: 2/7/1918 Appropriation Dates: 12/13/1904 Legal Description: From said inlet works located in the La Jara Creek, said reservoir runs in a southeasterly direction about four miles to a point in the northeast quarter of section 31, T35N, R6E, NMPM, where the dam used for the impounding of water in said reservoir is now located and constructed and where the outlet works of said reservoir are now located, at a point which bears north 10°44'10" west 28,607.8 feet. Reservoir is situated on parts of Sections 7, 18, 19, 29, 30, 31 and 32, in T35 N, R6E, NMPM, and Sections 13, 24, 25, in T35N, R5E, NMPM. Reservoir Name: Rito Hondo Reservoir WDID: 2003588 Relevant Decrees: CA3982 Absolute Amounts (AF): 561.46 Adjudication Dates: 4/21/1972 Appropriation Dates: 10/4/1954 Legal Description: Located at a point whence the SE corner of Sec.22, T42N, R3W, NMPM bears South 10°41' East 3,546.61 feet and is a point on the westerly end of the dam at high water line. Reservoir is situated in Sec.15 and 22, T42N, R3W, NMPM. Reservoir Name: Road Canyon Reservoir WDID: 2003555 Relevant Decrees: 09/13/1916 Absolute Amounts (AF): 1,182.75 Adjudication Dates: 9/13/1916 Appropriation Dates: 5/17/1908 Legal Description: Situated in Sec.26, 27 and 34, T41N, R3W and Sec.3, T40N, R3W, NMPM. 4 Reservoir Name: Road Canyon Reservoir No. 2 WDID: 2003584 Relevant Decrees: CA3982 Absolute Amounts (AF): 117.27 Adjudication Dates: 4/21/1972 Appropriation Dates: 6/26/1922 Legal Description: The initial point of survey of the high water line of said reservoir is located at a point whence the corner common to Sections 26, 27, 34 and 35, T41N, R3W, NMPM, bears North 27°48' East 10,273.69 feet, and is a point on the easterly end of the dam at high water line. Reservoir is situated in the West 1/2 of the SW 1/4, Sec.3, and the SE 1/4, SE 1/4 of Sec.4, T40N, R3W, NMPM. Reservoir Name: Trujillo Meadows Reservoir WDID: 2203575 Relevant Decrees: W-0047 Absolute Amounts (AF): 913.15 Adjudication Dates: 12/31/1970 Appropriation Dates: 8/31/1954 Legal Description: That the initial point of survey of the high water line is located at a point whence the North quarter corner of Section 5,

Township 32 North, Range 5 East NMPM, bears North 67°19'35" East 283.21 feet and is a point on the northerly end of the dam at high water line. Said reservoir is situated in Section 5, T32N, R5E, NMPM and Sec.32, T33N, R5E, NMPM. Reservoir Name: San Luis Lake WDID: 3503531 Relevant Decrees: W-3962, 95CW40, 95CW004 Absolute Amounts (AF): 8645, 5752.72, 410 Adjudication Dates: 12/31/1978, 12/31/1987, 12/31/1995 Appropriation Dates: 8/5/1969, 11/25/1986, 11/01/1994 Legal Description: A natural lake located in portions of sections 25, 26, 35 and 36, R11E, T40N of the NMPM. The northwest corner of section 19, R12E, T40N, bears north 44 deg. 56'55" east o distance of 10,261.42 feet from the inlet of said lake and north 30 degrees 44'18" east a distance of 15,764.45 feet from the outlet. Reservoir Name: Shaw Reservoir WDID: 2003559 Relevant Decrees: 9/13/1916, 9/13/1916, CA 2673 Absolute Amounts (AF): 510.84, 127.71, 42.05 Adjudication Dates: 9/13/1916, 9/13/1916, 1/27/1960 Appropriation Dates: 9/18/1895, 9/18/1895, 9/27/1954 Legal Description: A point between Stations 0 and 2 in the Southeast Quarter of the Southeast Quarter of Section 31, T39N R2E, New Mexico P.M. Reservoir Name: Platoro Reservoir WDID: 2203574 Relevant Decrees: W-3253 Absolute Amounts (AF): 53,571.0 Adjudication Dates: 10/24/1985 Appropriation Dates: 6/1/1905 Legal Description: A point whence the Northeast corner of Section 21, T36N R4E, NMPM bears North 14°56'08" East a distance of 2,477.8 feet. 4F. Places of Use. Within Blanca Wetlands, as described below: Township 38 North, Range 11 East N.M.P.M: Section 1, NW 1/4, NE 1/4, SE 1/4 of Section 2, Section 12, NW 1/4, NE 1/4, SE 1/4, N 1/2 of the SW 1/4, of Section 13, and NE 1/4 of Section 24. Township 38 North, Range 12 East, N.M.P.M:W 1/2 of Section 4, Sections 5, 6, 7, 8, 17 W 1/2 Section 9, and N 1/2 of Section 18. Township 39 North, Range 12 East, N.M.P.M: SE 1/4 of the SW 1/4 and SW 1/4 of the SE 1/4 of Section 30, E 1/2 of the W 1/2 and the E 1/2 of Section 31, and NW 1/4, SW 1/4, and SE 1/4 of Section 32. Within the SSLA, as described below: Township 39 North, Range 12 East N.M.P.M: SE 1/4 Section 18; All of Section 19. Township 39 North, Range 11 East, N.M.P.M: SE 1/4 Section 24. A. Type of Use. BLM seeks to add the following uses to the historically decreed irrigation use: irrigation of wetlands, marshes, meadows, and playas areas; creation and support of fish and wildlife habitat in ponds, diked areas, and natural basins; wildlife watering; recreation; non-potable 5 domestic use; piscatorial and fish propagation; augmentation use; replacement of evaporative losses necessary to effectuate the aforementioned uses; storage in reservoirs listed in Section 3.E. necessary to effectuate the aforementioned uses; and exchanges necessary to effectuate the aforementioned uses. All uses may be accomplished by one of two methods: (1) direct application of water from the changed water rights after the changed water rights have been stored and subsequently released from Shaw Reservoir or, (2) after storage of the changed water rights one or more of the facilities listed in Paragraph 4.E. The augmentation use includes the following: (1) Use of the changed water right as an augmentation water source for the Blanca Wetlands augmentation plan decreed in case number 2002CW38B. After this application is decreed, BLM will follow the Notice of Use procedure described in Paragraph 13.C.1 of the 2002CW38B decree to add the changed water right to the authorized list of augmentation water sources. (2) Use of the changed water right through a BLM contract with one or more Subdistricts of the Rio Grande Water Conservation District for the purpose of remedying injurious depletions to the Rio Grande and Conejos River caused by groundwater well operations. This use will occur pursuant to an Annual Replacement Plan or Substitute Water

Supply Plan approved by Colorado Division of Water Resources or pursuant to an augmentation plan approved by District Court, Water Division 3. (3) Use of the changed water right as a source of water for the San Luis Valley Water Conservancy District's (District) Augmentation Program for the augmentation of out of priority diversions by Participants located within the District's boundaries, as those boundaries may change from time to time in accordance with the statute. The District operates its Augmentation Program pursuant to the decrees entered in Case Nos. 84CW16, 93CW43, 94CW62, 03CW41, 05CW13, 07CW63, 09CW34 and 14CW3011, all decreed in District Court, Water Division No. 3. (4) Use of the changed water right to provide augmentation water to BLM's wetland management partners, including the U.S. Fish and Wildlife Service and Colorado Parks and Wildlife. These partners then provide equivalent water to BLM for diversion and use within the Blanca Wetlands Area. (5) Other augmentation uses that are approved pursuant to a substitute water supply plan approved by Colorado Division of Water Resources or pursuant to an augmentation plan approved by District Court, Water Division 3. G. Confirmation of Historical Consumptive Use. Using a representative study period from 1968 through 2004, Applicant seeks to obtain a determination of the historical consumptive use of the water rights described in Section 3 of this Application as 172.7 acre-feet per year, as depicted in Exhibit A. Applicant seeks the right to utilize the confirmed historical consumptive use as set forth in Section 4 of this Application. A map depicting the location of the Shaw Reservoir and the Feeder Ditch is attached hereto as Exhibit B. A map depicting the location of the historically irrigated lands is attached hereto as Exhibit C. 5. Conditional Appropriative Rights of Substitution and Exchange. A. Source of Water. The changed Shaw Reservoir water rights described in Paragraph 3. B. Place of Use: Identical to those set forth in Paragraphs 4F. C. Type of Use: Identical to those set forth in Paragraphs 4G. D. Shaw Reservoir to Beaver Park Reservoir Exchange 1. Exchange From Point: The confluence of the South Fork of the Rio Grande with Beaver Creek, located in the SW 1/4 SE 1/4, Sec. 17, T39N R3E, NMPM. UTM Coordinates: NAD 83, Zone 13, 351413mE 4165149mN 2. Exchange To Point: Located at a point whence the East 1/4 corner of Section 28, T39N, R3E, NMPM bears North 79°13' East 2,065.45 feet. Reservoir is located in Sec. 27, 28, 33, and 34, T39N, R3E, and Sec. 3, T38N, R3E, NMPM. 3. Amount Claimed: 10.0 cfs, conditional. 4. Date of Appropriation: Date this application is filed with the water court. 5. Date Exchange Made Absolute: Not Applicable. E. Closed Basin Project Canal Exchange 1. Exchange From Point: The confluence of the Closed Basin Project Canal with the 6 Rio Grande, located in the SW 1/4 SW 1/4, Sec. 28, T37N R11E, NMPM. UTM Coordinates: NAD 83, Zone 13, 430940mE 4141480mN. 2. Exchange To Reach: Any location along the Closed Basin Project Canal that is adjacent to BLM's Blanca Wetlands Area and South San Luis Lakes Area. This reach includes BLM Turnouts CHO3 and CHO4 as follows: Turnout CHO3: NE 1/4 SW 1/4, Section 4, Township 38 North, Range 12 East, N.M.P.M. UTM Coordinates: NAD 83, Zone 13, 440976mE 4157892mN Turnout CHO4: SW 1/4 SW 1/4, Section 9, Township 38 North, Range 12 East, N.M.P.M. UTM Coordinates: NAD 83, Zone 13, 440447mE 4156005mN. The upper terminus of the Exchange To Reach is as follows: NE 1/4 NW 1/4, Section 6, T39N R12E, N.M.P.M. UTM Coordinates: NAD 83, Zone 13 437990mE 4168640mN. This location is commonly known as the point where the Closed Basin Project Canal crosses under Alamosa County Road 6 North. The lower terminus of the Exchange To Reach is as follows: SW 1/4 SW 1/4, Section 17, T38N R12E, N.M.P.M. UTM

Coordinates: NAD 83, Zone 13 438742mE 4154182mN 3. Amount Claimed: 8 cfs, conditional.

4. Date of Appropriation: Date this application is filed with the water court. 5. Date Exchange Made Absolute: Not Applicable F. Chicago Ditch Substitution 1. Description of Substitution: Water from the sources listed above may be released to the Rio Grande and subsequently diverted at the Chicago Ditch, operated by Alamosa National Wildlife Refuge. An equivalent volume of Closed Basin Project mitigation water, otherwise destined for delivery to Alamosa National Wildlife Refuge, will be diverted by BLM from the Substitution To Reach. 2. Substitution From Location: The Chicago Ditch (WDID 2000575). Original Decrees: May 1, 1896 and October 15, 1934. Decreed Point of Diversion: A point on the east bank of the Rio Grande-Del Norte from which it derives its supply of water, whence the one-quarter corner between Sections Eleven (11) and Twelve (12) in Township Thirty-seven (37) North, and in Range Ten (East) of the New Mexico Principal Meridian bears North 01° 12' East 1400.3 feet. 3. Substitution To Reach: Any location along the Closed Basin Project Canal that is adjacent to BLM's Blanca Wetlands Area and South San Luis Lakes Area. This reach includes BLM Turnouts CHO3 and CHO4 as follows: Turnout CHO3: NE 1/4 SW 1/4, Section 4, Township 38 North, Range 12 East, N.M.P.M. UTM Coordinates: NAD 83, Zone 13, 440976mE 4157892mN Turnout CHO4: SW 1/4 SW 1/4, Section 9, Township 38 North, Range 12 East, N.M.P.M. UTM Coordinates: NAD 83, Zone 13, 440447mE 4156005mN The upper terminus of the Substitution To Reach is as follows: NE 1/4 NW 1/4, Section 6, T39N R12E, N.M.P.M. UTM Coordinates: NAD 83, Zone 13 437990mE 4168640mN. This location is commonly known as the point where the Closed Basin Project Canal crosses under Alamosa County Road 6 North. The lower terminus of the Substitution To Reach is as follows: SW 1/4 SW 1/4, Section 17, T38N R12E, N.M.P.M. UTM Coordinates: NAD 83, Zone 13 438742mE 4154182mN 6. Amount Claimed: 8 cfs, conditional 7. Date of Appropriation: (date application filed with Water Court). 8. Date Substitution Made Absolute: Not Applicable G. Use of Facilities Owned By Other Parties. This Application does not request an independent water right in any facilities listed in Paragraph 3E and does not request judicial approval of any exchange between the facilities identified in Paragraph 3E, except for the exchanges claimed in Paragraph 5.G above. The Applicant may seek administrative approval from Colorado Division of Water Resources for exchanges of water to other facilities listed in Paragraph 3.E above. BLM will not utilize any of the facilities listed in Paragraph 3.E of this Application without the written permission of the facility owner. H. Map. A map depicting the locations of the claimed exchanges is attached as Exhibit D. 6. Names and Addresses of Owners, Structures and of Land on which Structures Are Located: Barry Beal, High Valley Ranch, LLC, 104 S. Pecos St., Midland, TX 79701. United States Department of Agriculture, Rio Grande National Forest, 7 1803 W. Highway 160, Monte Vista, CO 81144 Attention: Andrew Peterson. State Land Board, Southwest District Office, District Manager, 305 Murphy Drive, Suite A, Alamosa 81101 Attention: Ron Rivale. Rio Grande Water Conservation District, 8805 Independence Way, Alamosa, CO 81101 Attention: Cleave Simpson. United States Department of the Interior, Bureau of Reclamation, Closed Basin Division, San Luis Valley Project, Colorado, 10900 Hwy 160 East, Alamosa, CO 81101 Attention: Russ Plummer. Colorado Parks and Wildlife, 6060 Broadway, Denver, CO 80216 Attention: Ed Perkins. The Nature Conservancy, 2424 Spruce St., Boulder, CO 80302 Attention: Heidi Shirk. U.S. Fish and Wildlife Service, 6120 Highway 15, Monte Vista, CO 81144

Attention: Chris Shaffer. San Luis Valley Water Conservancy District, 623 Fourth St., Alamosa, CO 81101 Attention: Heather Dutton, Manager.

CASE NO. 2022CW3034; CONEJOS COUNTY; Esperanza Farms, LLC, by and through 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. 2: Orig. Decree: 06/27/1974, Water Division 3, Case No. W-1045. Location: the well is situated in the SE 1/4 SE 1/4, Section 19, Township 36 North, Range 9 East N.M.P.M. in Conejos County, CO at a point 100 feet from the South section line and 2620 feet from the East section line Conejos County, Colorado. Source: Confined Aquifer. Appropriation date: May 31, 1952 Amounts: 1800 gpm being 4.01 cubic feet of water per minute, being 8.02acre feet of water in a period of twenty-four hours. Uses in Decree: irrigation. Detailed description of proposed changes: Petitioner seeks to amend the decree to clarify that the use of Well No. 2 is decreed to provide water for irrigation of the SE 1/4 of Section 19, Township 36 North, Range 9 East NMPM and the SW 1/4 of Section 20, Township 36 North, Range 9 East N.M.P.M. which is what it was originally appropriated for and which is what the application for a decree requested. A scrivener's error in the Referee Ruling repeated in the Decree fails to describe the actual irrigated acreage of the Well and this Petition seeks to have that error corrected by specifically describing the acres historically irrigated as set out in the application. Correcting the decree will not cause injury to any party and confirm the historic use. Land ownership: Petitioner owns the real property and existing Well No. 2, the only diversion structure contemplated and affected by this Application.

22CW3035, Rio Grande County. Applicant: City of Monte Vista, Attn: Gigi Dennis, City Manager, 95 West First Avenue, Monte Vista, CO 81144, (719) 852-2692. 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. APPLICATION FOR CORRECTION OF AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.6). 2. Decreed water right for which correction is sought: Well No. 7. A. Name of structure: Well No. 7. B. Date of original decree: July 3, 1975, Case No. W-847. There are no subsequent decrees. C. Decreed location of structure: SW1/4, NE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2,575 feet from the North Section line and 2,420 feet from the East 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: January 2, 1954. G. Amount: 1900 gpm, being 4.23 cfs and 8.46 acre-feet of water in a period of 24 hours, absolute. H. Amount Applicant seeks to change: 1900 gpm, being 4.23 cfs and 8.46 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. 7 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 SW1/4 NE1/4, Section 36, Township 39 North, Range 7 East, NMPM at a point 2,575 feet from the North Section line and 2,420 feet from the East Section line, in Rio Grande County, Colorado. The Application in Case No. W-847, however, describes the location generally as the SW 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. 7—both currently and since entry of the W-847 decree—is within the SW1/4, NE1/4 of Section 36 at a point 1,899 feet from the North Section line and 2,598 feet from the East Section line. This location is the location of the well from which Monte Vista has diverted and used water in accordance with the Well No. 7 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. 7 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 diversions of a greater flow rate than the 4.23 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 DATE FILED: August 30, 2022 9:54 AM conditional water right, as the Well will continue diverting water from the unconfined aquifer as it always has. Well No. 7 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: SW 1/4, NE 1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 1,899 feet from the North Section line and 2,598 feet from the East Section line, in Rio Grande County, Colorado, at NAD 1983 UTM Zone 13N coordinates of 4,160,271 m N, 397,725 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. 7 as applied for herein; and b) Grant such other and further relief as the Court deems proper. (6 pages incl. 1 exhibit).

CASE NO. 2022 CW3036; RIO GRANDE COUNTY; BKC, LLC c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, karl@kuenholdlaw.com . APPLICATION FOR A CHANGE OF WATER RIGHTS (REPLACEMENT WELL). Decreed water rights for which change is sought: (1) Well No. 1: Orig. Decree: 02/07/1973, Water Division 3, Case No. W-175. WDID: 2008593. Location: The well is situated in the SW 1/4 NW 1/4 Section 5,

Township 40 North, Range 8 East N.M.P.M. at a point 15 feet from West Section Line and 2440 feet from North Section Line, in Rio Grande County, Colorado. Source: Unconfined Aquifer. Appropriation date: May 31, 1957 for 1240 gallons per minute being 2.76 cubic feet of water per second of time, being 5.52 acre-feet of water in a period of 24 hours. Detailed description of proposed changes: Applicant seeks a Replacement Well for Well No. 1 at a location in the SE ¼ of the NE ¼ of Section 6, Township 40 North, Range 8 East N.M.P.M. very near the failing Well No. 1. A Replacement Well is sought because the existing well is failing, and a replacement well is necessary to continue the historic irrigation of the NW ¼ Section 5, Township 40 North, Range 8 East N.M.P.M. from this well. The change requested in this application will not result in injury to any water right and will not result in any increase in diversions or consumptive use. There is no expansion of use. The proposed replacement well location is directly west of the existing well in the SE ¼ NE ¼ of Section 6, Township 40N, Range 8 East, N.M. P.M. This location was chosen with the advice of well experts that the well will be better able to produce the decreed amount in this location. The approximate UTM of the proposed location is: Easting: 400346 Northing: 4177769 Zone 13. Land ownership: Petitioner owns the real property on which the existing Well No. 1 sits and Worley Family Farms LLLP owns the land on which the new well will be located. Worley Family Farms LLLP consents to the relief sought herein.

2022CW3037: Silver Maple, LLC (“Silver Maple”), c/o Gabe Santos, Homestead Capital USA, LLC, One Embarcadero Center, Suite 3860, San Francisco, CA 94111, (415) 369-9920. APPLICATION FOR CHANGE OF WATER RIGHT IN SAGUACHE COUNTY. Please direct all pleadings, correspondence and other information concerning this matter to: Beth Van Vurst, Van Vurst Law, LLC, 6400 S. Fiddlers Green Circle, Suite 250, Greenwood Village, Colorado 80111, (720) 664-6442. 2. Decreed water right for which change is sought: a. Name of structure: Well No. 4 (Permit No. 11031-F, WDID 2605465). b. Date of original and all relevant subsequent decrees: i. Original Decree: W-1663, Water Division 3, October 2, 1975. ii. Subsequent Decrees: 99CW06, Water Division 3, September 27, 2000; and 2000CW36, Water Division 3, May 6, 2002. c. Legal description as described in most recent decree: NW1/4 NE1/4, Section 5, Township 44 North, Range 9 East, NMPM, at a point 40 feet from the North section line, and 2,620 feet from the East section line, in Saguache County, Colorado. d. Decreed source of water: Confined aquifer. Said well is 213 feet in depth. The casing of said well is unperforated to a depth of 40 feet and perforated from a depth of 40 feet to 213 feet. e. Appropriation date: March 6, 1967. f. Amount: 1,750 gpm. g. Decreed use: Irrigation. h. Amount of water Applicant intends to change: As further described in Paragraph 3 below, Silver Maple seeks to change 50 gpm of the water right decreed to Well No. 4 (“Subject Water Right”). The remainder of the Subject Water Right will continue to be withdrawn from Well No. 4 for irrigation purposes. 3. Detailed Description of Proposed Change: Silver Maple seeks to change 50 gpm of the Subject Water Right so that it may be withdrawn from a nearby well, hereinafter referred to as the “Commercial Well”, and used year-round for domestic purposes associated with a one bedroom apartment as well as commercial purposes associated with operation of a 40,000 cwt potato storage and humidification facility (“Facility”), including equipment washing, and drinking and sanitary facilities. Diversions from the Commercial Well will be limited to 0.915 acre-feet/year

and total consumption will not exceed 0.335 acre-feet/year. While the W-1663 Decree states that the source of water for Well No. 4 is the confined aquifer, it goes on to provide that Well No. 4 is constructed to a depth of 213 feet, with casing that is unperforated to a depth of 40 feet and perforated from a depth of 40 feet to a depth of 213 feet. The Colorado Department of Water Resources Hydrogeologic Group has reviewed the well construction and determined that the well produces 31% of its water from the unconfined aquifer and 69% of its water from the confined aquifer. As a result, Well No. 4 has, and will continue to, produce water from both the confined and unconfined aquifers. The Commercial Well is completed in the unconfined aquifer and located in the NW 1/4 NE1/4, Section 5, Township 44 North, Range 9 East, NMPM, at a point 50 feet from the North section line, and 2,620 feet from the East section line, in Saguache County, Colorado. This Court previously determined that the Subject Water Right has, and may continue to be, used to irrigate 132 acres located in the NE 1/4 of Section 5, Township 44 North, Range 9 East, NMPM ("Historically Irrigated Lands") as part of a change of water right proceeding in Case No. 00CW36 for another nearby irrigation well. To offset the consumptive use of water by the Commercial Well, Silver Maple proposes to dry-up a portion of the Historically Irrigated Lands and to impose a corresponding limit on the consumption of water from the unconfined aquifer by Well No. 4 to avoid any expansion of use. Silver Maple's engineering consultant currently anticipates that dry-up of 0.4 acres of the Historically Irrigated Lands will generate approximately 0.335 acre-feet/year of annual consumptive use from water withdrawn from the unconfined aquifer via the Commercial Well. Following entry of a decree approving the requested change of water right, Silver Maple proposes to reduce the maximum pumping rate of Well No. 4 to 1700 gpm, the maximum annual pumping amount of Well No. 4 DATE FILED: August 30, 2022 2:15 PM 2 to 91.17 acre-feet/year and, consistent with the decrees entered in Case Nos. 99CW6 and 00CW36, to limit the total combined diversions from Well No. 4, the Commercial Well, Well No. 1 (WDID 2605962), and Well No. 1-A (WDID 2605961) to 638.2 acre-feet/year. The remainder of the Subject Water Right will remain unchanged and continue to be withdrawn from Well No. 4 for irrigation of the Historically Irrigated Lands less any portion of those lands dried up under a decree entered in this matter. All water uses from the Commercial Well will be metered in accordance with the Division 3 Measurement Rules. Well No. 4 and the Commercial Well are currently enrolled in Subdistrict No. 5 of the Rio Grande Water Conservation District and included in its Annual Replacement Plan ("ARP") for the purposes described in this application. Silver Maple intends to continue to participate in, and operating under, the Subdistrict No. 5 ARP and subsequently approved ARPs. A map depicting the general locations of Well No. 4, the Commercial Well, and the Historically Irrigated Lands is attached here as Exhibit A. Relevant pumping records for Well No. 4 are attached as Exhibit B. The above referenced letter from the Division of Water Resources Hydrogeologic Group is attached as Exhibit C.

4. Name(s) and address(es) of owner(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. Silver Maple owns the above-referenced wells and the land upon which they are located. WHEREFORE, Silver Maple respectfully requests entry of a decree granting the change of water right requested in this application and awarding such other relief as this Court may deem appropriate.

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 October 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.