

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 November 2022 for each county affected.

**2022CW42 Rio Grande County 925 6<sup>th</sup> St. Room 207, Del Norte, CO 81125,**  
[attorney@riograndecounty.org](mailto:attorney@riograndecounty.org) [rgcroaddept@riograndecounty.org](mailto:rgcroaddept@riograndecounty.org) , 719-657-2744 719-852-4781.

**Application for Change of Water Right in the Rio Grande River or its Tributaries in Rio Grande County. Part A- Well No. 2, Case No. W – 1345.** Decreed water right for which change is sought: Name of structure: Well No. 2 Registration No. 20548-2 WDID 2010553 Case No. W- 1345. Date of original and all relevant subsequent decrees: October 10. 1974 Case No. W-1345. Court: Water Division 3. Legal description as described in most recent decree: NE 1/4 SW 1/4 Section 20, Township 40 North. Range 6 East N.M.P.M. at a point 1330 feet from the South section line and 2000 feet from the West section line, in Rio Grande County. Decreed source of water: Unconfined Aquifer. Appropriation Date: October 31. 1955. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute 850 gpm, being 1.89 cfs. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Conditional N/A Absolute 850 gpm. being 1.89 cfs. Detailed description of proposed change: The Applicant seeks approval with this filing to change the water right use from “Irrigation” to “Commercial” use. The historic use under the Applicant’s ownership has been minimal. However, this well was part of an irrigation system that flood irrigated a portion of Section 20, Township 40 North. Range 6 East, N.M.P.M. along with Rio Grande Canal shares from the mid 1950's through the 1980’s. The intent is to change the water right and use as a commercial well, which would be consistent with the County’s road and bridge construction and maintenance activities and would therefore comply with the Rules and Regulations of the Division of Water Resources. Through coordinated and combined efforts, the Applicant is seeking to secure the ability to pump an average of 5.0 acre feet per year not to exceed 25 acre feet in any five consecutive year period for commercial uses associated with Rio Grande County operations. The Applicant will contract with the Rio Grande Water Conservation District, Groundwater Management Subdistrict No. 2 in order to comply with the Water Division 3 Groundwater Use Rules decreed in Case No. 15CW3024. All water will be metered in accordance with the Water Division 3 Well Measurement Rules decreed in Case No. 05CW12. Limiting future use of this well to a limited annual amount for commercial use and the retirement of the irrigation use will be beneficial to the aquifer. The ability for the Applicant to utilize its resources. according to the Divisions rules and regulations, will allow for proper construction and maintenance of the County’s infrastructure. Location information: PLSS: Rio Grande County, NE 1/4 of the SW 1/4, Section 20, Township 40, Range 6E, NMPM. Point of Diversion location information in UTM format: Easting 381581 mE Northing 4172681 mN Zone 13. **Part B- Well No. 1 Case No. W- 1345** Decreed water right for which change is sought: Name of structure: Well No. 1 Registration No. 20548-1 WDID 2010552 Case No. W-1345. Date of original and all relevant subsequent decrees: October 10. 1974 Case No: W-1345. Court: Water Division 3. Legal description of structure as described in most recent decree that adjudicated the location: NE 1/4 SW 1/4 Section 20. Township 40 North. Range 6 East N.M.P.M. at a point

1330 feet from the South section line and 1340 feet from the West section line, in Rio Grande County. Decreed source of water: Unconfined Aquifer. Appropriation Date: June 30, 1955. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Conditional N/A Absolute 400 gpm, being 0.891 cfs. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Conditional N/A Absolute 400 gpm. being 0.891 cfs. Detailed description of proposed change: The Applicant seeks approval with this filing to change the water right use from "Irrigation" to "Commercial" use. The historic use of this well has also been minimal under the Applicant's ownership. However, this well too, was part of an irrigation system that flood irrigated a portion of Section 20, Township 40 North, Range 6 East, N.M.P.M. along with Rio Grande Canal shares from the mid 1950's through the 1980's. The intent is to change the water right and use as a Commercial and Fire well, to be used for the support of fire suppression operations and related emergency service activities in the surrounding area and serve as a back-up well to Well No. 2 for commercial use. The well would be secured with access permitted to Qualifying fire suppression agencies and emergency service organizations meeting the requirements of the intended use of the water right. The restricted access and limited use would therefore comply with the Rules and Regulations of the Division of Water Resources. The Applicant will contract with the Rio Grande Water Conservation District, Groundwater Management Subdistrict No. 2 in order to comply with the Water Division 3 Groundwater Use Rules decreed in Case No. 15CW3024 All water will be metered in accordance with the Water Division 3 Well Measurement Rules decreed in Case No. 05CW12. With recent growth at the Kent Rominger Astronaut Airport and the trending uptick in wildland fires across the region, the vision to build a wildland firefighting airbase at the airport is now a reality with funds being requested through various programs. The limited annual use for fire suppression and as a back-up well for limited commercial use and the retirement of the irrigation use will be beneficial to the aquifer. The ability to further protect our natural resources and surrounding community is vital to the safety of the citizens. The ability for the Applicant to utilize its resources, according to the Divisions rules and regulations, will provide for a safer community and will demonstrate responsible use of the Applicant's water. Point of diversion: Location information. PLSS Legal description: Rio Grande County NE 1/4 of the SW 1/4, Section 20, Township 40N, Range 6E, NMPM. UTM coordinates: Easting 381330 mE Northing 4172690 mN Zone 13. Name of owner: Rio Grande County 925 6<sup>th</sup> St Room 207, Del Norte, CO 81125.

**CASE NO. 2022CW3044; CONEJOS COUNTY;** Rodney A Reinhardt Living Trust c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, [karl@kuenholdlaw.com](mailto:karl@kuenholdlaw.com) . APPLICATION FOR A CHANGE OF WATER RIGHTS (CONJUNCTIVE COMMINGLING USES). This application seeks to clarify, confirm and decree the historic conjunctive use of surface water and three wells jointly supplying water to sprinklers both directly and via reservoirs serving multiple circles and to confirm the lands on which the wells can be used. The Applicant owns three wells which has been historically used in conjunctive use with surface water from the Alamosa Creek Canal and Terrace Reservoir to irrigate: All of Section 14, Township 36 North, Range 8 East, NMPM west of the Monte Vista Canal, and the SW 1/4 of Section 11, Township 36 North, Range 8 East, NMPM. *Decreed water rights for changes are sought:* (1) Well No. 1, W-118, Permit 9283-F, WDID2005021; (2) Well No. 1, W-119, Permit 5772-F, WDID 2005023; (3) Well No. 2, W-120, Permit 8262-R. WDID2008507. The application seeks the comingling of waters from the three wells together with surface water from Applicant's 53 shares of Alamosa Creek Canal and Terrace Reservoir to provide water to jointly

irrigate 535 acres in Section 14, Township 36 North, Range 8 East, NMPM west of the Monte Vista Canal, and in the SW 1/4 of Section 11, Township 36 North, Range 8 East, NMPM. The granting of this application will not result in any expansion of use and will not result in any injury to senior water rights. *Land ownership:* Applicant owns the real property on which the wells and reservoirs are located.

**22CW3045, HINSDALE AND MINERAL COUNTIES.** Applicant: MRPR Holdings LP, 10608 Ranch Rd 962 E, Cypress Mill, TX 78663, 512-894-5426. Please direct all correspondence to Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street Gunnison, CO, 81230, 970-641-1903, kburgemeister@lawoftherockies.com.

**APPLICATION TO MAKE ABSOLUTE.** The Applicant seeks to make absolute the La Garita Ranch Exchange, described as follows: Lower Terminus: The confluence of Bellows Creek and the Rio Grande, at a point in the SE1/4SE1/4 of Section 15, Township 41 North, Range 1 East, NMPM, 98 feet from the south section line and 959 feet from the east section line (336930E, 4184746N, Zone 13, NAD 83). Upper Terminus: A feeder ditch known as Allan's Alley, which diverts from the west bank of Bellows Creek, at a point in the NW1/4NW1/4 Section 13, Township 41 North, Range 1 East, NMPM, 478 feet from the north section line and 1125 feet from the west section line (339186E 4186181N, Zone 13, NAD 83). Source of Substitute Supply: Applicant's undivided interest in the entire 10 cfs, not to exceed 34 acre-feet per year, in the Williams Creek Squaw Pass Diversion. Original Decree: Civil Action Nos. 73 and 308, District Court, Archuleta County, April 19, 1962. Subsequent Decrees: W-3930, District Court, Water Division 3, October 11, 1979; W-1869, District Court, Water Division 7, February 13, 1979. Portions of the WCSPD have also been used in plans for augmentation approved in Case Nos. W3598, 83CW95, 84CW95, and 86CW5. The historical use of the WCSPD was quantified in W-3930. In 15CW3025 (Water Div. 3), Applicant's interest was changed to allow use in the plan for augmentation decreed in Case No. 15CW3025. Legal Description: Headgate "E" is located on the left bank of the South Fork of the West Fork of Williams Creek; Headgate "D" is located on the left bank of the Middle Fork of the West Fork of Williams Creek; Headgate "C" is located on the left bank of the North Fork of the West Fork of Williams Creek. The Division of Water Resources' structure summary for the WCSPD locates the point of diversion in the NE1/4SE1/4, Section 20, Township 39 North, Range 3 West, NMPM. Decreed Source: South Fork of the West Fork of Williams Creek, Middle Fork of the West Fork of Williams Creek, North Fork of the West Fork of Williams Creek, tributary to Williams Creek, tributary to the San Juan River. Appropriation Date: September 9, 1937. Decreed uses: Augmentation of depletions pursuant to the plan for augmentation and appropriative right of exchange decreed in 15CW3025. Amount (conditional): Maximum rate: 0.096 cfs, which is the calculated maximum rate of evaporative loss to be replaced by the exchange and plan for augmentation decreed in 15CW3025. Maximum volume exchanged per year: 29.77 acre-feet, which is the projected annual evaporation from the structures augmented pursuant to the plan for augmentation decreed in 15CW3025. Proposed beneficial uses: Recreation and fish propagation pursuant to the plan for augmentation described in 15CW3025. Appropriation Date: September 24, 2015. The upper and lower termini are illustrated on attached Exhibit A. Claim to Make Absolute: The plan for augmentation decreed in 15CW3025 provides for augmentation of out-of-priority depletions caused by evaporative loss from several ponds on Applicant's property on Bellows Creek in

Mineral County. Subsequent to the entry of the decree in 15CW3025, the ponds have been maintained at their maximum capacity (that is, they have been re-filled to replace evaporative loss), and Applicant's Williams Creek Squaw Pass Diversion water has been left in the Rio Grande to replace out-of-priority depletions caused by such operations. Diversion records for the Williams Creek Squaw Pass Diversion on CDSS (WDID 2000923) show that sufficient water was diverted from 2016-2021 to yield Applicant's entire 34 acre-feet per year of water used for replacement. Alternative Claim for Finding of Reasonable Diligence. If the conditional right of exchange is not made absolute in its entirety for any reason, Applicant seeks a finding of reasonable diligence on any portion not made absolute. Owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Applicant.

**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 January 2022, to file with the Water Clerk a verified statement of opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions or a protest to the requested correction. A copy of such a statement of opposition or protest must also be served upon the Applicant or the Applicant's attorney and an affidavit or certificate of such service must be filed with the Water Clerk. The filing fee for the Statement of Opposition is \$192.00. Forms may be obtained from the Water Clerk's Office or our website at [www.courts.state.co.us](http://www.courts.state.co.us). Jennifer Pacheco, Water Clerk, Water Division 3, 8955 Independence Way, Alamosa, CO 81101.