

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 2022 for each county affected.

16CW3024; ALAMOSA, CONEJOS, COSTILLA, HINSDALE, AND RIO GRANDE COUNTIES, COLORADO. 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 Applicant's attorneys: Peter D. Nichols, Geoffrey M. Williamson, Megan Gutwein, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, CO 80302, (303) 402-1600. **FIRST AMENDED APPLICATION FOR CHANGES OF WATER RIGHTS, APPROPRIATIVE RIGHTS OF EXCHANGE, AND APPROVAL OF A PLAN FOR AUGMENTATION.** 2. Summary of Application: The City of Monte Vista ("Monte Vista") uses underground water from wells that draw from unconfined alluvium of the Rio Grande and from the San Luis Valley confined aquifer to supply its customers. This application for a plan for augmentation is designed to replace or Remedy Injurious Stream Depletions attributable to the City's wells in compliance 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 adopted by the State Engineer and approved by the Division 3 Water Court in Case No. 15CW3024 ("Groundwater Rules") and sections 37-92-103(9), -302(1)(2), -305(8), C.R.S. (2016). Terms used herein that are defined in the Groundwater Rules shall have the same meaning as used in such Rules, unless the context otherwise requires. The application includes claims for appropriative rights of exchange that will augment Impacted Reaches of the Rio Grande, as such reaches are defined by the Response Functions derived from the RGDSS Model, as it presently exists and as it may be changed by the State Engineer in the future pursuant to the Groundwater Rules ("Impacted Reaches"). Monte Vista also claims changes of water rights to add uses and additional places of use to its interests in the McDonald Ditch and the Anderson Ditch, and it claims methods to Remedy Injurious Stream Depletions on Impacted Reaches of the Rio Grande, the Alamosa River, and the Conejos River. The application will also enable Monte Vista to trade accretion credits with and enter into contracts or Intergovernmental Agreements with the Rio Grande Water Conservation District or subdistricts of the Rio Grande Water Conservation District and other water users and quasi-governmental water providers in Water Division 3 for the purpose of replacing and Remediating its own Injurious Stream Depletions and those of other water users in Water Division 3. 3. Irrigation Water Rights for which Changes are Sought: A. Monte Vista's 8.05 percent pro-rata ownership of Priority No. 11 as originally decreed to the McDonald Ditch; and B. A portion of Monte Vista's 26.19 percent pro-rata ownership in the Anderson Ditch, Priority Nos. 90 and 143. 4. Description of Irrigation Water Rights for which Changes are Sought: A. Name of structure: McDonald Ditch and Prairie Ditch, as described below. i. Date of Original Decree: May 1, 1896. ii. Location: Originally decreed as a point in the SW1/4, SW1/4, SW1/4 of Section 5, Township 39 North, Range 7 East, NMPM from whence the SW corner of said Section 5 bears South 52° 30' West a distance of 232.5 feet. Otherwise described as 184 feet from the South section line and 164 feet from the West section

line of said Section 5. UTM Zone 13 North, NAD83: X – 390,635, Y – 4,167,385. See Exhibit A. iii. Source: Rio Grande. iv. Appropriation Date: May 1, 1872, Priority No. 11. v. Total Amount Decreed: 14.4 cfs; 16.4 cfs was originally decreed to the McDonald Ditch, of which 3 cfs transferred to the Prairie Ditch in CA493 and 1 cfs transferred from Pace Ditch back to the McDonald Ditch in CA554, leaving a present total of 14.4 cfs. vi. Amount that Applicant Intends to Change: Monte Vista owns and will change its 8.05 percent pro-rata ownership which amounts to 1.4 cfs. vii. Uses: irrigation. viii. Land ownership information: a. Owner: Ceclia and Lauren Pacheco. b. Mailing Address: County 5 N, Monte Vista, CO 81144. B. Name of Structure: Anderson Ditch. i. Date of Original Decree: May 1, 1896. ii. Location: Originally decreed as a point on the south bank of the Rio Grande River in the NE1/4, SW1/4 of Section 22, Township 39 North, Range 7 East, NMPM, Rio Grande County. Further described as 2,203 feet from the South section line and 1,572 feet from the West section line of said Section 22. UTM Zone 13 North NAD83: X – 394,187, Y – 4,163,166. See Exhibit A. iii. Source: Rio Grande. iv. Appropriation Date: a. June 15, 1874, Priority No. 57, 3.2 cfs. i. 0.30 cfs changed in Case No. W2967, leaving 2.9 cfs. b. May 31, 1875, Priority No. 90, 12 cfs. i. 0.67 cfs changed in Case No. W2967, leaving 11.33 cfs. c. May 31, 1877, Priority No. 143, 2 cfs. i. 0.08 cfs changed in Case No. W2967, leaving 1.92 cfs. v. Total Amount Decreed: 17.2 cfs, of which 1.05 cfs was changed in Case No. W2967, leaving 16.15 cfs. vi. Amount that Applicant Intends to Change: Monte Vista owns 26.19 percent pro-rata ownership in Priorities 90 and 143, which amounts to 4.23 cfs. Monte Vista will change a 24.38 percent pro-rata ownership in Priorities 90 and 143, which amounts to 3.23 cfs. Monte Vista does not seek to change the remaining 1.00 cfs portion of its pro-rata ownership in Priorities 90 and 143. vii. Uses: irrigation. viii. Land ownership information: a. Owner: Terrell Amile Leplatt. b. Location Address: 2559 Swede Lane, Monte Vista, CO 81144. c. Mailing Address: PO BOX 507, Monte Vista, CO 81144-0507. 5. Description of Proposed Changes to Irrigation Water Rights: A. Change to Additional Types of Use: In addition to the decreed use of irrigation for its rights in the McDonald Ditch, Prairie Ditch, and Anderson Ditch, Monte Vista will quantify the fully consumable historical use allocation of its rights and will use and reuse the fully consumable portion of its rights directly and after storage for the following uses: all municipal uses, including but not limited to, domestic, irrigation of lawns, gardens, parks, private and municipal facilities, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, and storage. The water will also be used for exchange, replacement and augmentation, including by recharge. Monte Vista seeks the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise use to extinction the fully consumable portion of water lawfully diverted under the changed Ditch Water Rights. B. Change to Additional Places of Use: Monte Vista will add as alternative places of use Monte Vista's current and future service areas serviced by its municipal water supply, including areas served by contracts of and obligations of Monte Vista. Monte Vista's current municipal boundaries are depicted on Exhibit B. Monte Vista may also use its changed water rights to meet replacement, augmentation or delivery obligations in Water Division No. 3 to comply with the Groundwater Rules. Monte Vista seeks the ability to choose prior to a given irrigation season whether to utilize its Ditch Water Rights for changed uses sought in this application, or to lease its Ditch Water Rights to users under the McDonald Ditch, Prairie Ditch, and Anderson Ditch service areas for decreed irrigation uses. C. Change in Points of Diversion: Monte Vista may leave the fully consumable allocation of the historical consumptive use of its Ditch Water Rights in the Rio Grande, or may return them to the Rio Grande via recharge or augmentation stations, and it will exchange the changed Ditch Water Rights upstream to storage

in Rio Grande Reservoir for replacement on the Rio Grande and/or other changed uses as sought herein. D. Historical Use Information: A map showing the approximate locations of the areas historically irrigated by the McDonald Ditch and the Anderson Ditch water rights claimed for change in this application is attached as Exhibit A. Monte Vista will not quantify a ditch-wide historical consumptive use for each of these ditches, but rather only the use of those shares owned by Monte Vista. A summary of historical diversions for beneficial use pursuant to the priorities described in Paragraph 4 is attached as Exhibit C. 6. Claims for Conditional and Absolute Appropriative Rights of Exchange: A. Rio Grande Ditch Water Rights Exchanges to Storage. Monte Vista claims appropriative rights of exchange on the Rio Grande from the diversion points, recharge locations or future augmentation locations, of its Ditch Water Rights to Rio Grande Reservoir, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of the original application in this case at a regularly scheduled public meeting. Monte Vista will exchange changed Ditch Water Rights to the Rio Grande Reservoir for storage and subsequent release to the Rio Grande to replace Injurious Stream Depletions or for municipal use by Monte Vista. The rights are claimed as conditional rights of exchange, with a portion claimed absolute by operation of one of the exchanges since the filing of the original application in this case. In the original application, Monte Vista claimed the right to decree as absolute any portion of the exchanges that may be operated prior to the entry of a decree granting this application, with only the balance, if any, being decreed conditionally. i. Name of Exchanges: Monte Vista Rio Grande Reservoir Exchange. ii. Description: The appropriative rights of exchange will operate on the Rio Grande. Changed Ditch Water Rights will be diverted and stored in Rio Grande Reservoir for subsequent release, as shown in Exhibits D and E. iii. Upstream Termini of the Exchanges: Rio Grande Reservoir with a point of discharge generally located on the dam in the NW1/4, SW1/4 of Section 13, Township 40 North, Range 4 West, NMPM, Hinsdale County, Colorado. Further described as 1558 feet from the South section line and 167 feet from the West section line of said Section 13. UTM Zone 13 North NAD83: X – 300,194 Y – 4,177,218. See Exhibit E. iv. Downstream Termini of the Exchanges: the points of diversion of the Ditch Water Rights described in Paragraphs 5.A-D above, recharge locations, future augmentation stations, or, if Monte Vista elects to leave its pro rata portion of the Ditch Water Rights in the Rio Grande, the locations of the Prairie Ditch river headgate and Consolidated Slough river headgate, described in Paragraph 4 above. See Exhibit E. v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Rio Grande are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchange are satisfied. vi. Date of Appropriation: December 15, 2016. vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application. viii. Amount Claimed: Maximum annual amounts of 181.7 AF from the City’s changed interest in the McDonald Ditch and Prairie Ditch, conditional; and 338.2 AF from the City’s changed interest in the Anderson Ditch, with 235.2 AF of that amount absolute and the remaining 103 AF conditional. Monte Vista diverted the absolute amount of the Anderson Ditch exchange from April 1, 2022, to August 21, 2022, in accordance with Monte Vista’s approved substitute water supply plan. ix. Rate Claimed: 1.15 cfs conditional, from the Prairie Ditch river headgate (or return location from an approved augmentation station) to Rio Grande Reservoir; and 2.42 cfs from the Consolidated Slough river headgate (or approved augmentation station) to Rio Grande Reservoir, with 1.09 cfs of that amount absolute and the remaining 1.33

cfs conditional. In aggregate, the maximum combined exchange rate is 3.57 cfs, of which 1.09 cfs has been made absolute and 2.48 cfs remaining conditional, which is an instantaneous maximum rate of exchange based on the sum of Monte Vista's interest in the diversion rates decreed to each ditch, less ditch loss. x. Uses: All municipal uses, including but not limited to, domestic, irrigation of lawns, gardens, parks, private and municipal facilities, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, and storage. The water will also be used for exchange, replacement and augmentation, including by recharge. B. Rio Grande Ditch Water Rights Stream Exchanges. Monte Vista claims appropriative rights of exchange on the Rio Grande from the diversion points of the Ditch Water Rights, recharge locations or future augmentation locations, to the top of Impacted Reaches of the Rio Grande, with the appropriation date being December 15, 2016, which is the date on which the Monte Vista City Council approved the filing of the original application in this case at a regularly scheduled public meeting. Monte Vista will exchange changed Ditch Water Rights to the top of the Impacted Reaches to replace Injurious Stream Depletions. The rights are claimed as conditional rights of exchange, but if the exchanges are operated prior to the entry of a decree granting this application, the rights can be decreed absolute in the rates of exchange that have occurred, with only the balance, if any, being decreed conditionally. i. Name of Exchanges: Monte Vista Rio Grande Reach 1 Exchanges. ii. Description: The appropriative rights of exchange will operate on the Rio Grande. The Ditch Water Rights will be left in the Rio Grande so that water is available for diversion by upstream calling water rights, as shown in Exhibits D and E. iii. Upstream Terminus of the Exchanges: The top of Impacted Reaches of the Rio Grande, which is generally considered to be the Rio Grande Near Del Norte Gage, which is located in the NW1/4 of the NW1/4, Section 29, T40N, R5E. See Exhibit E. iv. Downstream Termini of the Exchanges: The points of diversion of the Ditch Water Rights described in Paragraphs 4.A-B above, recharge locations or future augmentation stations, or, if Monte Vista elects to leave its pro rata portion of the Ditch Water Rights in the Rio Grande, the locations of the Prairie Ditch river headgate and Consolidated Slough river headgate, described in Paragraph 4 above. See Exhibit E. v. Manner of Operation of the Exchanges: The exchanges will only operate at times when flows in the Rio Grande are sufficient for the proposed exchanges, when all intervening water rights senior to the exchanges are in priority, and when all other lawful requirements for the exchanges are satisfied. vi. Date of Appropriation: December 15, 2016. vii. How Appropriation was Initiated: formulation of intent to apply water to beneficial use, city council approval of this application, and filing of this application. viii. Amount Claimed: Maximum annual amounts of 181.7 AF from the City's changed interest in the McDonald Ditch and Prairie Ditch, and 338.2 AF from the City's changed interest in the Anderson Ditch. ix. Rate claimed: 1.15 cfs conditional, from the Prairie Ditch river headgate (or return location from an approved augmentation station) to Rio Grande Reach 1; and 2.42 cfs conditional, from the Consolidated Slough river headgate (or approved augmentation station) to Rio Grande Reach 1. In aggregate, the maximum combined exchange rate is 3.57 cfs conditional, which is an instantaneous maximum rate of exchange based on the sum of Monte Vista's interest in the diversion rates decreed to each ditch, less ditch loss. x. Uses: All municipal uses, including but not limited to, domestic, irrigation of lawns, gardens, parks, private and municipal facilities, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, and storage. The water will also be used for exchange, replacement and augmentation, including by recharge. 7. Plan for Augmentation. A. Structures to be Augmented: Well Nos. 1-8, described below. 1. Well No. 1. i. Date of Original Decree: July

3, 1975, Case No. W-847. ii. Location: SE1/4, SE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 150 feet from the South Section line and 250 feet from the East Section line, in Rio Grande County, Colorado. See Exhibit B. iii. Appropriation Date: September 30, 1950. iv. Amount Decreed: 1,100 gpm, being 2.45 cfs and 4.9 acre-feet of water in a period of 24 hours. v. Uses: domestic and municipal. vi. Source: confined aquifer. vii. Permit Number: 4551. viii. Land Ownership Information: Applicant. 2. Well No. 2. i. Date of Original Decree: July 3, 1975, Case No. W-847. ii. Location: SE1/4, SW1/4, Section 31, Township 39 North, Range 8 East, NMPM, at a point 2,420 feet from the West Section line and 900 feet from the South Section line, in Rio Grande County, Colorado. See Exhibit B. iii. Appropriation Date: September 30, 1950. iv. Amount Decreed: 1,800 gpm, being 4.01 cfs and 8.02 acre-feet of water in a period of 24 hours. v. Uses: domestic and municipal. vi. Source: confined aquifer. vii. Permit Number: R-4552. viii. Land Ownership Information: Applicant. 3. Well No. 3. i. Date of Original Decree: July 3, 1975, Case No. W-847. ii. Location: SW1/4, NW1/4, Section 31, Township 39 North, Range 8 East, NMPM, at a point 2,500 feet from the North Section line and 100 feet from the West Section line, in Rio Grande County, Colorado. See Exhibit B. iii. Appropriation Date: April 30, 1957. iv. Amount Decreed: 1,200 gpm, being 2.7 cfs and 5.34 acre-feet of water in a period of 24 hours. v. Uses: domestic. vi. Source: confined aquifer. vii. Permit Number: 4553. viii. Land Ownership Information: Applicant. 4. Well No. 4. i. Date of Original Decree: July 3, 1975, Case No. W-847. ii. Location: SW1/4, SE1/4, Section 32, Township 39 North, Range 8 East, NMPM, at a point 2,725 feet from the West Section line and 100 feet from the South Section line, in Rio Grande County, Colorado. See Exhibit B. iii. Appropriation Date: September 23, 1968. iv. Amount Decreed: 2,300 gpm, being 5.12 cfs and 10.24 acre-feet of water in a period of 24 hours. v. Uses: domestic and municipal. vi. Source: confined aquifer. vii. Permit Number: R-13163-F. viii. Land Ownership Information: Applicant. 5. Well No. 5. i. Date of Original Decree: July 3, 1975, Case No. W-847. ii. Location: NE1/4, SW1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2,575 feet from the South Section line and 1,550 feet from the West Section line, in Rio Grande County, Colorado. See Exhibit B. iii. Appropriation Date: April 30, 1965. iv. Amount Decreed: 600 gpm, being 1.34 cfs and 2.68 acre-feet of water in a period of 24 hours. v. Uses: domestic and municipal. vi. Source: unconfined aquifer. vii. Permit Number: 9347-F. viii. Land Ownership Information: Applicant. 6. Well No. 6. i. Date of Original Decree: July 3, 1975, Case No. W-847. ii. Decreed Location: SE1/4, NW1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 1,575 feet from the North Section line and 1,700 feet from the West Section line, in Rio Grande County, Colorado. See Exhibit B. iii. Actual Location: SW1/4, NE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2,075 feet from the North Section line and 1,338 feet from the East Section line, in Rio Grande County, Colorado at NAD 1983 UTM Zone 13 N coordinates of 4160204 m N, 398108 m E. See Exhibit B. iv. Appropriation Date: June 30, 1949. v. Amount Decreed: 190 gpm, being .423 cfs and .846 acre-feet of water in a period of 24 hours. vi. Uses: irrigation. vii. Source: unconfined aquifer. viii. Permit Number: N/A. ix. Land Ownership Information: a. Owner: Tory R. & Beulah A. Rogers. b. Mailing Address: 58 Pioneer Rd. Monte Vista, CO 81144-1000. 7. Well No. 7. i. Date of Original Decree: July 3, 1975, Case No. W-847. ii. Decreed Location: 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 Exhibit B. iii. Actual Location: SW1/4, NE1/4, 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 4160271 m N, 397725 m E. See Exhibit B. iv. Appropriation Date: January 2, 1954. v. Amount Decreed: 1,900 gpm, being 4.23 cfs and 8.46 acre-feet of water in a period of 24 hours. vi. Uses: irrigation. vii. Source: unconfined aquifer. viii. Permit Number: N/A. ix. Land Ownership Information: Applicant. 8. Well No. 8. i. Date of Original Decree: April 24, 1989, Case No. 88CW13; Well No. 8 was decreed as an alternate point for Well No. 1, Well No. 2, Well No. 3 and Well No. 4, which were originally decree on July 3, 1975, Case No. W-847. ii. Location: SW1/4, NE1/4, Section 36, Township 39 North, Range 7 East, NMPM, at a point 2,550 feet from the North Section line and 2,550 feet from the East Section line, in Rio Grande County, Colorado. See Exhibit B. iii. Appropriation Date: September 30, 1950; April 30, 1957; September 23, 1968. iv. Amount Decreed: 2,000 gpm, being 4.46 cfs. v. Uses: domestic and municipal. vi. Source: confined aquifer. vii. Permit Number: 033733-F. viii. Land Ownership Information: Applicant. B. Water to be Used for Replacement, Augmentation or Offset: 1. The changed McDonald Ditch/Prairie Ditch and Anderson Ditch surface water rights described in Paragraph 4 above and changed as described in Paragraph 5 above; 2. Water stored in Rio Grande Reservoir pursuant to the Monte Vista Rio Grande Reservoir Exchange described in Paragraph 6.A above and the Monte Vista Rio Grande Reach 1 Exchange described in Paragraph 6.B above; 3. Accretion credits generated in the Rio Grande; 4. Irrigation return flows, such as lawns, gardens, parks, golf courses, and public spaces; 5. Wastewater treatment plant discharges; 6. Water acquired pursuant to contract or intergovernmental agreement with the Rio Grande Water Conservation District or subdistricts of the Rio Grande Water Conservation District and other water users and quasi-governmental water providers in Water Division 3; 7. Adding water to the stream system to assist in meeting the Rio Grande Compact delivery schedules; and 8. Forbearance agreements and other remedies pursuant to the Groundwater Rules and section 37-92-501(4)(a)(I)-(III), C.R.S. 9. Additional or alternative sources of augmentation water for replacement acquired pursuant to C.R.S. § 37-92-305(8), if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308, are part of an interruptible water supply agreement approved pursuant to C.R.S. § 37-92-309, or are decreed for such use. C. Complete Statement of Plan for Augmentation: Monte Vista will replace or Remedy Injurious Stream Depletions attributable to the wells identified in Paragraph 8.A., using the replacement sources identified in Paragraph 8.B. Monte Vista will replace instantaneous and delayed well depletions on Impacted Reaches of the Rio Grande, the Conejos River, and the Alamosa River. Monte Vista claims the ability to include a provision for adding replacement sources to this plan for augmentation in a decree granting this application. Monte Vista will use its changed McDonald Ditch/Prairie Ditch and Anderson Ditch water rights by leaving its decreed historical consumptive use interests in the Rio Grande for direct replacement, or by returning the fully consumable portions of its Ditch Water Rights to the Rio Grande via recharge or augmentation stations. Monte Vista will also exchange the changed McDonald Ditch/Prairie Ditch and Anderson Ditch water rights up the Rio Grande to store in Rio Grande Reservoir for later release and replacement on Impacted Reaches of the Rio Grande River. Monte Vista generates accretion credit in the Rio Grande by pumping water from wells and delivering effluent water to the Rio Grande through its wastewater treatment plants, and through lawn-irrigation return flows. The result is net accretions increasing the useable flow of the Rio Grande. Monte Vista will replace Injurious Stream Depletions on downstream reaches of the Rio Grande using its accretion credits directly and after storage by exchange in Rio Grande Reservoir. Monte Vista will also augment by exchange of accretion credits and changed

Ditch Water Rights upstream for diversion by senior water rights on Impacted Reaches of the Rio Grande. Monte Vista may also trade its decreed accretion credits with and enter contracts or Intergovernmental Agreements to acquire replacement water from the Rio Grande Water Conservation District, subdistricts of the Rio Grande Water Conservation District and other water users and quasi-governmental water providers in Water Division 3. In addition to the use of forbearance agreements and other remedies, Monte Vista may use such decreed sources for replacement and Remedies on the Alamosa River and the Conejos River, and to supplement replacement and Remedies on the Rio Grande. 8. Sustainable Water Supply. Pursuant to the directive of the State Engineer in Rule 8 of the proposed Groundwater Rules, Monte Vista will impose a cumulative volumetric limit on withdrawals from the wells it uses to withdraw groundwater from the confined aquifer equal to its annual average withdrawals from such wells from 1978-2000. Such volumetric limit will be subject to adjustment to meet the objectives of the sustainability requirements of the Groundwater Rules and sections 37-92-501(4)(a)(I)-(III), C.R.S., should the preferred methodologies to maintain a Sustainable Water Supply in the Confined Aquifer System and manage Artesian Pressures change in the future. Monte Vista will claim credit for past and future water withdrawals from the confined aquifer that are less than its 1978-2000 average annual withdrawals, for example due to municipal conservation measures, and it may contract with or enter intergovernmental agreements with the Rio Grande Water Conservation District or subdistricts of the Rio Grande Water Conservation District and other water users and quasi-governmental water providers in Water Division 3 to transfer such credit. If Monte Vista ever constructs new or replacement wells that withdraw groundwater from the confined aquifer, those wells will be subject to the volumetric limits established through this application. 9. Names and addresses of owners or reputed owners of land upon which any 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. Applicant will notify these persons that it is applying for the water rights in this application, and certify to the Court that Applicant has done so by no later than 14 days after the filing of this application. Thad and Deanna Elliott, 546 W County Road 7N, Monte Vista, CO 81144. Terrell Amile Leplatt, 2559 Swede Lane, PO Box 507, Monte Vista, CO 81144, Prairie Ditch Company P.O. Box 32, Mosca, CO 81146. San Luis Valley Irrigation District, P.O. Box 637, Center, CO 81125. WHEREFORE, Monte Vista requests this Court enter a decree granting the changes of water rights, granting the conditional appropriative rights of exchange, and approving the plan for augmentation requested in this application, subject to terms and conditions that the Court determines necessary to protect vested water rights from injury. (Application is 27 pages incl. exhibits)

2022CW18 Dennis Doiel 2898 W 110th Place Westminster 80234 ddlastrip@gmail.com 303-908-3196. Application for Change of Water Right in the San Luis Creek or its tributaries in Saguache County. Name of structure: Well No. 4, WDID No. 2505286. Date of original and all relevant subsequent decrees: 12/31/1972 Case No: W-1953 Court: Water Division 3. Legal description of structure: SW1/4 SE1/4, Section 5, Township 44 North, Range 10 East, NMPM, in Saguache County, Colorado. The GPS location of the well is UTM Zone 13S NAD83 mE 421934 and mN 4216098. Decreed source of water: Confined aquifer. The depth of the well is 300 feet with casing of 2 inches in diameter, and the perforations were unknown in the Referee's Ruling. Appropriation Date: December 31, 1930. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Absolute 0.056 cfs. Decreed use or

uses: Irrigation, domestic and stockwater. Amount of water that applicant intends to change: Absolute 0.056 cfs. Detailed description of proposed change: Well owner would like to quantify the historic consumptive use associated with Well No, 4, to the extent necessary, in order to use water for year-round commercial uses associated with a marijuana cultivation facility, including but not limited to year-round irrigation, employee drinking and sanitary use, domestic purposes and the manufacturing of edible products and drinks. Well No. 4 will be capped and abandoned and a new well drilled in the NE 1/4 of 5-44N-10E NMPM. We have operated under SWSP ID 5954 for the past 4 years using a different well. That SWSP allowed for 2 acre-feet of water to be used commercially outside of the irrigation season and for year-round employee drinking and sanitary use. We will continue to work with the Division Engineer's office to determine appropriate limits. This well is not currently enrolled in Groundwater Management Subdistrict #4 (San Luis Creek). If this request is granted by the Court we will contract the well into Subdistrict #4 to comply with the Groundwater

Rules. Change or added point of diversion: Location information: PLSS Legal description: Saguache County, NW 1/4 of the NE 1/4, Section 5, Township 44N, Range 10E, NMPM. Points of diversion: Location information in UTM format: Easting 421934 Northing 4216098 Zone 13.

2022CW40: The Ardell E. Versaw & Estalita M. Versaw Rev. Living Trust Dated Nov. 3, 2014, 56480 County Road B Center, CO 81125, versawc@gmail.com, 719-754-3363.

Application for Change of Water Right in Saguache County. Addition of Supplemental Well on SE 1/4 of Section 27, Twp. 41N. R9E, NMPM. Decreed water right for which change is sought: Name of structure: Well No. 1, Case No. 89CW35 (WDID 2006567), Permit No. 22835-F. Date of original and all relevant subsequent decrees: June 8, 1990. District Court-Water Division 3 Case No: 89CW35. Legal description of structure as described in most recent decree that adjudicated the location: Center of the SE1/4, Section 27. Township 41 North. Range 9 East, NMPM, at a point 1320 feet from South Section line and 1320 feet from East Section line, in Saguache County, Colorado. Decreed source of water: Unconfined. Appropriation Date: April 26, 1978. Total amount decreed to structure: Absolute 1000 gpm. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Absolute 1000 gpm. Detailed description of change: This filing seeks approval to construct a 1,000 gpm supplemental well to be used in combination with Well No.1 to irrigate the historically irrigated land within the SE 1/4 Section 27, Township 41 North, Range 9 East, NMPM. The supplemental well will be located within the SE 1/4 Section 27, Township 41 North, Range 9 East, NMPM. There will be no increase to the current limitation on pumping or area of use for Well No. 1. The depth of the supplemental well will not exceed the depth of the blue clay layer and the well will produce from the same decreed source as Well No. 1, the unconfined aquifer. Actual or new location of well: Applying to obtain a supplemental well to Well No. 1 in case no. 89CW35. Location information in UTM format: Northing 414595 Easting 4180403 Zone 13.

2022CW41: Sand Dune Farm LLC, 10539 East County Road 104 North Hooper, CO 81136, sales@zapataseedcompany.com, 719-754-9048. Application for Change of Water Right in Alamosa County. Part A – Field No. 9 – SE1/4 Section 13, T40N, R9E, NMPM. Decreed water right for which change is sought: Names of structures: Well No. 1,

Case No. 81CW56, WDID 2008153, Permit No. 24334-F, Well No. 2, Case No. 81CW56, WDID 2008154, Permit No. 24734-F, Well No. 1S, Case No. 21CW26, WDID2008157, Permit No. 86409-F. Date of original and all relevant subsequent decrees: Well No. 1, 81CW56, December 16, 1981, Well No. 2, 81CW56, December 16, 1981, Well No. 1S, 21CW26, August 15, 2022. Court: District Court Water Division 3. Legal description of structure as described in most recent decree that adjudicated the location: Well No. 1- Center of SE1/4, Section 13, Township 40 North, Range 9 East, NMPM, at a point 1320 feet from the South Section line and 1320 feet from the East section line, in Alamosa County, Colorado. Well No. 2- SE1/4, Section 13, Township 40 North, Range 9 East, NMPM, at a point 1920 feet from the South Section line and 1320 feet from the East section line, in Alamosa County, Colorado. Well No. 1S- SE1/4, Section 13, Township 40 North, Range 9 East, NMPM, at a point approximately 400 feet from the South Section line and 2200 feet from the East section line, in Alamosa County, Colorado. Decreed source of water: Unconfined aquifer (all wells). Appropriation Date: Well No. 1 and 1-S = July 30, 1979. Well No. 2 = February 6, 1980. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Well No. 1 = 500 gpm (1.11 cfs), Absolute, Well No. 2 = 500 gpm (1.11 cfs), Absolute. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: 500 gpm, Absolute, for Well No. 1, Well No. 2, and Well No. 1-S. Detailed description of proposed change: This filing seeks approval to allow use the 500 gpm decreed to well nos. 1 and 2 as alternate points of diversion to well nos. 1, 2, and 1-S. That would allow 1,000 gpm to be pumped both individually and combined for well nos. 1, 2, and 1-S. The historically irrigated land within the SE1/4 Section 13, Township 40 North, Range 9 East, NMPM would not be altered. There will be no increase to the current limitations on total pumping or area of use for wells 1, 2, and 1-S as those limitations were defined in the recently decreed Case No. 21CW26. This application merely requests that each well can legally pump 1,000 gpm individually and in combination. If approved, the Applicant could obtain a variance from the metering rules to allow one meter to measure the combined production of all three wells. There is no proposed change in the location of well nos. 1, 2, and 1-S. **Part B – Field No. 11 – SE1/4 Section 18, T40N, R10E, NMPM.** Decreed water right for which change is sought: Names of structures: Well No. 4, Case No. W-3883, WDID 2005846, Permit No. 22546-F, Well No. 4-A, Case No. 85CW01, WDID 2005847, Permit No. 27365-F-R, Well No. 4-S, Case No. 21CW25, WDID 2008165, Permit No. 86410-F. Date of original and all relevant subsequent decrees: Well No. 4, Case No. W-3883: May 24, 1979, Well No. 4-A, Case No. 81CW01: December 20, 1985, Well No. 4-S, Case No. 21CW25: August 15, 2022. Court: District Court Water Division 3. Legal description of structure as described in most recent decree that adjudicated the location: Well No. 4- Center of SE1/4, Section 18, Township 40 North, Range 10 East, NMPM, at a point 1320 feet from the South Section line and 1320 feet from the East section line, in Alamosa County, Colorado. Well No. 4A- SE1/4 SE1/4, Section 18, Township 40 North, Range 10 East, NMPM, at a point 680 feet from the South Section line and 1300 feet from the East section line, in Alamosa County, Colorado. Well No. 4S- SW1/4 SE1/4, Section 18, Township 40 North, Range 10 East, NMPM, at a point approximately 400 feet from the South Section line and 2450 feet from the East section line, in Alamosa County, Colorado. Decreed source of water: Unconfined aquifer (all wells). Appropriation Date: Well No. 4, 4-A, and 4-S = June 8, 1977. Total amount decreed to structure in gallons per minute (gpm) or cubic feet

per second (cfs): Well No. 4 and 4-S Absolute 1000 gpm, Well No. 4-A: 500 gpm as an alternate point of diversion to well no. 4. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: 1000 gpm, Absolute. Detailed description of proposed change: This filing seeks approval to increase the allowable pumping rate of well no. 4A to 1000 gpm as an alternate point of diversion to well no. 4. That would allow 1,000 gpm to be pumped both individually and combined for well nos. 4, 4-A, and 4-S. The historically irrigated land within the SE1/4 Section 18, Township 40 North, Range 10 East, NMPM would not be altered. There will be no increase to the current limitations on total pumping or area of use for wells 4, 4-A, and 4-S as those limitations were defined in the recently decreed Case No. 21CW25. This application merely requests that each well can legally pump 1,000 gpm individually and in combination. If approved, the Applicant could obtain a variance from the metering rules to allow one meter to measure the combined production of all three wells. There is no proposed change in the location of well nos. 4, 4-A, and 4-S. Name and address of reputed owners: Sand Dune Farms LLC, 10539 East County Road 104 North Hooper, CO 81136.

22CW3042: Forbes Park Land Owners Association, 100 Forbes Park Rd, Fort Garland, CO 81133. Direct all correspondence to co-counsel for Applicant: Mirko L. Kruse, Kruse Law PLLC, 134 F Street, Suite 203, Salida, CO 81201, mkruse@kruselawpllc.com and Kendall K. Burgemeister, Law of the Rockies, 525 North Main Street, Gunnison, CO 81230, kburgemeister@lawoftherockies.com. **APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHTS, AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT OR SUBSTITUTION. Claim for Absolute Underground Water Rights.** 1. FPLOA Municipal Well No. 1; Permit No. 82268-F; WDID 3505755. A. Location: NE 1/4 of the SW 1/4, Section 2, Township 30 South, Range 70 West, 6th P.M., 1,520 feet from the South section line and 1,823 feet from the West section line (UTM: 483034 E 4146556N; Zone 13), as shown on the map on **Exhibit A.** B. Source: Groundwater, tributary to Wagon Creek, tributary to Sangre De Cristo Creek, tributary to Trinchera Creek. C. Date of appropriation: October 19, 2017. D. How appropriation was initiated: The filing of a well permit application for a monitoring well for FPLOA Municipal Well No. 1. E. Date water applied to beneficial use: June 26, 2019, based on issuance of permit 82268-F, installation of a pump, approval of an SWSP, and operating the well in accordance with the SWSP. F. Amount: 50 g.p.m., absolute. Any amounts or uses not found absolute are claimed conditional. G. Uses: Municipal purposes within the Forbes Park subdivision, including fire station building uses, equipment and truck washing, irrigation in greenhouses, animal watering, car washing, filling recreational vehicles and campers, sprayer equipment for pest control, community fundraisers, filling cisterns at residential lots, irrigation of trees planted for reforestation following wildfires, and emergency firefighting purposes. H. Depth: 250 feet. 2. FPLOA Commercial Well No. 1; Permit No. 284700 A. Location: NE 1/4 of the NW 1/4, Section 28, Township 29 South, Range 70 West, 6th P.M., 735 feet from the North section line and 2,434 feet from the West section line (UTM: 480054 E 4150865 N; Zone 13), as shown on the map on **Exhibit A.** B. Source: Groundwater, tributary to Wagon Creek, tributary to the Sangre De Cristo Creek, tributary to Trinchera Creek. C. Date of appropriation: February 18, 1999. D. How appropriation was initiated: The filing of a well permit application for FPLOA Commercial Well No. 1 (Permit No. 215618). E. Date water applied to beneficial use: July 1,

1999. F. Amount: 50 g.p.m., absolute. Any amounts or uses not found absolute are claimed conditional. G. Uses: Municipal purposes within the Forbes Park subdivision, including drinking and sanitary facilities within the Association's assembly hall, filling recreational vehicles and campers, equipment and truck washing, irrigation in greenhouses, animal watering, car washing, sprayer equipment for pest control, community fundraisers, filling cisterns at residential lots, irrigation of trees planted for reforestation following wildfires, and emergency firefighting purposes. H. Depth: 130 feet. **Claim for Approval of Plan for Augmentation Including Replacement by Exchange Project or Substitution.** 3. Names of structures to be augmented: FPLOA Municipal Well No. 1 and FPLOA Commercial Well No. 1 (together, "the Subject Wells"), as described in paragraphs 3 & 4 above. 4. Water rights to be used for augmentation: The Association owns Case No. W-572 Well No. 12 ("Well No. 12"), which was changed to be used as a replacement source for the plan for augmentation decreed in Case No. W-3312. That augmentation plan replaces out-of-priority depletions from domestic wells constructed within the Forbes Park subdivision. The Association intends to use Well No. 12 to similarly replace out-of-priority depletions from the Subject Wells. The Association will also utilize McCarty Pond and Forbes Park Lake to make replacements to Sangre de Cristo Creek when necessary. Well No. 12, McCarty Pond, and Forbes Park Lake are further described as follows: A. Well No. 12: Permit No. 14569-R; WDID 3505088. i. Decrees: Original Decree, Case No. W-572, Division No. 3, dated June 13, 1974; Augmentation Decree, Case No. W-3312, Division No. 3, dated April 3, 1975. ii. Location: NW 1/4 of the SW 1/4, Section 35, Township 30 South, Range 72 West, 6th P.M., (UTM: 463415 E 4138445 N; Zone 13). iii. Source: Groundwater tributary to Trinchera Creek. iv. Date of appropriation: March 31, 1956. v. Amount: 1,350 gpm; being 6 acre-feet per twenty-four hours. vi. Uses: Irrigation and augmentation. The irrigation uses of Well No. 12 have completely ceased. vii. Depth: 496 feet. B. McCarty Pond. i. Decrees: McCarty Pond is currently unadjudicated. The Association intends to file an application to adjudicate a water right for McCarty Pond, which will include augmentation and replacement uses. ii. Location: In the NW 1/4, Section 2, Township 30 South, Range 70 West, 6th P.M. The dam intersects the stream channel at approximately 482940 E, 4147432 N, UTM 13S, NAD 83. iii. Source: McCarty Pond is an on-channel pond sourced from Wagon Creek, tributary to Sangre De Cristo Creek, tributary to Trinchera Creek. iv. Surface Area: 4.0 acres. v. Amount: Approximately 10.84 acre-feet of total storage volume, and 10.83 acre-feet of live-storage. vi. Uses: Aesthetic, fish & wildlife, fire suppression, and augmentation and replacement purposes. C. Forbes Park Lake. i. Decrees: Forbes Park Lake is currently unadjudicated. The Association intends to file an application to adjudicate a water right for Forbes Park Lake, which will include augmentation and replacement uses. ii. Location: In portions of the South 1/2 of Section 11 and the North 1/2 of Section 14, Township 30 South, Range 70 West, 6th P.M. The dam intersects the stream channel at approximately 483226E, 4144168N, UTM Zone 13, NAD 83. iii. Source: Forbes Park Lake is an on-channel pond sourced from the North Fork of West Indian Creek, tributary to West Indian Creek, tributary to Sangre De Cristo Creek, tributary to Trinchera Creek. iv. Surface Area: Approximately 48 acres. v. Amount: Approximately 214.4 acre-feet of total storage volume, and 214.4 acre-feet of live-storage. vi. Uses: Aesthetic, fish & wildlife, fire suppression, and augmentation and replacement purposes. 5. Complete statement of plan for augmentation: The Association will replace all out-of-priority depletions caused by withdrawals

from the Subject Wells. The proposed methodology for determining the quantity, timing, and location of depletions, and the methodology for replacing out of priority depletions, are set forth below: A. Uses, diversions, and consumptive use ratios. The combined annual diversion and consumptive use from the Subject Wells is currently estimated to be only 0.62 acre-feet and 0.50 acre-feet, respectively. Total combined consumptive use from the Subject Wells are anticipated to grow in the future up to a maximum of 9.89 acre-feet annually as the Forbes Park Subdivision progresses towards full build out, and total combined diversions will be limited based on the consumptive use calculations described in paragraph 5.B, below. The potential uses of the Subject Wells for various indoor and outdoor purposes and their presumptive consumptive use ratios are listed in **Exhibit B**. B. Calculation of consumptive use. Diversions from the Subject Wells will be metered and recorded. Consumptive use will be calculated monthly. If the uses of water with a consumptive use ratio less than 100% are separately metered, the consumptive use of such uses shall be determined by multiplying the measured diversions by the consumptive use ratio listed in **Exhibit B**. Uses of water that have a 100% consumptive use ratio and uses that are not separately metered shall be determined to consume 100% of the measured diversion. C. Location of depletions. Depletions will impact Wagon Creek, tributary to Sangre De Cristo Creek, tributary to Trinchera Creek, at points of depletion shown on **Exhibit A**. D. Timing of depletions. The unit response factors and Glover parameters used to calculate monthly lagged depletions from the Subject Wells are shown on **Exhibit C**. E. Replacement of depletions. Out-of-priority stream depletions occurring when the controlling call is owned by Trinchera Irrigation Company will be replaced from Well No. 12 in a similar manner that domestic wells are augmented under the Decree in Case No. W-3312. If the calling water right cannot be satisfied with pumping from Well No. 12, the Association will make releases above the calling water right from McCarty Pond or Forbes Park Lake, such water having been previously stored pursuant to the water exchange project described below. Out of priority depletions from Well No. 12 will in-turn be remedied by participation in the Groundwater Management Plan of the Groundwater Management Subdistrict of the Trinchera Water Conservancy District (“Trinchera Subdistrict”) via a Water Allotment Contract with the Trinchera Subdistrict. i. Case No. W-3312. Well No. 12 was changed to a replacement source for the plan for augmentation decreed in Case No. W-3312. That augmentation plan replaces out-of-priority depletions from domestic wells constructed within the Forbes Park subdivision. ii. Excess replacement supply. While the W-3312 Decree contemplated augmenting domestic wells for 3,800 single family residential lots, the final plat of Forbes Park subdivision only included 3,346 lots. The 454 lots that were not platted generates 9.89 acre-feet per year of augmentation contemplated by the W-3312 Decree that is no longer required for domestic use in Forbes Park. Moreover, residential lots continue to be consolidated, resulting in even fewer residential units at full build-out. Finally, after approximately 40 years of existence, the subdivision is at approximately 10% build-out. The Association currently is only required to deliver 8.2404 acre-feet per year from Well No. 12 to the Trinchera Irrigation Company to cover 378 developed lots. Therefore, as much as 74.75 acre-feet of the 83 acre-feet of historical consumptive use from Well No. 12 is currently not required and is available for use under this plan. Long-term, at least 9.89 acre-feet per year will be available. iii. Replacement of out of priority depletions to Trinchera Irrigation Company. Out-of-priority depletions, determined pursuant to 5.D., above, accruing to the stream during a time that the controlling call

is owned by Trinchera Irrigation Company will be replaced by pumping an equivalent quantity of water and delivering the same to Trinchera Irrigation Company. Reporting of the consumptive use from the Subject Wells and deliveries from Well No. 12 will be made monthly or at times as required by the Division Engineer. iv. Replacement from McCarty Pond and/or Forbes Park Lake. If the calling water right is not owned by the Trinchera Irrigation Company and is located on Sangre De Cristo Creek or Wagon Creek above Smith Reservoir, the Association will release water from McCarty Pond or Forbes Park Lake to replace out of priority depletions as necessary to provide replacement water above the calling water right. E. Replacement by water exchange project or substitution. In connection with the plan for augmentation, Applicant requests an appropriate right of exchange for the water exchange project or substitution as follows: i. Downstream termini: The downstream termini of the exchange will be Smith Reservoir and other points upstream of Smith Reservoir from which Trinchera Irrigation Company may divert water. Smith Reservoir is located in parts and portions of Sections 26, 27, 33, 34, and 35 of Township 30 South, Range 73 West of the 6th P.M. and in parts or portions of Sections 2 and 3 in Township 31 South, Range 73 West, 6th P.M. ii. Source of Replacement: Water pumped from Well No. 12 and delivered to Trinchera Irrigation Company. iii. Upstream termini: a. McCarty Pond, as described in paragraph 4.B above. b. Forbes Park Lake, as described paragraph 4.C above. c. The uppermost points on Wagon Creek, tributary to Sangre De Cristo Creek, affected by depletions from the FPLOA Municipal Well No. 1 and FPLOA Commercial Well No. 1, as shown on the map in **Exhibit A** and located at points in the NW 1/4 of the SE 1/4, Section 2, Township 30 South, Range 70 West, 6th P.M. (483301E, 4146638N, UTM Zone 13, NAD 83); and SE 1/4 of the SE 1/4, Section 21, Township 29 South, Range 70 West, 6th P.M. (480751E, 4151290N, UTM Zone 13, NAD 83), respectively. iv. Appropriation date: October 21, 2022. v. How appropriation was initiated: By the filing of this application. vi. Annual Volume: 9.89 acre-feet. vii. Maximum rate of exchange: 3.0 cfs (1,350 gpm). 5. Change of water rights: The water rights associated with Well No. 12 were already changed to be used for augmentation purposes in Case No. W-3312. If a change is still necessary to implement this augmentation plan however, Applicant requests such a change of the water rights associated with Well No. 12 only to the extent necessary to allow augmentation of the Subject Wells as described above. No other change is requested and the Association does not intend by this Application to otherwise affect or change the augmentation plan decreed in Case No. W-3312. 6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing 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: Applicant.

2022CW3043: Potch, LLC, PO Box 6992, Snowmass Village, CO 81615, 540-379-3952. Please direct all communications to Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593 525 North Main Street, Gunnison, CO 81230, kburgemeister@lawoftherockies.com. Application for Change of Water Right in Saguache County. Decreed water right for which a change is sought (the "Subject Water Right"): Case No. W-206 Well No. 1, Well Permit No. 82114-F (originally, Registration No. 1976), WDID 2505093. Date, case number, and court, of original decree: May 29, 1973, W-206, District Court, Water Division 3. Legal description of structure as described in most recent decree that adjudicated the location: In the NW 1/4 SW 1/4 of Section 31, Township 44 North, Range 10 East, N.M.P.M. The actual location is 418999.0E,

4208416.0N, UTM Zone 13, NAD 83. Decreed source: Confined aquifer. Appropriation date: August 4, 1953. Total Amount Decreed, Amount Applicant Intends to Change: 2,500 gallons per minute (5.57 c.f.s.; 11.14 acre-feet of water in a period of twenty-four hours). Decreed use: Irrigation. Complete statement of change: Applicant seeks to change the Subject Water Right, including time of use, type of use, place of use, and change from a fixed point of diversion to two alternate points of diversion, as necessary to allow its year-round use for irrigation, the cultivation of cannabis, and drinking and sanitary use in commercial businesses, in the Colorado Area 420 Subdivision Phases I and II, Town of Moffat, Saguache County, Colorado (Phase I is in in part of Section 6, Township 43 North, Range 10 East, NMPM, Phase II is in the SW1/4 of Section 31, Township 44 North, Range 10 East, NMPM), and on an additional approximately 60 acres of land owned by Applicant legally described as Lots 4 and 5, Section 6, Township 43 North, Range 10 East, NMPM, via diversion from the existing well and Moffat Well No. 5, as described in further detail below. Description of Alternate Point of Diversion: Case No. W-2153 Well No. 5; Permit Nos. 82534-F, 86477-F; WDID 2505388 (“Moffat Well No. 5”). The following information pertains the existing water right decreed to Moffat Well No. 5: Original Decree: Case W-2153, August 27, 1974, District Court, Water Division 3. Decreed Use: municipal, domestic, and stockwater. Decreed Amount: 25 gpm. Decreed Location: NW1/4SE1/4, Section 6, Township 43 North, Range 10 East NMPM. UTM of Actual Well Location: 420102 E, 4206252 N. (Note: While the Decree states the well is in the NW1/4SE1/4, CDSS plots the UTM coordinates in the SW1/4NE1/4. Section 6 is an irregular section that is approximately 878 acres and approximately 7,250 feet north to south, likely contributing to this discrepancy.) Historical Use of Subject Water Right. The future use of the Subject Water Right will be limited based on its calculated historical consumptive use. The Applicant proposes to quantify the historical use in accordance with a study completed by Quantum Water & Environment. Using a study period between 1953 and 2019, QWE found that the Subject Water Right irrigated, on average, 146 acres, and resulted in consumption of 278.88 acre-feet of groundwater per year, on average. Well Registration 1976-R stated the well was used for irrigation of the SW1/4 of Section 31 Township 44 North, Range 10 East, N.M.P.M. and the NW1/4 of Section 6, Township 43 North, Range 10 East, N.M.P.M. As stated above, Section 6 is an irregular section. It was not surveyed to have a “NW1/4.” The well registrant owned as far south as Lots 11 and 12. The historical permitted place of use extends from the SW1/4 of said Section 31 down to Lots 11 and 12 of said Section 6. Evaluation of historical use was limited to irrigation use within this area. Diversions of the Subject Water Right for the proposed new uses will be metered, and for the purpose of this case, will be assumed to be 100% consumptive. Applicant reserves the right, through subsequent water court proceedings, to quantify return flows from the proposed new uses. Combined simultaneous diversions of the Subject Water Right from W-206 Well No. 1 and Moffat Well No. 5 will not exceed 2,500 gpm. W-206 Well No. 1 and Moffat Well No. 5 are both completed in confined aquifer layer 3. 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: Applicant.

Case No. 21CW3023 **AMENDED NOTICE OF FILING OF FINAL DECENNIAL ABANDONMENT LIST FOR WATER DIVISION NO. 3 FOR HINSDALE COUNTY** The State Engineer and the Division Engineer for Water Division 3, by and through the Attorney General and the Assistant Attorneys General, Marc D Sarmiento and Patrick L. Barker, Water Resources Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203, Telephone: (720) 508-6429 (Sarmiento); (720) 508-6297 (Barker), Email: marc.sarmiento@coag.gov; patrick.barker@coag.gov hereby provide notice to persons interested in water rights decreed to structures in Water Division 3 located **Hinsdale County** of the filing with the Water Clerk of the decennial abandonment list for Water Division 3 under section 37-92-401(4)(c), C.R.S. The decennial abandonment list was e-filed on December 20, 2021, and notice of such filing was included in the Water Court resume, but publication of the notice in the Lake City Silver World did not occur for water rights decreed to structures in Water Division 3 located in Hinsdale County. Notice is hereby given that, pursuant to section 37-92-401(4) C.R.S., the Division Engineer, in consultation with the State Engineer, has revised and finalized the decennial abandonment list, which contains those water rights that the Division Engineer has determined to have been abandoned in whole or in part. The decennial abandonment list, when concluded by judgment and decree, shall be conclusive as to the water rights determined to have been abandoned. The initial abandonment list (published in July 2020) and the final revised abandonment list are available online at: <https://dwr.colorado.gov/services/water-administration/water-rights>. The initial and final revised decennial abandonment lists may also be inspected at the offices of the State Engineer, Division Engineer, and Clerk of the Water Court. Contact the respective offices for information on hours and/or appointments. This decennial abandonment proceeding, including any protest proceedings, are subject to Rule 12 of the Uniform Local Rules for All State Water Court Divisions (Water Court Rules), effective as amended on June 3, 2022, and available on the Water Court's website at: <https://www.courts.state.co.us/Courts/Water/>, as modified by an order of the Water Court approving this notice for protests to the inclusion of any water rights on the final revised abandonment list decreed to a structure in Water Division 3 located in Hinsdale County. Any person who wishes to protest the inclusion of any water right decreed to a structure in Water Division 3 located in Hinsdale County on the final decennial abandonment list for Water Division 3 shall file a written protest with the Water Clerk and the Division Engineer in accordance with the procedures set forth in section 37-92-401(5), C.R.S., not later than **December 31, 2022**. The fee for filing such a protest with the Water Clerk is forty-five dollars (\$45.00). The protest shall set forth in detail the factual and legal basis therefor. A form for such a protest ([JDF 304W](#)) is available on the Water Court website. Any entry of appearance in a bifurcated protest case for any water right decreed to a structure in Water Division 3 located in Hinsdale County shall be filed in the bifurcated protest case not later than **February 28, 2023**, which shall serve as the at-issue date for any bifurcated protest for a water right decreed to a structure in Water Division 3 located in Hinsdale County. A form for such an entry of appearance ([JDF 320W](#)) is available on the Water Court website. All water rights decreed to structures located in other counties are not subject to the order of the Water Court approving this notice and the case management dates set forth above.

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 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.