DISTRICT COURT, WATER DIVISION 3, STATE OF COLORADOTO: ALL PERSONS INTERESTED IN WATER APPLICATIONS FILED INWATER DIVISION 3.

Pursuant to C.R.S. 37-92-302(3), you are notified that the following is a resume inWater Division 3, containing notice of applications and certain amendments filed in theoffice of the Water Clerk during the month of February 2024 for each county affected.

**2024CW4: Sun House Ventures, 57965 County Road C Center, CO 81125, 720-582-0692.** **dburton@sun.house**. **Application for Change of Water Right in Saguache County.** Decreed water right for which change is sought Name of structure: WDID 2006253, Permit 25182-F-R, 81CW0122 Well No,1 and WDID 2006254, Permit 28230-F, 88CW29 Well No, 1S B. Date of original and all relevant subsequent decrees: 7/23/1982: 5/12/89 Case Nos: 81CW122; 88CW29
Court: District Court: Water Division 3. Well No.1 (81CW122) Center of the SE 1/4 Section 25, Township 41 N Range 9E NMPM, at a point 1320 ft from the South section line and 1320 feet from the East section line in Saguache County Well No.1S (88CW29) SW 1/4 of the SE 1/4 Section 25, Township 41 N Range 9E NMPM, at a point 695 ft from the South section line and 1330 feet from the East section line in Saguache County Decreed source of water: Unconfined Aquifer. Appropriation Date: October 8, 1980.Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Conditional Absolute 1000 GPM Decreed use or uses: Irrigation Conditional absolute 1000 GPM Detailed description of proposed change: With this filing we seek approval to construct a 1000 gpm supplemental well to be used in combination with Well No. 1 in 81CW122 (WDID 2006253, Permit 25182-F-R) and Well No. 1S in 88CW29 (WDID 2006254, Permit 28230-F) to irrigate up to 130 acres in the SE 1/4 S ection 25, Township 41 North, Range 9 East NMPM. Applicant also seeks to allow 88CW29 Well No 1S to individually and in combination with the other 2 wells withdraw 1000 gpm. All three wells would be able to individually and in combination with each other withdraw 1000 gpm. The new supplemental well will be located in the SE 1/4 of Section 25, Township 41 North, Range 9 East, NMPM. There will be no increase to the current limitation of pumping for the 3 wells combined nor any increase in area irrigated by the 3 wells. The depth of the new supplemental well will not exceed the depth of the blue clay layer and the well will produce from the same decreed source as well numbers 1 and 1S: the unconfined aquifer. UTM Coordinates Easting 417877 Northing 418035 Zone 13. Name and address of reputed owner: Sun House Ventures, 57965 County Road C Center, CO 81125.

You are notified that you have until the last day of April 2024, to file with the Water Clerka verified statement of opposition setting forth facts as to why a certain applicationshould not be granted or why it should be granted only in part or on certain conditions ora protest to the requested correction. A copy of such a statement of opposition orprotest must also be served upon the Applicant or the Applicant’s attorney and anaffidavit or certificate of such service must be filed with the Water Clerk. The filing feefor the Statement of Opposition is $192.00. Forms may be obtained from the WaterClerk’s Office or our website at www.courts.state.co.us. Jennifer Pacheco, Water Clerk,Water Division 3, 8955 Independence Way, Alamosa, CO 81101.

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**CASE NO. 2024CW3000; SAGUACHE COUNTY;** KENNETH AND DALLAS ANDERSON
c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688,
karl@kuenholdlaw.com . Petition to Clarify Decree This Petitioners seek
amendment to the Referee’s Ruling and the W-1633 Decree to include in the
Referee’s Report and Decree a description of the lawful place of irrigation use
for the wells and correction of scrivener’s errors in the decree. *Decreed water
rights for which clarification is sought*: (1) Well No. 2: Orig. Decree: 05/29/1975,
Water Division 3, Case No. W-1633. *WDID*: 2705012 Permit: 13771-R *Location*:
the well is situated in the SW 1/4 NW 1/4 of Section 26, Township 42N, Range 7E,
approximately 2140 feet from the North section line and 50 feet from the west
section line., in Saguache County, Colorado. *Source*: Confined Aquifer.
*Appropriation date*: June 10, 1954 (1800 gpm) and December 31, 1955(600
gpm). *Amounts*: 2400 gallons per minute, being 5.35 cubic feet of water per
second of time, being 10.70 acre-feet of water in a period of twenty-four hours,
from a confined aquifer. *Uses in Decree*: irrigation. *Detailed description of
proposed changes:* Petitioner seeks to clarify the decree to describe the lands
this well was appropriated to irrigate (conjunctively with surface rights) as the
North1/2 of Section 26, Township 42 North, Range 7 East NMPM and a portion of
the SW1/4 of Section 25 Township 42 North Range 7 East NMPM. The Decree is
silent as to the area of historic use of the Well and this Petition seeks to clarify
the place of use to conform to its historic use. Correcting the decree to reflect
the actual historical use will not cause injury to any party and will confirm the
historic use for which this appropriation was made.
(2) Well No. 5: *Orig. Decree*: 05/29/1975, Water Division 3, Case No. W-1633.
WDID: 2705254 Permit: 04371-F. Location: the well is situated in the SW 1/4 NW 1/4
of Section 35, Township 42N, Range 7E, in Saguache County, Colorado,
approximately 2630 feet from the North section line and 50 feet from the West
section line. *Source:* Confined Aquifer. *Appropriation date:* June 26, 1963
Amounts: 2600 gallons per minute, being 5.78 cubic feet of water per second
of time, being 11.56 acre-feet of water in a period of twenty-four hours, from a
confined aquifer. *Uses in Decree*: irrigation. *Detailed description of proposed
changes*: Petitioner seeks to clarify the decree to describe the lands this well
was appropriated to irrigate (conjunctively with surface rights) as the North 1/2 of
Section 35, Township 42 North, Range 7 East NMPM and the SW 1/4 of Section
25 Township 42 North Range 7 East NMPM. The Decree is silent as to the area
of historic use of the Well and this Petition seeks to clarify the place of use to
conform to its historic use. The Application contained a scrivener’s error in part
of the description of the lands irrigated. Correcting the decree to reflect the
actual historical use will not cause injury to any party and will confirm the
historic use for which this appropriation was made.
(3) Well No. 4: *Orig. Decree*: 05/29/1975, Water Division 3, Case No. W-1633.
WDID: 2705849 Permit: registration filed but lost. *Location*: the well is situated
in the SW1/4 NW1/4 of Section 35, Township 42N, Range 7E, approximately 50
feet from the West section line and 2400 feet from the North section line in
Saguache County, Colorado. *Source*: Confined Aquifer. *Appropriation date*: April
20, 1951. Amounts: 1500 gallons per minute, being 3.34 cubic feet of water per
second of time, being 6.68 acre-feet of water in a period of twenty-four hours,
from a confined aquifer. *Uses in Decree*: irrigation. *Detailed description of
proposed changes*: Petitioner seeks to clarify the decree to describe the lands
this well was appropriated to irrigate (conjunctively with surface rights) as the
North 1/2 of Section 35, Township 42 North, Range 7 East NMPM and the SW 1/4 of
Section 25 Township 42 North Range 7 East NMPM. The Decree is silent as to
the area of historic use of the Well and this Petition seeks to clarify the place of
use to conform to its historic use. The Application contained a scrivener’s error
of omission, Correcting the decree to reflect the actual historical use will not
cause injury to any party and will confirm the historic use for which this
appropriation was made. None of the relief requested expands use of the water

rights or causes injury to any other water right. This application simply seeks to accurately describe the lands historically irrigated. ***Land ownership***: Petitioner owns the real property, wells, and the diversion structures contemplated and affected by this Application. Name and address of reputed owner: Kenneth and Dallas Anderson Center, CO 81125

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**2024CW3001: Mammoth Land Holdings, LLC, 845 Navajo St, Denver, CO, 80204, 719-
850-0017.** kburgemeister@lawoftherockies.com **Please direct all communications to counsel for Applicant: Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593; 525 North Main Street, Gunnison, CO, 81230; 970-641-1903; kburgemeister@lawoftherockies.com. Application for Determination of Water Right or Change of Water Right in Saguache County.** The Applicant, Mammoth Land Holdings, LLC, requests a determination of the lawful place of use of a decreed underground water right. In the alternative, the Applicant requests a change in place of use of the water right. Subject Water Right: Case No. W-1037 Well No. 2 (“Well No. 2”). WDID: 2605001. Current Well Permit: 82958-F Adjudication Date: Application filed June 5, 1972. Location: NW1/4NE1/4, Section 3, T 43.0 N, R 8.0 E, NMPM; 405341E, 4207897N, NAD83 Appropriation Dates and Amounts: 1300 gpm with January 21, 1953, appropriation date, 1400 gpm with December 31, 1954 appropriation date. Decreed Source: Confined aquifer. Based on information provided by the division 3 office, the well is dually completed in the unconfined and confined aquifers. Decreed Use: Irrigation. Determination of Water Right. The Applicant seeks a determination of the decreed place of use of the Subject Water Right, pursuant to C.R.S. § 37-92-302(1)(a) and *S. Ute Indian Tribe v. King Consol. Ditch Co.*, 250 P.3d 1226, 1234 (Colo. 2011). The Well No. 2 decree in Case No. W-1037 was silent as to the number or location of irrigated acres. The application in Case No. W-1037 was filed by Roy H. and Jesilee Alexander on June 5, 1972. The claimed appropriation date was January 20, 1953, for irrigation use. From before the claimed appropriation date of January 20, 1953, until later than the W-1037 application date of June 5, 1972, Roy H. and Jesilee Alexander owned the following land: Lots 3, 4, 5, 8, N1/2SW1/4, SE1/4, Section 2; and Lots 1, 2, 6, Section 3, all in Township 43 North, Range 8 East, NMPM (the “Alexander Property”). These lands are illustrated on Exhibit A filed with this application. Well No. 2 is located in the northwest corner of the Alexander Property. Aerial photographs dating back to 1954 show that water has consistently flowed from Well No. 2 in the northwest corner of the Alexander Property in a southerly and easterly direction, across the Alexander Property, including portions located in closest proximity to Well No. 2 in Lots 1, 2, and 6 of Section 3. The original registration statement for Well No. 2 (12859-R) was filed in 1960 by Roy H. Alexander. It states the well is used for irrigation on “Lots 3-4-5-8: the N2SW1/4: SE1/4, Sec. 2-43-8. The original registration was cancelled on February 19, 2019, and the well was repermitted as Permit No. 82958-F, with a limitation of use on 101.13 acres in lots 3, 4, 5 and 8 of Section 2 (the “Section 2 Irrigated Land”). This 101.13 acre limitation was based on Division Engineer’s Office estimation of historically irrigated land in Section 2 only. “The State and Division Engineers do not determine water rights; they merely administer the waters of the state in accordance with court decrees. Registration of the well therefore could not have changed the scope of the judicially decreed water right.” *V Bar Ranch LLC v. Cotton*, 233 P.3d 1200, 1210-11 (Colo, 2010). Applicant seeks a determination that the lawful place of use is 177.13 acres within the Alexander Property, which is the sum of the 101.13 acres in Section 2 based on the Division Engineer’s prior analysis, plus approximately 76 acres in Lots 1, 2, and 6 of Section 3, Township 43 North, Range 8 East, NMPM (the “Section 3 Irrigated Land.”). Exhibit B (1954 aerial photo) and Exhibit C (1985 aerial photo) filed with this application show irrigation down gradient of Well No. 2 within Section 3. Alternative Claim for Change of Water Right. Complete statement of change: If it is determined that the current lawful place of use of Well No. 2 does not include the Section 3 Irrigated Land, Applicant seeks a change in place of use of Well No. 2 to include 101.13 acres within the Alexander Property. Proposed Terms and Conditions to Prevent Injury: Applicant proposes a pumping limit of 303.39 AFY, which is the same as the limit imposed by the current well permit 82958-F. 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. Name and address of reputed owner: Mammoth Land Holdings, LLC, 845 Navajo St, Denver CO. 80204.

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