**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 July 2024 for each county affected.**

**Case No. 2023CW15** Diaz Family Farms. LLLP (as leasor) 0721 Lane 2 N Alamosa, CO. 81101 (719)852-2498 diaz@martinefarms-eagleproduce.com In the Rio Grande or its Tributaries in **Alamosa County AMENDED APPLICATION FOR DETERMINATION OF WATER RIGHT**. Decreed water rights for which change is sought Name of structure: Well No. 1 (W535), WDID 2009249 (Well No. 1). Date of original and all relevant subsequent decrees: December 31, 1972. Case No: W0535 Court: Division 3 Water Court. Center of SE 1/4, Section 20, Township 39 North, Range 9 East NMPM, at a point 1300 feet from South Section line and 1300 feet from East Section line, in Alamosa County, Colorado,Decreed source of water: Unconfined. Appropriation Date: June 25, 1959.Total amount decreed to structure: Absolute 800 gpm.Decreed use or uses: Irrigation.Amount of water that applicant intends to change: Absolute 800 gpm. Decreed water rights for which change is sought: Name of structure: Well No. 2R (Case No. 08CW14), Permit 2198 WDID 2014348 (Well No. 2R). Date of original and all relevant subsequent decrees: December 31, 1972, January 7, 2010. Case No: W0535, 08CW14 Court: Division 3. SW 1/4 of SE 1/4, Section 20 Township 39 North, Range 9 East NMPM, at a point 1260 feet from South Section line and 2620 feet from East Section line, in Alamosa County, Colorado. Decreed source of water: Unconfined.Appropriation Date: March 27, 1965**.** Total amount decreed to structure: Absolute 600 gpm. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Conditional: N/A Absolute 600 gpm. Decreed water rights for which change is sought: Name of structure: Well No. 3R (18CW04), Permit 88376-F, WDID 2009250 (Well No. 3R). Date of original and all relevant subsequent decrees: December 31, 1972, June 11, 2019. Case Nos: W0535, 18CW04 Court: Division 3 Water Court. Legal description of structure as described in most recent decree that adjudicated the location: SW 1/4 of SE 1/4, Section 20, Township 39 North, Range 9 East NMPM, at a point 30 feet from South Section line and 2620 feet from East Section line, in Alamosa County, Colorado, Decreed source of water: Unconfined.Appropriation Date: April 1, 1945.Total amount decreed to structure: Absolute 1404 gpm. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Absolute 1404 gpm. Detailed description of proposed change: Reference: The SE1/4 Section 20, T39N, R9E, NMPM is referred to a Field No. MS12 (Miguel Diaz - owner) The SW14 Section 20, T39N, R9E, NMPM is referred to a Field No. 10 (Feliberto Marinez Trust B - owner) In the original application in Case No. 23CW15 we had two requests within Field No. 10. One was to correct the locations of Well No. 3 and Well No. 3-S. The second request was to change the flow rate of Well No. 3-S, a decreed alternate point of diversion to Well No. 3, from 500 gpm to 1000 gpm. Well No. 3 is decreed for 1000 gpm. However, there is potential for the combined production of Well No. 3 and Well No. 3-S to produce nearly 1200 gpm. Therefore, we would like to request those original changes detailed in Case No. 23CW15 remain intact but add in a transfer of 200 gpm from Well No. 3R in Case No. 18CW04 to the 1000 gpm decreed to Well No. 3. Well No. 3R, located on Field No. MS12, is decreed for 1404 gpm, this would leave 1204 gpm in that water right. We would like to amend the application in Case No. 23CW15 so that both Well No. 3 (WDID 2005684) and Well No. 3-S (WDID 2005685), located on Field No. 10, can each well individually and in combination with each other be allowed to pump up to 1200 gpm via the transfer of 200 gpm from Well No. 3R.Our Second Request in this Amended Application is to allow each of the wells (Well Nos. 1, 2R, and 3R) on the SE1/4 of Section 20, Twp. 39N, Range 9E, NMPM (Field No. MS12) be allowed to operate as alternate points of diversion to each other. The total decreed flow rates of these wells are 2804 gpm. If the transfer of 200 gpm from Well No. 3R is approved, there would be 2604 gpm remaining. We request that each well, individually and in combination with each other, be allowed to pump up to 2604 gpm. This is primarily being done to qualify for a meter variance to use one meter to measure all three wells. We propose no changes to the decreed combined limitations in Case No. 18CW04 outside the transfer of the 200 gpm. All wells involved in this request are located in the S 1/2 of Section 20, Twp. 39N, Range 9E, NMPM and produce from the unconfined aquifer. **Location information: Well No. 1** Center of the SE1/4 Section 20 Township39N Range 9E Principal Meridian NMPM. Point(s) of Diversion Easting 411115 Northing 4162711 Zone 13. **Location information: Well No. 2R*/*Permit No. 2198-F** SW1/4 of the SE1/4 Section 20 Township 39N Range 9E Principal Meridian NMPM. Point(s) of Diversion: Easting 410719 Northing 4162677 Zone 13. **Location information: Well No. 3R / Permit No. 88376-F** SW1/4 of the SE1/4 Section 20 Township 39N Range 9E Principal Meridian NMPM. Point(s) of Diversion Easting 410711 Northing 4162326 Zone 13. Name(s) and address(es) of owner(s) or reputed owners Feliberto Martinez Trust B and Catalina Martinez 0721 Lane 2 North, Alamosa, CO 8110. Miguel A. Diaz Revocable Trust 1054 Lane 2 North, Alamosa, CO. 81101.

**Case No.: 2024CW7 CONCERNING THE APPLICATION FOR THE CHANGE OF WATER RIGHTS OF APPLICANT: JARED MYERS in the Rio Grande River or its Tributaries. In Saguache County. JARED MYERS 53943 County Road B, Center CO. 81125, (719)-754-3613** **jared@alliedpotatoco.com****.** Decreed water right for which change is sought: Well No. 1, permit no. 20325-R, WDID 2006586; Well No. 1S, permit no. 34580-F, WDID 2006588; Well No. 1SS, permit no. 86372-F, WDID 2014619 April 17, 1975, January 10, 1989, February 13, 2024, Court: Saguache County. NW 1/4 SW 1/4, Section 29, Township 41N, Range 9E, NMPM. GPS UTMX: 410554 4180140. Decreed source of water: Unconfined Aquifer. Appropriation Date: May 10, 1955. Decreed use or uses: Irrigation. Amount of water that applicant intends to change: Conditional 0 Absolute: 1400 gpm. We request that each of the wells on this quarter be allowed to individually and in combination with each other pump a total of 1400 gpm. This is the amount of water originally decreed to the parent water right (minus 260 gpm that was abandoned in case no. 88CW34). The other two supplemental wells are decreed for less flow rate which is preventing us from obtaining a metering variance. This application is being done solely to qualify for a metering variance to measure all three wells together. No changes to the terms and conditions in case no. 21CW7 are proposed. **Location information:** SW1/4 Section 29 Township 41 Range NWPM Easting 410354 Northing 4180205 Zone 13 Source of UTMs GPS. JARED MYERS 53943 County Road B, Center CO. 81125 (719)-754-3613 jared@alliedpotatoco.com.

**Case Number 2024CW8. Application to make conditional water right absolute in Conejos County** **Name, address, email address of applicant**: Donald Wayne Torres, 11515 CR. J Antonito, CO 81120 (719)376-2593. **Name of structure:** Torres Division, ditch. **Legal description of each point of diversion:** Easting: 407001 Northing: 4107419 Zone 13, source of UTMs: Google Earth. Accuracy of location displayed on GPS device: 20 feet. Legal description: Conejos county, SW1/4 SE1/4 Township 33 Range 8 Principal Meridian NMPM distance from section lines (not from property lines) 50 feet from S 2600 feet from E Source of PLSS information local map, street address N/A source: Tailwater accruing into Mogote Ditch. Date of appropriation: June 10, 2023. How appropriation was initiated: Drop boards into Mogote Ditch to divert water. Date water applied to beneficial use: June 10, 2023. Amount claimed in cubic feet per second: Absolute 3.0 (cfs). List all uses or proposed uses: Irrigation of my farmland located east of the Mogote Ditch within the SE1/4 section 12 Township 33N Range SE Township NMPM. Number if acres historically irrigated 65; proposed to be irrigated 15. Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right: Yes. A portion of the SE1/4 Section 12 Township 33N Range 8E NMPM See attached map (available at the Alamosa Combined Court Clerk’s Office). Name(s) and address(es) of owner(s) or reputed owner(s): Donald Wayne Torres 11515 County Road J Antonito, CO. 81120. Remarks or any other pertinent information: The tailwater I use is not available every year. I only use the tailwater when share water is not available from Mogote Ditch.

**Case No. 2024CW9 CONCERNING THE APPLICATION FOR THE CHANGE OF WATER RIGHTS OF APPLICANT: Vista Farmland, LLC in the Rio Grande County.** Jim McCullough 5500 CR. 5 North Monte Vista CO. 81144 (719)588-5061 jimmcculloughfarmsllc@gmail.com Decreed water right for which change is sought: Name of structure: Well No. 3, Case No. W-196, WDID 2008638. Permit No. 21036-U. Also recited in case No. 2004CW34.Date of original and all relevant subsequent decrees: September 19, 1974 (Case No. W-W196 No. 3.) and November 28, 2005 (Case No. 2004CW34). Legal description of structure as described in most recent decree that adjudicated the location: the NW1/4 SE1/4 Section 2, Township 39 North, Range 8 East, NMPM, at a point 1,470 feet from the South Section line and 2,620 feet from the East Section Line, Rio Grande County, Colorado. Easting 405950 Northing 4167741. Decreed source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 66 feet with 60 feet of perforated casing. Appropriation Date: April 15, 1961. Total amount decreed to structure in gallons per minute: Absolute 1,300 Gallons Per Minute being 2.89 cfs. Decreed use or uses: Irrigation. Amount of water that Applicant intends to change: None for this well. A. Name of Structure: Well No. 1, Case No. 93CW06, WDID 2006673, Permit Number 20136-S. Well No. 1 is also recited in Case No. 2004CW34. Date of original and all relevant and subsequent decrees: December 16, 1993. Legal description of structure as described in the most recent decree that adjudicated the location: NW1/4 SE1/4 Section 2, Township 39 North, Range 8 East, NMPM, at a point 1320 feet from the South section line and 1,320 feet from the East section line, in Rio Grande County, Colorado. Easting 406343 Northing 4167634. Decreed source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 75 feet. Casing is plain from 0-20 feet and perforated from 20 to 75 feet. Appropriation Date: July 1, 1935. Total amount decreed to structure in gallons per minute: 1,000 GPM Absolute. Decreed use or uses: Limited in Case No. 93CW06 to irrigation of 136 acres within the SE1/4 of Section 2, Township 39 North, Range 8 East, NMPM.

Amount of water Applicant intends to change: Reduction in irrigated area after 2005 with this well from approximately 145 acres with a corner system down to 127 acres with full pivot sprinkler, provides additional consumptive use credit for commercial use at Well Nos. 3A and 3AA. Applicant will transfer sufficient flowrate and volume from Well No. 1 to allow increased use of Well Nos. 3A and 3AA.Name of Structure: Well No. 3A, Case No. 2004CW34, WDID 2014320, Permit Number 63434-F. Date of original and all relevant and subsequent decrees. November 28, 2005. Legal description of structure as described in the most recent decree that adjudicated the location: SW 1/4 SE 1/4 Section 2, Township 39 North, Range 8 East, NMPM. Located 150 feet from the South Section line and 2,550 from the East Section line. Easting 405943 Northing 4167283. Decreed source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 47 Feet, with 37feet of perforated casing. Appropriation Date: April 15,1961. Total amount decreed to structure in gallons per minute: 33.5 GPM Absolute. The decree in Case No. 2004CW34 also allows for combined pumping rate for this humidification well and the associated fluming well at 1,300 GPM. The Combined flow rate of 1,300 GPM is also set out in this well’s permit. Decree use or uses: For Commercial Use, Humidification of Potatoes in storage. Amount of water Applicant intends to change: Applicant wishes to change and clarify the annual flow rates and annual volumes of diversions from said well. Applicant seeks to increase the annual consumptive use to 2.02 acre-feet. The decreed flowrate of 33.5 gpm will remain in place. Name of Structure: Well No. 3AA, Case No. 2004CW34, WDID 2014012, Permit Number 63433-F. Date of original and all relevant and subsequent decrees. November 28, 2005. Legal description of structure as described in the most recent decree that adjudicated the location: SE 1/4 SW1/4 Section 2, Township 39 North, Range 8 East, NMPM. Located 400 feet from the South Section line and 2,550 from the East Section line. Easting 405951 Northing 4167336. Decreed source of water: Unconfined Aquifer of the Closed Basin. The depth of the well is 66 Feet, with 30 feet of 16” perforated casing. Appropriation Date: April 15, 1961. Total amount decreed to structure in gallons per minute: 800 GPM Absolute. Referee’s Ruling, dated October 25, 2005, Page 4, Paragraph 5.b. states “The combination flow rate of Well No. 3, Case No W-196, the domestic well with permit no. 68470, and the new well for potato fluming to be drilled in the SE1/4 of Section 2, T39, R8E, at a point 400 feet from the South section line and 2,550 feet from the East section line shall be limited to 1300 gpm.

\*NOTE – The 04CW34 decree currently allows only 6.76 acre ft of consumptive use for commercial uses. Decree use or uses: For Commercial Use, Fluming of Potatoes in storage located in the SW1/4 SE1/4 of Section 2, Township 39 North, Range 8 East, NMPM. Amount of water Applicant intends to change: Applicant wishes to change and clarify the annual flow rates

and annual volumes of diversions from said well. Detailed description of proposed change: **PART A. Humidification Well Permit No. 63434-F, Well No. 3A, Case No. 04CW34 Please Refer to HCU Analysis by Colton Batey of Agro Engineering, dated October 27, 2021,** Applicant requests 33.5 gpm decreed as commercial use water in Case No. 2004CW34 be established, to allow 2.020 acre feet of annual consumptive use. To increase the annual appropriation from said Humidification Well for commercial use One Potato Storage Facility, which stores up to 300,000 cwt. The Estimated Water Usage Needed: Usage Type: 300,000 cwt Potato Storage Estimated Water Usage .673AF/100,000 cwt AF/Year 2.02 AF. The subject well has already become a non-exempt well structure with full year-round commercial use under the decree for 2004CW34. The well will be subject to the Rules Governing the Withdrawal of

Groundwater in Water Division No. 3. (The Rio Grande Basin) as finalized in Case No. 15CW3024. In the original Case No. 2004CW34, the subject well was set up to provide humidification and storage of 300,000 cwt of potatoes. The total decreed volume for commercial use is 2.02 AF for commercial use. The new engineering report assumes 100% consumptive use for the humidification systems. **PART B. Fluming Well: Well Permit No. 63433-F, Well No. 3AA, Case No. 04CW34: Please Refer to HCU Analysis by Colton Batey of Agro Engineering, dated October 27, 2021,** Applicant requests 1,200 gpm decreed as commercial use water in Case No. 2004CW34 be established, to allow 2.96 acre feet of annual consumptive use. To increase the annual flow rate from said Fluming Well for commercial use One Potato Storage Facility, which stores up to 300,000 cwt. The Estimated Water Usage Needed: Usage Type – Fluming 300,000 cwt Potato Storage Estimated Water Usage 22.50 AF/100,000 cwt Gross Average AF/Year 90.00 AF CU AF/Year 2.96 The consumptive use for the fluming includes water for fluming potatoes, recharge pond evaporation, and washing out bins. The subject well has already become a non-exempt well structure with full year-round commercial use under the decree for 2004CW34. The well will be subject to the Rules Governing the Withdrawal of Groundwater in Water Division No. 3. (The Rio Grande Basin) as finalized in Case No. 15CW3024. In the original Case No. 2004CW34, the subject well was set up to provide humidification and storage of 300,000 cwt of potatoes. The total decreed volume for commercial use is 2.02 AF for commercial use. The new engineering report assumes 100% consumptive use for the humidification systems. The applicant received a Cease and Desist letter from the Division 3 Engineer on May 3, 2024, citing the flow rate of the fluming well exceeded the decreed flow rate of 800 gpm. The applicant contends the flow rate of 1,200 gpm is the minimum flow rate of the fluming system to operate according to its original 2004 design. The new decree in this case will be clear in the actual combined flow rates at 1,233.5 gpm and the annual gross volumes of both wells at 92.02 acre feet. In the original ruling in Case No. 2004CW34 also assumed the farm quarter on which the potato storage units sit on was limited to 145 acres under sprinkler irrigation. In fact, in 2004 the applicant removed the pivot irrigation corner system on the sprinkler. Since that time the irrigation wells on the sprinkler quarter have only been irrigating 127 acres every year. Based on an average of 2.0 acre feet per acre per year for irrigation of typical crops, there has been a savings of approximately 36 acre feet in pumping annually and with an irrigation efficiency of 83%, the actual saved consumptive use 29.9 acre feet. The total savings in consumptive use for the past 19 years would be 568.1 acre feet. This would more than offset the Division’s concerns for the alleged over pumping of the fluming system. See paragraph 6.6 of 04CW34 for irrigation limits. Paragraph 6 & 7 deal with current limits on commercial use. Name(s) and address(es) of owner(s) or reputed owners Jim McCullough 5500 CR 5 North Monte Vista, CO 81144 (719)588-5061.

**Case Number 2024CW3006.** Application to make conditional water right absolute in Conejos County **Name, address, email address of applicant**: Tyler Huffaker, PO Box 54, Manassa, CO 81141 tophillquarterhorses@gmail.com (atty Erich Schwiesow PO Box 1974, Alamosa, CO 81101 (719) 580-1291 erich@erichschwiesowpc.com. **Name of structure**: L. N. Bagwell and Sons Seepage and Drainage Ditch. **Description of conditional water right. Date of original decree:** July 24, 2018 (as modified August 29, 2019, on remand from Supreme Court), Case No. 2013 CW 3012, Water Court, Water Division 3. **Legal description of point of diversion:** At the intersection of County Road 19 and County Road R by means of culverts north under County Road R and then east under County Road 19. The GPS location of Culvert No. 1 is UTM Zone 13S NAD83 419245 mE and 4166150 mN. **Source of water**: Seepage, wastewater and tail water from irrigation of lands lying south and west of the Southwest quarter of Section 8, Township 34 North, Range 10 East, N.M.P.M. The L.N. Bagwell and Sons Seepage and Drainage Ditch collects water along the eastern boundary of Section 18, Township 34 North, Range 10 East, N.M.P.M., Conejos County, Colorado described more particularly as follows: from a point just north of the point of diversion of the northernmost culvert of the Lee and Grace Bagwell Seepage and Drainage Ditch (14 CW 1326) extending north 3,377 feet to the point where the borrow ditch crosses County Road R, which is the north section line of Section 17 and Section 18. **Appropriation Date**: May 5, 1952. **Amount:** 8 cfs (an additional 8 cfs was decreed absolute in the original decree). **Use**: Irrigation of 85 acres lying east of the Ephraim Ditch in the Southwest quarter of Section 8, Township 34 North, Range 10 East, N.M.P.M.. **Date and** amount water applied to beneficial use: July 21, 2024. Names(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. N/A.

**Case No. 2024CW3007** Brian and Pamela Glynn, 5195 County Rd 14 South. Direct all correspondence to counsel for Applicants: Mirko L. Kruse, Kruse Law PLLC, 134 F Street, Suite 203, Salida, CO 81201, mkruse@kruselawpllc.com. APPLICATION FOR DETERMINATION OF WATER RIGHT (GROUND WATER) IN **ALAMOSA COUNTY**. 1. Introduction and Background: Brian and Pamela Glynn own a farm in Alamosa County. The Glynn Farm includes acres irrigated in the Southwest quarter of Section 12, Township 36N, Range 9E, NMPM from the Glynn Well No. 1 via a center-pivot sprinkler. The location of the Glynn Farm and the Glynn Well No. 1 are depicted on the map in Exhibit 1. The decree for the Glynn Well No. 1 does not specify a place of use, but affidavits and USGS photographs demonstrate that the Glynn Well No. 1 was appropriated to irrigate at least the Southwest quarter of Section 12. Those affidavits and USGS photographs are attached as Exhibits 2 and 3. The Glynns seek confirmation that the Glynn Well No. 1 is decreed to irrigate this acreage. 2. Water Rights to be Given Determination: A. Structure: Glynn Well No. 1; Permit No. 1836-R; WDID 2105173. i. Original Decree: April 17, 1975; Case No. W-0785; Division 3 Water Court. ii. Location: SW1/4 of the SW1/4 Section 12, Township 36N, Range 9E, NMPM, at a point 30 feet from the South section line and 30 feet from the West section line, in Alamosa County, Colorado. iii. Source: Confined aquifer. iv. Appropriation Date: August 6, 1956. v. Amount Decreed: 800 gallons per minute; being 1.78 cubic feet of water per second of time, being 3.56 acre feet per twenty-four hours. vi. Type of Use: Irrigation. vii. Amount to be Given Determination and/or Changed: 800 gallons per minute; being 1.78 cubic feet of water per second of time, being 3.56 acre feet per twenty-four hours. 3. Description of Requested Determination: Applicants seek an order from the Court confirming that the Decree in Case No. W-0785 allows the Glynn Well No. 1 to irrigate the Southwest quarter of Section 12, Township 36N, Range 9E, NMPM. The Court has authority to grant the requested relief under the Water Right Determination and Administration Act of 1969, section 37-92-101 et seq., and C.R.C.P. 57. See In re King Consol. Ditch Co., 250 P.3d 1226, 1237 (Colo. 2011) (“An applicant who holds a prior adjudicated decree may file an application with the water court for review and determination of the scope and content of the prior decree.”). Applicants will also request modification of the existing well permit for the Glynn Well No. 1 as necessary to reflect the order from the Court. 4. Owners of Land Upon Which Any New Diversion or Storage Structure Will Be Constructed: Applicants.

**You are notified that you have until the last day of September 2024, 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.**