**DISTRICT COURT, WATER DIVISION 3, STATE OF COLORADO  
TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS FILED IN  
WATER DIVISION 3.**

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

2024CW11 BEN COBLENTZ AND MELVIN COBLENTZ: Ben Coblentz 0495 East County Road 11 South Monte Vista, CO 81144 (719)852-6989 Melvin Coblentz 0104 East County Road 11 South Monte Vista, CO 81144 (719) 849-3292 Concerning the Application Change of Water Right. In the Rio Grande Basin or its Tributaries, in Rio Grande County**.**

Decreed water right for which change is sought: Name of structure: Well No. 2, Case No. W-2544, Permit No. 473-R, WDID 2005110 (Well No. 2) Date of original and all relevant subsequent decrees: April 14, 1977. Court: District Court, Water Division No. 3 Legal description of structure: SW 1/4 NW 1/4 Section 31, Township 37 North, Range 8 East, NMPM at a point 2590 feet from the North section line and 55 feet from the West section line in Rio Grande County, Colorado. Decreed source of water: Confined Aquifer (well is 240 feet deep with perforated casing from 160 feet to 240 feet. Appropriation Date: July 31, 1949, for 775 gpm (being 1.72 cfs) and February 27, 1964, for 345 gpm (being 0.768 cfs). Total amount decreed to structure: 1120 gpm = 2.50 cfs Decreed use or uses: Irrigation. Amount of water that applicant intends to change: 20 gpm (being 0.045 cfs) Detailed description of proposed change: This 1120 gpm irrigation well (Well No. 2) will be lowered to 1100 gpm. The 20 gpm to be changed will be pumped from existing well Permit No. 5270, Well No. 1, Case No. W-2544, WDID 2012555 (Well No. 1). The existing well is decreed for domestic and stockwater use at 40 gpm. Commercial use is needed within the northwest sprinkler corner of the NW 1/4 Section 31, Township 37 North, Range 8 East, NMPM. Well No. 1 is the best water source, and it also produces from the confined aquifer with a total depth of 227 feet and a perforated interval of 167 feet to 227 feet. This well is located at approximately 200 feet from the North Section Line and 600 feet from the West Section Line, a distance of only 2200 feet north of Well No. 2 and located on the same quarter section. Future use of Well No. 1 will be for commercial chicken and egg production in a year-round facility as well as an office to manage the commercial activities while retaining the exempt-type domestic and stockwater uses. A portion of the land historically irrigated by Well No. 2 will be retired from future irrigation. The historic consumptive use of water from Well No. 2 on the dry-up area will be moved to Well No. 1. The dry-up area can generally be described as the sprinkler corners of the sprinkler located within the NW1/4 Section 31, Township 37 North, Range 8 East, NMPM. Well No. 2 historically combined with Applicants’ Terrace Irrigation Company shares to irrigate nearly the entire quarter section less the homesite. The sprinkler was installed to provide a more reliable and even water supply to the majority of the quarter section. The sprinkler corners were irrigated with a combination of surface and ground water for a number of years before it became impractical to irrigate with well water. The initial sprinkler size was approximately 123 acres. The current sprinkler size is approximately 120 acres. Applicants wish to retire irrigation of the corners from irrigation with Well No. 2. Applicants wish to retain the ability to use Well No. 2 on the original sprinkler area of 123 acres. The estimated annual withdrawal of water from Well No. 1 for commercial use is 1.00 acre foot (325,851 gallons). Of that amount, approximately 0.90 acre-feet will be consumed. The commercial processes will require an annual diversion of approximately 1.0 acre-foot with 0.9 acre-foot consumed. The domestic use will continue based on the exempt well permit.

In order to offset this withdrawal and consumptive use, Well No. 2 will not be used on the dry-up area - the sprinkler corners, resulting in an annual reduction of approximately 5.0 acre-feet of historically pro-rated withdrawal and 2.5 acre-feet of consumption. These amounts will be adequate to cover the transfer to Well No. 1. All wells will be metered as required by the Division of Water Resources. Accounting of water use from the wells shall be kept and provided as required by the Division of Water Resources subdivision. Attach copies of well permits:

N/A. A portion of the water right decreed to Well No. 2, Case No. W-2544 will be moved to the well currently permitted as no. 5270 (Well No. 1). The location of Well No. 1 will not be changed. Well No. 1: NW1/4 NW1/4 Section 31, Township 37 North, Range 8 East, NMPM. See Attachment A – MAP. 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. Ben Coblentz 0495 East County Road 11 South Monte Vista, CO 81144 (719)852-6989 Melvin Coblentz 0104 East County Road 11 South Monte Vista, CO 81144 (719) 849-3292**.**

**You are notified that you have until the last day of October 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.**

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2024CW10 Donald and Lana Whitten 44000 County Road M Center, CO 81125 (719)849-5229 [pknplace@gmail.com](mailto:pknplace@gmail.com) Application for Change in Water Rights: To make Absolute in Whole or in Part, in Saguache County. Name of structure: Phillips ditch No.1 date of Original Decree: 5/18/2004 Case No. 2002CW64 Court: Water Division 3.List all subsequent decrees awarding findings of diligence: Date of Decree: 5/2/2011 & 5/23/2019Case No. 2010CW18 & 2017CW3008 Court: Water division 3. Legal description: Phillips Ditch. No 1 (WDID 2600623) The existing headqate is located on the easterly bank of the Werner Arroyo, south branch of Saguache Creek, at a point whence the Southwest Corner of Section 3 T43N, R8E, NMPM, bears South 9 degrees 18 minutes West..4,380\_feet distant. GPS coordinates 4207138.2 mN, 404715,7 mE. Name of structure: Phillips Ditch No. 2 (WDlD 2600624) The existing headgate is located on the westerly bank of the Werner Arroyo, South branch of Saguache Creek, at a point whence the Southwest Corner of Section 3, T43N, R8E, NMPM, bears South 9 degrees 12 minutes West, 4,425 feet distant, GPS coordinates 4207153.2 mN, 404648.7 mE Source of water: Werner Arroyo / South branch of Saguache Creek Appropriation Date: 11/17/1999 Amount: 3.29 c.f.s. (1.7 already made absolute)Use: 1) Livestock watering and recharge of aquifer during the non-irrigation season in the months of November through March, inclusive, and 2) Water storage in the form of ice for recharge and irrigation in spring. Depth: (if well)

I am seeding, to make this water fight fully absolute, I have maintained headgates and ditches, cleaned weeds and debris from Werner Arroyo, and called for water every year. I have worked cooperatively with the water commissioner and Saguache Creek Water Users Association and tend owners to manage this. Water. right. See attached Daily Diversion Record Report from Division of waler Resources. If claim to make absolute tn whole or in part: Date water applied to beneficial use: 11/05/2019 Amount: 5 c,f,s. Use: Decreed purposes. Legal description: Phillips Ditch No 1 NW1/4 NW 1/4 Section 3 Township 43N Range 8E NMPN, Phillips Ditch No 2 NW 1/4 NW 1/4 Section 3 Township 43N Range 8E NMPM UTM coordinates Phillips Ditch No 1 Northing 4207138.2 mN Easting 404715.7 mE, Phillips Ditch No 2 Northing 4207153.2 mN Easting 404648.7 mE Zone 13 404657 mE 4207176 mN street address: NA Distance from section Lines: N/A Nane if land owner: Donald and Lana Whitten 44000 County Road M. Center, CO 81125

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24CW3008 San Luis Valley Water Conservancy District, acting by and through its Augmentation Program Enterprise (“Conservancy District” or “Co-Applicant”), c/o Heather Dutton, Manager, 623 Fourth Ave., Alamosa, Colorado 81101, (719) 589-2230l, and the Beaver Mountain Estates Property Owners Association, Inc. (“Beaver Mountain” or “Co-Applicant”), c/o Matt Dorsett, Chairperson, Water Committee, PO Box 713. South Fork, Colorado 81154, (972) 467-6725, APPLICATION OF THE SAN LUIS VALLEY WATER CONSERVANCY DISTRICT AND BEAVER MOUNTAIN ESTATES PROPERTY OWNERS ASSOCIATION FOR CHANGE OF WATER RIGHTS AND PLAN FOR AUGMENTATION IN ALAMOSA, CONEJOS, HINSDALE, MINERAL, RIO GRANDE AND SAGUACHE COUNTIES**.** Please mail copies of all pleadings in this case to: Tod J. Smith, The Law Office of Tod J. Smith, LLC, 5777 Central Ave., Suite 228, Boulder, CO 80301 (Attorney for the Conservancy District) and Mirko L. Kruse, Kruse Law PLLC, 134 F Street, Suite 203, Salida, CO 81201

(Attorney for Beaver Mountain). 2. Introduction and General Background. By this Application for Change of Water Right, 6.349 acre-feet of the original 7.0 acre-feet of Church Ditch water decreed as fully consumable water for the Association’s augmentation use in Case No. 01CW24 will be incorporated into the District’s Augmentation Program and used to replace out of priority depletions by the Conservancy District’s Participating Structures on the South Fork of the Rio Grande and the Rio Grande (The remaining 0.651 acre-feet will continue to be used by the Association to augment well depletions as originally decreed in Case No. 01CW24). In exchange, the Conservancy District will provide the Association with an Augmentation Certificate which will include 6.349 acre-feet for the replacement of out of priority depletions caused by the Association’s wells as described in more detail in this Application. The Conservancy District is a water conservancy district created and existing pursuant to C.R.S. §§ 37-45-101 to 153. The Conservancy District, through its Augmentation Program Enterprise, operates several decreed plans for augmentation which provide water to augment out-of-priority depletions resulting from the exercise of junior water rights owned by Augmentation Program Participants (“Participants”) located within the Conservancy District’s boundaries. A map of the Conservancy District’s current boundaries is attached to this Application asExhibit 1. Those boundaries encompass all of the land that will be included in the Augmentation Certificate issued by the Conservancy District to the Association. The Conservancy District’s boundaries may change from time to time in accordance with Colorado law. The Conservancy District’s existing decreed plans for augmentation, which it operates through its Augmentation Program, have been decreed in Case Nos. 84CW16, 93CW43, 94CW62, 03CW41, 05CW13, 07CW63, 09CW34, 14CW3011, and 21CW3004 all in Water Division No. 3. The source of augmentation water for operation of the District’s Augmentation Program is derived from changes of several water rights including Case Nos. 84CW16, 94CW62, 03CW41, 05CW13, 07CW63, 09CW34, 14CW3011, and subsequent diligence cases. Each of those cases decreed the use of the Conservancy District’s changed water rights in its Augmentation Program, including exchanges. Additionally, the Conservancy District has decreed exchanges on Pinos Creek, Case No. 93CW43, and on various sections of the Rio Grande and the South Fork of the Rio Grande in Case No. 21CW3004. The decree in Case No. 21CW3004 includes the exchange of the Church Ditch water rights being changed in this case for inclusion in the Conservancy District’s Augmentation Program. The Association represents home and property owners within the Beaver Mountain Estates Phases I, II, and III and Crow’s Nest Subdivisions located on the South Fork of the Rio Grande. The Association holds title to 7.0 acre-feet of the Church Ditch water right which was changed for fully consumable use in a plan for augmentation in Case No. 01CW24, Water Division No. 3, following prior changes in Case Nos. 82CW177 and 99CW33. The decree in Case No. 01CW24, decreed the use of the 7.0 acre-feet for the augmentation of wells for domestic, commercial, and municipal use on 50 lots located on 100 acres in Phase III of the Beaver Mountain Estates Subdivision, generally located in Section 3, Township 39 North, Range 3 East, N.M.P.M., Rio Grande County, Colorado. The Conservancy District and the Association have agreed that, following entry of a final decree in this case changing the use of 6.349 of the 7.0 acre-feet originally decreed in Case No. 01CW24 for incorporation into the Conservancy District’s Augmentation Program, the Association will convey that changed water to the Conservancy District and the Conservancy District will issue an augmentation certificate to the Association which will include 6.349 acre-feet (with additional water totaling 7.714 acre-feet) for the augmentation of the wells serving the land located in Phases I, II, and III of the Beaver Mountain Estates Subdivision and the Crow’s Nest Subdivision, which include the wells and lots originally decreed in Case No. 01CW24. A map depicting these lands is attached to the Application as Exhibit 2. The Augmentation Certificate will be issued in accordance with the terms of the Agreement to Convey Water Rights in Exchange for Augmentation between the Conservancy District and Association, which was executed on April 18, 2024 (“Agreement to Convey Water”). The Association will retain the remaining 0.651 acre-feet for augmentation uses under the decree in Case No. 01CW24. Paragraph 14 of the Decree in Case No. 01CW24 required that the Association construct an augmentation pond to store 8 - 10 acre-feet of augmentation water. The Conservancy District, in this case, seeks to change the place of storage for the 6.349 acre-feet to Beaver Park Reservoir, in which the Conservancy District holds a storage account with a firm capacity of 400 acre-feet, or Shaw Reservoir, which the Conservancy District owns and can store up to 348 acre-feet. Water can be delivered from either reservoir to augment depletions to the South Fork of the Rio Grande and the Rio Grande caused by the wells used to supply water to the lands depicted on Exhibit 2. The Conservancy District has previously obtained a decree in Case No. 21CW3004 confirming the right to exchange the water that is the subject of this change case from the original Church Ditch headgate to both reservoirs. 3. Previous Decree Information for Water Right to be Changed. 3.1. Water Right: Upon entry of a final decree in this case, the Association will convey to the Conservancy District the 6.349 acre-feet for which the Co-Applicants seek a change in use and a change in location of storage. 3.2. Prior Decrees: The water rights for the Church Ditch were originally awarded by the Rio Grande County District Court, General Stream Adjudication, May 1, 1896. 3.2.1. Decreed Point of Diversion: SW1/4, NW1/4 of Section 4, Township 39 North, Range 3 East, N.M.P.M., Rio Grande County, Colorado at a point N 78°35’E 17.45 chains from the 1/4 section Corner between sections 4 and 5, Township 39 North, Range 3 East, N.M.P.M., Rio Grande County, Colorado. 3.2.2. Appropriation Dates and Amounts: May 31, 1881, 1.0 cfs (Priority No. 216); July 31, 1889, 0.02 cfs (Priority No. 360). 3.2.3. Decreed Use: Irrigation. 3.3. Case No. 82CW177:

3.3.1. Amount Changed in Use: 0.57 cfs. 3.3.2. Total consumptive use available for augmentation: 27.73 acre-feet. 3.3.3. Use: Augmentation of wells for commercial, domestic, and municipal uses. 3.3.4. Amount of fully consumable water dedicated to plan for augmentation in Case No. 82CW177: 11.49 acre-feet. 3.3.5. Remaining amount of fully consumable water available for future augmentation: 16.24 acre-feet. 3.4. Case No. 99CW33: 3.4.1. Use: Additional 2.62 acre-feet dedicated to uses decreed in Case No. 82CW177. 3.4.2. Total used in Case Nos. 82CW177 and 99CW33: 14.11 acre-feet. 3.4.3. Amount of fully consumable water remaining for future augmentation: 13.62 acre-feet. 3.5. Case No. 01CW24

3.5.1. Use: 7.0 acre-feet of the remaining 13.62 acre feet of fully consumable water dedicated to augment out of priority depletions by wells used for domestic, commercial, and municipal purposes on 50 lots located on 100 acres. 3.5.2. Location of Use: 100 acres of land located generally in Section 3, Township 39 North, Range 3 East, N.M.P.M., Rio Grande County, Colorado. 3.5.3. Language from Decree:

(Paragraph 9) “Matters previously determined in Case No. 82CW177 are considered res judicata, including the amount of water historically used by the Applicant’s share of the Church Ditch water right, and Applicant’s right to change water to domestic, commercial, and municipal use.” (Paragraph 10) “As previously determined in Case Nos. 82CW177 and 99CW33, 13.62 acre feet [of] Applicant’s Church Ditch water right is available, on an annual basis, to provide augmentation water for the uses applicant has proposed.” (Paragraph 11) “Applicant shall dedicate 7 acre-feet, out of the 13.62 acre feet to augment depletions to the Rio Grande River and South Fork of the Rio Grande River caused by wells used for domestic, commercial, and municipal purposes on 50 lots owned by Applicant and located on the 100 acres described on Exhibit B . . ..” 4. Change of Use. 4.1. The Co-Applicants seek in this Application to change 6.349 acre-feet of the 7.0 acre feet previously dedicated to augment out of priority depletions to the Rio Grande and the South Fork of the Rio Grande caused by wells used for domestic, commercial, and municipal purposes on 50 lots owned by Applicant and located on 100 acres described on Exhibit B to the decree in Case No. 01CW24, which is Phase III of the Beaver Mountain Estates Subdivision. The Co-Applicants by this change seek to incorporate the 6.349 acre-feet of the 7.0 acre-feet of Church Ditch water into the Conservancy District’s augmentation water portfolio for use in its Augmentation Program to replace out-of-priority depletions caused by Participating Structures on the South Fork of the Rio Grande and the Rio Grande. Upon approval of the change, the Conservancy District will dedicate 6.349 acre-feet of its augmentation water to be used to replace depletions from the Association’s wells used for domestic, commercial, and municipal purposes in Phases I, II, and III of the Beaver Mountain Estates Subdivision, which includes the 50 lots comprising 100 acres originally decreed in Case No. 01CW24, and the Crow’s Nest Subdivision, all of which is located within the land identified in the Case No. 01CW24 decree. The Conservancy District will issue an Augmentation Certificate to the Association providing for the delivery of up to 6.349 acre-feet for the purposes set forth above and in accordance with the terms of the Agreement to Convey Water. 4.2. Decreed Point of Diversion: The 6.349 acre-feet of water being changed in this case may be accounted for as augmentation replacement water and left in the stream to replace out of priority depletions accruing on the South Fork of the Rio Grande or the Rio Grande, or exchanged from that point to either Beaver Park Reservoir or Shaw Reservoir pursuant to the terms and conditions of the exchange decreed in Case No. 21CW3004. 4.3. Place of Delivery: The 6.349 acre-feet of Church Ditch water being changed in this case will be delivered to the South Fork of the Rio Grande to replace out-of-priority depletions or exchanged into Beaver Park or Shaw Reservoirs. Once exchanged the water will become part of the Conservancy District’s Augmentation Program portfolio of water rights and the subsequent delivery from that portfolio will be made to replace depletions to the Rio Grande and South Fork of Rio Grande caused by Participating Structures, including the Association’s wells. Deliveries of the augmentation water to replace out of priority depletions caused by the Association’s wells will be made pursuant to an Augmentation Certificate that will be issued by the Conservancy District to the Association following entry of a final decree in this case. 4.4. Place of Use: The use of up to 6.349 acre-feet of water from the Conservancy District’s water rights portfolio will be delivered to replace depletions on the South Fork of the Rio Grande and the Rio Grande caused by Participating Structure’s out-of-priority depletions, which structures may include, but will not be limited to those wells used to supply water to Phases I, II, and III of the Beaver Mountain Estates Subdivision and the Crow’s Nest Subdivision which include the 50 lots originally decreed in Case No. 01CW24 for Phase III of the Beaver Mountain Estates Subdivision. 4.5. Type of Use: The changed water rights will be used for augmentation purposes to replace out-of-priority depletions to the Rio Grande and the South Fork of the Rio Grande Basin caused by Participating Structures. 4.6. Structures to be Augmented: The structures for which the changed 6.349 acre-feet of Church Ditch water rights may be used include existing wells, ponds, or other structures currently included in and augmented through the Conservancy District’s Augmentation Program, and new wells, ponds, or other structures which will divert surface water or groundwater within the Conservancy District (as its boundaries currently exist and may change from time to time hereafter) for in-house domestic, domestic, including lawn and landscape irrigation, agricultural irrigation, commercial, industrial, municipal, pool evaporation, and stockwatering. To be eligible to receive augmentation water, a structure owner must contract for augmentation water from the Conservancy District, which issues an Agreement and Augmentation Certificate to each Participant. The structures for which the Conservancy District provides augmentation water are referred to in this Application as “Participating Structures.” Once the changed 6.349 acre-feet of Church Ditch water is incorporated into the District’s Augmentation Program water portfolio, the District will issue an Augmentation Certificate to the Association providing, in part, 6.349 acre-feet of the District’s augmentation water to replace out-of-priority depletions for wells used for domestic, commercial, and municipal uses within Phases I, II, and III of the Beaver Mountain Estates Subdivision, which includes the 50 lots comprising 100 acres originally decreed in Case No. 01CW24 for Phase III of the Beaver Mountain Estates Subdivision, and the Crow’s Nest Subdivision, all of which is located within the land identified in the 01CW24 decree. The Association’s wells covered by the Augmentation Certificate will become Participating Structures. 5. Plan for Augmentation. 5.1. The amount and timing of out-of-priority depletions by Participating Structures will be determined in accordance with the Depletion Schedules adopted and applied by the Water Court in each of the Conservancy District’s decreed plans for augmentation. The Depletion Schedules are attached to this Application as Exhibit 3, and were used in Case No. 01CW24 to establish the depletions attributable to the 50 lots that were identified in that case.The place of use of water used by Participants must be within the Conservancy District’s boundaries, as those boundaries may change from time to time. 5.2. The Participants in the Conservancy District’s Augmentation Program will install measuring devices on all Participating Structures for the administration of this plan for augmentation and operation of the Conservancy District’s Augmentation Program as may be reasonably required by the State or Division Engineer. The Conservancy District will submit periodic water use and depletion accounting forms sufficient to meet the reasonable accounting needs of the State or Division Engineers. 5.3. The 6.349 acre-feet of fully consumable Church Ditch water rights may be stored in the District’s storage account in Beaver Park Reservoir, pursuant to its storage agreement with Colorado Parks and Wildlife, or in Shaw Reservoir, which the Conservancy District owns. The two reservoirs are located as follows: Beaver Park Reservoir: Beaver Reservoir located on Beaver Creek, a tributary of the South Fork of the Rio Grande, located generally in the S1/2 of Section 28, SW1/4 of Section 27, NE1/4 of Section 33, and W1/2 of Section 34, all in Township 39 North, Range 3 East of the N.M.P.M., Rio Grande County, Colorado. Shaw Reservoir: Shaw Reservoir, an off-channel reservoir located on unsurveyed land generally in portions of Sections 5, 6, 7, and 8 of Township 38 North, Range 2 East, N.M.P.M., Mineral County, Colorado. Water is diverted into Shaw Reservoir from Kitty Creek. The point of diversion through which exchanged water will be diverted into Shaw Reservoir is located on the east bank of Kitty Creek [formerly known as Little Trout Creek], North 87 decrees, 50 minutes West 1,841 feet from contour post No. 13 of Shaw Reservoir located in the Northeast Quarter of Sec. 6, Twp. 38 North, Range 2 East, N.M.P.M., Mineral County, Colorado. The Northwest corner of Section 6 bears North 46 degrees West 2,702 feet. 5.4. The 6.349 acre-feet of fully consumable Church Ditch water rights may be exchanged from the Church Ditch decreed point of division to both Beaver Park and Shaw Reservoirs pursuant to the terms and conditions of the exchange decreed in Case No. 21CW3004. 6. Names and Addresses of Owners, Structures and of Land on which Structures Are Located. 6.1. The Participating Structures are and will be located within the boundaries of the Conservancy District as those boundaries may change from time to time. Generally, Participating Structures are located on the lands of the Participants owning such structure, but Participating Structures may also be located on the lands of other parties pursuant to permission, license, easement, right of way, or other authorization obtained by the Participant. 6.2. To the best of the Co-Applicant’s knowledge, the owners of the land on which the reservoirs are located are: Beaver Park Reservoir is owned by Colorado Parks and Wildlife and is located on land owned by the: United States of America, Rio Grande National Forest, 13308 W. Highway 160, Del Norte, Colorado 81132. Shaw Reservoir is owned by the Co-Applicant San Luis Valley Water Conservancy District and is located on land owned by the: United States of America, Rio Grande National Forest, 13308 W. Highway 160, Del Norte, Colorado 81132. (The application is 9 pages with 3 exhibits)

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2010CW36 TIMOTHY N. LOVATO AND LORI S. LOVATO, PO Box 268, Saguache, CO 81149. James J. Petrock, John D Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. Amended Application for Determination of Water Rights, Change of Water Rights, and Plan for Augmentation in SAGUACHE COUNTY. **CHANGE OF WATER RIGHTS.** Decreed water rights for which change is sought.Russell Company Ditch Water Right.Name of Structure. Russell Company Ditch. Decrees. Final decree entered on November 23, 1889 by the District Court for Saguache County in the proceedings captioned as *In the Matter of a Certain Petition for the Adjudication of the Priority of Rights to the Use of Water for Irrigation in Water District No. 26* (“1889 Decree”); decree entered on February 1, 1917 in Case No. 288 by the District Court for Saguache County; and the decree entered on September 15, 2014 in this Case No. 10CW36 (“10CW36 Decree”).Legal description of point of diversion. SW1/4 of the SW 1/4 of the SE 1/4, Section 12, Township 44 North, Range 7 East, NMPM in Saguache County, Colorado. The GPS location of the headgate is UTM, NAD 83, Zone 13S, at 399050 mE and 4214562 mN (the “Russell Company Ditch Headgate”). Source. Saguache Creek. Appropriation Date. May 1, 1869.Amount. 0.60 cfs. Use. Irrigation. Russell Ditch No. 1 Water Right. Name of Structure. Russell Ditch No. 1. Decrees. The 1889 Decree and 10CW36 Decree.Legal description of point of diversion. The Russell Company Ditch Headgate. Source. Saguache Creek. Appropriation Date. April 1, 1874.Amount. 5.20 cfs.Use. Irrigation.Russell Ditch No. 2 Water Right. Name of Structure. Russell Ditch No. 2. Decrees. The 1889 Decree and 10CW36 Decree.Legal description of point of diversion. The Russell Company Ditch Headgate. Source. Saguache Creek. Appropriation Date. May 1, 1874.Amount. 3 cfs.Use. Irrigation.Malone Ditch Water Right, Priority No. 4. Name of Structure. Malone Ditch (this water right was changed to allow diversion through the Russell Company Ditch Headgate in the 10CW36 Decree). Decrees. The 1889 Decree and 10CW36 Decree.Legal description of point of diversion. The Russell Company Ditch Headgate. Source. Saguache Creek. Appropriation Date. May 15, 1866.Amount. 0.25 cfs.Use. Irrigation.Detailed description of proposed change.Historical Use of the Water Rights. Maps showing the approximate location of the historical use of the water rights are attached as Exhibit A.Change of Use. Applicants seek to change the use of the water rights to include, in addition to the currently decreed irrigation use, augmentation and replacement, directly and/or by exchange and recharge, and/or following storage with the right to fully consume the consumable portion of the water. In addition to augmentation and replacement of the structure identified in paragraph 4, Applicants seek to change the water rights to allow use in the plan for augmentation sought in the pending application in Case No. 23CW3015 in Water Division 3. Plan of Operation. Applicants will use the Rio Grande Decision Support System ground water model (“RGDSS Model”) to calculate the amount, timing, and location of depletions associated with withdrawals of ground water from the well described below in the Augmentation Plan section. Applicants will change all or portions of the Replacement Water Rights in an amount sufficient to ensure that the available fully consumable portion of water is sufficient to replace Applicants’ well depletions. Applicants shall replace depletions either by delivering the fully consumable water to recharge ponds or by direct release to the stream, including after storage and/or by exchange. Return Flows. Applicants shall replace historic return flows either by delivering the fully consumable water to recharge ponds or by direct release to the stream, including after storage and/or by exchange, or through continued application of any water not needed for augmentation to the historic irrigation uses. **AUGMENTATION PLAN**Names of structure to be augmented.Well Permit No. 25755-F.Decree. Well No. 3, Case No. W-1241, Water Division 3.Permitted Location of Well. NW 1/4 SE 1/4 Section 13, Township 44 North, Range 7 East, NMPM at a point 2600 feet from the East Section line and 2600 feet from the South Section line. Appropriation Date. March 31, 1952.Amount. 250 gpm.Source. Unconfined Aquifer.Decreed uses. Stockwater and irrigation. Water rights to be used for augmentation. Depletions on Saguache Creek will be replaced using the water rights identified in paragraph three of this application and any other water rights lawfully available for such use.Depletions on the Rio Grande will be replaced using the following water rights, and any other water rights lawfully available for such use:Atkins Ditch Water Right.Name of Structure. Atkins Ditch. Previous decrees. Final Decree in the Matter of the Adjudication of the Priorities of Water Rights in Water District 20, Costilla County District Court, entered May 1, 1896; Case No. W-2967, entered January 3, 1974, by the District Court in and for Water Division No. 3.Point of Diversion. A point on the North Bank of the Rio Grande River whence the North Quarter corner of Section 28, Township 40 North, Range 5 East N.M.P.M., bears North 31º18.5’ West 2,125.00 feet distant. Priority Nos. and Amounts: Priority No. 57, 0.3 cfs; Priority No. 90: 0.67 cfs; Priority No. 143: 0.08 cfs. Use. Irrigation. The Atkins Ditch Water Right has historically been used for irrigation on a property referred to as the “Shadow Ranch” in Sections 21, 22, and 28, Township 40 North, Range 5 East, N.M.P.M., Rio Grande County, Colorado.The Atkins Ditch Water Right and the Atkins Ditch Exchange are the subject of the pending application in Case No. 23CW3015 in Water Division 3. Recharge water available from the use of the Atkins Ditch Water Right may be used pursuant to a final decree entered in Case No. 23CW3015, including recharge water that is exchanged pursuant to the appropriative right of exchange requested in said application.Depletions on San Luis Creek will be replaced through a lease with the Special Improvement Subdistrict No. 4 of the Rio Grande Water Conservation District using the water rights described in the Subdistrict’s 2024 Annual Replacement Plan Approval, available at <https://app.box.com/s/j62a2osu8hr7g5hleml2e1p8mzecbw39/file/1500412223253> and any other water rights that may be included in future Annual Replacement Plans, and other water rights lawfully available for such use. Applicants may enter into forbearance agreements with water rights owners on the Rio Grande, San Luis Creek, and Saguache Creek to allow monetary payments in lieu of providing replacement water. Applicants may also truck water for delivery to the stream to replacement depletions.Complete Statement of Augmentation Plan. The location of the well associated with Well Permit No. 25755-F (“Subject Well”) is illustrated on Exhibit A. Applicants will quantify the time, location, and amount of depletions from pumping the Subject Well using the RGDSS Model. Applicants will provide replacement water to Sagauche Creek, San Luis Creek, and Rio Grande to replace depletions from pumping the Subject Well to the extent that the call is senior to the water right decreed to the Well. Due to the small monthly and annual depletions calculated by the RGDSS Model, Applicants may aggregate deliveries of replacement water into monthly or annual releases. The augmentation plan will include any necessary terms and conditions such that the augmentation plan will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. Applicants reserve the right to propose additional terms and conditions to ensure non-injury. Names and addresses of owners 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. Applicants. Sustainable Water Augmentation Group, Inc.**,** c/o Lawrence Custer Grasmick Jones & Donovan, LLP**,** 5245 Ronald Reagan Blvd. Suite 1**,** Johnstown, CO 80534**. DETERMINATION OF WATER RIGHTS.** The following water rights have historically been used for livestock watering, enhancement of soil moisture and recharge of the aquifer throughout the calendar year, including during the non-irrigation season, since their respective original dates of appropriation and for their full decreed flow rates. Therefore, Applicants seek judicial confirmation and a determination pursuant to C.R.S. § 37-92-302(1)(a) that the original beneficial uses of the water rights described below included icing of meadows, livestock watering, and recharge of the aquifer throughout the calendar year, including during the non-irrigation season.The Russell Company Ditch water right described in paragraph 3.1. The Russell Ditch No. 1 water right, described in paragraph 3.2.The Russell Ditch No. 2 water right described in paragraph 3.3.

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Water Division 3, 8955 Independence Way, Alamosa, CO 81101.**

**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  
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office of the Water Clerk during the month of August 2024 for each county affected.**

2022CW44 Jess Douglas and Emily Lynn Freel: 7257 County Road 112, Mosca, CO 81146 [Freelfarms8245@gmail.com](mailto:Freelfarms8245@gmail.com) (719) 588-7051 CONCERNING THE AMENDED APPLICATION FOR WATER RIGHT OF JESS DOUGLAS AND EMILY LYNN FREEL IN SAGUACHE COUNTY. Increase to the Adjudicated Flowrate of existing supplemental wells on Field No. 5 (SE1/4 Section 15, T39N, R10E, NMPM) PLEASE NOTE: This portion of the Case No. 22CW44 application for change of underground water rights remains the same. Applicants continue to seek correction of the decreed source for Well No. 1, Case No. 87CW39, WDID 2006604, to the unconfined and confined aquifers AND increase the allowable flowrate of Well Nos. 1S and 1SS to 800 gpm individually and in combination with the other wells. Decreed water right for which change is sought Name of structure: Well No. 1, Case No. 87CW39, Permit No. 20096-F, WDID 2006604 (Well No.1) Date of original and all relevant subsequent decrees: March 13, 1991, Court: District Court, Water Division No. 3 Legal description of decreed structure: **Center of the SE1/4 Section 15, Township 39 North, Range 10 East NMPM**

D. Decreed source of water: Unconfined Aquifer Note: at a depth of 124 feet and perforated

casing from 25 feet to 124 feet, this well likely produces from both the unconfined and

confined aquifers. Applicants request the Court to recognize the dual water source. Appropriation Date: March 21, 1976, Page 1 of 5 Total amount decreed to structure: **800 GPM, being 1.78 cfs** Decreed use: **Irrigation** Amount of water that applicant intends to change: **800 gpm, being 1.78 cfs** Decreed water right for which change is sought: Name of structure: **Well No. 1S, Case No. 87CW40, Permit No. 24862-F, WDID 2006605 (Well** **No. 1S)** Date of original and all relevant subsequent decrees: **March 13, 1991** **Court: District Court, Water Division No. 3** Legal description of decreed structure:**SE1/4 SE1/4 Section 15, Township 39 North, Range 10 East NMPM** Decreed source of water: **Unconfined Aquifer Note: at a depth of 60 feet and perforated** **casing from 20 feet to 60 feet, this well produces from the unconfined aquifer.** Appropriation Date: **March 21, 1976,** Total amount decreed to structure: **400 GPM, being 0.891 cfs as a supplemental well to Well** **No. 1.0.** Decreed use: **Irrigation** Amount of water that applicant intends to change: **800 gpm, being 1.78 cfs** Decreed water right for which change is sought: Name of structure: **Well No. 1SS, Case No. 87CW40, Permit No. 24863-F, WDID 2006606** **(Well No. 1SS)** Date of original and all relevant subsequent decrees: **March 13, 1991,** **Court: District Court, Water Division No. 3** Legal description of decreed structure: **SE1/4 SE1/4 Section 15, Township 39 North, Range 10 East NMPM** Decreed source of water: **Unconfined Aquifer Note: at a depth of 60 feet and perforated** **casing from 20 feet to 60 feet, this well produces from the unconfined aquifer.** Appropriation Date: **March 21, 1976,** Total amount decreed to structure: **300 GPM, being 0.668 cfs as a supplemental well to Well** **No. 1.** Decreed use: **Irrigation** Amount of water that applicant intends to change: **800 gpm, being 1.78 cfs.** Detailed description of proposed change: **Transfer 200 gpm and 60 acre-feet of historical pumping from Well No. 1 to an existing supplemental well, unpermitted, located within the NW1/4 SE1/4 Section 15, Township 39 North, Range 10 East, NMPM with GPS location of UTM, NAD83 423990 mE, 4164350 mN. This well was the subject of administrative orders of the Division Engineer in 1990. The well was drilled in 1980 and is approximately 60 feet deep. This well (propose name of No. R) produces from the unconfined aquifer. This well would be used as the third supplemental irrigation well to Well No. 1. All well production will be metered in compliance with Case No. 05CW12. Applicants and their predecessors have retired considerable acreage since inception of the first well in 1966. Nearly 155 acres were irrigated with wells and surface water in the 1960’s and 1970’s. The sprinkler was placed in 1984 and covered 130 acres with end gun and long boom. The sprinkler size was cut back in the early 2000’s to the current 120 acres. This dry-up should support transfer ofr the needed consumptive use to Field No. 5. The SE1/4 of Section 15, T39N, R10E, NMPM is within the defined service area of the Prairie Ditch Company. Applicants have shares that are used for direct irrigation and recharge. Applying to transfer water from Well No. 1, Case No. W-3603, WDID 2013518, located on the SW1/4 of Section 32, T40N, R10E, NMPM (Field No. 2) to an existing un-papered irrigation located on the SE1/4 of Section 15, T39N, R10E, NMPM (Field No. 5). Yes, see above. Name of owner:** Jess Douglas and Emily Lynn Freel 7257 County Road 112, Mosca CO 81146 [Freelfarms8245@gmail.com](mailto:Freelfarms8245@gmail.com) (719) 588-7051

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office of the Water Clerk during the month of August 2024 for each county affected.**

**2024CW3009 D. Shane Temple, Elizabeth A. Temple, and M&S Shaw Properties, LLC,** 41150 County Road G, Del Norte, CO 81132, Telephone: (719) 850-3083, 2303 River Rd Ste 301, Attn Gary R Weitkamp, Louisville, KY 40206, US, (502) 551-4651 (P. Andrew Jones, #29076, Law Office of P. Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, Telephone: (970) 235-0252, E-mail: [ajones@pandrewjones.com](mailto:ajones@pandrewjones.com)). **APPLICATION FOR CHANGE OF PLACE OF USE AND FOR APPROVAL OF ALTERNATE POINT OF DIVERSION.**  2. Name of Structure: Well No. 1 W-3180. 2.1 Original Decree: 2.1.1. Case No. W-3180, Water Division No. 3. 2.1.2 Adjudication date: April 20, 1978. 2.1.3 Appropriation date: August 31, 1963. 2.1.4 Decreed Location: In the NW 1/4 of the SW1/4 of Section 6, Township 41 North, Range 7 East, NMPM, at a point 700 feet from the West Section Line and 2600 Feet from the South Section Line, in Saguache County, Colorado. 2.1.5 Decreed flow rate: 2140 g.p. (4.76 c.f.s.). 2.1.6 Decreed Use: Irrigation. 2.1.7. Well Permit: 04413-F. 2.1.8. WDID: 2705326. 3. Name of Structure: Well No. 1-A (alternate point to Well No. 1 W-3180) 3.1. Original Permit: 3.1.1. This well was permitted in 1979 as an alternate point of diversion for Well No. 1 W-3180. It has not yet been decreed. 3.1.2. Location: In the NW 1/4 of the SE 1/4 of Section 6, Township 41 North, Range 7 East, NMPM, at a point 1400 feet from the South Section Line and 1400 Feet from the East Section Line, in Saguache County, Colorado. 3.1.3. Flow rate: 2140 g.p.m. (4.76 c.f.s.) in combination with Well No. 1 W-3180. 3.1.4. Annual Appropriation: 1428 acre feet, in combination with Well No. 1 W-3180. 3.1.5. Use: Irrigation of not more than 475 acres in the South half of Section 6, and the NW 1/4, N 1/2 of the SW 1/4, and the NW 1/4 of the SE 1/4 of section 7, T41N, R7E, NMPM, in combination with Well No. 1 W-3180. 3.1.6. Well Permit: 24009-F. 3.1.7. WDID: 2706243. 4. History of Well. 4.1. The W-3180 decree does not identify a place of use or irrigated acreage for Well No. 1 W-3180. Contemporary filings and ownership records indicate that the Applicant used the well to irrigate the South 1/2 of Section 6 and portions of Section 7, Township 41 North, Range 7 East, NMPM. 4.2. In 1979, a previous owner of the well applied for and received a permit to drill Well No. 1-A as an alternate point of diversion for Well No. 1 W-3180. At that time, the well owner indicated irrigation of 475 acres in the South half of Section 6, and the NW 1/4, N 1/2 of the SW 1/4, and the NW 1/4 of the SE 1/4 of section 7, T41N, R7E, NMPM, by the wells combined. 4.3. In 1983, the owner of the property and the wells installed center pivot irrigation systems. Well No. 1 W-3180 supplies a 123acre circle in the NE 1/4 of Section 6, T41N, R7E, NMPM. Well No. 1-A supplies a 132 circle in the South 1/2 of Section 6, T41N, R7E, NMPM. The combined acreage of the circles is 255 acres. Irrigation in this manner has occurred through the present. 5. Approval of Alternate Point of Diversion. Applicant seeks a decree approving Well No. 1-A as an alternate point of diversion for Well No. 1 W-3180, under the terms and conditions stated in Well Permit 24009-F. 6. Change in Irrigated Acreage. Applicants request that the location of use for irrigation be changed to the NE 1/4 and the South 1/2 of Section 6, T41N, R7E, NMPM for Well No. 1 W-3180 and its alternate point Well No. 1-A. Applicant further proposes that, consistent with Well Permit 24009-F, the irrigated acreage for the combined wells be limited to 475 acres, a rate of withdrawal not exceeding 2140 g.p.m. (4.76 c.f.s.), and an annual withdrawal amount of 1428 acre feet. This correction is consistent with the well permits in place since 1983 and the historical practice and will not result in an expansion of acreage irrigated by the wells. No expansion of use or injury will occur. 7. Name and address of owner of land on which structure is located: Applicants. Dated August 30, 2024.

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