**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 December 2024 for each county affected.**

**Case Number 2024CW3011.** Application for Change of Water Right in Saguache County. **Name, address, email address of applicant**: John H. Wagner, III and Carol J. Wagner, 6951 S.E. Harbor Cir. Stuart, FL 34996, (772) 285-8462; carolw7@comcast.net (atty Erich Schwiesow PO Box 1974, Alamosa, CO 81101 (719) 580-1291 erich@erichschwiesowpc.com. **Decreed rights for which change is sought**: Clayton Old Channel Ditch; Cody Ditch; Clayton Ditch D, all originally decreed on March 28, 1890, Saguache County District Court. **Location of points of diversion:** Pursuant to the decree entered in Case No. 2014 CW 3007, the water rights to be changed are diverted at two points of diversion, with a combined limit of 3.7 cfs between the two points of diversion described as: Original Headgate: On the North Bank of Kerber Creek in the SE1/4 NW1/4 of Section 26, T.46 N., R.8 E., N.M.P.M., more particularly described as South 26 Degrees, 45 Minutes, 24 Seconds West, 2536.58 feet from the North quarter corner of said Section 26, said location being approximately 1,400 feet from the West line and 2,350 feet from the North line of said Section 26. Alternate Headgate: On the North Bank of Kerber Creek in the NE1/4 SE1/4 of Section 24, T. 46 N., R. 8 E., N.M.P.M., with UTM coordinates NAD 1983 Zone 13 North, described as follows: Northing 4,231,345 Easting 409,545. **Decreed source:** Kerber Creek. **Decreed use**: Pursuant to the decree entered in Case No. 2014CW3007, all three water rights combined are decreed for irrigation of 185 acres of land located generally along Kerber Creek in portions of Sections 17, 18, 19, and 20, Township 46 North, Range 9 East, N.M.P.M. **Detailed description of proposed change:** Approximately 75 acres irrigated by the Clayton Old Channel Ditch/Cody Ditch and Clayton Ditch D will be fallowed during the months of April and May to allow for calving. These lands lie on the ranch north of Kerber Creek near the ranch headquarters. This fallowing will result in reduced consumptive use on these lands which Wagner Ranch would like to transfer upstream to Clayton Ditch F/G during those months to allow for increased diversion in addition to what is available to Clayton Ditch F/G. Pursuant to the decree entered in Case No. 96CW19, Clayton Ditch F and G are administered through a common headgate (Clayton Ditch F/G) located in the NW1/4 NW1/4 of Section 27, T. 46 N., R. 8 E., N.M.P.M, on the south bank of Kerber Creek at a point 1250 feet from the north section line, and 1000 feet from the west section line. Clayton Ditch F/G is used for irrigation of 150 acres along the south side of Kerber Creek generally in Sections 26 and 27, T. 46 N., R. 8 E., N.M.P.M. For the remainder of the year, or for years in which no fallowing for calving will take place, all the ditches will be operated in accordance with their decrees. **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:** N/A.

**You are notified that you have until the last day of February 2025, 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.**

**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 December 2024 for each county affected.**

**Case No. 2024CW3012 (17CW3000; 09CW16, 01CW22, 93CW42, 85CW78)** **APPLICATION FOR FINDING OF DILIGENCE IN ALAMOSA AND SAGUACHE COUNTIES,** Name, mailing address, and telephone number of Applicant: Rio Grande Water Conservation District, c/o General Manager, 8805 Independence Way, Alamosa, Colorado 81101, Telephone: 719-589-6301, please provide copies of all pleadings in this case to: David W. Robbins, Peter J. Ampe, and Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207. 2. Name of Structures: The unconfined aquifer of the Closed Basin within the boundaries of the Closed Basin Water Salvage Project together with 22 recharge facilities. Water storage will occur within and adjacent to the boundaries of the Closed Basin Water Salvage Project (“Closed Basin Project”), as defined in Case No. W-3038. 3**.** Describe conditional water right, as to each structure, giving the following from the Referee’s Ruling and Judgment and Decree: 3.1 Date of Original Decree: On January 29, 1988, Applicant obtained a conditional decree for underground water storage rights in Case No. 85CW78. On November 3, 1995, an absolute decree was awarded for a portion of the water right claimed for Structure 21, for recharge at a rate up to 0.36 cfs as ground water storage in the amount of 12 acre-feet with an appropriation date of July 15, 1985. The remaining portion of the water right claimed for Structure 21, as well as Recharge Structure Nos. 1 – 20 and 22, were continued as conditional. On May 29, 2003, and again on January 13, 2011, and again on December 17, 2018, the Court continued the conditional rights for Recharge Structures 1 – 20 and 22, as well as the remainder of Structure 21, as described in Case Nos. 85CW78, 93CW42, 01CW22 and 09CW16. 3.2 Court: District Court, Water Division 3, State of Colorado. 3.3 The recharge facilities consist of 22 recharge structures. The recharge facilities will capture unappropriated surface water, and unused tailwater from surface ditches, in priority, for recharge into the unconfined aquifer of the Closed Basin within the Project boundaries, where it will be stored for subsequent withdrawal through the project shallow well facilities for the purposes set forth in the Closed Basin Project decree in Case W-3038. In the Decree in Case No. 01CW22 the court ruled: Applicant obtained a conditional decree to divert and store up to a total of 34,500 [sic] acre-feet of water per year through the 22 recharge structures. The recharge structures are located on federal, state, and private property at various points around the boundary of the Closed Basin Project. Applicant has or will obtain rights-of-way or easements before constructing its recharge structures. With respect to points of diversion Nos. 18 – 22, Applicant seeks to appropriate only tailwater and waste water arriving at those points of diversion and seeks no right to adversely affect the operation of ditch systems nor to claim a priority for the water claimed in its application superior to the rights of shareholders or owners of said ditch systems. Furthermore, with respect to points of diversion Nos. 13 – 17, Applicant seeks to appropriate only tailwater and waste water arriving at these points of diversion and recharge and seeks no right to adversely affect the historic operation of ditch systems along Saguache Creek, nor to claim a priority for the water claimed in its application superior to the vested rights of the owners of said ditch systems deriving supplies from Saguache Creek or its tributaries. Decree, 01CW22 ¶9. 3.4 Prior Stipulation with Hazard. Pursuant to a stipulation entered into between Mr. Perry Hazard and the Applicant on October 9, 2002 in Case No. 01CW22, the District recognized that recharge structures 13 – 17, decreed in Case No. 85CW78 are located near the boundary of the Closed Basin Project and when constructed, will permit the District to capture excess flows, return flows, and water of Saguache Creek that are not beneficially used upstream of the location of the recharge facilities. In the stipulation, the District agreed that the conditional water rights decreed in Case No. 85CW78: will not serve as a basis to object to the exercise of the water right granted to Hazard in Case No. 2001CW28, now or in the future, and the District acknowledges by this Stipulation that its conditional water right decreed in Case No. 85CW78 is hereby and will be subordinated to Hazard’s right to use the Hearn Ditch for purposes of livestock watering and winter recharge of the aquifer on the S/2 and SW/4NE/4 of Section 15 and the SW/4 of Section 14, all in Township 44 North, Range 8 East, N.M.P.M. The terms of both the stipulation entered into between Mr. Perry Hazard and the Applicant on October 9, 2002, in Case No. 01CW22, and the Decree in Case No. 01CW22 apply to this diligence application and future diligence applications by the District relating to these conditional water rights. 3.5 Prior Stipulation with Woodard. Pursuant to the stipulation entered into between Ms. Diane Woodard and the Applicant on July 1, 2018 in Case No. 17CW3000, the District agreed that various water rights associated with the Woodard Ranch described in that stipulation are all senior to the conditional water rights decreed in Case No. 85CW78 and that are the subject of Case No. 17CW3000, and that the District will not object to or interfere with the lawful exercise of any such rights in any way. The terms of both the stipulation entered into between Ms. Diane Woodard and the Applicant on July 1, 2018 in Case No. 17CW3000, and the Decree in Case No. 17CW3000 shall apply to this diligence application and future diligence applications by the District relating to these conditional water rights. 3.6 Location: The recharge facilities consist of 22 recharge pits. Applicant obtained a conditional decree to divert and store up to a total of 34,100 acre-feet of water per year through the 22 recharge pits. The recharge pits are located on federal, state, and private property at various points around the boundary of the Closed Basin Project. Applicant will obtain rights-of-way or easements before constructing its recharge pits. With respect to points of diversion Nos. 18 – 22, Applicant seeks to appropriate only tailwater and waste water arriving at those points of diversion and seeks no right to adversely affect the operation of ditch systems nor to claim a priority for the water claimed in its application superior to the rights of shareholders or owners of said ditch systems. See generally, Exhibit A 3.6.1 Point of Diversion No. 1: A surface water diversion located in S1/2 of Sec. 6, T38N, R13E, N.M.P.M., Alamosa County, Colorado, whence the Southeast Corner of Sec. 36, T39N, R12E, N.M.P.M., bears N. 3°36.5' W., 4172.32 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 150 feet in width, being 75 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in S1/2 of Sec. 6, T38N, R13E, N.M.P.M., Alamosa County, Colorado, whence the Southeast Corner of Sec. 36, T39N, R12E, N.M.P.M., bears N. 3°36.5' W., 4172.32 feet distant; thence North, 720 feet to the point of termination located in Sec. 6, T39N., R13E., N.M.P.M., whence said Southeast Corner of Sec. 36, T39N., R12E., N.M.P.M., bears N. 4°21.5' W., 3454.05 feet distant. 3.6.2 Point of Diversion No. 2: A surface water diversion located in Sec. 6, T38N, R13E., N.M.P.M., Alamosa County, Colorado, whence the Southeast Corner of Sec. 36, T39N., R12E., N.M.P.M., bears N. 6°14.5' W., 2628.62 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 150 feet in width, being 75 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in Sec. 6, T38N., R12E., N.M.P.M., whence the Southeast Corner of Sec. 36, T39N., R12E., N.M.P.M., bears N. 6°14.5' W., 2628.62 feet distant; thence North, 720 feet to the point of termination located in Sec. 6, T38N., R13E., N.M.P.M., whence the Southeast Corner of said Sec. 36, T39N., R12E., N.M.P.M., bears N. 8°35' W., 1914.49 feet distant. 3.6.2 Point of Diversion No. 3: A surface water diversion located in SE1/4 of Sec. 25, T39N, R12E, N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 25 bears N. 3°54.7' E., 2058.87 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 150 feet in width, being 75 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in SE1/4 of Sec. 25, T39N., R12E., N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 25 bears N. 3°54.7' E., 2058.87 feet distant; thence S. 7°00' W., 720 feet to the point of termination located in NE1/4 of Sec. 36. T39N., R12E, N.M.P.M., whence the East Quarter Corner of said Sec. 25 bears N. 4°42.7' E. 2778.10 feet distant. 3.6.4 Point of Diversion No. 4: A surface water diversion located in SE1/4 of Sec. 25, T39N, R12E, N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 25 bears N. 2°51.5' E., 991.23 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 150 feet in width, being 75 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in SE1/4 of Sec. 25, T39N., R12E., N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 25 bears N. 2°51.5' E., 991.23 feet distant; thence S. 7°00' W., 720 feet to the point of termination located in SE1/4 of said Sec. 25 whence the East Quarter Corner of said Sec. 25 bears N. 4°36' E. 1710.14 feet distant. 3.6.5 Point of Diversion No. 5: A surface water diversion located in NE1/4 of Sec. 25, T39N., R12E., N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 25 bears S. 13°25.5' E., 901.28 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 300 feet in width, being 150 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in NE1/4 of Sec. 25, T39N., R12E, N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 25 bears S. 13°25.5' E., 901.28 feet distant; thence S. 5°00' W., 960 feet to the point of termination located in SE1/4 of said Sec. 25 whence the East Quarter Corner of said Sec. 25 bears N. 74°47' E. 303.57 feet distant. 3.6.6 Point of Diversion No. 6: A surface water diversion located near the line between Secs. 12 and 13, T39N, R12E, N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 13 bears S. 5°42.5' E., 2654.78 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 200 feet in width, being 100 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Secs. 12 and 13, T39N, R12E, N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 13 bears S. 5°42.5' E., 2654.78 feet distant; thence S. 17°00' W., 1200 feet to the point of termination located in NE1/4 of said Sec. 13 whence the East Quarter Corner of said Sec. 13 bears S. 22°22' E. 1615.64 feet distant. 3.6.7 Point of Diversion No. 7: A surface water diversion located near the line between Secs. 11 and 12, T39N., R12E, N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of Sec. 13, T39N, R12E, N.M.P.M., bears S. 38°37.5' E., 8779.20 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 125 feet in width, being 62.5 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Secs. 11 and 12, T39N, R12E, N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of Sec. 13, T39N, R12E, N.M.P.M., bears S. 38°37.5' E., 8779.20 feet distant; thence S. 52°00' W., 2300 feet to the point of termination located in said Sec. 11 whence the East Quarter Corner of said Sec. 13 bears S. 53°16’ E., 9099.71 feet distant. 3.6.8 Point of Diversion No. 8: A surface water diversion located near the line between Secs. 1 and 2, T39N, R12E., N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 13, T39N., R12E., N.M.P.M. bears S. 33°19.5' E., 10046.07 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 125 feet in width, being 62.5 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Secs. 1 and 2, T39N., R12E., N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 13, T39N., R12E., N.M.P.M., bears S. 33°19.5' E., 10046.07 feet distant; thence S. 56°00' W., 2300 feet to the point of termination located in NE1/4 of Sec. 11, T39N., R12E., N.M.P.M., whence the East Quarter Corner of said Sec. 13 bears S. 46°15' E. 10279.55 feet distant. 3.6.9 Point of Diversion No. 9: A surface water diversion located near the line between Secs. 20 and 29, T40N, R12E, N.M.P.M., Alamosa County, Colorado, whence the Southwest Corner of Sec. 32, T40N, R12E, N.M.P.M. bears S. 10°29.5' W., 10765.28 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 20 feet in width, being 10 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Secs. 20 and 29, T40N, R12E, N.M.P.M., Alamosa County, Colorado, whence the Southwest Corner of Sec. 32 T40N, R12E, N.M.P.M., bears S. 10°29.5' W., 10765.28 feet distant; thence S. 18°40' W., 2800 feet; thence South, 2850 feet; thence West, 900 feet; thence S. 55°00 W., 4000 feet to the point of termination located in SW1/4 of Sec. 31, T40N, R12E, N.M.P.M., whence said Southwest Corner of said Sec. 32 bears S. 48°09' E. 4179.09 feet distant. 3.6.10 Point of Diversion No. 10: A surface water diversion located near the line between Secs. 29 and 30, T40N, R12E, N.M.P.M., Alamosa County, Colorado, whence the Southwest Corner of said Sec. 32, T40N, R12E, N.M.P.M. bears S. 0°01' E., 10266.93 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 20 feet in width, being 10 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Secs. 29 and 30, T40N, R12E, N.M.P.M., Alamosa County, Colorado, whence the Southwest Corner of Sec. 32, T40N, R12E, N.M.P.M., bears S. 0°01' E., 10266.93 feet distant; thence South, 1500 feet; thence S. 51°58.5' E., 1354.35 feet; thence South, 2850 feet; thence West, 900 feet; thence S. 55°00 W., 4000 feet to the point of termination located in SW1/4 of Sec. 31, T40N, R12E, N.M.P.M., whence the Southwest Corner of said Sec. 32 bears S. 48°09' E. 4179.09 feet distant. 3.6.11 Point of Diversion No. 11: A surface water diversion located in SE1/4 of Sec. 14, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the Northeast Corner of said Sec. 14 bears N. 1°57.5' E., 2725.96 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 20 feet in width, being 10 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in SE1/4 of Sec. 14, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the Northeast Corner of said Sec. 14 bears N. 1°57.5' E., 2725.96 feet distant; thence S. 61°15' W., 1100 feet; thence S. 4°05' W., 1200 feet; thence S. 39°50' E., 1500 feet; thence S. 32°50' W., 3200 feet; thence South, 1400 feet to the initial point on an earthen recharge pond 5 feet deep, 675 feet in width, being 337.5 feet on either side of the following described centerline, to-wit: Beginning at said initial point; thence S. 21°30' W., 2675 feet to the point of termination located in Sec. 26, T40N, R11E, N.M.P.M., whence the Northeast Corner of said Sec. 14 bears N. 13°23' E. 12519.87 feet distant. Also an earthen conveyance ditch 5 feet deep, 20 feet in width, being 10 feet wide on either side of the following described centerline, to-wit: Beginning at a point on the above-described conveyance ditch located in NE1/4 of Sec. 23, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the Northeast Corner of Sec. 14, T40N, R11E, N.M.P.M., bears N. 9°52' E., 7392.08 feet distant; thence S. 82°45' W., 3440 feet to the initial point on an earthen recharge pond 4 feet deep, 675 feet in width, being 337.5 feet on either side of the following described centerline, to-wit: Beginning at said initial point, thence North, 1337.5 feet; thence, West, 1337.5 feet to the point of termination located in the NE1/4 of Sec. 22, T40N, R11E, N.M.P.M., whence the Northeast Corner of said Sec. 14 bears N. 43°19.5' E. 8769.01 feet distant. 3.6.12 Point of Diversion No. 12: A surface water diversion located near the line between Secs. 1 and 2, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 2 bears North, 7.0 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 3 feet deep, 10 feet in width, being 5 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Secs. 1 and 2, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the East Quarter Corner of said Sec. 2 bears North, 7.0 feet distant; thence South, 1100 feet; thence S. 54°00' W., 600 feet; thence S. 21°00 W., 300 feet; thence S. 67°00' W., 1600 feet; thence West, 1000 feet to the initial point on an earthen recharge pond 5 feet deep, 200 feet in width, being 100 feet on either side of the following described centerline, to-wit: Beginning at said initial point; thence West, 2160 feet to the point of termination located in SW1/4 of said Sec. 2, whence the East Quarter Corner of said Sec. 2 bears N. 65°39' E. 5735.94 feet distant. 3.6.13. Point of Diversion No. 13: A surface water diversion located near the line between Sec. 33, T43N, R10E, N.M.P.M., and Sec. 4, T42N, R10E, N.M.P.M., Saguache County, Colorado, whence the South Quarter Corner of said Sec. 33 bears N. 83°25' W., 1228.17 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 20 feet in width, being 10 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Sec. 33, T43N, R10E, N.M.P.M., and Sec. 4, T42N, R10E, N.M.P.M., Saguache County, Colorado, whence the South Quarter of said Sec. 33 bears N. 83°25' W., 1228.17 feet distant; thence S. 24°30 E., 1000 feet; thence S. 57°00' E., 3400 feet; thence S. 10°00' E., 2700 feet to the initial point on an earthen recharge pond 5 feet deep, 400 feet in width, being 200 feet on either side of the following described centerline, to-wit: Beginning at said initial point; thence S. 10°00' E., 2700 feet to the point of termination located in Sec. 10, T42N, R10E, N.M.P.M., whence the South Quarter Corner of said Sec. 33 bears N. 33°25' W., 9848.65 feet distant. Also an earthen conveyance ditch 5 feet deep, 20 feet in width, being 10 feet wide on either side of the following described centerline, to-wit: Beginning at a point on the above-described conveyance ditch located in NE1/4 of Sec. 4, T42N, R10E, N.M.P.M., Saguache County, Colorado, whence the South Quarter Corner of Sec. 33, T43N, R10E, N.M.P.M., bears N. 57°16' W., 1943.34 feet distant; thence S. 32°00' W., 900 feet to the initial point on an earthen recharge pond 5 feet deep, 400 feet in width, being 200 feet on either side of the following described centerline, to-wit: Beginning at said initial point, thence S. 32°00' W., 1000 feet; thence S. 77°00' W., 1800 feet to the point of termination located in Sec. 4, T42N, R10E, N.M.P.M., whence the South Quarter Corner of said Sec. 33 bears N. 20°09.5' E. 3267.12 feet distant. 3.6.14 Point of Diversion No. 14: A surface water diversion located near the line between Secs. 30 and 31, T43N, R10E, N.M.P.M., Saguache County, Colorado, whence the Northeast Corner of Sec. 31, T43N, R10E, N.M.P.M., bears S. 84°09.5' E., 4818 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 3 feet deep, 100 feet in width, being 50 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Secs. 30 and 31, T43N, R10E, N.M.P.M., Saguache County, Colorado, whence the Northeast Corner of Sec. 31, T43N, R10E, N.M.P.M., bears S. 84°09.5' E., 4818 feet distant; thence S. 6°00 W., 4000 feet; thence S. 34°00' E., 2200 feet; thence South, 4000 feet to the point of termination located in SW1/4 of Sec. 6, T42N, R10E, N.M.P.M., whence said Northeast Corner of said Sec. 31 bears N. 23°09' E. 10126.85 feet distant. Also an earthen ditch 3 feet deep, 100 feet in width, being 50 feet wide on either side of the following described centerline, to-wit: Beginning at a point on the above-described ditch located in SW1/4 of Sec. 31, T43N, R10E, N.M.P.M., Saguache County, Colorado, whence the Northeast Corner of Sec. 31, T43N, R10E, N.M.P.M., bears N. 56°12.5' E., 6270.43 feet distant; thence S. 69°00' W., 2500 feet to the point of termination located in the SE1/4 of Sec. 36, T43N, R09E, N.M.P.M., whence the Northeast Corner of said Sec. 31 bears N. 59°50.5' E. 8726.04 feet distant. 3.6.15 Point of Diversion No. 15: A surface water diversion located in SW1/4 of Sec. 26, T43N, R09E, N.M.P.M., Saguache County, Colorado, whence the Southwest Corner of Sec. 35, T43N, R09E, N.M.P.M., bears S. 5°00' W., 6300 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 100 feet in width, being 50 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in SW1/4 of Sec. 26, T43N, R09E, N.M.P.M., Saguache County, Colorado, whence the Southwest Corner of Sec. 35, T43N, R09E, N.M.P.M., bears S. 5°00' W., 6300 feet distant; thence S. 79°00 E., 4000 feet to the point of termination located in SE1/4 of said Sec. 26 whence the Southwest Corner of said Sec. 35 bears S. 39°04.5' W. 7100.8 feet distant. 3.6.16 Point of Diversion No. 16: A surface water diversion located near the line between SW1/4 of Sec. 2, T42N, R09E, N.M.P.M., Saguache County, Colorado, whence the Southwest Corner of said Sec. 2 bears S. 30°00' W., 40 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 3 feet deep, 125 feet in width, being 62.5 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in SW1/4 of Sec. 2, T42N, R09E, N.M.P.M., Saguache County, Colorado, whence the Southwest Corner of said Sec. 2 bears S. 30°00' W., 40 feet distant; thence S. 85°00 E., 2200 feet; thence S. 57°00' E., 2300 feet; thence N. 56°00' E., 2100 feet; thence S. 28°00' E., 3900 feet to the point of termination located in SW1/4 of Sec. 12, T42N, R09E, N.M.P.M., whence the Southwest Corner of said Sec. 2 bears N. 64°30' W., 8545.01 feet distant. 3.6.17 Point of Diversion No. 17: A surface water diversion located near the line between NW1/4 of Sec. 11, T42N, R09E, N.M.P.M., Saguache County, Colorado, whence the West Quarter of said Sec. 11 bears S. 1°00' W., 204 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 150 feet in width, being 75 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in NW1/4 of Sec. 11, T42N, R09E, N.M.P.M., Saguache County, Colorado, whence the West Quarter of said Sec. 11 bears S. 1°00' N., 204 feet distant; thence East, 2400 feet to the point of termination located in said NW1/4 of Sec. 11 whence said West Quarter Corner of said Sec. 11 bears S. 85°09' W., 2412.20 feet distant. 3.6.18 Point of Diversion No. 18: A surface water diversion located near the line between Secs. 4 and 5, T41N, R10E, N.M.P.M., Saguache County, Colorado, whence the Northeast Corner of said Sec. 4 bears N. 62°11' E., 5918.79 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 145 feet in width, being 72.5 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Secs. 4 and 5, T41N, R10E., N.M.P.M., Saguache County, Colorado, whence the Northeast Corner of said Sec. 4 bears N. 62°11' E., 5918.79 feet distant; thence N. 25°45' E., 100 feet; thence S. 64°15' E., 4900 feet to the point of termination located in SE1/4 of said Sec. 4 whence said Northeast Corner of said Sec. 4 bears N. 9°12.5' E., 4863.31 feet distant. 3.6.19 Point of Diversion No. 19: A surface water diversion located in E1/2 of Sec. 34, T41N., R10E, N.M.P.M., Saguache County, Colorado, whence the Southeast Corner of said Sec. 34 bears S. 34°28' E., 3168.28 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 100 feet in width, being 50 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in E1/2 of Sec. 34, T41N, R10E, N.M.P.M., Saguache County, Colorado, whence the Southeast Corner of said Sec. 34 bears S. 34°28' E., 3168.28 feet distant; thence South 100 feet; thence East, 5900 feet to the point of termination located in E1/2 of said Sec. 35, T41N, R10E, N.M.P.M., whence said Southeast Corner of said Sec. 34 bears S. 58°33' W. 4814.36 feet distant. 3.6.20 Point of Diversion No. 20: A surface water diversion located near the line between Secs. 18 and 19, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the Southwest Corner of said Sec. 18 bears West, 58.75 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 100 feet in width, being 50 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Secs. 18 and 19, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the Southwest Corner of said Sec. 18 bears West, 58°75' feet distant; thence East, 4300 feet to the point of termination whence the Southwest Corner of said Sec. 18 bears West, 4358.75 feet distant. 3.6.21 Point of Diversion No. 21: A surface water diversion located near the line between Secs. 19 and 30, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the Southeast Corner of said Sec. 19 bears N. 88°36' E., 2975.74 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 100 feet in width, being 50 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located near the line between Secs. 19 and 30, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the Southeast Corner of said Sec. 19 bears N. 88°36' E., 2975.74 feet distant; thence South, 100 feet; thence N. 88°36' E., 4300 feet to the point of termination located in NW1/4, Sec. 29, T40N, R11E, N.M.P.M., whence the Southeast Corner of said Sec. 19 bears N. 87°04.5' W., 1325.59 feet distant. 3.22 Point of Diversion No. 22: A surface water diversion located in Sec. 29, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the Northwest Corner of said Sec. 29 bears N. 13°15.5' W., 2549.74 feet distant. Type and Location of Recharge Structure: A surface water recharge structure consisting of an earthen ditch 5 feet deep, 100 feet in width, being 50 feet wide on either side of the following described centerline, to-wit: Beginning at the diversion point located in Sec. 29, T40N, R11E, N.M.P.M., Alamosa County, Colorado, whence the Northwest Corner of said Sec. 29 bears N. 13°15.5' W., 2549.74 feet distant; thence North, 150 feet; thence East, 4300 feet to the point of termination located in E1/2 of said Sec. 29 whence the Northwest Corner of said Sec. 29 bears N. 64°29' W., 5412.77 feet distant. 3.7 Source: Unappropriated surface water and unused tail water from surface ditches (natural streams, constructed drains, and canals.) 3.8 Appropriation Date: July 16, 1985. 3.9 Amount:

 3.9.1 Rate of Flow:

|  |  |
| --- | --- |
| Point of Diversion No. 1 | 5 c.f.s. |
| Point of Diversion No. 2 | 5 c.f.s. |
| Point of Diversion No. 3 | 5 c.f.s. |
| Point of Diversion No. 4 | 5 c.f.s. |
| Point of Diversion No. 5 | 10 c.f.s. |
| Point of Diversion No. 6 | 10 c.f.s. |
| Point of Diversion No. 7 | 8 c.f.s. |
| Point of Diversion No. 8 | 8 c.f.s. |
| Point of Diversion No. 9 | 3 c.f.s. |
| Point of Diversion No. 10 | 5 c.f.s. |
| Point of Diversion No. 11 | 5 c.f.s. |
| Point of Diversion No. 12 | 5 c.f.s. |
| Point of Diversion No. 13 | 10 c.f.s. |
| Point of Diversion No. 14 | 10 c.f.s. |
| Point of Diversion No. 15 | 7.5 c.f.s. |
| Point of Diversion No. 16 | 15 c.f.s. |
| Point of Diversion No. 17 | 7.5 c.f.s. |
| Point of Diversion No. 18 | 10 c.f.s. |
| Point of Diversion No. 19 | 10 c.f.s. |
| Point of Diversion No. 20 | 5 c.f.s. |
| Point of Diversion No. 21 | 5 c.f.s. |
| Point of Diversion No. 22 | 5 c.f.s. |

3.9.2 Volume to be Stored:

|  |  |
| --- | --- |
| Point of Diversion No. 1 | 600 acre-feet |
| Point of Diversion No. 2 | 600 acre-feet |
| Point of Diversion No. 3 | 600 acre-feet |
| Point of Diversion No. 4 | 600 acre-feet |
| Point of Diversion No. 5 | 600 acre-feet |
| Point of Diversion No. 6 | 2,000 acre-feet |
| Point of Diversion No. 7 | 350 acre-feet |
| Point of Diversion No. 8 | 350 acre-feet |
| Point of Diversion No. 9 | 2,500 acre-feet |
| Point of Diversion No. 10 | 600 acre-feet |
| Point of Diversion No. 11 | 1,000 acre-feet |
| Point of Diversion No. 12 | 300 acre-feet |
| Point of Diversion No. 13 | 1,000 acre-feet |
| Point of Diversion No. 14 | 7,500 acre-feet |
| Point of Diversion No. 15 | 1,500 acre-feet |
| Point of Diversion No. 16 | 11,000 acre-feet |
| Point of Diversion No. 17 | 1,400 acre-feet |
| Point of Diversion No. 18 | 600 acre-feet |
| Point of Diversion No. 19 | 400 acre-feet |
| Point of Diversion No. 20 | 200 acre-feet |
| Point of Diversion No. 21 | 200 acre-feet |
| Point of Diversion No. 22 | 200 acre-feet.  |

3.9.3 Tabulation of the above table *Volume to Be Stored* equals 34,100 acre-feet. Previous decrees in Case Nos. 01CW22 and 98CW42 list total storage up to 34,500 acre-feet. This number seems to be a mathematical error and was corrected to be up to 34,100 acre-feet of storage in the Decree in Case No. 09CW16. 3.10 Use: All uses specified in the decree of this Court in Case No. W-3038, being the decree for the Closed Basin Project. Such uses include, but are not limited to, irrigation, domestic, industrial, recreational, fish culture, and wildlife uses by exchange and sale, regulation and maintenance of minimum stream flows, and to provide supplemental water to meet Colorado’s obligation under the Rio Grande Compact and accomplish maximum utilization of Colorado’s share of Rio Grande waters under the Compact. 3.11 Depth (if well): N/A. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: 4.1During the diligence period, Davis Engineering Service, Inc., retained by the Applicant, continued its ongoing study of the availability of surface water for recharge in the vicinity of the Closed Basin Project and found little or no excess water for recharge at the locations of the recharge structures. Davis Engineering and District Staff did find evidence that water reached and was recharged in certain pits, but as there were no measurement devices, the quantity of water was not recorded and so such diversion and recharge cannot form the basis of a claim to make absolute. Davis Engineering and District staff also met with Division of Water Resources personnel on site at one or more recharge pits to determine what would be necessary to add measuring devices that would be accurate enough to satisfy Division of Water Resources requirements. Evidence verifying aquifer storage conditions is included in Davis Engineering Service Inc.’s Change in Unconfined Aquifer Storage Study in the West Central Portion of the San Luis Valley. A copy of the summary of that study showing relative groundwater storage is attached hereto as Exhibit B. Engineering fees paid by Applicant during the diligence period for continued study of the unconfined aquifer storage total approximately $21,900. 4.2 Throughout the diligence period, the Applicant supported the ongoing development and updating of the Rio Grande Decision Support System (“RGDSS”) groundwater model that simulates groundwater conditions and movement in the San Luis Valley, including the Closed Basin Project area where the recharge sites that are the subject of this Application are located. Applicant paid fees associated with the Applicant’s share of developing the RGDSS groundwater model and its ongoing improvements during the diligence period of at approximately $148,600. In addition, unquantified costs have been incurred for administrative and legal activities to support the development and improvement of the recharge and storage project during the diligence period. 4.3 During the diligence period, in addition to Case Nos. 22CW3039 and 23CW3005, Applicant filed statements of opposition and participated in water court cases before the Referee and Water

Court in order to assure there would be no expansion of use of other water rights that would adversely impact the ability to apply water to beneficial use in priority under this conditional right. In total, Legal, Engineering, and other fees associated with these litigations during the diligence period paid by Applicant amount to approximately $195,000. 4.4 Through Fiscal Year 2023, the total projects costs were approximately $102,614,000. 5. Names and Addresses of Land Owners: The Nature Conservancy, 2424 Spruce St., Boulder, CO 80302. Bureau of Land Management, San Luis Valley Field Office, 1313 E. Hwy. 160, Monte Vista, CO 81144. Essa Hoover, 710 S. Indiana St. Perryton, TX 79070, Prince and Ruth McGuyre / Patrica Pile, 1920 L. Lark Ln. Wichita, KS 67209-1204. Sharon Fix, P.O. Box 30145, Phoenix, AZ 85046-0145. Male Brambory, LLC., P.O. Box 565, Center, CO 81125. Kenneth & Betty Smith, 174 Littlefield Dr., Point, TX 75472-7256. State of Colorado, Board of Land Commissioners, 1127 Sherman Street, Suite 300, Denver, CO 80203. 6. Finding of Diligence: In consideration of the foregoing activities directed to the diligent operation of these water rights, the Applicants respectfully request that the Court enter a judgment and decree finding that the Applicants have exercised reasonable diligence in the development of the conditional water rights listed above. Applicant is not claiming any additional water be made absolute above the 0.36 cfs and 12 acre-feet previously decreed absolute to Structure No. 21 in Case No. 01CW22. (18 pages and 2 exhibits).

**You are notified that you have, until the last day of February 2025, 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.**

**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 December 2024 for each county affected.**

**Case Number 2024CW13.** Application for Change of Water Right in Saguache County. **Name, address, email address of applicant**: CARL B. PRIOR 1479 Crescent Dr. South Park City, UT. 84098 carlburtonprior@yahoo.com **Decreed rights for which change is sought**: **Transfer of Water Right – Harence Ditch No. 2** Name of structure: **Harence Ditch No. 2, WDID No. 2600552** Date of original and all relevant subsequent decrees: **November 23, 1889 Court: District Court of the Sixth Judicial District, State of Colorado** Decreed Location of the Headgate: As per the original decree, the headgate is located at a point “on the right bank of Mill Creek, a tributary of the Saguache Creek, whence the northeast quarter corner section 32, township 45 north of range 6 east, p. m. m., bears north 25 degrees 8 minutes east 3236.2 feet; the general course is southeasterly bearing a little to the east; the length is about three-quarters of a mile; the width is 15 inches on the bottom and 2 feet on top; the depth is 9 inches; the grade is 1.85 feet per 100 feet. It is used for the irrigation of about 100 acres of land belonging to said claimant and draws the supply of water from said creek; and it is hereby adjudged and decreed that there be allowed to flow into said ditch from said creek for the use aforesaid and for thebenefitof theparties lawfully entitled thereto under and by virtue of said appropriation by original construction - - Priority No. 117 - - 2 cubic feet of water per second of time”. The actual headgate for the Harence Ditch No. 2 has been destroyed by flood. The headgate was located within the NE1/4 Section 32, Township 45 North, Range 6 East, N.M.P.M**.** Decreed source of water: Mill Creek, a tributary of Saguache Creek. Appropriation Date: April 1, 1886, Priority No. 117 Total amount decreed to structure: 2.0 cfs. Decreed use or uses: Irrigation. Amount of water that applicants intends to change: 1.0 cfs. Detailed description of proposed change: Carl B. Prior: Transfer 1.0 cfs of the Harence Ditch No. 2 water right to the Harence Ditch No. 1. The Harence Ditch No. 1 has been an active water right with proper headgate and measuring flume and used on the Prior “FKA Old Cow Town” property. Note: By separate Water Court application - Tschirky/Koltes: Transfer 1.0 cfs of the Harence Ditch No. 2 water right to the Harence Ditch No. 3. The Harence Ditch No. 3 has been an active water right with proper headgate and measuring flume and used on Tschirky / Koltes property. These transfers would divide the Harence Ditch No. 2 water right equitably and eliminate the need to maintain a third headgate. **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:** United States of America USFS-Saguache District Office 46525 Colo HWY 114 Saguache, CO. 81149 (719)655-2547

**You are notified that you have until the last day of February 2025, 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.**

**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 December 2024 for each county affected.**

**Case Number 2024CW14.** Application for Change of Water Right in Saguache County. **Name, address, email address of applicant**: John J. Tschirky and Karen H. Koltes P.O. Box 544 Garrett Park, MD. 80896 John.tschirky@gmail.com (301)793-7920 **Decreed rights for which change is sought**: **Transfer of Water Right – Harence Ditch No. 2** Name of structure: **Harence Ditch No. 2, WDID No. 2600552** Date of original and all relevant subsequent decrees: **November 23, 1889 Court: District Court of the Sixth Judicial District, State of Colorado** Decreed Location of the Headgate: **As per the original decree, the headgate is located at a point** “on the right bank of Mill Creek, a tributary of the Saguache Creek, whence the northeast quarter corner section 32, township 45 north of range 6 east, p. m. m., bears north 25 degrees 8 minutes east 3236.2 feet; the general course is southeasterly bearing a little to the east; the length is about three-quarters of a mile; the width is 15 inches on the bottom and 2 feet on top; the depth is 9 inches; the grade is 1.85 feet per 100 feet. It is used for the irrigation of about 100 acres of land belonging to said claimant and draws the supply of water from said creek; and it is hereby adjudged and decreed that there be allowed to flow into said ditch from said creek for the use aforesaid and for the benefit of the parties lawfully entitled thereto under and by virtue of said appropriation by original construction - - Priority No. 117 - - 2 cubic feet of water per second of time”. The actual headgate for the Harence Ditch No. 2 has been destroyed by flood. The headgate was located within the NE¼ Section 32, Township 45 North, Range 6 East, N.M.P.M. Decreed source of water: Mill Creek, a tributary of Saguache Creek Appropriation Date: April 1, 1886, Priority No. 117 Total amount decreed to structure: 2.0 cfs Decreed use or uses: Irrigation. Amount of water that applicants intends to change: 1.0 cfs Detailed description of proposed change: Tschirky / Koltes: Transfer 1.0 cfs of the Harence Ditch No. 2 water right to the Harence Ditch No. 3. The Harence Ditch No. 3 has been an active water right with proper headgate and measuring flume and used on the Tschirky / Koltes property.Note: By separate Water Court application – Carl B. Prior: Transfer 1.0 cfs of the Harence Ditch No. 2 water right to the Harence Ditch No. 1. The Harence Ditch No. 1 has been an active water right with proper headgate and measuring flume and used on Carl B. Prior property. These transfers would divide the Harence Ditch No. 2 water right equitably and eliminate the need to maintain a third headgate. Structure is a ditch not a well. Transfer 1.0 cfs of the Harence Ditch No. 2 water right to the Harence Ditch No. 3 (Tschirky / Koltes) Name of structure: Harence Ditch No. 3, WDID No. 2600553 Date of original and all relevant subsequent decrees: November 23, 1889 Court: District Court of the Sixth Judicial District, State of Colorado Decreed Location of the Headgate: As per the original decree, “the headgate of said Harence Ditch No. 3 is situated on the right bank of Mill Creek a tributary of the Saguache Creek, at a point whence the northeast quarter corner section 32, township 45, north of range 6 east N.M.M. bears north 25 degrees 8 minutes East 3236.2 feet. Using this bearing, the headgate would fall within Section 32, Township 45 North, Range 6 East, NMPM, in Saguache County, Colorado. The actual headgate for the Harence Ditch No. 3 is located within the NE1/4 Section 32, Township 45 North, Range 6 East, N.M.P.M. at GPS location UTM NAD83 383302 mE, 4218898 mN Decreed source of water: Mill Creek, a tributary of Saguache Creek Appropriation Date: April 1, 1886, Priority No. 117 Total amount decreed to structure: 2.0 cfs. With a successful transfer of 1.0 cfs, the total water right at the Harence Ditch No. 3 would increase to 3.0 cfs. Decreed use or uses: Irrigation. The decree identifies irrigation of about 100 acres of land. This change of water right will not result in an expanded area of use of the Harence Ditch No. 3. The water right is very junior in the Saguache Creek system. It provides irrigation water on a very limited basis**.** 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. You must notify these persons that you are applying for this water right and certify to the Court that you have done so. John J. Tschircky and Karen H. Koltes P.O. Box 544 Garrett Park, MD. 80896 John.tschirky@gmail.com (301)793-7920.

**You are notified that you have, until the last day of February 2025, 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**
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**Clerk’s Office or our website at www.courts.state.co.us. Jennifer Pacheco, Water Clerk,**
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**DISTRICT COURT, WATER DIVISION 3, STATE OF COLORADO
TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS FILED IN
WATER DIVISION 3.**

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Water Division 3, containing notice of applications and certain amendments filed in the
office of the Water Clerk during the month of December 2024 for each county affected.**

**CASE NO. 19CW3019 THE CITY OF ALAMOSA.** City of Alamosa P.O. Box 419, Alamosa, CO 81101. Phone: (719) 589 2593. Please send all pleadings and correspondence to: April D. Hendricks, Esq. Peter D. Jaacks, Esq. Burns, Figa & Will, P.C. 6400 S. Fiddlers Green Circle, Suite 1000, Greenwood Village, CO 80111. Phone: (303) 796-2626, and Erich Schwiesow, Esq. City Attorney, P.O. Box 419, Alamosa, CO 81101, Phone: (719) 587-2498. **AMENDED APPLICATION FOR UNDERGROUND WATER RIGHTS, FOR CHANGES OF WATER RIGHTS, APPROPRIATIVE RIGHT OF EXCHANGE AND FOR APPROVAL OF PLAN FOR AUGMENTATION.** This Amended Application is filed to include the Price East Alamosa Well in the City of Alamosa’s (“Alamosa’s”) Application, which was inadvertently omitted from the original application. It also corrects certain information in the original application relating to the flow rates decreed to the Ross Ave, Murphy St., and 21st St. Wells, and the status of the Weber St. Well as an alternate point of diversion rather than a water right in its own right. Finally, the Ross Avenue Well, a/k/a the Plant Well, was recently replaced, and the information relating to the Plant Well is therefore updated. This Application is designed to work with the City of Alamosa’s pending Application for Conditional and Appropriative Rights of Substitution and Exchange, 2015 CW 3029, and pending Application for Change of Water Right, 2018 CW 3012, both in Water Court for Water Division 3, to provide a plan to augment Alamosa’s municipal wells. The application is in four parts: Part A: Application for Underground Water Rights – New Rights in Existing Structures, which seeks to re-decree Alamosa’s existing confined aquifer municipal wells to new water rights in the same structures having the additional right to reuse and successively use to extinction the accretion credits derived from application of the RGDSS model to Alamosa’s well pumping, including the ability to transfer such credits to other entities seeking replacement water on the Rio Grande and the Conejos River, consistent with the Confined Aquifer New Use Rules for Division 3; Part B: Application for Changes of Water Rights to change Alamosa’s interests in the El Viejo Ditch on the Alamosa River and the Independent Ditch on the Rio Grande to include a use for augmentation and replacement water to replace injurious depletions to those two rivers caused by pumping of Alamosa’s confined aquifer municipal wells; Part C: Application for Appropriative Right of Substitution and Exchange to allow the City to exchange the replacement water decreed to the El Viejo Ditch through this Application upstream for storage and subsequent release to cover the City’s injurious depletions to the Alamosa River injuring junior water rights upstream of the El Viejo headgate; and Part D: Application for Approval of Plan for Augmentation to replace injurious depletions to the Rio Grande, the Conejos River, and the Alamosa River caused by pumping of Alamosa’s confined aquifer municipal wells to bring the wells in compliance with the Groundwater and Irrigation Season Rules for Water Division No. 3. **PART A. APPLICATION FOR UNDERGROUND WATER RIGHTS – NEW RIGHTS IN EXISTING STRUCTURES** 2. Description of underground water rights. The structures identified in this paragraph are existing structures with locations decreed in Case No. W-1778 (Water Division 3) or permitted locations from DWR Permits. Alamosa seeks new water rights at the existing locations for the following structures (“Well Rights”): 2.1. Name and legal description of structures. 2.1.1. Ross Avenue Well a/k/a Plant Well. Located in the NE 1/4 of the SW 1/4 of Section 10, Township 37 N, Range 10 E of the New Mexico P.M, UTM Easting 423046 Northing 4146832, Zone 13. WDID 2005066. 2.1.2. 12th Street Well. Located in the SW 1/4 of the SW 1/4 of Section 10, Township 37 N, Range 10 E of the New Mexico P.M, at a point 650 feet from the south section line and 50 feet from the west section line. UTM Easting 424233 Northing 4146258, Zone 13. WDID 2006316. 2.1.3. Cole Park Well. Located in the NW 1/4 of the NE 1/4 of Section 10, Township 37 N, Range 10 E of the New Mexico P.M, at a point 938 feet from the north section line and 1749 feet from the east section line. UTM Easting 423653 Northing 4147385, Zone 13. WDID 2006317. 2.1.4. Murphy Street Well. Located in the NE 1/4 of the SW 1/4 of Section 4, Township 37 N, Range 10 E of the New Mexico P.M, at a point 3,600 feet from the north section line and 2,580 feet from the west section line. UTM Easting 421760 Northing 41468200, Zone 13. WDID 2006408. 2.1.5. Weber Street Well. Located in the NW 1/4 of the NW 1/4 of Section 4, Township 37 N, Range 10 E of the New Mexico P.M, at a point 1,142 feet from the north section line and 1300 feet from the west section line. UTM Easting 421370 Northing 4148964, Zone 13. WDID 2005067. 2.1.6. 21st Street Well. Located in the NE 1/4 of the SW 1/4 of Section 10, Township 37 N, Range 10 E of the New Mexico P.M, at a point 2,760 feet from the north section line and 1500 feet from the west section line. UTM Easting 423026 Northing 4145092, Zone 13. WDID 2005143. 2.1.7. Price East Alamosa Well. Located in the SW1/4 of the SW1/4 of Section 2, Township 37 North, Range 10 East, of the New Mexico P.M. at a point 115 feet from the south section line and 250 feet from the west section line. UTM Easting 424296.2 Northing 4147792.6, WDID 2010478. 2.2. Source. The source of water for each of the Well Rights is the confined aquifer, tributary to the Rio Grande, Conejos, and Alamosa Rivers. 2.3. Well Right Volumes and Depths. All the Well Rights withdraw tributary groundwater. All pumping rates and volumes are absolute. 2.3.1. Ross Avenue Well (a/k/a Plant Well): 900 gpm. 1301 feet. 1460 acre-feet per year. 2.3.2. 12th Street Well: 1800 gpm. 1675 feet. 2900 acre-feet per year. 2.3.3. Cole Park Well: 600 gpm. 1,000 feet. 968 acre-feet per year. 2.3.4. Murphy Street Well: 1800 gpm. 1000 feet. 2927 acre-feet per year. 2.3.5. Weber Street Well: 800 gpm. 1500 feet. 1290 acre-feet per year. 2.3.6. 21st Street Well: 2400 gpm. 1648 feet. 3549 acre-feet per year. 2.3.7. Price East Alamosa Well: 1500 gpm. 1630 feet. 2438 acre-feet per year. 2.4. Appropriation date. For Price East Alamosa Well, September 11, 2020. For all other wells, December 31, 2019. 2.4.1. Appropriation was initiated for the Price East Alamosa Well by filing a well permit application. For all other wells, appropriation was initiated by filing of the original application in this case. 2.4.2. Date water applied to beneficial use: For Price East Alamosa Well, September 11, 2020. For all other wells, December 31, 2019. Pursuant to the limitations in the decree in W-3526, The 21st St. Well is operated as an alternate point of diversion for the Ross Ave. Well, the 12th St. Well, the Cole Park Well, and the Murphy St. Well, subject to a combined annual limit, historically, of 8200 acre feet per year. Pursuant to the limitations in the decree in W-1778, the Weber St. Well is operated as an alternate point of diversion for the Ross Ave. Well, the 12th St. Well, the Cole Park Well, and the Murphy St. Well, subject to a combined annual limit, historically, of 8200 acre feet per year. Through all seven wells, Alamosa has diverted, on average, 2700 acre feet per year, with a high of 3220 acre feet in the study period 1999-2013. Alamosa’s diversions in the future are estimated to continue to grow and the City is planning for diversions growing up to 4,600 acre feet per year. 2.5. Uses and Proposed Uses. Municipal use, which includes all municipal uses, such as but not by way of limitation, domestic, commercial, manufacturing, industrial, agricultural, watering of parks and lawns and gardens, fire protection, recreation, fish and wildlife, within the boundaries of the City of Alamosa, as those boundaries may change from time to time, and outside the boundaries pursuant to limited contracts Alamosa has for providing water to entities outside the city boundaries, as well as use, reuse and successive use to extinction, including use of accretion credits stemming from Alamosa’s return of effluent discharge from its municipal use wastewater return flows, to replace, both directly and by exchange, depletions to all reaches of the Rio Grande and to all reaches of the Conejos River, whether caused by the pumping of Alamosa's wells or any other cause, thereby including the right to lease, sell, or otherwise transfer the accretion credits to other entities causing depletions to those rivers. 3. Name and Address of Owners of Property Upon Which Any Existing or New Diversion Structure or Storage Structure is or Will Be Constructed. The structures referenced in Part A of this Application are owned by the City of Alamosa. **PART B: APPLICATION FOR CHANGE OF WATER RIGHTS.** 4. Decreed Surface Water Rights for Which Change is Sought. Alamosa seeks to change the use of portions of the Independent Ditch and the El Viejo Ditch. 4.1. **Independent Ditch**. 4.1.1. Date of Original Decree. Entered May 1, 1896. 4.1.2. Decreed Point of Diversion. SW 1/4 of the NW 1/4 of Section 29, Township 38 North, Range 10 East of the New Mexico P.M. 4.1.3. Decreed Source of Water. Rio Grande. 4.1.4. Appropriation Date. March 24, 1879. 4.1.5. Amount. 11.2 cfs, absolute. 4.1.6. Decreed Uses. Irrigation. 4.1.7. Amount of Water Changed. Alamosa seeks to change 10.2 cfs of the 11.2 cfs decreed to the Independent Ditch, representing the entirety of its interest in the Independent Ditch. 4.1.8. Historical Use of the Independent Ditch. Alamosa’s interest in the Independent Ditch has historically been used to irrigate an average of approximately 398.4 acres of land per year, with a maximum of 475 acres in any given year, located generally in Sections 2, 3,and 4, Township 37 North, Range 10 East of the New Mexico P.M., and Section 34, Township 38 North, Range 10 East of the New Mexico P.M. In Case No. 2009CW0033, Water Division 3, a portion of the historical consumptive use, totaling 149.98 acre-feet per year, was changed to irrigation of 34.6 acres in the Back 9 of Alamosa’s Cattails Golf Course and augmentation of Alamosa’s Borrow Pond, called Blanca Vista Pond, located in Sections 3 and 4, Township 37 North, Range 10 East of the New Mexico P.M. 4.2. **El Viejo Ditch**. 4.2.1. Date of Original Decree. Entered July 11, 1888, Conejos County District Court. 4.2.2. Decreed Point of Diversion. A point on the north bank of the Alamosa River in the SW 1/4 of Section 1, Township 35 North, Range 7 East of the New Mexico P.M. UTM Zone 13 Easting 397244.0 and Northing 4130066.0. 4.2.3. Decreed Source of Water. Alamosa River. 4.2.4. Appropriation Date. August 1, 1867. 4.2.5. Amount. 19.2 cfs. 4.2.6. Decreed Uses. Irrigation. 4.2.7. Amount of Water Changed. Alamosa seeks to change 36 acre feet of the annual consumptive use from the El Viejo Ditch. 4.2.8. Historical Use of the El Viejo Ditch. The El Viejo Ditch has historically been used to irrigate an average of approximately 540 acres of land under the ditch system, with average diversions of 5,120 acre-feet per year. Alamosa leases a portion of the undivided 32.6% interest of the El Viejo Ditch owned by Cactus Hill Farms. On average, 1,336 acre-feet per year of El Viejo Ditch water is delivered to Cactus Hill Farms. Cactus Hill Farms owns 314 irrigated acres in Section 9, 10, and 11 of Township 35 North, Range 8 East of the New Mexico P.M. 5. **Description of Proposed Change.** Alamosa seeks changes to the Independent Ditch and El Viejo Ditch as described below. 5.1. Type of Use. Alamosa seeks to use the water from the Independent Ditch and El Viejo that it owns and/or leases for augmentation, replacement, substitution, and exchange purposes by direct use or by storage for subsequent use to replace depletions to all reaches of the Rio Grande and of the Conejos and Alamosa Rivers caused by the pumping of Alamosa’s municipal Well Rights described above. The changed water rights will be used pursuant to Alamosa’s augmentation plan described below in Part D of this Application. 5.2. Description of Change. Alamosa proposes to add the uses described above to the Independent Ditch and the El Viejo Ditch rights for use in Alamosa’s augmentation plan described below. In the event that Alamosa ceases pumping its municipal Well Rights, thereby ceasing to generate Accretion Credits, it plans to use the water it leases and/or owns in the Independent and El Viejo Ditches to replace injurious depletions to the Rio Grande and Conejos River caused by lagged depletions occurring post-pumping. In that event, Alamosa plans to dry up acreage on the Alamosa Ranch historically irrigated by the Independent Ditch, and leave that water in the Rio Grande at the Independent Ditch headgate to be exchanged to the other reaches on the Rio Grande and Conejos Rivers, and exchanged into storage in the Rio Grande or Continental Reservoir for subsequent release on the Rio Grande, and into Platoro Reservoir for subsequent release on the Conejos River as described in Alamosa’s augmentation plan below. Alamosa proposes to use its interest in the El Viejo Ditch for augmentation and replacement water to replace injurious depletions to all reaches of the Alamosa River, including by exchange and storage in Terrace Reservoir upstream, to augment depletions to the Alamosa River caused by pumping of its municipal Well Rights. The Independent Ditch has historically irrigated an average of approximately 398.4 acres of land per year, with a maximum of 475 acres in any given year, such land located generally in Sections 2, 3, and 4, Township 37 North, Range 10 East, NMPM, and Section 34, Township 38 North, Range 10 East, NMPM. The average annual surface water diversions remaining with the Alamosa Ranch yield after accounting for the change that took place in 2009 CW 33 for the golf course and borrow pond discussed above is estimated to be 971 acre-ft/yr. The consumptive use credit remaining with the parcels on the ranch that have not yet been dried-up from irrigation under the Independent Ditch provide 472 acre-ft/yr of consumptive use credit on average. Alamosa desires to add a use for replacing injurious depletions on the Rio Grande to the use of its Independent Ditch water right, and to quantify that amount through this case. Alamosa’s use of the El Viejo Ditch under its lease with Cactus Hill Farms requires Cactus Hill Farms to reduce the consumptive use of its El Viejo Ditch rights by up to 36 acre feet per year (varying year by year depending upon Alamosa’s augmentation and/or replacement requirements in any given year) and to maintain the return flows associated therewith, including limiting the use of the Water Rights to irrigate the lands historically irrigated by the Water Rights. “Dry-Up Property” will be within land historically irrigated by Cactus Hill Farms using the El Viejo Ditch, Priority No. 1, as shown in Table 2 in the report filed with the original application as Exhibit 2, “Change in Water Right for Replacing Injurious Stream Depletions to the Alamosa River Resulting From Operation of Wells by the City of Alamosa,” Draft Agro Engineering, August 2019. Consumptive use credits will be bypassed at the ditch headgate and left in the Alamosa River. The portion of the dry-up parcels’ water supply that historically contributed to ditch carriage loss will be surrendered to the ditch to keep other ditch members whole. The portion of historic return flows associated with the dry-up parcels will be placed in a recharge basin on the Cactus Hill Farms to replicate historic return flows. The purpose of this change case with respect to the El Viejo Ditch is to change the use of the water to the direct uses of replacement and augmentation, and for replacement and augmentation uses subsequent to storage in Terrace Reservoir, including by substitution and exchange if necessary. The changed water will be used as a replacement water source in Alamosa’s augmentation plan to remedy injurious depletions to the Alamosa River resulting from operation of the City of Alamosa’s municipal wells. Storage of water will occur only under a separate agreement with the Terrace Reservoir Company. Several potential dry-up parcels have been identified and are shown in Table 2 of the Exhibit 2 report filed with the original application. In each year, Alamosa will report to the Division of Water Resources (DWR) the amount of HCU it intends to utilize from the Cactus Hill Farms property for the replacement of injurious stream depletions on the Alamosa River, up to a maximum of 36 acre-feet per year. Alamosa will also report to DWR which parcels shall be dried up to create this HCU credit. The specific parcels that may be dried-up may change from year to year based upon Alamosa’s need for HCU credits and the owner’s preference. It is expected that the City of Alamosa’s depletions to the Alamosa River, and consequently its need for HCU credits, may increase over time as municipal well pumping increases. 6.Name and Address of Owners of Property Upon Which Any Existing or New Diversion Structure or Storage Structure Is or Will Be Constructed. Structures referenced in in Part B of this Application are owned by Cactus Hill Farms, 20758 County Road 10, La Jara, CO 81140. **PART C: APPLICATION FOR APPROPRIATIVE RIGHTS OF EXCHANGE.** 7. Summary of exchange sought: Alamosa intends to exchange the changed El Viejo augmentation and replacement water from the headgate of the El Viejo Ditch upstream to be stored in the Terrace Reservoir when exchange potential exists and subsequently released to replace injurious depletions caused by the pumping of Alamosa’s wells, which depletions cannot be covered by the bypass of water at the El Viejo headgate because occurring to ditches upstream from that headgate. The rights are claimed as conditional rights of exchange, but if the exchange is 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 being decreed conditionally. 7.1. Names of Water Rights: El Viejo Ditch. 7.2. Exchange Reaches: 7.2.1. Exchange From Point: headgate of the El Viejo Ditch; a point on the north bank of the Alamosa River in the SW 1/4 of Section 1, Township 35 North, Range 7 East of the New Mexico P.M. UTM Zone 13 Easting 397244.0 and Northing 4130066.0. 7.2.2. Exchange To Point: Terrace Reservoir, with a point of diversion generally located on the dam in the SW1/4 NW1/4 of Section 23, Township 36 North, Range 6 East of the New Mexico P.M., at a point 2,127 feet from the north section line and 2,336 feet from the west section line. UTM Zone 13 Easting 386111 and Northing 4135228. 7.3. Amount Claimed: The rate of exchange is 0.5 cfs, conditional, with an annual volume of 14.4 acre-feet. 7.4. Date of Appropriation: December 19, 2019. 7.5. Uses of Exchanged Water: Augmentation, replacement, exchange, and for storage and subsequent release to replace injurious depletions to the Alamosa River upstream of the El Viejo Ditch headgate caused by the pumping of Alamosa's municipal Well Rights. **PART D: APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION** 8. Structures to be Augmented. The municipal Well Rights listed in Part A above, and the following structure: 8.1. Golf Course Well: Decreed on July 1, 1976, as Well No. 6, Case No. W-1778, Water Division 3 for municipal and irrigation uses. The Golf Course Well located in the NE 1/4 of the SW 1/4 of Section 3, Township 37 North, Range 10 East of the New Mexico P.M., at a point 2,805 feet from the north section line and 1,250 feet from the west section line. Zone 13, Easting 423184.0, Northing 4148289.0. WDID 2006406. 8.1.1. Appropriation Date: July 31, 1956. 8.1.2. Amount: 600 gpm and limited to 80 acre-feet per year by Permit No. 13419-F-R. 8.1.3. Source of Water: The Golf Course Well is a 16 foot deep well that withdraws water from an unconfined aquifer tributary to the Rio Grande. 9. Water Rights to be Used for Augmentation. 9.1. Depletions to the Rio Grande and Conejos Rivers: 9.1.1. Accretion Credits: Accretion credits from Alamosa’s use and return of treated effluent from the pumping of its municipal Well Rights described above. The RGDSS model calculates a net gain accruing to the middle reach of the Rio Grande due to return of Alamosa’s effluent discharge from its wastewater treatment plant in the middle reach, at a point slightly upstream of the Chicago Ditch. The accretion credits exceed the sum total of depletions on all reaches of the Rio Grande and Conejos River by a significant amount, which increases proportionally as well pumping increases. 9.1.2. Independent Ditch. In the event Alamosa ceases pumping water from its municipal Well Rights, Alamosa proposes to use the Independent Ditch water right, described in Part B above, to replace lagged depletions from pumping. 9.2. Depletions to the Alamosa River. 9.2.1. El Viejo Ditch. Alamosa proposed to use water from the El Viejo Ditch subject of the lease between Alamosa and Cactus Hill Farms, as described in Part B above, to replace depletions to the Alamosa River. 9.3. Sustainability in the Confined Aquifer. As part of its plan for augmentation and to comply with requirements of Rule 8 of the Well Rules, Alamosa plans to proportionately reduce groundwater pumping from the following structures, subject of the pending change of water rights Case No. 18CW3012, Water Division 3: 9.3.1. Name of Structure: Well No. 1, Case No. 2431 (“Vercoles Well”). Located in the NW 1/4 of the SE1/4, Section 9, Township 38 North, Range 11 East of the New Mexico P.M., at a point 2,300 feet from the South section line and 1,920 from the East section line in Alamosa County, Colorado. UTM Zone 13 Easting 431607, Northing 4156562. 9.3.1.1. Date of original and subsequent relevant decrees: 9.3.1.1.1. Case No. 2431, decree entered October 20, 1977; Case No. W-3951, decree entered February 17, 1981; Case No. 10 CW 13, decree entered March 17, 2017, all in Water Court, Division 3. 9.3.1.2. Source of Water: Per the decree in W-2431, the source of water is the Confined Aquifer. 9.3.1.3. Depth of Well: 1415 feet. 9.3.1.4. Appropriation Date: November 15, 1964. 9.3.1.5. Amount and Uses: 1020 gpm, absolute, for irrigation and stock watering purposes and filling of ponds 3 through 8 as described in the decree in Case No. 10CW13 for livestock watering, irrigation, piscatorial, and aesthetic purposes. 9.3.1.6. Sustainability Amount: Alamosa intends to reduce pumping by 1,080 acre-feet per year to meet the requirements of the Well Rules. 9.3.2. Name of Structure: Well No. 1, Case No. 2233 (“Valley Land Well”). Located in the SW 1/4 of the SW1/4, Section 1, Township 35 North, Range 10 East of the New Mexico P.M., at a point 100 feet from the South section line and 100 from the East section line in Conejos County, Colorado. 9.3.2.1. Date of original and subsequent relevant decrees: 9.3.2.1.1. Case No. 2233, Water Court, Division 3, entered February 5, 1976. 9.3.2.2. Source of Water: Confined Aquifer. 9.3.2.3. Depth of Well: 708 feet. 9.3.2.4. Appropriation Date: January 6, 1959. 9.3.2.5. Amount and Uses: 2400 gpm, absolute, for irrigation use. 9.3.3. Sustainability Amount: Alamosa intends to reduce pumping by 700 acre-feet per year to meet the requirements of the Well Rules. See the respective engineering reports, filed with the original application as: Exhibit 4: “Quantification of Historic Withdrawals From the Vercoles Well, Case No. W-2431, Well No. 1 for Inclusion in the City of Alamosa’s Augmentation Plan to Meet Sustainability Requirements,” Agro Engineering October, 2019; and Exhibit 5: “Quantification of Historic Withdrawals From the Valley Land Well, Case No. W-2233, Well No. 1 for Inclusion in the City of Alamosa’s Augmentation Plan to Meet Sustainability Requirements,” Agro Engineering October, 2019. 10. Operation of Plan for Augmentation. 10.1. Augmentation of Depletions to the Rio Grande and Conejos Rivers. The RGDSS model calculates stream depletions attributable to pumping of Alamosa’s municipal Well Rights to all three reaches of the Rio Grande and both reaches of the Conejos River. The RGDSS model also calculates accretion credit to the bottom of Reach 2 of the Rio Grande based on Alamosa’s treated effluent discharge point (“Accretion Credit”). The water pumped from Alamosa’s municipal Well Rights will be treated for consumption and distributed to city water users via Alamosa’s municipal supply system. The returned effluent is treated in Alamosa’s wastewater treatment plan, then discharged to the Rio Grande at a point slightly upstream from the Chicago Ditch headgate, near the downstream terminus of Reach 2 of the Rio Grande as designated in the RGDSS model used to implement the Rules Governing the Withdrawal of Groundwater in Water Division 3. The wastewater treatment plant discharge point is located at UTM Zone 13, Easting 424999, Northing 4146365, shown on the map filed with the original application Exhibit 1. Under Alamosa’s current pumping conditions, the Accretion Credit is calculated at a minimum of 800 acre-feet per year in excess of Alamosa’s depletions to the Rio Grande and Conejos Rivers. The accretion credit increases in proportion to pumping as pumping increases, with greater pumping generating greater excess accretion credit. When exchange potential exists, Alamosa intends to exchange the Accretion Credit upstream on both the Rio Grande and Conejos Rivers to be used as a source of replacement supply for Alamosa’s depletions in Reaches 1 and 2 of the Rio Grande and Reaches 1 and 2 of the Conejos River. Alamosa plans to store the exchanged Accretion Credits in Rio Grande Reservoir, Continental and/or Santa Maria Reservoirs, and Platoro Reservoir for releases at times when there is no exchange potential. These exchanges are the subject of Alamosa’s application in Case No. 15CW3029. 10.2. Augmentation of Depletions from the pumping of the Golf Course Well Alamosa will augment up to 100 acre feet per year of diversions through the Golf Course Well, for use on the entire golf course located in 66 acres in portions of the SW1/4 of Section 3, NW1/4 of Section 4, Township 37 North, Range 10 East, and a portion of the SE1/4 of Section 33, Township 38 North, Range 10 East all of the New Mexico P.M., as shown on the map filed with the original application as Exhibit 1. The Golf Course has an irrigation efficiency of 75%. Depletions from the Golf Course Well therefore are calculated to be 75% of pumping, thus the maximum depletion to be replaced is 75 acre feet per year on average. This depletion occurs to the bottom of Reach 2 of the Rio Grande, near the location of the source of the Accretion Credits at Alamosa' s wastewater treatment plant discharge, and thus Accretion Credits will be used to replace injurious depletions to that reach caused by pumping of the Golf Course Well. 10.3. Augmentation of Depletions to the Alamosa River. Alamosa’s depletions to the Alamosa River are estimated to be approximately 20 acre-feet per year based on the Division of Water Resources’ Alamosa/La Jara Response Function Worksheet. Accounting for anticipated growth over the next thirty years, Alamosa’s depletions are projected to be as much as 36 acre-feet per year. Current daily depletions range from a maximum of 0.190 acre-feet per day in April (being 0.096 cfs or 42.99 gpm) to 0.032 acre-feet per day in October (being 0.016 cfs or 7.30 gpm). Future daily depletions are expected to be less than a maximum of 0.338 acre-feet per day (being 0.171 cfs or 76.41 gpm). Alamosa will dry up parcels on Cactus Hill Farm that have historically been irrigated by the El Viejo Ditch on a rotational basis to provide the consumptive use credits needed to offset injurious stream depletions on the Alamosa River. As future replacement obligations increase, additional lands will be dried up. The potential dry-up parcels are shown on Figure 6 of the report filed with the original application as Exhibit 2. The location of each potential dry-up parcel is as follows: Parcel 1A: NW1/4 of the NW1/4 of Section 11, T35N, Parcel 1B: NW1/4 of the NW1/4 of Section 11, T35N, Parcel 3: NE1/4 of the NE1/4 of Section 10, T35N, Parcel 7: NE1/4 of the NW1/4 of Section 10, T35N, Parcel 8: NE1/4 of the NW1/4 of Section 10, T35N, Parcel 10: SE1/4 of the NW1/4 of Section 10, Parcel 11: NW1/4 of the NE1/4 of Section 10, Parcel 12: NW1/4 of the NE1/4 of Section 10, Parcel 21: SE1/4of the SE1/4 of Section 3 Parcel 22: SW1/4 of the SE1/4 of Section 3, All in Township 35 North, Range 8 East of the New Mexico P.M. Alamosa will only dry-up the parcels with the amount of land needed to provide the consumptive use credits required by Alamosa to offset injurious stream depletions. As the consumptive use credits required by Alamosa increases over time, additional parcels will be dried-up to meet this obligation, up to a total of 36 acre-feet. The consumptive use credits will be bypassed at the ditch headgate and left in the Alamosa River. The portion of the dry-up parcel's water supply that historically contributed to ditch carriage loss will be surrendered to the ditch to keep other ditch members whole. The portion of historic return flows associated with the dry-up parcels will be placed in a recharge basin on the Cactus Hill Farm to replicate historic return flows. Alamosa will forego diversion of the consumptive use credit at the El Viejo Ditch headgate. The off-farm ditch losses will be left in the ditch to provide carriage water to all of the owners on the ditch. The on-farm return flows will be run through the ditch to Cactus Hill Farms and delivered to a recharge basin located on the farm, to replicate the historic return flows associated with the irrigation of the dry-up parcels. Cactus Hill Farms has an existing recharge pond located as shown in Figure 7 of the Report filed with the original application as Exhibit 2. 10.4. Aquifer Sustainability Alamosa will achieve sustainability of the confined aquifer pursuant to Rule 8.1.7 of the Groundwater and Irrigation Season Rules for Water Division No. 3 by using the historical production 1978-2000 from its municipal Well Rights, and acquiring and retiring the historical production from two wells located in the response area and at the same depth horizon as the municipal Well Rights to ensure that its withdrawals do not exceed the historic average annual withdrawals. The two retired wells, the Vercoles Well and the Valley Land Well, are the subject of Case No. 2018 CW 3012, Water Division 3. The Vercoles Well has diverted 1,130 acre feet per year on average during the period between 1978 and 2000. The Valley Land Well has diverted 1,100 acre feet per year on average during the period between 1978 and 2000. Alamosa will reduce withdrawals by 1,080 acre-feet per year of the average diversion of the Vercoles Well, and 700 acre-feet per year of the average diversion of the Valley Land Well. This amount of confined aquifer ground water curtailment is sufficient to ensure that Alamosa' s augmentation plan meets its proportional responsibility for ensuring that this five-year running average withdrawal limit is not exceeded over the next thirty years, in accordance with Rule 8.1.7. 10.5. Post-Pumping Depletions If Alamosa ceases pumping its municipal Well Rights, and thereby ceases to generate Accretion Credits, Alamosa will use its Independent Ditch water right to replace its lagged depletions from pumping of its municipal Well Rights. In the event it becomes necessary for Alamosa to replace lagged post-pumping depletions to the Rio Grande and Conejos Rivers after cessation of pumping its municipal Well Rights, Alamosa will dry up as much of the Alamosa Ranch historically irrigated by the Independent Ditch as is required to replace lagged post-pumping depletions. Alamosa will leave that water in the Rio Grande at the Independent Ditch headgate to be exchanged to the other reaches on the Rio Grande and the Conejos River, and exchanged into storage in the Rio Grande or Continental Reservoirs for subsequent release on the Rio Grande, and into Platoro Reservoir for subsequent release on the Conejos River as described above to remedy lagged post-pumping depletions. 11. Name and Address of Owners of Property Upon Which Any Existing or New Diversion Structure or Storage Structure is or Will Be Constructed: The structures listed in Part C and D of this Application are owned by Conejos Water Conservancy District, PO Box 550, Manassa, CO 81141; San Luis Valley Irrigation District, PO Box 637, Center, CO 81125; Santa Maria Reservoir Company, 147 Washington St., Monte Vista, CO 81144; Terrace Irrigation Company, PO Box 109, Monte Vista, CO 81144; and Cactus Hill Farms, 20758 County Road 10, La Jara, CO 81140.

**You are notified that you have, until the last day of February 2025, 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.**

**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 December 2024 for each county affected.**

Case No. 2024CW3010. Application for Change of Water Right. Applicants: Richard H. Ramstetter and Jean R. Ramstetter; c/o Stephane W. Atencio, S. W. Atencio & Assoc., PC, 4164 Austin Bluffs Pkwy #420, Colorado Springs, CO 80918, 719-589-6005, steve@atenciolaw.net. Decreed water rights for which change is sought: Well No. 1, Permit No. 6563-R (Structure ID: 2011455); decreed December 11, 1974, Case No. W-1833; decreed location: SW1/4 NW1/4, Section 13, Township 40 North, Range 8 East, N.M.P.M., Rio Grande County, CO; source: unconfined aquifer; appropriation date: May 31, 1954; amount: 1800 gpm; use: irrigation; amount to be changed: 1800 gpm. Well No. 3, Permit No. 6562-R (Structure ID: 2011457); decreed December 11, 1974, Case No. W-1833; decreed location: SW1/4 NW1/4, Section 13, Township 40 North, Range 8 East, N.M.P.M., Rio Grande County, CO; source: unconfined aquifer; appropriation date: May 1, 1937; amount: 1200 gpm; use: irrigation; amount to be changed: 1200 gpm. Well No. 3-A, Permit No. 24558-F (Structure ID: 2014151); decreed June 10, 2008, Case No. 2007CW29; decreed location: SW¼ NW1/4, Section 13, Township 40 North, Range 8 East, N.M.P.M., Rio Grande County, CO, 1313 FNL and 1325 FWL; source: unconfined aquifer; appropriation date: May 1, 1937; amount: alternate point of diversion to Well No. 3, Case No. W-1833, in the amount of 1000 gpm, not to exceed 1200 gpm simultaneous pumping rate with Well No. 3; use irrigation of 135 acres in the NW 1/4, Section 13, Township 40 North, Range 8 East, N.M.P.M.; amount to be changed: 1000 gpm. Detailed description of proposed change: Applicant requests that Well Nos. 1, 3 and 3-A be made alternate points of diversion to each other. Well Nos. 3 and 3A are already decreed as alternate points of diversion to each other; Well No. 1 is currently inactive. Applicant requests that each of the three wells be able to pump a total of 1515 gpm, individually or in combination, which is less than the total decreed flow rate of Well Nos. 1 & 3. This request will allow Applicant to qualify for a well metering variance so that one meter may be utilized to measure all three wells. All wells produce from the unconfined aquifer and are decreed and permitted for use on the NW 1/4, Section 13, Township 40 North, Range 8 East, N.M.P.M. These wells will continue to be used on this Quarter and there will be no expansion of irrigated acres. These wells are enrolled in Subdistrict 1. Applicant also owns surface water rights which have and will continue to be used on this Quarter. Actual location information: Well No. 1: SW1/4 NW1/4, Section 13, Township 40 North, Range 8 East, N.M.P.M., Rio Grande County, CO; UTM X: 407048.8 UTM Y: 4174586.3 (Zone 13). Well No. 3: SW1/4 NW1/4, Section 13, Township 40 North, Range 8 East, N.M.P.M., Rio Grande County, CO; 1950 FNL and 200 FWL; UTM X: 406911.7 UTM Y: 4174588.2 (Zone 13). Well No. 3-A: SW1/4 NW1/4, Section 13, Township 40 North, Range 8 East, N.M.P.M., Rio Grande County, CO; 1313 FNL and 1325 FWL; UTM X: 407256.0 UTM Y: 4174777.2 (Zone 13).

**You are notified that you have, until the last day of February 2025, 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,**
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