

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 of all applications and amended applications filed in the office of the Water Clerk during the month of November, 1999.

The names and addresses of applicants, description of water rights, or conditional water rights involved, and description of ruling sought, are as follows:

Case No. 99CW44. George Whitten, Jr., 52501 Co. Rd. U, Saguache, CO 81149
Application for Change of Water Right in Saguache County
Pump Well No. 1, Case No. W-531, Registration No. 18940. From previous Decree: Date entered May 15, 1975; Case No. W-531; Water Division 3. Decreed pt. of diversion: Well No. 1, Case W-531, is located in the SW1/4 NE1/4, S 9, T 42 N, R 7 E, NMPM, at a pt. 2560 ft. from North Section line and 1980 ft. from East Sec. Line. Source: unconfined aquifer. Appropriation date: June 1, 1951; amount 1500 gpm; 3.34 cfs. Historic use: the parent well No. W-531 has historically been used to irrigate that portion of the NE1/4, S 9 that lies below the Rio Grande Canal in conjunction with 20 shares of Rio Grande Canal water and 15 shares of Santa Maria Reservoir water. It has also historically irrigated all of the NW1/4, S 10. Subject Well No. 23443-F has since irrigated NW1/4, S 10 with center pivot sprinkler system in conjunction with parent Well No. W-531 and the surface rights. Proposed change: subject well will be used to irrigate the NW1/4, S 10 in conjunction with the parent well (W-531 No. 1) and the surface rights. The combination of the two wells will not exceed 1500 gpm. The subject well in combination with the parent well (No. W-531, No. 1) and all surface rights will not exceed historic irrigated acreage. Permit No. 23443-F Well located in Center of NW1/4, S 10, T 42 N, R 7 E. Priority date 6/1/51 same as Well No. 1, W-531.

(10 pages including attachments)

Case No. 99CW45. Ervin Lee Vigil, P. O. Box 4, Chama, CO 81126
Application for Water Rights (Surface) in Costilla County
Fox Ditch. Legal description: NE ¼ SW ¼ NE ¼, S 25, T 3 R 71. Source: Poso Creek Tributary to the Culebra River. Appropriation date and date water applied to beneficial use: Nov. 28, 1923; appropriation was initiated by purchasing with the land. Amount claimed 1.0 cfs. Use or proposed use: for irrigation of land. Number of acres historically irrigated: 20; proposed to be irrigated 20. Legal description of acreage: NE ¼ SW ¼ NE ¼, S 25, T 3, R 71. Remarks: This Ditch has been used to irrigate the above property since the land was purchased in Nov. 28, 1923, by the applicant's

grandfather Antonio Vigil.

(10 pages including attachments)

Case No. 99CW46. Elfirio Romero, 7674 Rd. 109 N, Mosca, CO 81146 (Atty: S. W. Atencio & Assoc., P.C., 601 3rd St., Alamosa, CO 81101)

Application for Underground Water Right and for Change of Underground Water Rights

in Alamosa County.

Relief Requested: **A.** Applicant seeks to adjudicate certain existing wells as supplemental or alternate points of diversion for previously-decreed water rights. These wells are validly permitted as supplemental or alternate points of diversion. Mr. Romero does not seek to change the type or place of use of the water rights or the number of acres historically irrigated with the water rights. These wells are fully described in paragraph 3, below. **B.** Applicant seeks to adjudicate the water right for an existing irrigation well which was permitted and placed to beneficial use in 1978. This water right is described in paragraph 4, below. **3.** Mr. Romero owns validly permitted wells from the unconfined aquifer of the Closed Basin of The San Luis Valley, as supplemental or alternate points of diversion for previously-decreed water rights, as follows: **A.** Well Permit No. 047515-F, was permitted 10/31/1996, as an alternate point of diversion for Well No. 1, Case No. W-2541, Well Permit No. 1680-R. The well is located in the NW 1/4 NW 1/4, Sec. 21, T40N, R10E, N.M.P.M., at a point 20 ft FNL, and 200 ft FWL, in Alamosa County, CO. The maximum pumping rate of Well Permit No. 047515-F is limited to 820 g.p.m., and the maximum annual amount of ground water to be appropriated is limited to 289 acre ft, from the unconfined aquifer. Well Permit No. 047515-F and Well No.1, Case No.W-2541, and Well Permit No. 1680-R, are limited to a simultaneous pumping rate of 820 g.p.m., and the combined average annual amount of water to be appropriated by these wells “shall not exceed what has been historically appropriated by Well No. 1680-R.” The use of Well Permit No. 047515-F, Well Permit No. 23301-F, and Well No.1, Case No.W-2541, Well Permit No.1680-R, is limited to irrigation of 144.7 acres in the NW1/4 of Sec.21, T40N, R10E, N.M.P.M. **(1).** Well No. 1, Case No. W-2541, Well Permit No. 1680-R, was decreed 6/17/1976, by the District Court, Water Division No. 3. This well is located in the SW1/4 NW 1/4 , Sec. 21, T40N, R10E, N.M.P.M., at a point 1420 ft FNL and 25 ft FWL, in Alamosa County, CO. The well has an appropriation date of 07/31/1943, and is decreed for 820 g.p.m.from the unconfined aquifer, for irrigation. **B.** Well Permit No. 043813-F, was permitted 7/21/1994, as a supplemental point of diversion for Well No. 2, Case No. W-2541, Well Permit No. 1681-R. Well Permit No. 043813-F is located in the NW1/4 NE 1/4 of Sec. 21, T40N, R10E, N.M.P.M., at a point 1310 ft FNL, and 1920 ft FEL, in Alamosa County, CO. The maximum pumping rate of Well Permit No. 043813-F is limited to for 700 g.p.m., and the annual amount of water to be appropriated by this well shall not exceed 140 acre-ft, from the unconfined aquifer. The combined maximum pumping rate of Well Permit No. 043813-F and Well No. 2, Case No. W-2541, Well Permit No.1681-R, are limited to 1245 g.p.m and the combined annual appropriation of ground water from both of these wells is limited to 480 acre-ft. The use of ground water from Well Permit No. 043813-F and Well No. 2, Case No. W-2541, Well Permit No. 1681-R, is limited to irrigation of 135.7 acres in the NE 1/4 of Sec. 21, T40N, R10E, N.M.P.M. **(1)** Well No. 2, Case No. W-2541, Well Permit No. 1681, was

decreed 6/17/1976, by the District Court, Water Division No. 3. This well is located in the SW1/4 NE1/4 , Sec.21, T40N, R10E, N.M.P.M., at a point 1500 ft FNL and 2660 ft FWL, in Alamosa County, CO. The well has an appropriation date of 8/01/1950, and is decreed for 1245 g.p.m. from the confined aquifer, for irrigation. **C. Well Permit No. 046129-F**, was permitted 2/22/1996, as an alternate point of diversion for Well No. 2, Case No. W-2541, Well Permit No. 1681-R. Well Permit No. 046129-F is located in the NW 1/4 NW 1/4 of Sec. 22, T40N, R10E, N.M.P.M., at a point 1300 ft FNL and 1310 ft FWL, in Alamosa County, CO. The maximum pumping rate of Well Permit No. 046129-F is 545 g.p.m and the annual amount of ground water to be appropriated by this well is limited to 130 acre-ft, from the unconfined aquifer. The combined annual appropriation of Well Permit No. 046129-F, Well Permit No. 43813-F, and Well No. 2, Case No. W-2541, Well Permit No. 1681-R, is limited to 480 acre-ft, and the simultaneous maximum pumping rate of these wells is limited to 1245 g.p.m. The use of ground water from Well Permit No. 046129-F is limited to irrigation of 63.2 acres of the S 1/2 of the NW 1/4 of Sec. 22, T40N, R10E, N.M.P.M.. **(1)**. See 3.b.(1) above. **D. Well Permit No. 047450-F**, was permitted 10/21/1996, as an alternate point of diversion for Well No. 2, Case No. W-2541, Well Permit No. 1681-R. Well Permit No. 047450-F is located in the NW 1/4 NW 1/4 , Sec. 22, T40N, R10E, N.M.P.M. at a point 1300 ft FNL and 600 ft FWL, in Alamosa County, CO. The maximum pumping rate of Well Permit No. 047450-F is 545 g.p.m., and the average annual amount of water to be appropriated is limited to 130 acre-ft, from the unconfined aquifer. The simultaneous maximum pumping rate of Well Permit No. 047450-F, Well No. 2, Case No. W-2541, Well Permit No. 1681-R, Well Permit No. 43813-F, and Well Permit No. 46129-F is limited to 1245 g.p.m., and the combined average annual appropriation of all of these wells is limited to 480 acre-ft. The use of ground water from Well Permit No. 047450-F is limited to irrigation of 63.2 acres located in the S 1/2 of NW 1/4 of Sec. 22, T40N, R10E, N.M.P.M. **(1)** See 3.b.(1) above. **E. Well Permit No. 042622-F**, was permitted 8/06/1993, as a supplemental point of diversion for Well No.1, Case No. W-3919, Well Permit No.16596-F. Well Permit No. 042622-F is located in the NW 1/4 NE1/4 of Sec.23, T40N, R10E, N.M.P.M., at a point 710 ft FNL and 1360 ft FEL, in Alamosa County, CO. The maximum pumping rate for Well Permit No. 042622-F is 250 g.p.m., and the average annual amount of ground water to be appropriated is limited to 110 acre-ft, from the unconfined aquifer. The combined average annual appropriation of Well Permit No. 042622-F, Well No. 1, Case No. W-3919, Well Permit No.16596-F, and Well Permit No. 42621 is limited to 440 acre-ft, and the combined maximum pumping rate of all of these wells is limited to 1000 g.p.m. The use of Well Permit No. 042622-F is limited to the irrigation of 130 acres located in the NE 1/4 of Sec. 23, T40N, R10E, N.M.P.M. **(1)** Well No. 1, Case No. W-3919, Well Permit No. 16596-F, was decreed on 06/28/1979, by the District Court, Water Division No. 3, and an Amended Judgment and Decree was entered on 11/18/1985. Well Permit No 16596-F is located in the NW1/4 NE1/4 , Sec. 23, T40N, R10E, N.M.P.M., at a point 1310 ft FNL and 1330 ft FWL, in Alamosa County, CO. The well has an appropriation date of 8/09/1972, and is decreed for 1000 g.p.m. from both the confined aquifer and the unconfined aquifer, for irrigation. **4. Description of Water Rights to be Adjudicated:** Applicant seeks to adjudicate Well Permit No. 23301-F, permitted 2/09/1978, for 1000 g.p.m., with an average annual appropriation of 320 acre-ft, for irrigation of 160 acres in the NW 1/4 of Section 21, T40N, R10E, N.M.P.M.. The Well is located in the Center of the NW 1/4 of Section 21, T40N, R10E, N.M.P.M., has been drilled to a depth of 100 ft, and draws water from the unconfined aquifer. The average annual appropriation will be

limited to the amount of water needed, under reasonably efficient practices, to grow crops on the land, not to exceed 320 acre-ft. The appropriation date claimed is 1/20/1978, which is the date the well permit application was received by the Division of Water Resources. **5. Change of Water Rights:** Mr. Romero seeks to adjudicate each well described in paragraph 3, subparagraphs A, B, C, D, and E as supplemental or alternate points of diversion wells for the original well from which it was permitted. The appropriation date for each supplemental well and alternate point of diversion well is the same as the original well. Mr. Romero seeks a decree adjudicating these changes of water rights that is consistent with the existing well permit.
(65 pages including attachments)

Case No. 99CW47, South Fork Ranches, LLC, P.O. Box 880, South Fork, CO 81154
(Attys: Anne J. Castle, Sandra A. Snodgrass, Holland & Hart LLP, P.O. Box 8749, 555-17th
Street, Suite 3200, Denver, CO 80201-8749, (303) 295-8000), Application for Change of Water
Right and Approval of Plan for Augmentation, Including Exchange, in Rio Grande County.

1. Names, addresses and telephone numbers of applicants: South Fork Ranches, LLC, P.O. Box 880, South Fork, CO 81154, Telephone: (719)873-5180. **PLAN FOR AUGMENTATION:** 2. **Names of Structures To Be Augmented:** a. Alder Creek Diversion: (1) Location: On Alder Creek whence the SW 1/16 corner of Section 27, Township 40 North, Range 3 East, N.M.P.M. bears N 65°22'23" W 60.93 feet. (2) Flow rate: 800 gpm. (3) Source: Alder Creek, tributary to the Rio Grande. b. SFR Well No. 1: (1) Location: NE¼NE¼ Section 33, T. 40 N., R. 3 E., N.M.P.M., 1,250 feet from the north section line and 1,100 feet from the east section line. (2) Flow rate: 500 g.p.m. (3) Source: Ground water tributary to the Rio Grande. c. SFR Well No. 2: (1) Location: NW¼NW¼ Section 34, T. 40 N., R. 3 E., N.M.P.M., 800 feet from the north section line and 400 feet from the west section line. (2) Flow rate: 500 g.p.m. (3) Source: Ground water tributary to the Rio Grande. d. SFR Well No. 3: (1) Location: NE¼ NW¼ Section 34, T. 40 N., R. 3 E., N.M.P.M., 1,200 feet from the north section line and 1,500 feet from the west section line. (2) Flow rate: 500 g.p.m. (3) Source: Ground water tributary to the Rio Grande. e. SFR Well No. 4: (1) Location: NW¼ NE¼ Section 34, T. 40 N., R. 3 E., N.M.P.M., 1,200 feet from the north section line and 2,800 feet from the west section line. (2) Flow rate: 500 g.p.m. (3) Source: Ground water tributary to the Rio Grande. f. Additional Wells: Up to 39 additional wells may be located on the South Fork Ranches PUD-LS property (the "Additional Wells"). (1) Location: The Additional Wells may be located anywhere within the South Fork Ranches PUD-LS property, the legal description for which and a boundary map are attached hereto as Exhibit A (the "Property"). The Property includes portions or all of sections 14, 21-28, and 32-36, Township 40 North, Range 3 East, N.M.P.M. The precise locations for the Additional Wells have not yet been identified. (2) Use of Additional Wells: It is anticipated that operation of the Additional Wells in combination with or in substitution for some or all of the wells described above in paragraphs 2.b through 2.e above may be necessary to the development of reliable and efficient water supply systems to meet the demands of the proposed South Fork Ranches development as described below in paragraph 5.b below. Lots exceeding two acres in size in the portion of the Property known as "Bear Creek, Filing No. 3" may be supplied by up to 33 individual wells, depending upon availability of physical supply. A central water supply system will provide

water for all other residential lots on the Property, possibly including all or portions of the lots in “Bear Creek, Filing No. 3” that are subject to this augmentation plan, and all other aspects of the development. The central water supply system will be supplied with water from the wells identified in paragraphs 2.b and 2.e above and up to six (6) Additional Wells. (3) Flow rate: A maximum of 15 gpm each for individual lot wells and a maximum of 500 gpm for central supply wells. (4) Source: Ground water tributary to the Rio Grande. 3. **Water Rights To Be Used For Augmentation:** All of the following water rights are located in Rio Grande County, Colorado. a. South Fork Highline Ditch: (1) Date decreed: May 1, 1896. (2) Civil Action Number: In the Matter of Adjudication of the Priorities of Water Rights in Water Dist. No. 20, Costilla County District Court. (3) Legal Description: The headgate is located N. 2° 16’ W. 8 chains from the S.W. corner of Section 34, Township 40 North, Range 3 East, N.M.P.M. (4) Source: South Fork of the Rio Grande, a tributary of the Rio Grande. (5) Amount: (a) 1.16 cfs from the Baird Place (0.49 cfs of Priority No. 292, 0.18 cfs of Priority No. 307, 0.49 cfs of Priority No. 352). (b) 1.86 cfs from the Harper Place (0.55 cfs of Priority No. 292, 0.20 cfs of Priority No. 307, 0.55 cfs of Priority No. 352, 0.56 cfs of Priority No. 1916-59). (c) 1.29 cfs from the Jackson Place (0.37 cfs of Priority No. 292, 0.13 cfs of Priority No. 307, 0.37 cfs of Priority No. 352, 0.43 cfs of Priority No. 1916-59). (d) 0.19 cfs from the Hoover Place (0.053 cfs of Priority No. 292, 0.019 cfs of Priority No. 307, 0.053 cfs of Priority No. 352, 0.062 cfs of Priority No. 1916-59). (e) Total: 4.50 cfs (1.46 cfs of Priority No. 292, 0.53 of Priority No. 307, 1.46 of Priority No. 352, 1.05 cfs of Priority No. 1915-59). (6) Appropriation dates: Priority No. 292—June 30, 1886; Priority No. 307—April 1, 1887; Priority No. 352—April 1, 1889; Priority No. 1916-59—September 13, 1916. (7) Decreed use: Irrigation. (8) Historical use: Water from South Fork Highline Ditch has been used in conjunction with other water rights owned by Applicant for the irrigation of approximately 54.61 acres of land. This irrigation resulted in a historical consumptive use of 56.52 a.f./yr. (Note that this consumptive use includes 0.15 cfs of the 1.0 cfs awarded to Alder Creek Ditch No. 3, Priority 184, now received through the South Fork Highline Ditch). b. Cleghorn Ditch: (1) Date decreed: May 1, 1896. (2) Civil Action Number: In the Matter of Adjudication of the Priorities of Water Rights in Water Dist. No. 20, Costilla County District Court. (3) Legal Description: The headgate is located S. 2° E. 19.2 chains from the ¼ corner between Sections 33 and 34, Township 40 North, Range 3 East, N.M.P.M. (4) Source: South Fork of the Rio Grande, a tributary of the Rio Grande. (5) Amount: 1.0 cfs. (6) Appropriation date: June 15, 1885. (7) Decreed use: Irrigation. (8) Historical use: Water from Cleghorn Ditch historically has been used for the irrigation of approximately 20.41 acres of land. This irrigation resulted in a historical consumptive use of 21.12 a.f./yr. c. Grubb Ditch No. 1: (1) Date decreed: May 1, 1896. (2) Civil Action Number: In the Matter of Adjudication of the Priorities of Water Rights in Water Dist. No. 20, Costilla County District Court. (3) Legal Description: The headgate position is S. 9° 30’ E. 3842.29 feet from the N ¼ corner of Section 26, Township 40 North, Range 3 East, N.M.P.M. (as decreed on July 22, 1965 in Civil Action No. 3558, Alamosa District Court). (4) Source: Bear Creek, a tributary of the Rio Grande. (5) Amount: 0.80 cfs. (6) Appropriation date: June 21, 1874. (7) Decreed use: Irrigation. (8) Historical use: Water from Grubb Ditch No. 1 has been used in conjunction with other water rights owned Applicant for the irrigation of approximately 64.00 acres of land. This irrigation resulted in a historical consumptive use of 66.24 a.f./yr. (Note that this consumptive use represents the irrigation by Grubb Ditch No. 1, Grubb Ditch No. 3, and Bassett Ditch). d. Grubb Ditch No. 2: (1) Date decreed: May 1, 1896. (2) Civil Action Number: In the Matter of Adjudication of the Priorities of Water Rights in Water Dist.

No. 20, Costilla County District Court. (3) Legal Description: The headgate is located N. 15° 32' W. 3696.14 feet from the N¼ corner of Section 26, Township 40 North, Range 3 East, N.M.P.M. (as decreed on July 22, 1965 in Civil Action No. 3558, Alamosa County District Court). (4) Source: Bear Creek, a tributary of the Rio Grande. (5) Amount: 1.0 cfs. (6) Appropriation date: June 21, 1874. (7) Decreed use: Irrigation. (8) Historical use: Water from Grubb Ditch No. 2 has been used for the irrigation of approximately 47.47 acres of land. This irrigation resulted in a historical consumptive use of 49.13 a.f./yr. e. Grubb Ditch No. 3: (1) Date decreed: May 1, 1896. (2) Civil Action Number: In the Matter of Adjudication of the Priorities of Water Rights in Water Dist. No. 20, Costilla County District Court. (3) Legal Description: The headgate is located S. 9° 30' E. 3842.29 feet from the N ¼ corner of Section 26, Township 40 North, Range 3 East, N.M.P.M. (as decreed on July 22, 1965, Civil Action No. 3558, Alamosa County District Court). (4) Source: Bear Creek, a tributary of the Rio Grande. (5) Amount: 1.0 cfs. (6) Appropriation date: June 1, 1886. (7) Decreed use: Irrigation. (8) Historical use: Water from Grubb Ditch No. 3 has been used in conjunction with other water rights owned by Applicant for the irrigation of approximately 64.00 acres of land. The historical consumptive use is included in the description of Grubb Ditch No. 1. f. Bassett Ditch: (1) Date decreed: September 13, 1916. (2) Civil Action Number: In the Matter of the Adjudication of Priorities of Water Rights in Water District Number Twenty in the State of Colorado, Costilla County District Court. (3) Legal Description: The headgate is located S. 9° 30' E. 3842.29 feet from the N ¼ corner of Section 26, Township 40 North, Range 3 East, N.M.P.M. (as decreed on July 22, 1965, Civil Action No. 3558, Alamosa County District Court). (4) Source: Bear Creek, a tributary of the Rio Grande. (5) Amount: Priority No. 1916-51: 1.0 cfs; Priority No. 1916-51A: 3.0 cfs. (6) Appropriation date: May 4, 1900. (7) Decreed use: Irrigation. (8) Historical use: Water from Bassett Ditch has been used in conjunction with other water rights owned by Applicant for the irrigation of approximately 64.00 acres of land. The historical consumptive use is included in the description of Grubb Ditch No. 1. g. Chadwick Ditch No. 1: (1) Date decreed: May 1, 1896. (2) Civil Action Number: In the Matter of Adjudication of the Priorities of Water Rights in Water Dist. No. 20, Costilla County District Court. (3) Legal Description: The headgate is located N. 38° 5' W. 18.7 chains from the ¼ Sec. corner between Sections 35 and 36, Township 40 North, Range 3 East, N.M.P.M. (4) Source: Willow Creek, a tributary of the Rio Grande. (5) Amount: 2.0 cfs. (6) Appropriation date: April 1, 1875. (7) Decreed use: Irrigation. (8) Historical use: Water from Chadwick Ditch No. 1 has been used for the irrigation of approximately 52.67 acres of land. This irrigation resulted in a historical consumptive use of 54.51 a.f./yr. h. Alder Creek Ditch No. 1: (1) Date decreed: May 1, 1896. (2) Civil Action Number: In the Matter of Adjudication of the Priorities of Water Rights in Water Dist. No. 20, Costilla County District Court. (3) Legal Description: The headgate is located S. 20° 50' E. 3934.44 feet, from the SE corner of Section 21, Township 40 North, Range 3 East, N.M.P.M. (as decreed November 2, 1966, in Civil Action No. 3696, Alamosa County District Court). (4) Source: Alder Creek, a tributary of the Rio Grande. (5) Amount: 2.0 cfs. (6) Appropriation date: May 1, 1874. (7) Decreed use: Irrigation. (8) Historical use: Water from Alder Creek Ditch No. 1 has been used for the irrigation of approximately 132.94 acres of land. This irrigation resulted in a historical consumptive use of 137.59 a.f./yr. i. Alder Creek Ditch No. 2: (1) Date decreed: May 1, 1896. (2) Civil Action Number: In the Matter of Adjudication of the Priorities of Water Rights in Water Dist. No. 20, Costilla County District Court. (3) Legal Description: The headgate for 1.0 cfs is located S. 20° 50' E. 3934.44 feet, from the SE corner of Section 21, Township 40 North, Range 3 East, N.M.P.M.; the headgate for the other 1.0 cfs is located S. 64° 59'

W. 1812.30 feet from the SW corner of Section 27, Township 40 North, Range 3 East, N.M.P.M. (as decreed November 2, 1966, in Civil Action No. 3696, Alamosa County District Court). (4) Source: Alder Creek, a tributary of the Rio Grande. (5) Amount: 2.0 cfs. (6) Appropriation date: May 30, 1874. (7) Decreed use: Irrigation. (8) Historical use: Water from Alder Creek Ditch No. 2 has been used for the irrigation of approximately 43.33 acres of land. This irrigation resulted in a historical consumptive use of 44.85 a.f./yr. j. Alder Creek Ditch No. 3: (1) Date decreed: May 1, 1896. (2) Civil Action Number: In the Matter of Adjudication of the Priorities of Water Rights in Water Dist. No. 20, Costilla County District Court. (3) Legal Description: The headgate for 0.15 cfs is located N. 2° 16' W. 8 chains from the S.W. corner of Section 34, Township 40 North, Range 3 East, N.M.P.M. (as decreed on June 12, 1926, in Civil Action No. In the Matter of the Adjudication of Priority Rights to the Use of Water in Water District No. 20, Alamosa County District Court); the headgate for 1.0 cfs is located S. 85° 54.5' W. 1802.69 feet from the SW corner of Section 27, Township 40 North, Range 3 East (as decreed on November 2, 1966, in Civil Action No. 3696, Alamosa County District Court). (4) Source: Alder Creek, a tributary of the Rio Grande. (5) Amount: 0.10 cfs from Jackson Place (1926 headgate), 0.01 cfs from Hoover Place (1926 headgate), 1.00 cfs from Walker Place (1966 headgate), 1.11 cfs total. (6) Appropriation date: May 1, 1880. (7) Decreed use: Irrigation. (8) Historical use: Water from Alder Creek Ditch No. 3 has been used in conjunction with other water rights owned by Applicant for the irrigation of approximately 44.63 acres of land. This irrigation resulted in a historical consumptive use of 46.20 a.f./yr. (Note that this consumptive use does not include the 0.11 cfs of the 1.0 cfs now received through the South Fork Highline Ditch). k. Ice Pond. (1) An undecreed existing structure located in S½ NE¼, Section 34, Township 40 North, Range 3 East, N.M.P.M. (2) Diversion location: Whence the NE Corner of Section 34, Township 40 North, Range 3 East, N.M.P.M., bears N. 45° 47' 11" E., 5,014.5 feet. (3) Source: South Fork of the Rio Grande. (4) Amount: 12 acre feet active storage capacity. (5) Historical use: Stockwatering, piscatorial, recreation. l. Contract Water Supply from San Luis Valley Water Conservancy District. Applicant is a party to an agreement with the San Luis Valley Water Conservancy District ("District") dated July 7, 1999 ("Agreement") providing for Applicant's purchase of 30 acre feet of augmentation water supply from the District. The Agreement requires Applicant to purchase an additional 10 acre feet of augmentation water supply and gives Applicant an option to purchase a further 20 acre feet of augmentation water supply. Applicant will use the portion of this augmentation supply water from the District not already allocated to individual lots within the Property to provide augmentation water pursuant to this plan. Of the 40 acre feet of augmentation water already purchased, or required to be purchased, by Applicant from the District, 22.93 acre feet will be allocated to replace depletions from approximately 91 lots in the portion of the Property known as "Bear Creek, Filing Nos. 1 and 2." The water supply for these lots is not the subject of this augmentation plan. The remaining unallocated augmentation water obtained by Applicant from the past and required purchases by Applicant, currently 17.07 acre feet, will be used to provide augmentation water pursuant to this plan. m. Excess Credits from Case No. 86CW30. The decree dated December 7, 1987 in Case No. 86CW30, Water Division 3, quantified the consumptive use associated with portions of the water rights described in paragraphs 3.a, 3.d, 3.g above historically used to irrigate the six tracts identified in that decree. The decree specified that 106.99 acre feet of consumptive use credit water was associated with those six tracts, of which 24.18 acre feet was reserved for development on those tracts themselves. The remaining 82.81 acre feet was made available for beneficial use, including dedication in a judicially approved plan for

augmentation. A portion of this remaining credit water has been conveyed to other parties, including the District. Exhibit B, Page 2, attached hereto includes a list of the allocated credit water from Case No. 86CW30. The remaining credit water from Case No. 86CW30 will be a source of augmentation water in this plan. The inclusion of the remaining credit water from Case No. 86CW30 in this plan shall not infringe on the use of credit water previously or subsequently conveyed to the District and others. Only the amount of credit water not conveyed by Applicant shall be used as a source of augmentation water supply in this plan.

4. **Historical Use of Augmentation Water Rights.** The water rights described in paragraph 3 above have historically been used on seven parcels of land located within the Property. These parcels have been locally known as the “Baird Place,” the “Harper Place,” the “Hoover Place,” the “Jackson Place,” Rio Properties,” the “Slout Senior Place,” and the “Walker Place.” The locally known names have been used to describe the parcels in the historical use analysis performed by Davis Engineering Service, Inc. supporting this augmentation plan. The amount of consumptive use credit derived from the water rights described in paragraph 3 that were included in the plan for augmentation in Case No. 86CW30 and have been allocated to particular tracts or development are subtracted from the consumptive use credit water available for augmentation under this plan. Exhibit B shows the quantification of historically irrigated acres and consumptive use for the augmentation water rights described in paragraphs 3.a through 3.j above (the “Augmentation Water Rights”). Exhibit B, Page 2, shows the amount of that historical consumptive use that has been allocated from Case No. 86CW30 and an additional portion that will remain appurtenant to four (4) lots in the portion of the Property known as “Bear Creek, Filing No. 1” for irrigation purposes (these lots will continue to receive irrigation water from Grubb Ditch Nos. 1 and 3). Both of these amounts are subtracted from the total historical consumptive use for the Augmentation Water Rights. After this adjustment, the total quantity of consumptive use from the Augmentation Water Rights is 368.42 acre feet. With the addition of 17.07 acre feet of augmentation water purchased from the District as described in paragraph 3.1 above, the total quantity of consumptive use water available for augmentation is 385.49 acre feet. After the amount of water required for golf course irrigation and related water features on the Property, 276.294 acre feet ($265.440 + 10.854 = 276.294$ acre feet, as further described on Exhibit C attached hereto) has been subtracted from the consumptive use available for augmentation pursuant to this plan, the total amount of consumptive use credit available for augmentation of depletions pursuant to this plan is 109.196 acre feet.

5. **Statement of Plan for Augmentation:**

a. General Description of Water Supply: Applicant is the owner of the Property which comprises approximately 2,083 acres located on both sides of the Rio Grande River near South Fork, Colorado. Rio Grande County has approved a Planned Unit Development-Large Scale (PUD-LS) application for South Fork Ranches. The PUD-LS consists of approximately 1,153 dwelling/motel/commercial units, along with an 18 hole golf course. The development will include ponds totaling approximately 3.6 acres in surface area. The Property will be served by two types of potable water supply systems. Lots of two acres in size and larger in the portion of the Property known as “Bear Creek, Filing Nos. 1 and 2,” will be supplied by individual wells. A central water system will provide water for all other lots within the Property. For this central water system, water will be obtained from a number of wells, pumped to a storage tank, disinfected with chlorine, and discharged into water distribution systems serving the development. The wells serving the development have been described in paragraphs 2.b through 2.f above. The Alder Creek Diversion described in paragraph 2.a above will be used to supply irrigation water to the proposed golf course and associated stream and pond features.

b. Water Requirements

and Estimated Consumptive Use: The water usage for the South Fork Ranches development has been estimated based on the following assumptions: (1) Water usage is 85 gallons per capita per day for homes, guest houses, and townhomes with an average of 3 people per home or guest house and 2.5 people per townhome. Occupancy for homes and townhomes is 365 days per year. Occupancy for guest houses will be 20%, or 73 days per year. (2) Consumptive use of water is 10% where wastewater is discharged to a septic tank and leach field disposal system and 5% where wastewater is discharged to a central wastewater collection system. (3) Irrigation demand for lawn grass, including golf course turf, is 2.4 feet per year. Homes will be limited to irrigation of a 3000 square foot lawn. Townhomes will be limited to irrigation of a 500 square foot lawn. (4) Use of water by a hotel/motel is 50 gallons per day per patron. Hotel/motels will have an average of 100 units with an average occupancy of 75% and 2.25 patrons per unit. (5) Water use by a restaurant is 35 gallons per day per seat. The average restaurant will contain 50 seats and an average occupancy of 75%. (6) Use of water by a retail store is 0.13 gallons per day per square foot. (7) Use of water by an office building is 0.09 gallons per day per square foot. (8) Stockwater use is 12 gallons per day per animal or 0.013 acre feet per year per animal. (9) The total area of the golf course is 219.45 acres. Of this area, 110.6 acres will be irrigated with an irrigation demand of 2.4 feet per year. (10) Pond surface evaporation is 3.0 feet per year. Based on these assumptions, Water Use Codes have been developed for the various types of lots, homes, townhomes, and commercial facilities planned for the development. The Water Use Codes, the underlying calculations used to derive them, and the overall calculated water demand and consumptive use for the development are provided on Exhibit C attached hereto. The total estimated consumptive use for the South Fork Ranches potable water supply system is 105.732 acre feet per year. The irrigation consumptive use calculated value included in Exhibit C was for the period following the two year start-up. Applicant requests that this augmentation plan allow use of water within the South Fork Ranches development which, based on the assumptions and Water Use Codes described above, with a maximum consumptive use of 105.732 acre feet, regardless of the mix of development ultimately platted and built. c. Operation of Augmentation Plan. Applicant will dry up the lands historically irrigated by the water rights described in paragraphs 3.a through 3.j above and will discontinue diversions of the Augmentation Water Rights during the irrigation season in the amounts required to produce sufficient consumptive use credit to offset the depletions caused by out-of-priority diversions from the structures described in paragraph 2 above. During the non-irrigation season, Applicant will release water from the Ice Pond, described in paragraph 3.k above, or will utilize its augmentation credit water from the District, described in paragraph 3.l above, in the amount required to offset out-of-priority depletions. Non-irrigation season depletions are estimated at a maximum of 7.5 acre feet. d. Dryup. Dryup of historically irrigated lands will be accomplished by abandoning and backfilling the diversion structures with soil dikes with the exception of the South Fork Highline Ditch. Diversions under Applicant's water rights in the South Fork Highline Ditch will cease, and diversion from the Rio Grande into the South Fork Highline Ditch headgate will be reduced in proportion to the share of the water rights in that ditch owned by Applicant. Diversions will be discontinued in phases as necessary to supply adequate augmentation water for various development phases and in accordance with the direction of the Division Engineer for Water Division No. 3. e. Augmentation Exchange. To the extent that augmentation water is provided from sources described in paragraph 3 above that are downstream of the point of depletion to the Rio Grande stream system, Applicants claim an appropriate right of exchange with a November 30, 1999 priority. The upper terminus of the

exchange is the location of the structure to be augmented as described in paragraph 2 above. The lower terminus of the exchange is the confluence of Bear Creek and the Rio Grande. f. Accounting. This augmentation plan, including exchange, will be administered pursuant to a system approved by the Division Engineer for Water Division No. 3. The accounting system will calculate and record at least monthly: 1) all diversions from the central water supply structures identified in paragraph 2 of this Application and identification of the amounts taken in priority and out-of-priority; 2) provision of augmentation water from the sources identified in paragraph 3 of this Application and identification of the particular sources and amounts thereof. g. No Injury to Vested Rights. Applicant asserts that the water rights of the intervening users between the site of depletion and the sites of replacement for the proposed exchanges will not be injuriously affected. The exchanges will be operated only if there is no injury to intervening water rights senior to November 30, 1999. Pursuant to Colo. Rev. Stat. § 37-92-304(b), Applicant proposes that the Court specify in its final decree a time period within which said decree shall remain subject to reconsideration on the question of injury to vested rights of others. h. Right of Transfer or Sale. Applicant seeks the right to transfer, sell, or dispose of any excess augmentation credit which is not needed to replace out-of-priority depletions. i. Reuse: Applicant requests the right of use, reuse and consecutive use to extinction, of all water so exchanged for augmentation, further exchange, replacement of depletions, municipal, domestic, industrial, commercial, irrigation, recreation, and fish and wildlife purposes.

6. Name and address of owners of land on which points of diversion and places of use are located: Applicant. See paragraph 1 above. **CHANGES OF WATER RIGHT.**

7. Change in the Point of Diversion, Place of Use, and Type of Use - Alder Creek Ditches. a. Decreed Structures For Which Changes Are Sought. Alder Creek Ditch Nos. 1, 2, and 3, as described in paragraphs 3.h and 3.j above. b. Historical Use. As described in paragraph 4 above and on Exhibit B hereto, the historically irrigated area under the Alder Creek Ditch Nos. 1, 2, and 3 totaled 220.90 acres. The irrigated area of the proposed golf course will be approximately 110.6 acres. The golf course irrigated area is approximately the same as the area historically irrigated by Alder Creek Ditch Nos. 1, 2, and 3, as shown on Exhibit D attached hereto. c. Background. The water supply for the proposed golf course will be obtained from a diversion directly from Alder Creek, described above in paragraph 2.a as the "Alder Creek Diversion." Water will be pumped at a rate of 800 gpm (1.78 cfs) from the creek into a storage pond and, from there, through a sprinkler system irrigating the golf course. d. Proposed Changes. Applicant requests approval of an alternate point of diversion for Alder Creek Ditch Nos. 1, 2, and 3 at the location of the Alder Creek Diversion, described in paragraph 2.a above, to the extent of 800 gpm. To the extent that golf course irrigated area is located outside of the historically irrigated area shown on Exhibit D, Applicant requests a change in the place of use for Alder Creek Ditch Nos. 1, 2, and 3 to allow use on the entire golf course irrigated area. Applicant requests a change in the type of use for Alder Creek Ditch Nos. 1, 2, and 3 to allow use for the pond and stream features associated with the planned golf course on the Property. 8.

Change in Point of Diversion and Type of Use - Augmentation Water Rights. a. Decreed Structures For Which Changes Are Sought. All of the water rights to be used for augmentation, as described in paragraphs 3.a through 3.j above, (the "Augmentation Water Rights"). b. Proposed Changes. Applicant requests approval of an alternate point of diversion for the Augmentation Water Rights at the location of the Ice Pond, described in paragraph 3.k above, to the extent of 1.0 c.f.s. (449 gpm). Applicant requests approval of a change in the type of use of the Augmentation Water

Rights to include augmentation purposes. Applicant also requests approval of a change in the type of use of the same water rights to allow storage of consumptive use credits associated with the Augmentation Water Rights in the Ice Pond described in paragraph 3.k above, limited to 12 acre feet maximum annually. **WHEREFORE**, Applicants pray for an Order of this Court: a. Granting the application herein and awarding a judgment and decree approving the changes of water rights requested and the proposed plan for augmentation, including exchange; b. Specifically determining that the requested change of water rights and plan for augmentation, including exchange, as limited by the terms and conditions proposed, will not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right; c. Allowing diversions from the structures identified in paragraph 2 herein during times of calls by senior appropriators in the Rio Grande stream system, so long as net depletions during such times are fully compensated for by compliance with the provisions of the proposed augmentation plan; d. Specifically determining that sufficient replacement water is available from the sources described herein and that said water may be used as required to compensate the Rio Grande and its tributaries for out-of-priority depletions; e. Approving the exchanges requested as part of the augmentation plan with an appropriation date of November 30, 1999; and f. Specifically determining that the augmentation water to be provided is of a quality and quantity so as to meet the requirements for which water has normally been used by senior downstream appropriations.

(35 pages which includes attachments)

Case No. 99CW48, South Fork Ranches, LLC, P.O. Box 880, South Fork, CO 81154, (Attys: Anne J. Castle, Sandra A. Snodgrass, Holland & Hart LLP, P.O. Box 8749, 555-17th Street, Suite 3200, Denver, CO 80201-8749, (303) 295-8000), Application for Underground Water Rights, in Rio Grande County.

1. Name, address, and telephone number of Applicant: South Fork Ranches, LLC, P.O. Box 880, South Fork, CO 81154, Telephone: (719) 873-5180. **2. General Information:** Applicant is the owner of the property known as the South Fork Ranches PUD-LS, the legal description for which is attached hereto as Exhibit A (the "Property"). The Property includes portions or all of sections 14, 21-28, and 32-36, Township 40 North, Range 3 East, N.M.P.M. A portion of the development planned on the Property will be served by a central potable water supply system. Certain of the larger lots within the Property will be served by individual wells. **3. Names of wells and permit, registration, or denial numbers:** a. SFR Central Water Supply System Wells. A central water supply system will provide water for the development on the Property other than those lots served by individual wells, as described in further detail below. The central water supply system will be supplied with water from four to ten wells. The locations and specific information for four of these wells is provided below. b. SFR Individual Wells. Lots exceeding two acres in size in the portion of the South Fork Ranches development known as "Bear Creek, Filing No. 3," will be supplied by approximately 33 individual wells. c. No well permits have been issued as of the date of filing of this application. **4. Legal descriptions:** a. SFR Central Water Supply System Wells. i. SFR Well No. 1: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T. 40 N., R. 3 E., N.M.P.M., 1,250 feet from the north section line and 1,100 feet from the east section line. ii. SFR Well No. 2: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T. 40 N., R.

3 E., N.M.P.M., 800 feet from the north section line and 400 feet from the west section line. iii. SFR Well No. 3: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T. 40 N., R. 3 E., N.M.P.M., 1,200 feet from the north section line and 1,500 feet from the west section line. iv. SFR Well No. 4: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 40 N., R. 3 E., N.M.P.M., 1,200 feet from the north section line and 2,800 feet from the west section line. b. Additional Wells. Applicant seeks confirmation of conditional water rights for up to 33 wells as SFR Individual Wells and six (6) wells as additional SFR Central Water Supply System Wells (collectively, the "Additional Wells") which may be located on the Property. The precise locations for the Additional Wells have not yet been identified. The source for all of the Additional Wells will be ground water tributary to the Rio Grande. It is anticipated that operation of the Additional Wells in combination with or in substitution for some or all of the wells described in paragraphs 4.a.i through 4.a.iv above may be necessary to the development of reliable and efficient water supply systems to meet the demands of the proposed South Fork Ranches development. 5. **Amount Claimed**. a. SFR Individual Wells: Each of the SFR Individual Wells will have a diversion rate of no more than 15 gpm, conditional. b. SFR Central Water Supply System Wells: Combined diversions for all the SFR Central Water Supply System Wells, including the Additional Wells, will be no more than 2000 gpm. Each SFR Central Water Supply System Well will have an individual flow rate of no more than 500 gpm, conditional. 6. **Source**: Ground water tributary to the Rio Grande. 7. **Depth**: a. SFR Individual Wells: 500 feet. b. SFR Central Water Supply System Wells: 150 feet. 8. **Location**: The Additional Wells shall all be located within the Property. The SFR Individual Wells will be located on the portion of the Property known as Bear Creek, Filing No. 3. The 600 foot limit is expressly waived by Applicant as owner of the Property for the SFR Individual Wells. 9. **Well Permits**: Appropriate permits incorporating terms and conditions of any decree entered in this case shall be sought from the State Engineer's Office for any of the Additional Wells which may be developed in the future. Within 60 days of completion of construction of the well(s) pursuant to a well permit, Applicant shall notify both the Water Court and the Division of Water Resources of the precise location of the well(s). 10. **Augmentation Plan**: Applicant has filed an application requesting approval of an augmentation plan that includes all of the wells described in this application. 11. **State Engineer's Policy**: Applicant's inclusion of the Additional Wells in this application is consistent with Policy Memorandum 99-1 of the State Engineer's Office concerning "Location of Conditional Ground Water Rights (Water Wells) in a Proposed Subdivision Within a Pending Plan for Augmentation." Applicant asserts that, so long as the terms and conditions of any decree entered in this case and in the augmentation plan are complied with, no further amendment to this application need be provided to more specifically identify the locations of the Additional Wells which may be developed in the future. 12. **Appropriation Information**: a. Date of appropriation: November 30, 1999. b. How appropriation was initiated: By the completion of field work and final development of an integrated, master water resources plan for development of Applicant's South Fork Ranches property, and the filing of this application. 13. **Proposed Use**: Municipal, domestic, livestock, commercial, recreation, aesthetic, fish and wildlife, irrigation of lawns and gardens, shrubs, trees, and golf course and open space property, fire protection, and any other beneficial purposes associated with the South Fork Ranches development. 14. **Name and address of owner of land on which wells are located**: South Fork Ranches, LLC, P.O. Box 880, South Fork, CO 81154. 15. **Remarks**: The wells described above are intended to provide water to the South Fork Ranches central water supply system. The components of the water

supply system will divert water under the priorities established in this proceeding unless there is a shortage of water in the Rio Grande system and there is a valid call on Applicant's junior water rights. If the water rights established herein are unable to divert under their own priorities, the augmentation plan proposed in the application submitted by Applicant contemporaneously herewith will be implemented to offset any out-of-priority depletions. The underground water rights claimed herein, along with the augmentation plan, including exchange, for which application has been filed contemporaneously herewith, are part of integrated water supply systems to serve the Property, and related development at that location, and that diligence with respect to one component of the integrated water supply systems constitutes diligence with respect to the entirety of the systems. WHEREFORE, Applicant requests that this Court enter a judgment and decree as follows: a. Granting the application and awarding the conditional underground water rights claimed herein; b. Specifically determining that the underground water rights claimed herein, along with the augmentation plan, including exchange, for which application has been filed contemporaneously herewith, are part of integrated water supply systems to serve the Property, and related development at that location, and that diligence with respect to one component of the integrated water supply systems constitutes diligence with respect to the entirety of the systems.
(15 pages which includes attachments)

Case No. 99CW49. Van Pepper, 50 Schutte Lane, Monte Vista, CO 81144

Application for Change of Underground Water Right in Saguache County

Decreed name of structures for which change is sought: A. Well No. 1, 82CW102, Permit 24277-F. B. Well No. 3, 82CW172, Permit 23354-F; C. Well No. Ellen, 82CW155, Permit 23353-F. D. Well No. Dorothy, 82CW158, Permit 23350-F. E. Well No. Cathy, 82CW158, Permit 23351-F. F. Well No. 2, 82CW102, Permit 24346-F. G. Well No. 1, 82CW90, Permit 25149-F. H. Well No. Francis, 82CW157, Permit 23352-F. I. Well No. 1, 82CW104, Permit 25017-F. J. Well No. 1, 82CW103, Permit 25150-F.

From Previous Decree:

	Date Decreed	Case	Court	Source	Appro. Date	Amount (gpm/ac-ft/yr)
A.	1/15/83	82CW102	Div. 3	Unconfined	7/25/79	900/320
B.	5/27/83	82CW172	Div. 3	Unconfined	4/28/80	1000/390
C.	8/19/83	82CW155	Div. 3	Unconfined	4/28/80	1050/390
D.	6/6/84	82CW158	Div. 3	Unconfined	4/28/80	950/390
E.	6/6/84	82CW158	Div. 3	Unconfined	4/28/80	950/390
F.	6/6/84	82CW157	Div. 3	Unconfined	4/28/80	950/390
G.	8/19/83	82CW90	Div. 3	Unconfined	11/10/80	900/400
H.	1/15/83	82CW102	Div. 3	Unconfined	8/22/79	900/320
I.	8/19/83	82CW104	Div. 3	Unconfined	8/6/80	1000/400
J.	8/24/84	82CW103	Div. 3	Unconfined	11/10/80	1000/400

Decreed Points of Diversion: All in Saguache County

A. Center of NE1/4 S13 T 41N R9E NMPM

- B. NW1/4 SW1/4 S 7 T 41N R10E NMPM, 1330 ft. from SSL, 1310 ft. from WSL
- C. Center of NW1/4 S 7 T 41 N R 10E NMPM
- D. Center of SW1/4 S6 T 41N R10E NMPM
- E. Center of SE1/4 S6 T41N R10E NMPM
- F. Center of NE1/4 S7 T41N R10E NMPM
- G. Center of SE1/4 S2 T41N R9E NMPM
- H. Center of NW1/4 S1 T41N R9E NMPM
- I. Center of NE1/4 S2 T41N R9E NMPM
- J. Center of NW1/4 S2 T41N R9E NMPM

Historic Use: Each well was restricted to irrigation on quarter on which it is located. Each well has been used to sprinkler irrigate the quarter on which located. Historically irrigated acres from St. Eng.'s findings are as follows:

A.	Well No. 1, 82CW102, Permit 24277-F	120 acres
B.	Well No. 3, 82CW172, Permit 23354-F	124 acres
C.	Well No. Ellen, 82CW155, Permit 23353-F	125.1 acres
D.	Well No. Dorothy, 82CW158, Permit 23350-F.	127 acres
E.	Well No. Cathy, 82CW158, Permit 23351-F	126.3 acres
F.	Well No. Francis, Case 82CW157, Permit 23352-F	126 acres
G.	Well No. 1, 82CW90, Permit 25149-F	120 acres
H.	Well No. 2, 82CW102, Permit 24346-F	115 acres
I.	Well No. 1, 82CW104, Permit 25017-F	132.2 acres
J.	Well No. 1, 82CW103, Permit 25150-F	130 acres

Proposed Change:

A. Well 1-S, Permit 49085-F is an alternate pt. of diversion for Well No. 1, 82CW102, Permit 24277-F. It is located 1320 ft. from the NSL, 660 ft. from the ESL, NE1/4 NE1/4, S 13 T41N R9E, NMPM. The well is 100 ft. deep, in the unconfined aquifer, & will pump 500 gpm & a maximum of 260 acre-ft. per year. It will be used for irrigation on 120 acres on the NE1/4 S13 T41N R9E NMPM. B. Well 3-S, Permit 44501-F is a supplemental well for Well No. 3, 82CW172, Permit 23354-F. It is located 1320 ft. from the SSL, 600 ft. from the WSL, NW1/4 SW1/4 S7 T41N R10E NMPM. The well is 110 ft. deep, in the unconfined aquifer, & will pump 500 gpm & a maximum of 390 acre-feet per year. It will be used for irrigation of 124 acres on the SW1/4 S7 T41N R10E NMPM. C. Well 4-S, Permit 44499-F is a supplemental well to Well No. Ellen, 82CW155, Permit 23353-F. It is located 600 ft. from the NSL, 1320 ft. from the WSL, NW1/4 NW1/4 S7 T41N R10E NMPM. The well is 110 ft. deep, in the unconfined aquifer, & will pump 550 gpm & a maximum of 390 acre-feet per year. It will be used for irrigation of 125.1 acres on the NW1/4 S7 T41N R10E NMPM. D. Well 5-S, Permit 44502-F is a supplemental well to Well No. Dorothy, Case 82CW158, Permit 23350-F. It is located 600 ft. from the SSL, 1320 ft. from the WSL, SW1/4 SW1/4 S6 T41N R10E NMPM. The well is 110 ft. deep, in the unconfined aquifer, & will pump 450 gpm & a maximum of 390 acre-feet per year. It will be used for irrigation on 127 acres on the SW1/4 S6 T41N R10E NMPM. E. Well 6-S, Permit 44503-F is a supplemental well to Well No. Cathy, 82CW158, Permit 23351-F. It is located 600 ft. from the SSL, 1320 ft. from the ESL, SW1/4 SE1/4 S6 T41N R10E NMPM. The well is 110 ft. deep, in the unconfined aquifer, & will pump 450

gpm & a maximum of 390 af. per year. It will be used for irrigation of 126.3 acres on the SE1/4 S6 T41N R10E NMPM. F. Well 7-S, Permit 44500-F is a supplemental well to Well No. Francis, 82CW157, Permit 23352-F. It is located 600 ft. from the NSL, 1320 ft. from the ESL, NW1/4 NE1/4 S7 T41N R10E NMPM. The well is 110 ft. deep, in the unconfined aquifer, & will pump 475 gpm & a maximum of 390 acre-ft. per year. It will be used for irrigation on 126 acres on the NE1/4 S7 T41N R10E NMPM. G. Well 8-S, Permit 49083-F is an alternate pt. to Well No. 1, 82CW90, Permit 25149-F. It is located 660 ft. from the SSL, 1320 ft. from the ESL, SE1/4 SE1/4 S2 T41N R9E NMPM. The well is 110 ft. deep, in the unconfined aquifer, & will pump 450 gpm & a maximum of 400 af. per year. It will be used for irrigation on 120 acres on the SE1/4 S2 T41N R9E NMPM. H. Well 9-S, Permit 49082-F, is an alternate pt. to Well No. 2, 82CW102, Permit 24346-F. It is located 1980 ft. from the NSL, 1320 ft. from the WSL, SW1/4 NW1/4 S1 T41N R9E NMPM. The well is 110 ft. deep, in the unconfined aquifer, & will pump 450 gpm & a maximum of 260 acre-feet per year. It will be used for irrigation on 115 acres on the NW1/4 S1 T41N R9E NMPM. I. Well 10-S, Permit 045204-F is a supplemental well to Well No. 1, 82CW104, Permit 25017-F. It is located 1980 ft. from the NSL, 1320 ft. from the ESL, SE1/4 NE1/4 S2 T41N R9E NMPM. The well is 110 ft. deep, in the unconfined aquifer, & will pump 500 gpm and a maximum of 400 af. per year. It will be used for irrigation on 132.2 acres on the NE1/4 S2 T41N R9E NMPM. J. Well 11-S, Permit 049084-F is an alternate pt. to Well No. 1, 82CW103, Permit 25150-F. It is located 1980 ft. from the NSL, 1320 ft. from the WSL, SW1/4 NW1/4 S2 T41N R9E, NMPM. The well is 110 ft. deep, in the unconfined aquifer, & will pump 500 gpm & a maximum of 400 af. per year. It will be used for irrigation on 130 acres on the NW1/4 S2 T41N R9E, NMPM.

(6 pages which includes attachments)

Case No. 99CW50. Needles Farm Partnership, 50 Schutte Lane, Monte Vista, CO 81144
Application for Change of Underground Water Right _____ in Saguache County

Decreed name of structure for which change is sought: Well No. 3, W-1505, Permit 9344-F. From Previous Decree: Date entered: Sept. 25, 1975, Case No. W1505, Div. 3. Decreed pt. of diversion: SW1/4 NE1/4 S18 T41N R10E NMPM, at a pt. 1660 ft. from the North Sec. Line & 2616 ft. from the East Sec. Line, in Saguache County. Source: unconfined aquifer. Appropriation date: Dec. 31, 1956. Amount: 1050 gpm. Historic Use: Irrigation & Stockwater on NE1/4 S18 T41N R10E NMPM. Proposed change: Well No. 1-WH, Permit #042975-F, is an alternate pt. & change of type of use for a part of the water right of Well No. 3, W1505, Permit No. 9344-F, Appropriation date of 12/31/1956. It is located 300 ft. from the NSL & 300 ft. from the ESL in NE1/4 NE1/4 S12 T41N R9E NMPM. The well is 97 ft. deep, in the unconfined aquifer & will pump 50 gpm & a maximum of 9.36 af. per year. The well will be used for commercial purposes for humidification of potato storages, drinking water, sanitation, & irrigation of up to 1 acre on the NE1/4 NE1/4 S12 T41N R9E NMPM.

(5 pages including attachments)

Case No. 99CW20. Nissen Farms, c/o Lyle E. Nissen, 4230 Cty. Rd. 106 N, Mosca, CO 81146 (Atty: Carlson, Hammond & Paddock, L.L.C., 1700 Lincoln Street, Ste. 3900, Denver, CO. 80203-4539, 303-861-9000) Amended Application for Water Rights and Change of Water Rights in Alamosa County.

The application concerns wells located in Sections 7, 8 and 18, T. 39 N., R. 10 E., N.M.P.M. The application is amended as follows: Paragraphs 4(F) and (G) are amended to provide that Well Permit No. 42259-F is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, 2200 feet from the south section line and 400 feet from the west section line. Well Permit No. 43393-F is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, 300 feet from the south section line and 300 feet from the west section line. Well Permit No. 39104-F is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, 1770 feet from the north section line and 2590 feet from the east section line. Paragraph 4(G) is amended to state that April 30, 1943, is the appropriation date of Well Permit No. 12177-RF, located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, 600 feet from the north section line and 1708 feet from the east section line. Paragraph 6(A) is amended to clarify that Well Permit No. 42244-F is located in the NE $\frac{1}{4}$ Section 7; that Well Permit Nos. 45287-F and R12177-F are located in the NE $\frac{1}{4}$ Section 18; and that the dry up will occur in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18.

Case No. 99CW32. William Ross Martin, 32995 CR 41 G, Del Norte, CO 81132
Amended Application for Water Storage Right in Saguache County
Ross's Pond. Legal description: SE $\frac{1}{4}$ NE $\frac{1}{4}$, S 3, T 42 N, R 6 E, NMPM, at a pt. 2600 ft. from the North Section Line & 450 ft. from the East Section Line. Source: Biedell Creek (w/Lime Creek as a tributary.) Appropriation date and date water applied to beneficial use: Dec. 31, 1989. Appropriation was initiated by construction of a burm to create a pond. Amount claimed: .20 af., absolute. Use: livestock watering, protection of wetlands, maintain Riparian area. Surface area of high water line: .10 acres; maximum height of dam in ft.: 3; length of dam in ft.: 50. Total capacity of reservoir in af: .20; active capacity: 0; dead storage: .20. Remarks: The flow of Biedell Creek has maintained a riparian area since after the burm was built.

THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT WITHIN THE TIME PROVIDED BY STATUTE OR BE FOREVER BARRED.

You are further notified that you have until the last day of January, 2000, to file with the Water Clerk, in quadruplicate, 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. A copy of such a statement of opposition 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. A \$45.00 filing fee is required.

You can review the complete applications in the office of the Clerk of the Combined Court,
702 Fourth St., Alamosa, CO 81101.

Witness my hand and seal of this Court this 13th day of December, 1999.

Carol S. Redding
Clerk of the Combined Courts
Water Court
Water Division 3
702 Fourth Street
Alamosa, Colorado 81101

SEAL

