

**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 March, 2023 for each county affected.

2023CW1 Linda Kay Haverland Trust Attn: Scott Consaul 4558 S Parfet Ct, Littleton CO 80127 or 8035 E County Road 10 N, Center CO 81125. (303)906-8222 or (719)588-6202.

Application for Change of Water Right in Saguache County. Decreed water for which change is sought: **A.** Name of structure: WDID 2006589, Permit 2035-S, 88CW034 Well No 2R and WDID 2014297, Permit 34882-F-R, 2004CW10 Well No 2S. **B.** Date of original and subsequent decrees: 12/31/1972; 7/30/1990; 02/16/2006 Case No: W0543; 88CW34; 2004CW10 Court: District Court Water Division 3. **C.** Legal description of structure: NW 1/4 of the NE 1/4 Section 29, Township 41 N Range 9E NMPM at a point 1050 ft from the North section line and 1320 feet from the East section line; and the SE 1/4 NE 1/4 Section 29, Township 41N Range 9 E NMPM at a point 2050 ft from the N section line and 1320 feet from the East section line. **D.** Decreed source of water: Unconfined Aquifer. **E.** Appropriation Date: 5/10/1955 and 5/1/1964. **F.** Total amount decreed to structure: Absolute 1460GPM (800 GPM and 660 GPM). **G.** Decreed use: Irrigation Absolute 1460 GPM. **Detailed description of proposed change:** Applicants submitting this filing seek approval to construct a 1460 gpm supplemental well to be used in combination with WDID 2006589, Permit 20325-S, 88CW034 Well No 2R; and WDID 2014297, Permit 34882-F-R, 2004CW10 Well No 2S to irrigate the historically irrigated land within the NE 1/4 Section 29, Township 41 North, Range 9 East, NMPM. Applicant also seeks to allow 88CW034 Well No 2R and 2004CW10 Well No 2S to also individually and in combination withdraw 1460 gpm. The new supplemental well will be located in the NE 1/4 of Section 29, Township 41 North, Range 9 East, NMPM. There will be no increase to the current limitation of pumping for the 3 wells combined nor any increase in area irrigated by the 3 wells. The depth of the new supplemental well will not exceed the depth of the blue clay layer and the well will produce from the same decreed source as Wells number 2R and 2S: the unconfined aquifer. **Location information:** Legal Description: County NE 1/4 of the NE 1/4 Section 29 Township 41N Range 9E NMPM. **UTM coordinates:** Easting 411558 Northing 4181592 Zone 13. Source for UTM: Hand Held Garmin Accuracy within 30 ft. Name of land owner: Linda Kay Haverland Trust 4558 S Parfet Ct, Littleton CO 80127.

CASE NO.: 2023CW3002 JASON D. COOMBS (c/o Richard J. Mehren, Molly K. Haug, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302 (303) 443-8782) **APPLICATION FOR CHANGE OF WATER RIGHT IN**
CONEJOS COUNTY 1. Applicant's name, address, telephone number, and email address: Jason D. Coombs, 23719 County Road 15, La Jara, CO 81140 2. Decreed water right for which change is sought: 2.1 Name of structure: Morgan Seepage Ditch (WDID 2100563). 2.2 Date of

original decree: In The Matter of the Adjudication of Priorities of Water Rights in Water District No. 21, District Court in and for Conejos County, State of Colorado, entered March 8, 1929 in Civil Action No. 1744 (the "CA 1744 Decree"). 2.3 Legal description of structure as described in most recent decree that adjudicated the location therein: As described in the CA 1744 Decree, the Morgan Seepage Ditch comprises the drainage system of the Morgan Drainage District, consisting of a main open outlet canal with two branches, a north and a south branch. The south branch has its upper end at a point at or near the north quarter corner of Section 36, in Township 36 North, Range 8 East N.M.M. From said point said south branch runs east a distance of three (3) miles; thence north one-half (1/2) mile; thence east one (1) mile to its junction with the north branch at the center of Section 27, Township 36 North, Range 9 East N.M.M. The north branch of said open outlet canal has its upper end at the northwest corner of the south half of the northeast quarter of Section 20 in Township 36 North, Range 9 East N.M.M., and from said point said canal runs east two (2) miles; thence south one and one-quarter (1-1/4) miles to its junction with the south branch mentioned above. From the point of junction of said north and south branches said open outlet canal runs east one-half (1/2) mile; thence north one-fourth (1/4) mile; thence east one and one-half (1-1/2) miles; then southeast one-fourth (1/4) mile to the east line of the Morgan Drainage District, which is also the west line of the state highway running along the Denver and Rio Grande Western Railroad. From said point said canal runs east four (4) miles along the east and west center line of Section 25 in Township 36 North, Range 9 East N.M.M, and of Section 30, 29 and 28 in Township 36 North, Range 10 East N.M.M. 2.3.1 The UTM location obtained from Colorado Decision Support System ("CDSS") is: 407022.8mE, 4131130.4mN, Zone 13, NAD 83. 2.3.2 Decreed alternate points of diversions: 2.3.2.1 Seepage Diversion Ditch No. 1: Located in the south branch of the Morgan Seepage Ditch at the northeast corner of the northwest quarter of the northeast quarter of Section 36 in Township 36 North, Range 8 East N.M.M. 2.3.2.2 Seepage Diversion Ditch No. 2: Located at the south quarter corner of Section 31, in Township 36 North, Range 9 East N.M.M., in the south branch of the Morgan Seepage Ditch. 2.3.2.3 Seepage Diversion Ditch No. 3: Located at the northeast corner of the northwest quarter of the northwest quarter of Section 33, in Township 36 North, Range 9 East N.M.M. in the south branch of the Morgan Ditch. 2.3.2.4 Seepage Diversion Ditch No. 4: Located at a point 1750 feet west of the east quarter corner of Section 27, in Township 36 North, Range 9 East N.M.M. in the main Morgan Seepage Ditch. 2.3.2.5 Seepage Diversion Ditch No. 5: Located at the center of Section 28, in Township 36 North, Range 10 East N.M.M. in the main Morgan Seepage Ditch. 2.4 Decreed source of water: Water from underground seepage, which seepage is not tributary to nor a part of any natural stream of the State of Colorado. 2.5 Appropriation date: June 23, 1922. 2.6 Amount decreed to structure: 2.6.1 Priority No. 1: 19 cfs, absolute. 2.7 Decreed use: Irrigation. 3. Detailed description of proposed change: Applicant has an interest in 3 cfs of the Morgan Seepage Ditch water right described in paragraph 2, above, that Applicant and his predecessors in interest have used since at least the early 1940's to irrigate up to 160 acres located within the NE 1/4 and the E 1/2 of the NW 1/4 of Section 28, Township 36 North, Range 9 East of the NMPM, as generally shown on the map attached as **Exhibit A** ("Coombs Land"). The Coombs Land is within the lawful place of use of the Morgan Seepage Ditch water right described paragraph 2, above, and decreed in the CA 1744 Decree. Applicant has constructed Seepage Diversion Ditch No. 6 described below, a

new alternate point of diversion for diversion of his 3 cfs interest in the Morgan Seepage Ditch water right for continued irrigation of the Coombs Land. On March 9, 2023, Applicant obtained the consent of the Morgan Drainage District to file and prosecute to completion this application for a change of water right to add Seepage Diversion Ditch No. 6 as an additional alternate point of diversion for up to 3 cfs of the Morgan Seepage Ditch water right for irrigation of the Coombs Land. Accordingly, Applicant seeks to add Seepage Diversion Ditch No. 6 described below as an alternate point of diversion for 3 cfs of the Morgan Seepage Ditch water right for irrigation of the Coombs Land: 3.1 Location of alternate point of diversion: 3.1.1 Name of structure: Seepage Diversion Ditch No. 6. 3.1.2 Location of structure and point of diversion: In the SW1/4, NE1/4 of Section 28, T36N, R9E of the 6th P.M. at a point 8.55 feet from the East section line and 205.89 feet from the North section line. 3.1.2.1 The UTM location taken by the Applicant with a handheld GPS unit is: 412124mE, 4132436mN, Zone 13 South, NAD 83, as shown on the map attached as **Exhibit A**. 3.2 Amount of water to be changed: 3 cfs of the 19 cfs. 3.3 Records or summaries of records of actual diversions of the Morgan Seepage Ditch water right: To the best of Applicant's knowledge there are no records or summaries of records of actual diversions of the Morgan Seepage Ditch water right. 3.4 No other change requested: By this application, Applicant seeks only a change of water right to add an alternate point of diversion for Applicant's interest in the Morgan Seepage Ditch water right, as described above, for irrigation of the Coombs Land. Applicant does not seek a change in the decreed use, place of use, or any other change of the Morgan Seepage Ditch water right. 3.5 No injury to other water rights: The change in water right to add an alternate point of diversion as requested herein also will not injure the owner of or persons entitled to use water under a vested water right or decreed conditional water right. 4. Name and address of owner or reputed owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant, Springe Coombs, and Larry W. Coombs own the land where the Seepage Diversion Ditch No. 6 diversion structure is located. Springe Coombs' mailing address is 23719 County Road 15, La Jara, Colorado 81140. Larry W. Coombs' mailing address is 23721 County Road 15, La Jara, Colorado 81140. The Seepage Diversion Ditch No. 6 diverts water from the Morgan Seepage Ditch. The Morgan Seepage Ditch is owned and operated by the Morgan Drainage District. Applicant understands that the Morgan Drainage District holds an easement interest in the lands owned by Applicant, Springe Coombs and Larry W. Coombs where the Seepage Diversion Ditch No. 6 diversion structure is located. The mailing address for the Morgan Drainage District is 14541 County Road 101S, Alamosa, Colorado 81101. WHEREFORE, Jason D. Coombs respectfully requests that this Court enter a decree approving this Application for Change of Water Rights and granting all such other and further relief, whether legal or equitable, as the Court may determine necessary or desirable.

CASE NO. 2023CW3003; ALAMOSA COUNTY; Kirkpatrick Survivor "A" Trust and Jason Kirkpatrick c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, karl@kuenholdlaw.com . APPLICATION FOR A CHANGE OF WATER RIGHTS. This

application seeks the following: 1) The First Claim seeks to change two wells (IRW #1 and IRW#2) which provide water to the SE 1/4 of Section 33, Township 40 North, Range 10 East, NMPM (the "Wahlberg Quarter") pursuant to the terms of Case 11CW20 and make these well supplemental points of diversion (SPDs) to Well No. 5 in Case W-3929 and to transfer the 300 gpm Case which 11CW20 had allocated for the "Wahlberg Quarter" to the other wells permitted under Case 11CW20 in the quarters designated "Jerry," "Pinky 1" and "Pinky 2."

2) The Second claim seeks to make Well No 4 in Case W-1021 and Well No.5 in Case W-3929, both located in the SE 1/4 of Section 33, Township 40 North, Range 10 East, NMPM (the "Wahlberg Quarter") alternate points of diversion for one another. This would make the five wells in the "Wahlberg Quarter" all APDs for one another.

3) The Third Claim seeks to change augmentation Well No. 4 in Case 96CW05 (WDID2013722) on the SE 1/4 of Section 6, Township 39 North, Range 10 East NMPM ("Pinky 1") into an APD for Well No. 2 in Case 82CW188 and augmentation Well No. 2 in Case 96CW05 (WDID2013720) on the SW ¼ of Section 5, Township 39 North, Range 10 East NMPM ("Pinky 2") into an APD for Well No. 1 in Case 82CW188.

The granting of this application will not result in any expansion of use and will not result in any injury to senior water rights. *Land ownership:* Applicants own the real property on which the wells are located.

CASE NO. 2023CW3004; ALAMSA COUNTY; Weaver-Lavery Farms, LLC, by and through Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, karl@kuenholdlaw.com . Petition for Correction of Decree. *Decreed water rights for which correction or changes are sought:* (1) Well No. 3: Orig. Decree: 10/05/1978,

Water Division 3, Case No. W-1045. Location: the well is situated in the SW corner of NE 1/4 of Section 31, Township 37 North, Range 9 East NMPM. in Alamosa County, CO at a point 2395 feet from the North section line and 22425 feet from the East section line in Alamosa County, Colorado. *Source:* Confined Aquifer. Appropriation date: June 30, 1955 *Amounts:* 2200 gpm being 4.90 cubic feet of water per minute, being 9.80 acre feet of water in a period of twenty-four hours. Uses in Decree: irrigation. *Detailed description of proposed changes:* Petitioner seeks to amend the decree to clarify that the use of Well No. 3 is decreed to provide water for irrigation of the NE 1/4 of Section 31, Township 37 North, Range 9 East NMPM and the NW ¼ of Section 32, Township 37 North, Range 9 East N.M.P.M. which is what it was originally appropriated for A scrivener's error was made in the application and the Referee Ruling and the Decree fail to describe the actual irrigated acreage of the Well and this Petition seeks to have that error corrected by specifically describing the acres historically irrigated. Correcting the decree will not cause injury to any party and confirm the historic use.

Land ownership: Petitioner owns the real property and existing Well No. 3, the only diversion structure contemplated and affected by this Application.

You are notified that you have until the last day of May 2023, 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.