DISTRICT COURT, WATER DIVISION 3, STATE OF COLORADOTO: ALL PERSONS INTERESTED IN WATER APPLICATIONS FILED INWATER DIVISION 3.

Pursuant to C.R.S. 37-92-302(3), you are notified that the following is a resume inWater Division 3, containing notice of applications and certain amendments filed in theoffice of the Water Clerk during the month of August 2023 for each county affected.

**2023CW8: Brandon and Michelle Bagwell, 12461 CR Road 104 South, Alamosa, CO 81101;** **michellebagwell@yahoo.com****; 719-589-3595. Corrected Application For Finding of Reasonable Diligence to Make Absolute In Conejos County.** Name of structure: Blaine Bagwell Tailwater – Ditch 2. Type: Ditch. WDID: 2200957. Description of conditional water right: Date of original decree: May 3, 2017. Case No.: 2015CW3001. Court: Water Court Division 3. List all subsequent decrees awarding findings of diligence: N/A. Legal description: Point 1- SW1/4 SW1/4, Section 17, Township 34N, Range 10 East, NMPM at a point 1300 feet from the South Section Line and 20 feet from the West Section Line. Point 2 – a point 10 feet south of the boundary line between the N1/2 and S1/2 of the SW1/4 Section 17, Township 34N, Range 10E, NMPM. Source of water: Seepage, wastewater, and tail water. Appropriation date: May 5, 1952. Amount: 1.35 cfs Absolute, 0.05 cfs conditional. Use: Irrigation of 15 acres in the S1/2 SW1/4 of Section 17, Township 34N, Range 10E, NMPM. 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: Applicants have diligently maintained the control and measuring devices and the ditch to divert the available water for irrigation. The Conejos River system has had a few good water supply years that create tailwater. These years are 2017, 2019, and 2023. Also, 2021 was a pretty good year for tailwater. Applicants have used the available tailwater to irrigate the 15 acres in the S1/2 SW1/4 Section 18, Township 34N, Range 10E, NMPM. If claim to make absolute in whole in part date water applied to beneficial use: May 2017, May and June 2019, May and June 2021, and May and June 2023. Amount: 1.40. Use: Irrigation as described in the 15CW3001 decree. Description of place of use: 15 acres within the S1/2 SW1/4, Section 17, Township 34N, Range 10E, NMPM. No change in decreed location. Name and address of owner: Brandon and Michelle Bagwell; 12464 County Road 104 South, Alamosa, CO 81101. Remarks or any other pertinent information: The Applicants, Brandon and Michelle Bagwell purchased the S1/2 SW1/4, Section 17, Township 34N, Range 10E, NMPM from Blaine Bagwell on April 17, 2019. Since the year of purchase, Applicant has diligently maintained and used the ditch.

**2023CW9: Judy J. Hamilton, 2162 S County Road 4 East, Monte Vista, CO 81144, 719-852-2625. Application for Change of Water Right in the Rio Grande or its Tributaries in Rio Grande County.** Decree water rights for which change is sought: Name of Structure: Well No. 1 (W869) Permit no. 13796-R-R, WDID 2014471. Date of original decree: 1/4/1974. Case No: W869. Court: Division 3 Water Court. Legal description: NW 1/4 NW 1/4, Section 14, Township 38 North, Range 8 East NMPM, at a point 760 feet from North Section line and 35 feet from West Section line, in Rio Grande County, Colorado. This well has been GPS’d at UTM Zone 13S NAD 83 coordinates: 404979 Easting, 4155918 Northing. Decreed source of water: Unconfined. Appropriation date: 12/31/1993. Total amount decreed to structure: Absolute 600 gpm. Decreed use: Irrigation. Amount of water the applicant intends to change: Absolute 600 gpm. Name of structure: Well No. 2 (W869), Permit no. 13797 13797 R, WDID 2009792. Date of original decree: 1/4/1974. Case No: W869. Court: Division 3 Water Court. Legal description: NW 14 NW 1/4, Section 14, Township 38 North, Range 8 East NMPM, in Rio Grande County, Colorado, at a point 590 feet from North Section line and 35 feet from West Section line.
This well has been GPS’d at UTM Zone 13S NAD 83 coordinates: 404976 Easting, 4155823 Northing. Decreed source of water: Unconfined. Appropriation date: 5/31/1948. Total amount decreed to structure: Absolute 800 gpm. Decreed use: Irrigation. Amount of water the applicant intends to change: Absolute 800 gpm. Detailed description of proposed change: Part 1: Under permit no. 13796-R-R the water right associated with Well No. 1 was moved approximately
600 feet North of the decreed location. This occurred in 1978. The well was completed in the unconfined aquifer at a depth of 60 feet. Applicant wishes to adjudicate well permit no. 13796-R-R as a replacement of Well No. 1 in case no. W869. The original Well No. 1 was abandoned.
Part 2: Applicant requests that Well Nos. 1 and 2 be made alternate points of diversion to each other so that a total of 1400 gpm may be withdrawn from either well individually or in combination from both structures. This request would allow the applicant to qualify for a metering variance through the DWR so that they can use one meter in the future. Both Well Nos. 1 and 2 produce from the unconfined aquifer and are decreed to be used on the same lands. There would be no expansion of use. Both wells are enrolled in Subdistrict #2 and would continue to do so. Changed or added point of diversion: Location information Well No. 1/ Permit No. 13796-R-R: PLSS: Rio Grande County, NW1/4 of the NW1/4, Section 14, Township 38N, Range 8E, NMPM. Points of diversion UTM format: Easting 404979 Northing 4155918 Zone 13. Location information: Well No. 2: PLSS: Rio Grande County, NW1/4 of the NW1/4, Section 14, Township 38N, Range 8E, NMPM. Point of diversion UTM format: Easting 404976 Northing 4155823 Zone 13. Name and address of reputed owner: N/A.

**2023CW10: Terry Chiles, 9530 Lane 10 North, Hooper, CO 81136,** **Chiles.terry@gmail.com****, 719-850-9269. Application for Change of Underground Water Right in Alamosa County. Part A**: Addition of a Supplemental Irrigation Well
on the NW1/4 Section 11, Township 40 North, Range 10 East, NMPM (Field No. 1).
Decreed water right for which change is sought: Name of structure: Well No. 4, Case No. W-3956, Permit No. 17999-F, WDID 2013645 (Well No. 4). Date of original and all relevant subsequent decrees: Case No. W-3956: October 29, 1981. Court: District Court, Water Division No. 3. Legal description of decreed structure: Center of the NW1/4 Section 11, Township 40 North, Range 10 East, NMPM at a point 1320 feet from the North Section line and 1320 feet from the West Section line, in Alamosa County, Colorado. This well is located by GPS at UTM NAD83 425079 mE, 4176400 mN. Decreed source of water: Confined aquifer. The well is 120 feet deep with perforations from 20 feet to 120 feet. Appropriation Date: December 19, 1973. Total amount decreed to structure: 1,200 gpm = 2.67 cfs. Decreed use: Irrigation. As limited by the Ruling in Case No. 07CW35 irrigation of not more than 130 acres in the NW1/4 Section 11, Township 40 North, Range 10 East, NMPM. Amount of water applicant intends to change: 1,200 gpm. Detailed description of proposed change: Applicants seek approval to construct a supplemental well to be used in combination with Well No. 4 and Well No. 4-A, Case No. 07CW35, WDID 2013905 (Well No. 4-A) to irrigate the historically irrigated land within the NW1/4 Section 11, Township 40 North, Range 10 East, NMPM. The supplemental well will be located within the NW1/4 Section 11, Township 40 North, Range 10 East, NMPM. There will be no increase to the current decreed limitations on the use of the irrigation wells located on the NW1/4 Section 11, Township 40 North, Range 10 East, NMPM as decreed in Case Nos. W-3956 and 07CW35. The depth of the supplemental well will not exceed 120 feet or the top of the confining clay series, whichever comes first. Applicant intends to complete the supplemental well into the unconfined aquifer only. Meter records for the past decade for Well Nos. 4 and 4-A show consistent use between 105 and 207 acre-feet pumped per year. Case No. 07CW35 further limits the combined use of Well Nos. 4 and 4-A to 1200 gpm and 360.0 acre-feet annually. Applicant is applying to obtain a supplemental to Well No. 4, Case No. W-3956, not correcting the location of the well. See above for change in point of diversion. **Part B**: Addition of a Supplemental Irrigation Well on the SW1/4 Section 12, Township 40 North, Range 10 East, NMPM (Field No. 5). Decreed water right for which change is sought: Name of structure: Well No. 4, Case No. W-3261, Permit No. 16804-F, WDID 2005424 (Well No. 4). Date of original and all relevant subsequent decrees: Case No. W-3261: August 24, 1978. Court: District Court, Water Division No. 3. Legal description of decreed structure: Center of the SW1/4 Section 12, Township 40 North, Range 10 East, NMPM at a point 1320 feet from the South Section line and 1320 feet from the West Section line, in Alamosa County, Colorado. This well is located by GPS at UTM NAD83 426644 mE, 4175605 mN. Decreed source of water: Unconfined aquifer. The well is 120 feet deep with perforations from 20 feet to 120 feet. Appropriation Date: January 10, 1974. Total amount decreed to structure: 1,000 gpm = 2.23 cfs. Decreed use: Irrigation. Amount of water that applicant intends to change: 1,000 gpm. Detailed description of proposed change: Applicants seek approval to construct a supplemental well to be used in combination with Well No. 4 and Well No. 4-S, Case No. W-3957, WDID 2005532 (Well No. 4 S) to irrigate the historically irrigated land within the SW1/4 Section 12, Township 40 North, Range 10 East, NMPM. The supplemental well will be located within the SW1/4 Section 12, Township 40 North, Range 10 East, NMPM. There will be no increase to the current decreed limitations on the use of the irrigation wells located on the SW1/4 Section 12, Township 40 North, Range 10 East, NMPM as decreed in Case Nos. W-3261 and W-3957. The depth of the supplemental well will not exceed 120 feet or the top of the confining clay series, whichever comes first. Applicant intends to complete the supplemental well into the unconfined aquifer only. Meter records for the past decade for Well Nos. 4 and 4-S show consistent use between 96 and 278 acre-feet pumped per year. Case No. W-3957 limits the combined use of Well Nos. 4 and 4-S to 1000 gpm. Applicant is applying to obtain a supplemental well to Well No. 4, Case No. W-3261, not correcting the location of a well. See above for change in point of diversion. **Part C**: Addition of a Supplemental Irrigation Well on the SE1/4 Section 12, Township 40 North, Range 10 East. NMPM (Field No. 6). Decreed water right for which change is sought: Name of structure: Well No. 3, Case No. W-3261, Permit No. 16805-F, WDID 2005425 (Well No. 3). Date of original and all relevant subsequent decrees: Case No. W-3261: August 24, 1978. Court: District Court, Water Division No. 3. Legal description of decreed structure: Center of the SE1/4 Section 12, Township 40 North, Range 10 East, NMPM at a point 1320 feet from the South Section line and 1320 feet from the East Section line, in Alamosa County, Colorado. This well is located by GPS at UTM NAD83 427421 mE, 4175614 mN. Decreed source of water: Unconfined aquifer. The well is 100 feet deep with perforations from 20 feet to 100 feet. Appropriation Date: January 2, 1974. Total amount decreed to structure: 1,000 gpm = 2.23 cfs. Decreed use: Irrigation. Amount of water that applicant intends to change: 1,000 gpm. Detailed description of proposed change: Applicants seek approval to construct a supplemental well to be used in combination with Well
No. 3 and Well No. 3-S, Case No. W-3957, WDID 2005531 (Well No. 3-S) to irrigate the historically irrigated land within the SE1/4 Section 12, Township 40 North, Range 10 East, NMPM. The supplemental well will be located within the SE1/4 Section 12, Township 40 North, Range 10 East, NMPM. There will be no increase to the current decreed limitations on the use of the irrigation wells located on the SE1/4 Section 12, Township 40 North, Range 10 East, NMPM as decreed in Case Nos. W-3261 and W-3957. The depth of the supplemental well will not exceed 120 feet or the top of the confining clay series, whichever comes first. Applicant intends to complete the supplemental well into the unconfined aquifer only. Meter records for the past decade for Well Nos. 3 and 3-S show consistent use between 40 and 180 acre-feet pumped per year. Case No. W-3957 limits the combined use of Well Nos. 3 and 3-S to 1000 gpm. Applicant is applying to obtain a supplemental to Well No. 4, Case No. W-3261, not correcting the location of the well. See above for change in point of diversion. Name and address of reputed owners: Terry Chiles, 9530 Lane 10 North, Hooper, CO 81136.

**2023CW11: Brock Canty and Tandi Canty, 315 Fifth Street, Sanford, CO 81151, 719-588-0383. Application for Finding of Reasonable Diligence in Conejos County.** Name of structure: Well No. 1, Case No. W-668, Registration No. 1478-R, WDID 2105160 (Well No. 1).Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: September 19, 1974. Case No. W-668 Court Water Division 3. Date of subsequent Decree: April 10, 2017. Case No. 2016CW3002 Court: Water Division 3 as to a change of water right for Well No. 1, List all subsequent decrees awarding findings of diligence: None. Legal description: SW1/4 NE1/4 Section 23, Township 35 North, Range 8 East, N.M.P.M. at a point 1338 feet from the North Section Line and 2380 feet from the East Section Line, Conejos County, Colorado. Source of water: Unconfined aquifer. Appropriation Date: March 31, 1957. Amount: 1500 gpm being 3.34 cfs, absolute Use: Irrigation. Depth: 330 feet. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use: Since taking ownership of the well in 2020, we have paid the fees necessary to keep the well on the roster of
the Rio Grande Water Conservation District Groundwater Management Subdistrict No. 6. Although a meter has not been installed on the well, we are looking into the installation of a meter on the well. We have also looked into the costs associated with replacement of the well to the land it serves. This move of the well was decreed in Case No, 16CW3002. The costs for replacing an irrigation well have soared since the decree was entered in Case No. 16CW3002. This is a budgeting issue that needs more time to resolve. The subject irrigated land continues to be irrigated by the associated ditch rights. Applicants have paid the annual assessments on the Miller Ditch shares. Applicants constructed an on-farm reservoir with can pump to serve the center pivot sprinkler in 2022. The land has been re-planted to a hay crop in 2023. We pray the Court allows us another period of diligence to perfect the conditional change of water right. If claim to make absolute in whole or in part: Date water applied to beneficial use: Not claiming absolute water right. Description of place of use where water is applied to beneficial use. The land irrigated is as described in the 16CW3002 decree. Diversion points are located as previously decreed. Names and addresses of reputed owners: Brock Canty and Tandi Canty, 315 Fifth Street, Sanford, CO 81151, 719-588-0383. Remarks or any other pertinent information: We continue to work hard to make the farm productive. The water is an essential need.

You are notified that you have until the last day of October 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, chiles.terry@gmail.com, 719-850-9269.