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 September 2023 for each county affected.

**2021 CW 3024 AMENDED APPLICATION FOR CHANGE OF UNDERGROUND WATER RIGHTS AND APPLICATION FOR UNDERGROUND WATER RIGHTS**

**1. Name, Address and Telephone Number of Applicant:** United States of America, Department of the Interior, Bureau of Land Management, San Luis Valley Field Office,1313 Highway 160, Monte Vista, CO 81144. **2.** **Introduction and Background.** Original Application: The Bureau of Land Management’s (BLM) Blanca Wetlands Area (Blanca Wetlands) encompasses approximately 9,775 acres of public lands approximately 10 miles northeast of Alamosa. Blanca Wetlands is managed to provide nesting habitat for hundreds of migratory waterfowl and shorebirds species, including an endangered species and 12 sensitive species. Blanca Wetlands’ playa lakes, ponds, and marshlands also provide habitat for a wide variety plants, amphibians, reptiles, and mammals, and they provide recreation opportunities such as bird hunting and wildlife watching. BLM operates 44 confined aquifer wells at Blanca Wetlands. The wells are not pumped and produce water due to artesian flow. The confined aquifer wells operate under two different water court decrees. Twenty wells that BLM drilled before 1979, the year in which the United States was served under the McCarran Amendment, operate under the decree in case number 81 CW 177. Twenty-one wells that the BLM drilled after 1979, along with four water rights and two wells that BLM acquired from third parties, operate under a plan for augmentation decreed in case number 2002 CW 38B. The plan for augmentation in case number 2002 CW 38B also covers the wells that were previously decreed in case number 81 CW 177, so that all wells at Blanca Wetlands are in compliance with *Rules Governing the Withdrawal of Groundwater in Water Division No. 3 and Establishing Criteria tor the Beginning and End of the Irrigation Season in Water Division No. 3 for all Irrigation Water Rights*. Each well within Blanca Wetlands also operates under a permit granted by the Colorado Division of Water Resources (CDWR) pursuant to the conditions found in the two decrees. In this application, BLM seeks to adjudicate all 44 wells within Blanca Wetlands as alternate points of diversion for each other. BLM seeks this authorization to maximize water use efficiency and biological production with a limited water supply. BLM’s management practice is to rotate the limited water supply among shallow water and playa habitats, while drying and burning wetland basins that are not being irrigated. This practice allows BLM to control vegetation growth, control salinity levels, and maximize aquatic insect production, all of which benefit bird populations. BLM’s well management practice is facilitated when BLM is authorized to move the diversion volume authorized by a decree for an individual wells to other wells within Blanca Wetlands. The movement of decreed diversion volumes among wells allows diversions to be reduced at selected wells while the wetland basins supplied by those wells are not irrigated, and it allows for increased water diversion at other wells where wetland basins are being irrigated. BLM has obtained administrative approval for this well management practice by applying for approval of annual Substitute Water Supply Plans (SWSPs). BLM crafted this application to avoid any new, increased, or additional supply of groundwater from the Confined Aquifer Systems, as defined in Section 4.A.2 *Rules Governing New Withdrawals of Ground Water in Water Division 3 Affecting the Rate or Direction of Movement of Water in the Confined Aquifer System.* To avoid injury to other water rights, BLM asked CDWR to conduct an analysis of potential injury of the requested well management approach. BLM subsequently consulted with CDWR in preparing this application. Amended Application:BLM’s purpose in amending the original application is to address procedural issues raised in the Division 3 Engineer’s Consultation Report. The Division 3 Engineer specified that the following procedural steps must be completed prior to entry of a decree authorizing the proposed alternate points of diversion: All wells that are to be used as alternate points of diversion for each other must have the same decreed beneficial use of water; Underground water rights must be decreed for the wells at Blanca Wetlands that currently operate exclusively under the Plan for Augmentation decreed in Case No. 2002 CW 38B; Four water rights were acquired from third parties by BLM for use within Blanca Wetlands; The authorized places of use in these decrees must be modified to allow for use anywhere within Blanca Wetlands. **3. Decrees and Well Permits for Blanca Wetlands Wells.**

**Table 1.**

| **Well Name** | **Permit No.** | **WDID** | **1/4 1/4** | **Sec.** | **Township**  **& Range** | **GPS-NAD 83,**  **Zone 13** | **Relevant Decrees** | **AnnualDivers. Volume in AF** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Blanca 1 | 36293-F | 2014469 | SWSE | 13 | 38N11E | 436390E  4154514N | 02CW38B  81CW177 | 46 |
| Blanca 2R | 36294-F-R | 2014470 | SENW | 13 | 38N11E | 436075E  4155382N | 02CW38B  81CW177 | 79 |
| Blanca 3 | 48117-F | 3505625 | SWSW | 7 | 38N12E | 437411 E  4156183 N | 02CW38B | 86 |
| Blanca 4R | 36175-F-R | 2013973 | SESE | 13 | 38N11E | 436823E  4154507N | 02CW38B  81CW177 | 89 |
| Blanca 5R | 36176-F-R | 3505595 | NENE | 13 | 38N11E | 436755E  4155526N | 02CW38B  81CW177 | 201 |
| Blanca 6 | 48118-F | 2014113 | NWNE | 24 | 38N11E | 436628E  4154155N | 02CW38B | 297 |
| Blanca 8 | 48119-F | 3505099 | SESE | 1 | 38N11E | 436811E  4157670N | 02CW38B | 133 |
| Blanca 10 | 65367-F | 3505726 | SWNE | 1 | 38N11E | 436612E  4158273N | 02CW38B  03CW08 | 45 |
| Blanca 12 | 48121-F | 3505605 | SWSE | 1 | 38N11E | 436562E  4157760N | 02CW38B | 110 |
| Blanca 13 | 36177-F | 3505601 | NENE | 12 | 38N11E | 436966E  4157141N | 02CW38B  81CW177 | 215 |
| Blanca 13R | 36177-F | 3505747 | NENE | 6 | 38N12E | 436950E  4157346N | 02CW38B | 215 |
| Blanca 14R | 36178-F-R | 3505626 | SWNW | 6 | 38N12E | 437271E  4158288N | 02CW38B  81CW177 | 90 |
| Blanca 16 | 48122-F | 3505624 | NENW | 7 | 38N12E | 437781E  4157360N | 02CW38B | 131 |
| Blanca 17 | 36179-F | 3505599 | NESW | 7 | 38N12E | 437920E  4156542N | 02CW38B  81CW177 | 326 |
| Blanca 18 | 48123-F | 3505598 | NESE | 7 | 38N12E | 438690E  4156530N | 02CW38B | 285 |
| Blanca 19 | 48124-F | 3505733 | SENW | 6 | 38N12E | 437871E  4158452N | 02CW38B | 51 |
| Blanca 20 | 48125-F | 3505589 | SWNE | 6 | 38N12E | 438176E  4158260N | 02CW38B | 85 |
| Blanca 22 | 48126-F | 3505734 | NWNE | 2 | 38N11E | 434959E  4158976N | 02CW38B | 62 |
| Blanca 23 | 48127-F | 3505602 | SESE | 12 | 38N11E | 436989E  4155915N | 02CW38B | 192 |
| Blanca 25 | 48128-F | 3505597 | SWNE | 5 | 38N12E | 439963E  4158459N | 02CW38B | 295 |
| Blanca 26R | 36180-F-R | 3505740 | SWNW | 17 | 38N12E | 438863E  4155134N | 02CW38B  81CW177 | 66 |
| Blanca 27 | 48129-F | 3505596 | NESE | 5 | 38N12E | 440179E  4157986N | 02CW38B | 91 |
| Blanca 28 | 48130-F | 2014114 | SWNW | 13 | 38N11E | 435794E  4155256N | 02CW38B | 327 |
| Blanca 29 | 48131-F | 3505623 | SENE | 8 | 38N12E | 440033E  4156887N | 02CW38B | 371 |
| Blanca 30R | 36181-F-R | 3505725 | SENE | 8 | 38N12E | 440373E  4156734N | 02CW38B  81CW177 | 220 |
| Blanca 31R | 36182-F-R | 3505741 | NWNW | 9 | 38N12E | 440718E  4157128N | 02CW38B  81CW177 | 71 |
| Blanca 32R | 36183-F-R | 3505742 | NWSE | 8 | 38N12E | 439835E  4156244N | 02CW38B  81CW177 | 41 |
| Blanca 36R | 43798-F | 2014115 | SENE | 24 | 38N11E | 436970E  4153425N | 02CW38B  81CW177 | 199 |
| Blanca 37R | 36184-F-R | 3505633 | SWNE | 1 | 38N11E | 436658E  4158302N | 02CW38B  81CW177 | 62 |
| Blanca 38 | 48132-F | 3505735 | NWSW | 6 | 38N12E | 437496E  4158080N | 02CW38B | 64 |
| Blanca 39 | 48113-F | 3505600 | NESE | 2 | 38N11E | 435333E  4158145N | 02CW38B | 161 |
| Blanca 40 | 48134-F | 3505736 | NWSE | 1 | 38N11E | 436720E  4157833N | 02CW38B | 60 |
| Blanca 43R | 65159-F | 3505582 | NENW | 1 | 38N11E | 436236E  4158832N | 02CW38B  02CW47  81CW177 | 223 |
| Blanca 53R | 64967-F | 3505591 | SENE | 13 | 38N11E | 437046E  4155347N | 02CW38B  81CW177 | 90 |
| Blanca 54 | 48135-F | 3505737 | NWNE | 2 | 38N11E | 435005E  4158953N | 02CW38B | 27 |
| Blanca 55R | 64966-F | 3505622 | SWSW | 8 | 38N12E | 438953E  4155875N | 02CW38B  81CW177 | 119 |
| Blanca 57R | 36194-F-R | 3505743 | NENE | 8 | 38N12E | 440379E  4157364N | 02CW38B  81CW177 | 16 |
| Blanca 58 | 36195-F | 3505744 | SESE | 13 | 38N11E | 436791E  4154369N | 02CW38B  81CW177 | 9 |
| Blanca 59R | 36196-F-R | 3505745 | NWSW | 12 | 38N11E | 435823E  4156468N | 02CW38B  81CW177 | 17 |
| Blanca 60R | 36197-F-R | 3505746 | NWSE | 6 | 38N12E | 438037E  4158109N | 02CW38B  81CW177 | 9 |
| Blanca 61 | 48136-F | 3505738 | SWSE | 1 | 38N11E | 436377E  4157730N | 02CW38B | 16 |
| Blanca 62 | 48137-F | 3505739 | SESW | 1 | 38N11E | 436197E  4157491N | 02CW38B | 29 |
| Snook 2 | 13506-R | 3505355 | NWSW | 1 | 38N11E | 440718E  4158043N | 02CW38B  W-1418 | 155 |
| Snook 5 | 13516-R | 3505358 | NESW | 4 | 38N11E | 440994E  4157911N | 02CW38B  W-1418 | 155 |

**4. Alternate Points of Diversion.** A.Summary. BLM seeks authorization to divert the aggregate water volume that is decreed and permitted to the set of 44 wells listed in Section 3, which totals 5,416 acre-feet annually, at any combination of the 44 wells listed in Table 1. BLM also requests authorization to divert the aggregate flow rate that is decreed and permitted to the set of the 44 wells listed in Section, which totals 3,697 gpm at any combination of the 44 wells listed in Section 3. B. Amendments to Previous Decrees. BLM requests that the following provisions from previous decrees, which are related to flow rate and volumetric limits for individual wells, be modified as follows to implement BLM’s alternate point of diversion request in this application: *Case No. 2002 CW 38B, District Court, Colorado Water Division 3, Section 14E, Control of Well Diversions.* BLM requests that the following sentence: “The Applicant must monitor and control the production from the wells so that they will not flow at rates or volumes that exceed the flow rates and volumes specified in the individual permits for each well.”be modified to read as follows: “The Applicant must monitor and control the production from the wells so that in aggregate, the total volume diverted annually from all 44 wells in this Decree does not exceed 5,416 acre feet and the total flow rate diverted from all 44 wells in the Decree does not exceed 3,697 gpm.”**;** *Case No. 2003 CW 08, District, Colorado Water Division, Section A.2 (Regarding Blanca Well 10P).* BLM requests that the following sentence: “Amount: 56 gpm, with a maximum withdrawal volume of 45 acre-feet per year”be modified to read as follows:

“Amount: 45 acre-feet per year under this priority and appropriation date may be withdrawn from any of the 44 wells within the Blanca Wetlands Area, provided that the aggregate flow rate withdrawn from all 44 wells does not exceed 3,697 gpm.” *Case No. W-1418, District Court, Colorado Water Division 3 (Regarding Snook Well 2).* BLM requests that the following sentence: “Amount and source and means of diversion: 95 gallons per minute, being 0.212 cubic feet of water per second of time, being 0.424 acre-feet of water in a period of 24 hours, from the confined aquifer.” be modified to read as follows: “79.3 acre-feet per year under this priority and appropriation date may be withdrawn from any of the 44 wells within the Blanca Wetland Area, provided that the aggregate flow rate withdrawn from all 44 wells does not exceed 3,697 gpm. This volume reflects the average historical diversion volume from Well #2, Case No. W-1418.”

*Case No. W-1418, District Court, Colorado Water Division 3 (Regarding Snook Well 5).* BLM requests that the following sentence: “Amount and source and means of diversion: 95 gallons per minute, being 0.212 cubic feet of water per second of time, being 0.424 acre-feet of water in a period of 24 hours, from confined aquifer.” be modified to read as follows: “136.9 acre-feet per year under this priority and appropriation date may be withdrawn from any of the 44 wells within the Blanca Wetland Area, provided that the aggregate flow rate withdrawn from all 44 wells does not exceed 3,697 gpm. This volume reflects the average historical diversion volume from Well #2, Case No. W-1418.” *Case No. 2002 CW 47, District Court, Colorado Water Division 3 (Regarding Blanca Well 43R).* BLM requests that the following sentence be stricken: “C.2. The total rate of withdrawal at Well P43 (i.e., the rate of withdrawal pursuant to the transferred water right combined with the rate of withdrawal currently authorized pursuant to Well Permit No. 36296-F-R) shall not exceed 250 gpm.” BLM requests that the following sentence: “C.5. Total withdrawals at Well P43 shall not exceed 223 acre-feet per year.”be modified to read as follows:

“223 acre-feet per year under the priority dates and appropriation dates currently reflected in Well Permit No. 65159-F may be withdrawn from any of the 44 wells within the Blanca Wetlands Area, provided that the aggregate flow rate withdrawn from all 44 wells does not exceed 3,697 gpm.” C. Amendments to Well Permits. BLM requests that the well permit for each of the 44 wells listed in Table 1 be modified to specify that the aggregate volume of water authorized to be diverted at all 44 wells within Blanca Wetlands is 5,416 acre feet per year, and that the aggregate flow rate that may be diverted from all 44 wells shall not exceed 3,697 gpm, subject to the terms and conditions in this decree. **5. Changes to Place of Use.** A. Decreed Places of Use. The decrees for four water rights in Table 1 above, which were acquired by BLM from third parties for use within Blanca Wetlands, specify places of use where the diverted water may be applied, as follows: 1. Blanca Well 10.The decree in Case No. 2003 CW 08 specifies that the place of use is limited to: Within the NE 1/4 and the SE 1/4 of Section 1, T38N R11E, N.M.P.M., and the NW 1/4 SW 1/4 of Section 6, T38N R12E, N.M.P.M. 2. Blanca Well 43R. The decree in Case No. 2002 CW 47 specifies that the place of use is limited to: Section 1, and the NE 1/4 and the NE 1/4 SE 1/4 of Section 2, T38N R11E, N.M.P.M., and the SW 1/4 of Section 36, T39N R11E, N.M.P.M. The decrees for certain water rights in Table 1, above, do not contain acreage location limits on where diverted water may be applied, but the historical place of use of the water rights is described below: 3. Snook Well 2 and Snook Well 5, Case No. W-1418:

The decree and well permits contain inconsistencies and an erroneous description of where water from the wells have been historically applied, based on a review of aerial imagery and water use records. The wells have been used to provide water for approximately 87.8 acres in the W1/2 of the Section 4 and the E1/2 of the E1/2 of Section 5, all in T38N R12E NMPM. B. Proposed Place of Use. BLM requests authorization to apply water diverted from any of the wells listed in Table 1 above, including the four acquired water rights describe in Table 1 above, at any location within the Blanca Wetlands. BLM also requests authorization for the short-term storage of water necessary to create various wetland habitat types in the wetland management basins within Blanca Wetlands. The location of the proposed place of use and short-term water storage is described below: Township 38 North, Range 11 East N.M.P.M.Section 1, NW 1/4, NE 1/4, SE 1/4 of Section 2, Section 12, NW 1/4, NE 1/4, SE 1/4, N 1/2 of the SW 1/4, of Section 13, and NE 1/4 of Section 24;Township 38 North, Range 12 East, N.M.P.M. W 1/2 of Section 4, Sections 5, 6, 7, 8, 17 W 1/2 Section 9, and N 1/2 of Section 18;Township 39 North, Range 12 East, N.M.P.M. SE 1/4 of the SW 1/4 and SW 1/4 of the SE 1/4 of Section 30, E 1/2 of the W 1/2 and the E 1/2 of Section 31, and NW 1/4, SW 1/4, and SE 1/4 of Section 32. **6. Changes to Type of Use:** A. Wells addressed in Case No. 81 CW 177: The decree specifies the following types of use: Fish and wildlife habitat, recreation, irrigation, domestic, and storage in the ponds located within the Blanca Wetlands Area. The area is located on a series of old dry lake beds and consists of ponds and wetland sites, including freshwater marsh and meadows, alkali marsh and meadows, and playa lakes. Water from the confined aquifer wells flows into wetland, pond, and playa areas by operation of a system of dikes built on the dry lake beds. B. Water Rights Acquired from Third Parties: The decrees for four water rights in Table 3 above, which were acquired by BLM from third parties for use within Blanca Wetlands, specify the following types of use: Blanca Well 10: Fish and wildlife habitat creation and maintenance, recreation, irrigation (including irrigation of wetlands), domestic and storage in the ponds located within the designated place of use for these purposes, with the right to use, reuse, successively use, and otherwise dispose of water withdrawn pursuant to this ruling to extinction. Blanca Well 43R: Irrigation, wildlife, recreation and storage for those purposes; water will be used to irrigate wildlife habitat within the Blanca Wildlife Habitat Area; water will be introduced to a series of ponds and historic wetland depressions with the objective of restoring a diversity of wetland habitat with different vegetative and aquatic characteristics; these depression will provide resting, nesting, feeding, and breeding areas for waterfowl and migratory birds and habitat for other wildlife, and will provide opportunities for hunting, fishing, and wildlife viewing. Snook Well 2 and Snook Well 5, Case No. W-1418: Domestic and irrigation use. C. Proposed Type of Use: To establish consistent decree language describing the beneficial use of all wells within Blanca Wetlands so that alternate points of diversion can operated, BLM requests that the court authorize the following beneficial uses for all wells in Table 1:Irrigation of wetlands, marshes, meadows, and playas areas; creation and support of fish and wildlife habitat in ponds, diked areas, and natural basins via direct application of water and storage; wildlife watering; recreation; non-potable domestic use; piscatorial and fish propagation; replacement of evaporative losses necessary to effectuate the aforementioned uses. **7. Documentation of Historic Diversions for Well No. 2 and Well No. 5, Case No. W-1418.** The historic diversion of two water rights that BLM acquired from third parties for inclusion and use within Blanca Wetlands had not been previously quantified, which is a prerequisite for seeking authorization to divert those water rights at any of the wells within Blanca Wetlands. BLM seeks quantification of the historic diversion volumes associated with Snook Well 2 as 79.3 acre feet per year and Snook Well 5 as 136.9 acre feet per year. See Exhibit A for a quantification of historic diversions from the two wells. **8. Underground Water Rights for Post-McCarran Amendment Wells**. Certain wells listed in Table 1 were drilled after the United States was served in 1979 under the McCarran Amendment (43 U.S.C. § 6660) for Water Division 3. These wells operate exclusively under the Plan for Augmentation decreed in Case No. 2002 CW 38B and they do not currently have decreed underground water rights. BLM requests underground water rights for these wells, including language describing the beneficial uses of these wells, that is identical to the beneficial uses described for other wells that operate within Blanca Wetlands. A. Post-McCarran Amendment Well Characteristics

**Table 2**.

| **Well Name** | **Permit No.** | **WDID** | **1/4 1/4** | **Sec.** | **Town-ship**  **&**  **Range** | **GPS**  **NAD 83, Zone 13** | **Well Depth** | **Permit GPM** | **AnnualDivers. Volume in AF** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Blanca 3 | 48117-F | 3505625 | SWSW | 7 | 38N12E | 437411 E  4156183 N | 607 | 54 | 86 |
| Blanca 6 | 48118-F | 2014113 | NWNE | 24 | 38N11E | 436628E  4154155N | 480 | 185 | 297 |
| Blanca 8 | 48119-F | 3505099 | SESE | 1 | 38N11E | 436811E  4157670N | 580 | 83 | 133 |
| Blanca 12 | 48121-F | 3505605 | SWSE | 1 | 38N11E | 436562E  4157760N | 580 | 69 | 110 |
| Blanca 13R | 36177-F | 3505747 | NENE | 6 | 38N12E | 436950E  4157346N | 600 | 133 | 215 |
| Blanca 16 | 48122-F | 3505624 | NENW | 7 | 38N12E | 437781E  4157360N | 604 | 81 | 131 |
| Blanca 18 | 48123-F | 3505598 | NESE | 7 | 38N12E | 438690E  4156530N | 580 | 177 | 285 |
| Blanca 19 | 48124-F | 3505733 | SENW | 6 | 38N12E | 437871E  4158452N | 420 | 32 | 51 |
| Blanca 20 | 48125-F | 3505589 | SWNE | 6 | 38N12E | 438176E  4158260N | 600 | 53 | 85 |
| Blanca 22 | 48126-F | 3505734 | NWNE | 2 | 38N11E | 434959E  4158976N | 560 | 39 | 62 |
| Blanca 23 | 48127-F | 3505602 | SESE | 12 | 38N11E | 436989E  4155915N | 600 | 120 | 192 |
| Blanca 25 | 48128-F | 3505597 | SWNE | 5 | 38N12E | 439963E  4158459N | 580 | 183 | 295 |
| Blanca 27 | 48129-F | 3505596 | NESE | 5 | 38N12E | 440179E  4157986N | 600 | 57 | 91 |
| Blanca 28 | 48130-F | 2014114 | SWNW | 13 | 38N11E | 435794E  4155256N | 640 | 203 | 327 |
| Blanca 29 | 48131-F | 3505623 | SENE | 8 | 38N12E | 440033E  4156887N | 580 | 230 | 371 |
| Blanca 38 | 48132-F | 3505735 | NWSW | 6 | 38N12E | 437496E  4158080N | 617 | 40 | 64 |
| Blanca 39 | 48113-F | 3505600 | NESE | 2 | 38N11E | 435333E  4158145N | 660 | 100 | 161 |
| Blanca 40 | 48134-F | 3505736 | NWSE | 1 | 38N11E | 436720E  4157833N | 610 | 38 | 60 |
| Blanca 54 | 48135-F | 3505737 | NWNE | 2 | 38N11E | 435005E  4158953N | 580 | 17 | 27 |
| Blanca 61 | 48136-F | 3505738 | SWSE | 1 | 38N11E | 436377E  4157730N | 560 | 10 | 16 |
| Blanca 62 | 48137-F | 3505739 | SESW | 1 | 38N11E | 436197E  4157491N | 510 | 18 | 29 |

B. Source: Confined aquifer below the confining clay series. C. Date of Appropriation and Beneficial Use: December 23, 2016. D. How Appropriation Was Initiated: BLM operated the wells under the Plan for Augmentation decreed in Case No. 2002 CW 38B, which was entered by District Court, Colorado Water Division 3, on December 23, 2016. E. Place of Use: Within Blanca Wetlands, as follows: Township 38 North, Range 11 East N.M.P.M. Section 1, NW 1/4, NE 1/4, SE 1/4 of Section 2, Section 12, NW 1/4, NE 1/4, SE 1/4, N 1/2 of the SW 1/4, of Section 13, and NE 1/4 of Section 24; Township 38 North, Range 12 East, N.M.P.M.W 1/2 of Section 4, Sections 5, 6, 7, 8, 17 W 1/2 Section 9, and N 1/2 of Section 18.Township 39 North, Range 12 East, N.M.P.M. SE 1/4 of the SW 1/4 and SW 1/4 of the SE 1/4 of Section 30, E 1/2 of the W 1/2 and the E 1/2 of Section 31, and NW 1/4, SW 1/4, and SE 1/4 of Section 32. F. Type of Use: Irrigation of wetlands, marshes, meadows, and playas areas; creation and support of fish and wildlife habitat in ponds, diked areas, and natural basins; wildlife watering; recreation; non-potable domestic use; piscatorial and fish propagation; replacement of evaporative losses necessary to effectuate the aforementioned uses. **9. Proposed Terms and Conditions**. BLM requests the following terms and conditions to prevent injury to other water rights: A. Provisions from Previous Decrees. All provisions and requirements from previous decrees governing the use of the 44 wells remains in effect, except for provisions and requirements from those decrees that are expressly modified by this decree. B. Appropriation Dates and Volumes. The appropriation dates and the water volumes associated with each of those priority dates confirmed in previous decrees governing use of water from the 44 wells remains in effect unless expressly modified in the decree. C**.** Sustainability**.** The sustainability provisions found in Section 14.I of the decree in Case No. 02 CW 38B remain in effect. This provision limits average annual diversions from the 44 wells at Blanca Wetlands to 4,280 acre-feet per year, based upon a five-year rolling average that incorporates diversion totals from the previous four water years. D. Prevention of Injury to Unconfined Aquifer Wells**.** Diversions from any individual well may not be increased to the extent that well induces water from the unconfined aquifer to enter the confined aquifer and thereby allow the confined aquifer well to capture water from the unconfined aquifer.E. Control of Diversions from Aquifer Layers. Each of the 44 wells at Blanca Wetlands has been modeled in the Rio Grande Decision Support System Groundwater Model (RGDSS Model). The aquifer layer that each well diverts from has been specified in the RGDSS Model. BLM will not modify the overall volume of diversions that were historically made from aquifer Layer 2, Layer 3, or Layer 4. BLM will operate the 44 wells in a manner such that aggregate diversions from the wells do not exceed the total volume of appropriations from the wells that were perfected prior to the adoption of *Rules Governing New Withdrawals of Ground Water in Water Division 3 Affecting the Rate or Direction of Movement of Water in the Confined Aquifer System (Rules)* on November 9, 2006. Specifically, the 44 wells will not be operated in a manner that will result in a new, increased, or additional supply of groundwater from the Confined Aquifer Systems, as defined in Section 4.A.2 of the Rules. F. Well Meters. Each well must comply with the Rules Governing the Measurement of Groundwater Diversions Located in Water Division No. 3, The Rio Grande Basin, including installation and maintenance of well meters and annual reporting of well meter readings. G. Well Permits. BLM will request modification of the existing permits of the 44 wells to reflect the final provisions of the decree in this case. If BLM seeks to redrill any of the 44 wells within the Blanca Wetlands, BLM will still be required to file an application for a permit to redrill. H. Accounting. BLM will continue to submit the full accounting required in the decree in Case No. 02 CW 38B, District Court, Colorado Water Division 3, which includes a requirement to report diversion volumes from individual wells and total annual diversion for all 44 wells within Blanca Wetlands. In the accounting, BLM will continue to account for water volumes diverted from wells that were constructed prior to BLM being served by the State of Colorado under the McCarran Amendment in 1979, and from wells that were constructed after 1979. In the accounting, BLM will also specify the diversion volumes each year that have been diverted from aquifer Layers 2, 3, and 4. **10. Names and Addresses of Owners, Structures and of Land on which Structures Are Located:** United States of America, Department of the Interior Bureau of Land Management, San Luis Valley Field Office1313 Highway 160, Monte Vista, CO 81144.

**2022CW3046; RIO GRANDE COUNTY; Worley Family Farms LLLP, and BKC, LLC c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688,** [**karl@kuenholdlaw.com**](mailto:karl@kuenholdlaw.com) **. *Introduction and Background*:** This Amended Application adds two additional wells to the wells previously identified in the original application to form a “South Humidification Pool” for the storage and processing facilities described and allows the two wells at the Hi-Land and Blue-Sky facilities to be alternate points of diversion for an existing commercial well. The other claims are as previously pled. In the First Claim below, Applicant requests the water court decree the administrative change of water right approved by the State Engineer on January 12, 1994. In the alternative, Applicant requests the court grant an additional change of water right from **Wells No. 13 and No. 14 in Case W-324 to Well 43118-F for the entire 5.29 acre-feet of consumptive use made available by the dry-up of 3.2 acres as required by the permit issued. In the Second Claim,** Applicant proposes to change a portion of the water (up to 19.76 acre-feet CU) from Well No. 12 in Case W-324 to a commercial use and to use the water right historically applied to the SW 1/4 for: 1) Irrigation, washing and related domestic use in the greenhouse on the SW 1/4 of Section 28, Township 40 North, Range 8 East, NMPM, and 2) Applicant also wishes to designate commercial Well Permit 43118-F (WDID 2014017) and Well Permit 100187-A as alternate points of diversion for W-324 No. 12 to provide water at the Hi-Land and Blue-Sky Potato Facilities. Well Permit 100187-A should be re-permitted as a dual well allowing commercial use in addition to its continued as a domestic well to serve the home on the property. 3)Change of up to 10 acre-feet CU) from Well No. 12 in Case W-324 to a commercial use and to use the water right historically applied to the SW 1/4 for: humidification and related commercial uses serving five potato storage facilities via five unconfined wells. These wells are: WDID 20111005 (Sanderson); WDID 2014597 (Home); WDID 2014615 (East Boyce); WDID 2008413 (Rose); and WDID 2011597 (North Hiland). 4) Unchanged remaining water to continue to be used to irrigate the SW 1/4 of Section 28, Township 40 North, Range 8 East, NMPM as it is currently decreed to do. In the Third Claim, Applicant also proposes to change the five unconfined aquifer humidification wells (WDID 2011005, WDID 2014597, WDID 2014615, WDID 2008413 and WDID 2011597) to commercial use and/or joint use with their original decrees. In the Fourth Claim, Applicant owns three confined aquifer wells (WDID 2012945, WDID 2010776 and WDID 201013) which it wishes to change to commercial use for humidification and related purposed to serve three potato storage facilities. In the Fifth Claim, Applicant also wishes to designate commercial Well Permit 43118-F (WDID 2014017) and Well Permit 100187-A (WDID 2014610) as alternate points of diversion from Well No. 1 in Case No. W-1291 (WDID 3010471 2010471) to provide 2.0 acre-feet of commercial water at the Hi-Land and Blue-Sky Potato Facilities. In the Sixth Claim, Applicants seek to create a “South Humidification Pool” of commercial water. including all of the commercial water described in the first five claims and 3.5 acre-feet of commercial water owned by applicant BKC, LLC which is a closely related entity to Worley Family Farms, LLLP. The BKC well is Permit 042264-F, an alternate point of diversion for Well No. 1 in case W-175. ***Land ownership***: Petitioners owns the real property, existing wells and the diversion structures contemplated and affected by this Application.

**2023CW3011; ALAMOSA COUNTY;** Curtis Farms, LLC. c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, [karl@kuenholdlaw.com](mailto:karl@kuenholdlaw.com) . APPLICATION FOR A CHANGE OF WATER RIGHTS. Applicant owns two decreed irrigation wells in the Southwest quarter of Section 1, Township 39 North, Range 10 East NMPM. This application seeks to obtain supplemental wells for the existing two unconfined wells which are not able to produce the decreed volumes of water. It further seeks a replacement well for one of the two existing wells, WDID 2012380.The wells, WDID 2012377 (Permit 959-R) and WDID 2012380 (Permit 47942-F) were decreed Case No. W-2434 as Wells No. 11 and Well No. 6. Well No. 11 was drilled in 1930 and Well No 6 was drilled in 1954. Finally, it seeks to make the wells alternate points of diversion for one another.

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.

**2023CW3012; ALAMOSA COUNTY;** Cooley Farms, Inc. c/o Karl Kuenhold, Esq., Law Office of Karl Kuenhold, LLC, 719-589-3688, [karl@kuenholdlaw.com](mailto:karl@kuenholdlaw.com) . APPLICATION FOR A DECREE ADJUDICATING WATER RIGHTS. This application seeks to confirm and decree the water rights in two wells located in the SW 1/4 of Section 2, Township 39 North, Range 10 East NMPM. The wells, WDID 2014209, Permit 019394-F and WDID 2014210, Permit O20156-F were permitted and drilled in 1975. Due to unknown circumstances, the wells were not decreed at the time they were permitted and drilled. This application seeks to decree these water rights as absolute and to make the wells alternate points of diversion for one another. This application also seeks a change of water rights to allow three other decreed wells on this quarter, WDID 2011137, WDID 2011133 and WDID 2011136, to be alternate points of diversion for one another and for WDID 2014209, Permit 019394-F and WDID 2014210, Permit 20156-F.

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.

**2023CW3013:** Name, Address and Telephone Number of Applicants: John Artaechevarria, 3632 County Road 60, Center, CO 81125. 212.203.9566. [asier@mailbox.org](mailto:asier@mailbox.org) c/o Linda Bower, Lawrence Custer Grasmick Jones & Donovan, 5245 Ronald Reagan Blvd, Suite 1, Johnstown, CO 80634, (970) 622-8181, linda@lcwaterlaw.com. Application for Change of Water Rights in Saguache County. **Addition of a Supplemental Well on Field No. 10: SE 1/4 Section 29, Township 41 North, Range 10 East, N.M.P.M.** Decreed Water Right for Which Change is Sought: 2.1. Name of Structure: Well No. 1; Well Permit No. 21863-F/ WDID 2013625. 2.2. Date of original and all relevant subsequent decrees: May 24, 1979, Case No. W-3935 in District Court, Water Division No. 3 2.3. Location of decreed structure: Center of SE 1/4 Section 29, Township 41 North, Range 10 East, N.M.P.M., at a point 1320 feet from South Section line and 1320 feet from East Section line, in Saguache County, Colorado. 2.4. Decreed Source of water: Unconfined aquifer. 2.5. Priority Date of Appropriation: November 1, 1976. 2.6. Decreed Use: Irrigation 2.7. Total Amount decreed to structure: 1000 g.p.m.= 2.23 c.f.s. 2.8. Amount of water that applicant intends to change: 1000 g.p.m. 2.9. This well is included in the Annual Replacement Plan for Subdistrict One. 3. Proposed Change: Applicant seeks approval to construct a supplemental well to be used in combination with Well Permit No. 21863-F to irrigate160 acres as permitted within the SE 1/4 Section 29, T.41 N., R. 10 E. The subject well will be located within the SE 1/4 of Section 29, T.41 N., R. 10 E at Easting 421000 Northing 4180787. There will be no increase to the current limitation on pumping (400 AF average annual amount of water diverted) or area of use for Well Permit No. 21863-F. The depth of the supplemental well will not exceed 100 feet or the top of the confining clay series. 4. Name and Address of Owners of Structures: Applicant John Artaechevarria, 3632 County Road 60, Center, CO 81125. 212.203.9566. The original application contains three pages.

**23CW3014**: (W-2399, 89CW26, 95CW32, 02CW22, 06CW08, 09CW28, and 16CW3009) Town of Crestone (“Crestone”) Attention: Town Clerk, P.O. Box 64, Crestone, CO 81131, 719-256-4313. Direct pleadings to: Peter D. Nichols, Megan Christensen, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, 303-402-1600. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE in SAGUACHE COUNTY. 2. Description of Conditional Water Rights. A. Name of Structure: Well No. 2-R. i. Type: Well. ii. Date of Original Decree: July 27, 1978, Case No. W-2399, District Court in and for Water Division 3. Modified by Case No. 06CW08, decreed on December 14, 2006. iii. Subsequent decrees awarding findings of diligence (Case No. and date of decree): Case Nos. 87CW26, October 5, 1989; 95CW32, June 18, 1996; 02CW22, September 23, 2003; 09CW28, August 7, 2010; 16CW3009, September 7, 2017 (all in Water Division 3). iv. Legal description of point of diversion: SW1/4 NW1/4, Section 7, Township 43 North, Range 12 East, NMPM, a distance of 2450 feet from the North Section Line and 900 feet from the West Section Line, Saguache County, Colorado. GPS location is UTM NAD 83, Zone 13S: 438610 mE, 4205581 mN. See Exhibit 1. v. Source of water: Alluvial aquifer tributary to North Crestone Creek. vi. Appropriation dates and amounts: a. December 31, 1900 for 225 gpm (0.50 cfs), absolute, for fire protection. b. December 15, 1976 for 170 gpm (0.38 cfs), conditional, for domestic and municipal purposes. Annual diversions from Well No. 2-R are limited to 274 acre-feet per year pursuant to the decree entered in Case No. 06CW08. Of the 170 gpm decreed to Well No. 2-R for domestic and municipal purposes, 20 gpm was made absolute in Case No. 09CW28, and 150 gpm remains conditional. vii. Use: Fire protection, domestic and municipal use. viii. Depth: 185 feet. ix. Remarks: Well No. 2-R was originally drilled under Permit No. 58135-F and is currently permitted under Permit No. 62140-F. Case No. 06CW08 decreed Well No. 2-R as a replacement well for Well No. 2. The water right for Well No. 2 was decreed in Case No. W-2399 on July 27, 1978, for 225 gpm absolute for fire protection, with an appropriation date of December 31, 1900, and for 225 gpm conditional for domestic and municipal purposes, with an appropriation date of December 15, 1976. The decree in Case No. 06CW08 reduced the conditional domestic and municipal water right for the replacement well, Well No. 2-R, to 170 gpm and transferred 55 gpm of the conditional domestic and municipal water right to Well No. 2-R-A (see below). The decree in Case No. 06CW08 also limited the annual diversion from Well No. 2-R to 274 acre-feet. Well No. 2-R is connected to a 114,000 gallon storage tank and is a part of Crestone’s central water system. x. Land ownership information: Applicant. B. Name of Structure: Well No. 3. i. Type: Well. ii. Date of Original Decree: July 27, 1978, Case No. W-2399, District Court in and for Water Division 3. iii. Subsequent decrees awarding findings of diligence: Case Nos. 87CW26, October 5, 1989; 95CW32, June 18, 1996; 02CW22, September 23, 2003; 09CW28, August 7, 2010; 16CW3009, September 7, 2017 (all in Water Division 3). iv. Legal description of point of diversion: NW1/4 SW1/4, Section 7, Township 43 North, Range 12 East, NMPM, a distance of 2600 feet from the South Section Line and 1117 feet from the West Section Line, Saguache County, Colorado. GPS location is UTM NAD 83, Zone 13S: 438671 mE, 4205511 mN. See Exhibit 1. v. Source of water: Alluvial aquifer tributary to North Crestone Creek. vi. Appropriation dates and amounts: a. December 31, 1900 for 125 gpm (0.28 cfs), absolute, for fire protection. b. December 15, 1976 for 125 gpm (0.28 cfs), conditional, for domestic and municipal purposes. Of the 125 gpm decreed to Well No. 3 for domestic and municipal purposes, 46 gpm was made absolute in Case No. 02CW22, and 70 gpm remains conditional. vii. Use: Fire protection, domestic and municipal. viii. Depth: 170 feet. ix. Remarks: The existing Well No. 3 was drilled and a pump installed in 1999 under Permit No. 45333-F-R to replace the original well. This well is connected to the Town’s 114,000 gallon storage tank and is a part of the Town of Crestone’s central water system. x. Land ownership information: Applicant. C. Name of Structure: Well No. 2-R-A. i. Type: Well. ii. Date of Original Decree: December 14, 2006, Case No. 06CW08, as a change of the water right decreed July 27, 1978, Case No. W-2399, District Court in and for Water Division 3. iii. Subsequent decrees awarding findings of diligence: Case No. 09CW28, August 7, 2010, Water Division 3. iv. Legal description of point of diversion: NW1/4 SW1/4, Section 7, Township 43 North, Range 12 East, NMPM, a distance of 1830 feet from the South Section Line and 1060 feet from the West Section Line, Saguache County, Colorado. GPS location is UTM NAD 83, Zone 13S: 438629 mE, 4505260 mN. See Exhibit 1. v. Source of water: Alluvial aquifer tributary to North Crestone Creek. vi. Appropriation date and amount: December 15, 1976 for 55 gpm (0.12 cfs), conditional, for domestic and municipal purposes. Annual diversions from Well No. 2-R-A are limited to 89 acre-feet per year pursuant to the decree entered in Case No. 06CW08. Of the 55 gpm decreed to Well No. 2-R-A for domestic and municipal purposes, 35 gpm was made absolute in Case No. 09CW28, and 20 gpm remains conditional. vii. Use: Domestic and municipal. viii. Depth: 222 feet. ix. Remarks: Well No. 2-R-A is permitted under Permit No. 65046-F. In Case No. 06CW08, the court decreed the water right for Well No. 2-R-A as a change in the point of diversion for part of the water right originally decreed to Well No. 2 in Case No. W-2399. This well is connected to the Town’s 114,000 gallon storage tank and is a part of the Town of Crestone’s central water system. x. Land ownership information: Applicant. 3. Application for Finding of Reasonable Diligence. A. During this diligence period, in continuing the development of the conditional domestic and municipal use for the water rights of Well Nos. 2-R, 3, and 2-R-A, Crestone has continued use and development of the water rights available from these wells, including expenditures for legal and consulting work. Crestone's diligence activities included the following: i. Crestone has continued to evaluate, use and maintain its water system to provide water for its citizens. ii. Crestone retained legal counsel to assist in the legal protection of its water rights and compliance with the Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (the Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for all Irrigation Water Rights ("Division 3 Groundwater Rules"). iii. Crestone entered into a Participation Contract with Subdistrict No. 4 of the Rio Grande Water Conservation District in order to comply with the Division 3 Groundwater Rules. WHEREFORE, Applicant seeks entry of a decree confirming that Applicant has exercised reasonable diligence toward completion of the appropriations for the decreed uses, and continuing the subject conditional water rights in full force and effect for another six-year diligence period. Number of pages of Application: 8 incl. 1 exhibit

You are notified that you have until the last day of November 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