**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 April 2025 for each county affected.**

**CASE NO. 2025CW3003.** **SAGUACHE COUNTY.** Applicants: Flying X Cattle Company, Inc., Anne C. Nielsen, Edwin C. Nielsen, Scott Nielsen, and Stan Nielsen, all care of Edwin C. Nielsen, PO Box 55, Saguache, CO 81149, flyingxcattleco@gmail.com, 719-655-2255. Please direct all communications to counsel for Applicants: Law of the Rockies, Kendall K. Burgemeister, Atty. Reg. #41593, 525 North Main Street, Gunnison, CO, 81230, 970-641-1903, kburgemeister@lawoftherockies.com. **APPLICATION FOR SURFACE WATER RIGHTS AND CHANGE OF WATER RIGHTS.** **Application for Surface Water Rights.** Name: Luders Creek Spring. Alternate Point of Diversion 1: SWSE Section 35, T45N, R4E, NMPM, 368513E, 4218686N, UTM Zone 13, NAD83. Alternate Point of Diversion 2: NWSW Section 36, T45N, R4E, NMPM, 369527E, 4219129N, UTM Zone 13, NAD83. Source: Luders Creek Spring, in the SW SE Section 35, T45N, R4E, NMPM, 368428E, 4218708N, UTM Zone 13, NAD83. Date and Manner of Appropriation: April 1, 1951, by diversion of water and application to beneficial use of irrigation, stockwatering, and winter icing of lands and aquifer recharge during the non-irrigation season. Amount Claimed: 2.0 cfs, absolute. Beneficial Uses: Irrigation during the irrigation season, winter icing of lands and aquifer recharge during the non-irrigation season, and stockwater year-round. Acres Historically Irrigated: Approximately 90 acres in the SE1/4 of Section 35, and the SW1/4, SENW, and NE1/4 of Section 36, T45N, R4E, NMPM. Name: Upper Crossing Spring. Point of Diversion: In the SWSW Section 20, T45N, R5E, NMPM, 372732E, 4221812N, UTM Zone 13, NAD 83. Source: Upper Crossing Spring, located in the NENE Section 30, T45N, R5E, NMPM, 372087E, 4221437N, UTM Zone 13, NAD 83. Date and Manner of Appropriation: April 1, 1951, by diversion of water and application to beneficial use of irrigation, stockwatering, and winter icing of lands and aquifer recharge during the non-irrigation season. Amount Claimed: 1.5 cfs (absolute). Beneficial Uses: Irrigation during the irrigation season, winter icing of lands and aquifer recharge during the non-irrigation season, and stockwater year-round. Acres Historically Irrigated: Approximately 400 acres in the SE1/4SW1/4 and SE1/4 Section 20, S1/2 Section 21, N1/2N1/2 Section 28, S1/2SW1/4 Section 22, and N1/2NW1/4 Section 27, all in T45N, R5E, NMPM. **Application for Change of Water Right****s:** Water Rights to be Changed: Chase & Peyton Ditch. WDID: 2600517. Location: The point of diversion was described in the original adjudication as being on the left bank of Saguache Creek at a point whence the norther quarter corner of Section 11, T44N, R4E, NMPM bears N26°33’E, 1579 feet. It was described in 03CW5 as being in the NE1/4SW1/4 of Section 2, T44N, R4E, NMPM, at 367700E, 4216836N, UTM Zone 13, NAD83. Decreed Source: Saguache Creek. Previous Adjudications: Decree dated November 23, 1889: Chase & Peyton Ditch decreed Priority 81 in the amount of 5.6 cfs for the irrigation of 280 acres. No change to this priority is sought in this case. Civil Action 516 (District Court, Saguache County, October 24, 1904): 1 cfs originally decreed to the Ford Ditch as Priority 18 was changed to allow diversion through the Chase & Peyton Ditch. Civil Action 807 (District Court, Saguache County, January 10, 1917): 0.8 cfs originally decreed to the Malone-Sullivan Ditch as Priority 1, and 0.5 cfs originally decreed to the Hawkins Ditch as Priority 36, were changed to be diverted through the Chase & Peyton Ditch. In 03CW5 (November 1, 2010, Div. 3), the Chase & Peyton Ditch was adjudicated a conditional water right in the amount of 4.8 cfs for livestock watering and recharge of the aquifer, water storage in the form of icing up of lands to provide water for recharge and irrigation in the spring, and aquifer recharge through artificial means, from November through March. The conditional right was made absolute in 16CW3005 (May 18, 2017, Div. 3). Appropriation Dates, Amounts, and Decreed Uses: Priority 1: April 1, 1866, 0.8 cfs for irrigation. Priority 18: April 15, 1871, 1.0 cfs for irrigation. Priority 36: May 1, 1873, 0.5 cfs for irrigation. (No change in this case.) Priority 81: June 1, 1879, 5.6 cfs for irrigation. (No change in this case.) December 31, 2003, 4.8 cfs, Admin No. 56247.00000; decreed for livestock watering and recharge of the aquifer, water storage in the form of icing up of lands to provide water for recharge and irrigation in the spring, and aquifer recharge through artificial means, from November through March. Complete statement of change: Applicants seek to add alternate points of diversion at the Luder Creek Spring Alternate Points of Diversion 1 and 2 for the 0.8 cfs decreed as Priority 1 and the 1.0 cfs decreed as Priority 18, during the irrigation season. Applicants also seek to add alternate points of diversion at the Hawkins Ditch and Luder Creek Spring Alternate Points of Diversion 1 and 2, for the 4.8 cfs with the December 31, 2003, appropriation date during the non-irrigation season. Luder Creek Spring Alternate Points of Diversion 1 and 2: As described above. Hawkins Ditch: Located in the SWSW Section 36, T45N, R4E, NMPM, 369360E, 4218498N, UTM Zone 13, NAD 83; WDID 2600557. When water is diverted at any alternate point of diversion, headgate diversions at the Chase & Peyton Ditch will be reduced by the same amount. Cumulative diversions from all points of diversion shall never exceed the decreed amount. Water shall only be diverted at an alternate point of diversion to the extent water is physically and legally available at the Chase & Peyton Ditch point of diversion. Applicants seek to revise the “location of recharge” stated in 03CW5 and 16CW3005. The location erroneously includes the S1/2 Section 3, T44N, R4E, NMPM. That land is located uphill from the ditch and has never been served by the ditch. Applicants seek to include the E1/2SW1/4 and SE1/4 of Section 35; and SW1/4, N1/2SE1/4, S1/2NE, and NENE of Section 36, T45N, R4E, NMPM, in the place of use for the above-described decreed uses of the 4.8 cfs with the December 31, 2003 appropriation date. Water Rights to be Changed: McCree Ditch. WDID: 2600590. Location: The point of diversion was described in the original adjudication as being on the right bank of Saguache Creek at a point whence the SW corner of Section 21, T45N, R5E, NMPM bears S87°42’W, 1199 feet. It was described in 03CW5 as being located in the NWNW of Section 29, T45N, R5E, NMPM, 372672E, 4221615N, UTM Zone 13, NAD83. Decreed Source: Saguache Creek. Previous Adjudications, Appropriation Dates, Amounts, and Decreed Uses. Priority 91: Decree entered November 23, 1889, Dist. Ct., Saguache County, appropriation date of May 1, 1880, 1 cfs for irrigation. (Originally decreed for 2 cfs. 1 cfs transferred out in Civil Action No. 777). Priority 13: Originally decreed to the Russell Co Ditch by Decree entered November 23, 1889, Dist. Ct., Saguache County, appropriation date of May 1, 1869, 2.8 cfs for irrigation. Point of diversion changed to the McCree Ditch in Civil Action No. 521. Admin. No. 56247.00000: 03CW5 (November 1, 2010, Div. 3), appropriation date of December 31, 2003, 3.8 cfs for livestock watering and recharge of the aquifer, water storage in the form of icing up of lands to provide water for recharge and irrigation in the spring, and aquifer recharge through artificial means, from November through March. Complete statement of change: Applicants seek to add an alternate point of diversion at the Upper Crossing Spring Point of Diversion, as described above. When water is diverted at the alternate point of diversion, headgate diversions at the McCree Ditch will be reduced by the same amount. Cumulative diversions from all points of diversion shall never exceed 3.8 cfs. Water shall only be diverted at the alternate point of diversion to the extent water is physically and legally available at the McCree Ditch point of diversion. Water diverted at the Upper Crossing Spring Point of Diversion in flumed across Saguache Creek to the place of use of the McCree Ditch. The place of use will not change regardless of whether water is diverted at the McCree Ditch or Upper Crossing Spring Point of Diversion. The locations of the Luders Creek Spring, Luders Creek Spring Alternate Points of Diversion, Luders Creek Spring place of use, Chase & Peyton Ditch, and Hawkins Ditch are illustrated on Exhibit A as filed with this Application. The locations of the Upper Crossing Spring, Upper Crossing Spring Point of Diversion, Upper Crossing Spring place of use, and McCree Ditch are illustrated on Exhibit B as filed with this Application. The land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed is owned by Applicants.

**Case Number 2025CW4 Peterson Farms LLC 5070 N Cty Rd. 2 E Monte Vista CO. 81144 Tele**: (719) 850-5401 Mpeterson5401@gmail.com **APPLICATION FOR A SUPPLEMENTAL IRRIGATION WELL ON THE NE1/4 SECTION 17, TOWNSHIP 40 NORTH, RANGE 9 EAST, NMPM (FIELD NO. 10)** Decreed water right for which change is sought: Name of structure: Well No. Case No. W-248, WDID 2005102 (Well No. 1) Date of original and all relevant subsequent decrees: Aug 1st 1974 Case No: W-248 Court: Water Court Division 3. Legal description of structure as described in most recent decree that adjudicated the location: SW 1/4 of the NW1/4 of Sec 3, Township 40 North, Range 8 East, NMPM. Actual location by GPS per DWR records is: 403659 UTMx - 4177683 UTMy. Decreed source of water: Unconfined Aquifer of the Closed Basin. Permit Number: 6861-R Well Depth: 102 feet Appropriation Date: May 1st, 1959 for 869 gpm- August 31, 1959 for 731 gpm Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): 1,600 GPM, absolute, being 3.57 cubic feet per second of time. Decreed use or uses: Irrigation. Restricted to the irrigation of within the NW% of Section 3, Township 40 North, Range 8 East, NMPM, and average annual production of not more 400 acre-feet by Case No. 90CW27 decree. Amount of water that applicant intends to change: 1,000 GPM Detailed description of proposed change: Applicants request a supplemental irrigation well to Well No. 1A and 1 for irrigation of not more than 130 acres in the NW1/4 of Section 3, Township 40 North, Range 8 East, NMPM (Field No. 6). Production from Well No. 1A and 1 has dropped off below 800 gpm and water levels in the aquifer have dropped enough to cause well to not flow enough water to cause irrigation system to not run efficiently. Well No. 1A and 1 has consistently produced from 70 to 350 acre-ft per year with an Average annual consumption of 201.98 acre-ft per year for the last 16 years for irrigation of Field No. 6. Production from the unconfined aquifer has decreased dramatically in the past several years. Applicants request a supplemental irrigation well to Well No. 1A and 1 to maintain the water supply to the sprinkler at or below the permitted and decreed flow rate of 1,000 gpm. The supplemental well will be drilled on Field No 6 to a depth not to exceed the top of the confining clay series. The applicant is proposing to have the new supplemental well, Well No. 1 and 1A with individual and combined maximum pumping rates of 1,000 gpm and a combined average annual volumetric limitation of 260 acre-feet. Well No. 1 is within the Rio Grande Water Conservation District Groundwater Management Subdistrict No. 1 boundary and is enrolled in the annual replacement plan of the Subdistrict. The new supplemental well will contract into Subdistrict No. 1 Field No. 6 does have surface water on the San Luis Valley irrigation district for recharge on a yearly basis and is recharging the aquifer every year. Attached Exhibit 1 is the pumping history for Well No. 1 derived from the Colorado Division of Water Resources database. **Location information:** Well No. 1 is located as decreed with a GPS location from the DWR database of: UTM NAD83 403569 mE, 4177683 mN. The supplemental irrigation well to Well No. 1 will be located within the NW1/4 of Section 3, Township 40 North, Range 8 East, NMPM (Field No. 6). Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has so. Name of owner: Peterson Farms LLC 5070 N. County Rd. 2 East Monte Vista, CO. 81144.

**Case No. 2025CW5 Steven Van Treese and Karla Van Treese 522 Lane 7 North Monte Vista**

**CO. 81144. Tele: (719) 850-1395** **vtfarms@gmail.com****.** APPLICATION FOR CHANGE OF WATER RIGHT (UNDERGROUND). Decreed water right for which change is sought Name of structure: **Well No. 4, Case No. W-872, WDID 2009800, Permit No. 5410-F (Well No. W-872-4).** Date of original and all relevant subsequent decrees: **June 6, 1974 Case No: W-872 Court: Division 3 Water Court** Legal description of structure as described in most recent decree that adjudicated the location: **SW1/4 NW1/4 Section 7, Township 39 North, Range 9 East, NMPM, in Alamosa County, Colorado, at a point 1800 feet from the North section line and 50 feet from the West section line.** Decreed source of water: **Unconfined Aquifer**.  **The well is 81 feet deep with a perforated interval of 25 feet to 81 feet** Appropriation Date: **June 1, 1964** Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): Conditional: N/A Absolute**: 2,000 gpm being 4.46 cfs** Decreed use or uses: **Irrigation** Amount of water that applicant intends to change: Conditional: N/A **Absolute: 2,000 gpm being 4.46 cfs.** Decreed water right for which change is sought: Name of structure: **Well No. 2, Case No. W-485, WDID 2009166, Registration No. 1907-R (Well No. W-485-2)** Date of original and all relevant subsequent decrees: **December 13, 1973 Case No: W-485 Court: Division 3 Water Cour** Legal description of structure as described in most recent decree that adjudicated the location: **NE1/4 NW1/4 Section 7, Township 39 North, Range 9 East, NMPM, in Alamosa County, Colorado, at a point 1315 feet from the North section line and 1335 feet from the West section line.** Decreed source of water: **Unconfined Aquifer**.  **The well is 35 feet deep with a perforated interval of 14 feet to 35 feet.** Appropriation Date: **December 31, 1935,** Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs):Conditional: N/A Absolute**: 800 gpm being 1.78 cfs** Decreed use or uses: **Irrigation** Amount of water that applicant intends to change: Conditional: N/A **Absolute: 800 gpm being 1.78 cfs.** Decreed water right for which change is sought: Name of structure: **Well No. 3, Case No. W-485, WDID 2005170, Registration No. 1909-R (Well No. W-485-3)** Date of original and all relevant subsequent decrees: **December 13, 1973 Case No: W-485 Court: Division 3 Water Court** Legal description of structure as described in most recent decree that adjudicated the location: **SE1/4 NW1/4 Section 7, Township 39 North, Range 9 East, NMPM, in Alamosa County, Colorado.** Decreed source of water: **Unconfined Aquifer**.  **The well is 35 feet deep with a perforated interval of 14 feet to 35 feet.** Appropriation Date: **December 31, 1940, for 600 gpm (1.34 cfs) and December 31, 1956, for 380 gpm (0.84 cfs)** Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs):Conditional: N/A **Absolute: 980 gpm being 2.18 cfs** Decreed use or uses: **Irrigation.** Conditional: N/A **Absolute: 950 gpm being 2.12 cfs.** Decreed use or uses: **Irrigation. Limited to irrigation of not more than 55 acres within the E1/2 NE1/4 Section 7, T39N, R9E, NMPM by the Case No. 03CW27 decree.** The amount of water that the applicant intends to change: Conditional: N/A **Absolute: 950 gpm being 2.12 cfs**. Detailed description of proposed change. **Applicants have acquired ownership of all irrigation wells located within the N1/2 Section 7, Township 39 North, Range 9 East, NMPM. In the recent past, Well No. W-872-4 has been used to supply a half-turn center pivot sprinkler in the W1/2 NW1/4 Section 7, T39N, R9E, NMPM. Well nos. W-485-2, W-485-3, and W-485-4 have been used to irrigate the E1/2 NW1/4 and the W1/2 NE1/4 Section 7, T39N, R9E, NMPM. Well No. 3-R has been used to supply a half-turn center pivot sprinkler in E1/2 NE1/4 Section 7, T39N, R9E, NMPM. Now that the Applicants have obtained ownership of the farm ground and irrigation wells, it makes sense to realign the irrigation systems so that only two full-turn center pivot sprinklers are used to irrigate the majority of the N1/2 Section 7, T39N, R9E, NMPM. This irrigation system modification necessitates a change/correction to the legal area of use of the subject wells. The west sprinkler, located in the NW1/4 Section 7, T39N, R9E, NMPM, will be supplied by Well No. W-872-4 and Well Nos. W-485-2, W-485-3, and W-485-4 in the future. The east sprinkler, located in NE1/4 Section 7, T39N, R9E, NMPM, will be supplied by Well No. 1, Case No. W-1793, WDID 2011331 (Well No. W-1793-1) and Well No. 3-R. No change of water right is necessary for Well No. W-1793-1 to be used as a supply for this sprinkler as it is already permitted and decreed to serve that area. Notes All the irrigation wells produce from the unconfined aquifer. All the irrigation wells are participating wells in the Annual Replacement Plan for Groundwater Management Subdistrict No. 1 of the RGWCD. Well No. 4, Case No. W-485, WDID 2009167 is actually located in the NW1/4 NW1/4 Section 7, Township 39 North, Range 9 East, NMPM as verified by the Colorado Division of Water Resources staff. The GPS location of the actual well is: UTM, NAD83 408740 mE, 4166794 mN. Well No. 1, Case No. W-1793, WDID 2011331 is located in the NW1/4 NE1/4 Section 7, Township 39 North, Range 9 East, NMPM as verified by the Colorado Division of Water Resources staff. The GPS location of the actual well is: UTM, NAD83 409514 mE, 4167037 mN. Well No. 3-R, Case No. 03CW27, WDID 2013892 is located in the NE1/4 NE1/4 Section 7, Township 39 North, Range 9 East, NMPM as verified by the Colorado Division of Water Resources staff. The GPS location of the actual well is: UTM, NAD83 409664 mE, 4166740 mN.** Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so. Steven and Karla Van Treese 522 Lane 7 North Monte Vista CO. 81144

**You are notified that you have, until the last day of June 2025, to file with the Water Clerk** **a verified statement of opposition setting forth facts as to why a certain application** **should not be granted or why it should be granted only in part or on certain conditions or**
**a protest to the requested correction. A copy of such a statement of opposition or**
**protest must also be served upon the Applicant or the Applicant’s attorney and an**
**affidavit or certificate of such service must be filed with the Water Clerk. The filing fee**
**for the Statement of Opposition is $192.00. Forms may be obtained from the Water**
**Clerk’s Office or our website at www.courts.state.co.us. Jennifer Pacheco, Water Clerk,**
**Water Division 3, 8955 Independence Way, Alamosa, CO 81101.**