

Consent Agenda Item 1.a

November 16-17, 2022 Board Meeting

Case No. 22CW3033 (Water Division 3); United States of America,
Department of the Interior, Bureau of Land Management

Summary of Water Court Application

Application for change of surface water rights and conditional appropriative rights of substitution and exchange.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in October 2022 to protect CWCB's instream flow water rights and to protect CWCB's exclusive authority to hold instream flow water rights.

CWCB Instream Flow Water Rights

The CWCB holds water rights, including the following instream flow water rights in Water Division 3 in the Alamosa-Trinchera, Conejos, and Rio Grande Headwaters watersheds, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
W-3648 (1976)	La Jara Creek	outlet La Jara Res	hdgt Pino Real Ditch	5 (1/1 - 12/31)	11/17/1976
80CW0095	Beaver Creek	headwaters at lake	confl SF Rio Grande	8 (10/1 - 4/30) 14 (5/1 - 9/30)	07/08/1980
80CW0099	Lake Fork	headwaters in vicinity	confl SF Rio Grande	4 (10/1 - 4/30) 7 (5/1 - 9/30)	07/08/1980
84CW0138	Conejos River	confl unnamed tributary	confl Saddle Creek	10 (10/1 - 4/30) 40 (5/1 - 9/30)	10/07/1982
82CW0237	Conejos River	confl Saddle Creek	confl S Fork Conejos River	15 (10/1 - 4/30) 45 (5/1 - 9/30)	10/07/1982
82CW0214	Conejos River	confl S Fork Conejos River	confl Elk Creek	25 (10/1 - 4/30) 75 (5/1 - 9/30)	10/07/1982
82CW0216	Conejos River	confl Elk Creek	USGS gage near Mogote	45 (10/1 - 4/30) 90 (5/1 - 9/30)	10/07/1982
83CW0040	Rio Grande	confl Squaw Creek	confl Clear Creek	20 (10/1 - 4/30) 55 (5/1 - 9/30)	08/16/1982
83CW0049	Rio Grande	confl Clear Creek	confl Trout Creek	45 (10/1 - 4/30) 90 (5/1 - 9/30)	08/16/1982
83CW0039	Rio Grande	confl Trout Creek	confl Goose Creek	65 (10/1 - 4/30) 150 (5/1 - 9/30)	08/16/1982

83CW0042	Rio Grande	confl Goose Creek	confl S Fork Rio Grande	80 (10/1 - 4/30) 160 (5/1 - 9/30)	08/16/1982
83CW0045	South Clear Creek	outlet res (lowest Browns Lks)	confl N Clear Creek	4 (1/1 - 12/31)	08/16/1982
83CW0047	North Clear Creek	1 mile below Continental Res	confl South Clear Creek	1 (10/1 - 4/30) 9 (5/1 - 9/30)	08/16/1982
83CW0051	Clear Creek	confl N & S Clear Creek	confl Rio Grande River	5 (10/1 - 4/30) 10 (5/1 - 9/30)	08/16/1982
83CW0050	Crooked Creek	outlet of reservoir	confl unnamed res on Spring Ck	2 (1/1 - 12/31)	08/16/1982
84CW0137	Rio de los Pinos	outlet Trujillo Meadows Res	Colorado-New Mexico state line	5 (10/1 - 4/30) 19 (5/1 - 9/30)	10/07/1982
84CW0160	South Fork Rio Grande	outlet Big Meadows Res	confl Pass Creek	5 (10/1 - 4/30) 10 (5/1 - 9/30)	08/16/1982

Potential for Injury

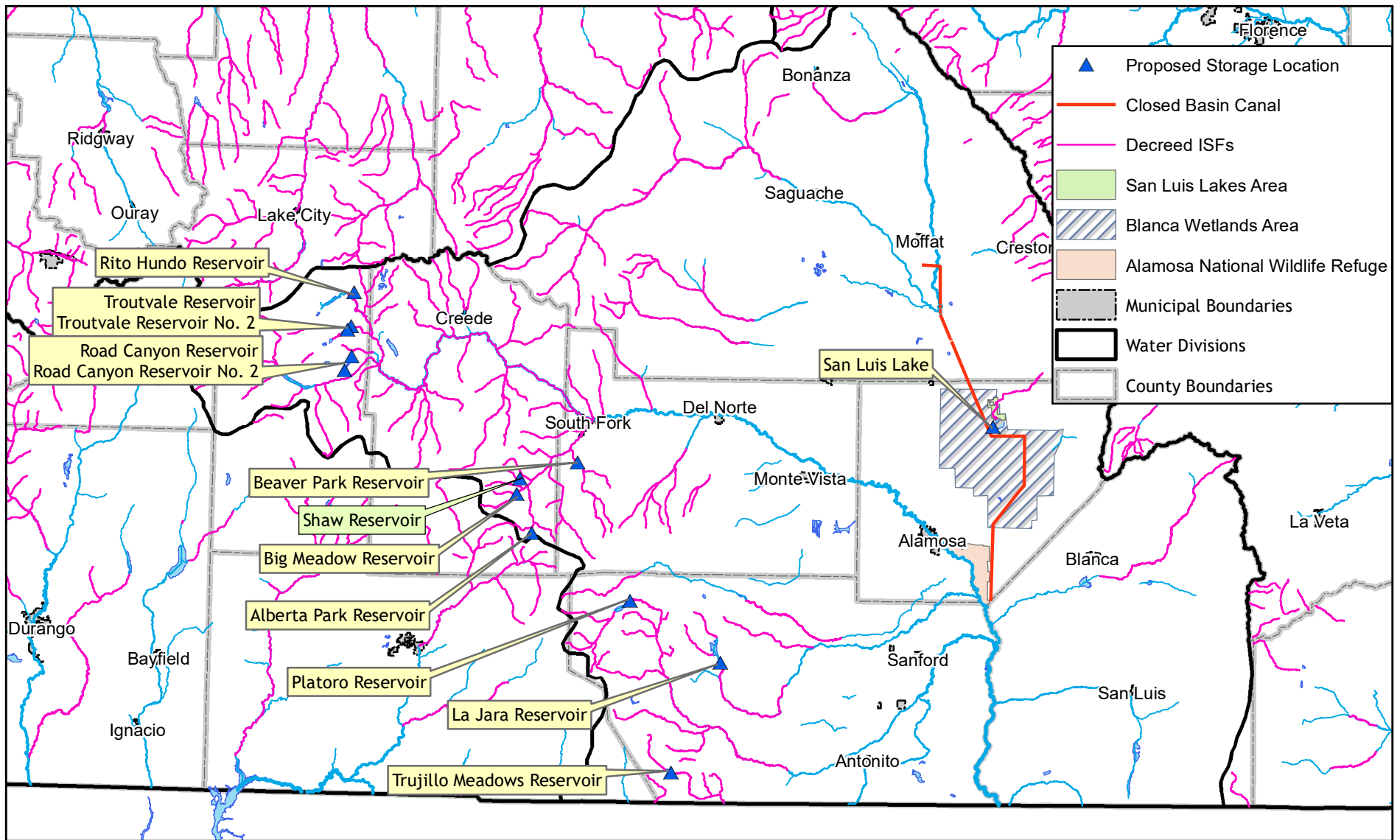
- The proposed change of water rights could cause an expansion of use and could alter the time, place, and amount of historical irrigation delivery patterns, which could impact the CWCB's instream flow water rights.
- The administrative exchanges under Applicant's plan should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.
- CWCB has exclusive authority to hold instream flow water rights. Applicant has not requested a contract or other devise from CWCB for instream flow use of the water.
- The proposed appropriative right of exchange should be defined clearly with a reference to intervening instream flow water rights so that the CWCB's instream flow water rights are not injured.

Other Objectors

Statements of Opposition were also filed by Conejos Water Conservancy District; High Valley Ranch, LLC; State Board of Land Commissioners; Colorado Division of Parks and Wildlife and Parks and Wildlife Commission; San Luis Valley Water Conservancy District; and, Rio Grande Water Users Association.

Attorney Representing CWCB

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at jennifer.mele@coag.gov, or 720-508-6282.

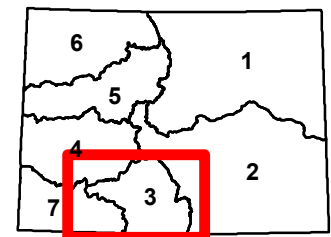


COLORADO
Colorado Water Conservation Board

Department of Natural Resources

November 16-17, 2022 CWC Board Meeting
 Consent Agenda Item 1a: Statement of Opposition
 Case No. 22CW3033 (Division 3)
 The United States of America

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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 August, 2022 for each county affected.

2022CW3033 Application for Change of Surface Water Rights and Conditional Appropriative Rights of Substitution and Exchange in Mineral, Rio Grande, Conejos, and Alamosa Counties. 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. The Bureau of Land Management (BLM) acquired the historical water rights associated with Shaw Reservoir in December 2021. In the same transaction, BLM also acquired a perpetual easement for storage space in Shaw Reservoir from San Luis Valley Water Conservancy District (SLVWCD). SLVWCD has purchased the Shaw Reservoir facilities, including the dams, outlet structures, feeder ditch, and measurement devices. BLM purchased the historical water rights and storage space to accomplish two objectives. First, the changed historical water rights will be used to support wetlands habitat and wildlife management at BLM's Blanca Wetlands Area (Blanca Wetlands) and South San Luis Lakes Area (SSLA). Second, BLM's acquired assets will be used to work cooperatively with SLVWCD and Colorado Parks and Wildlife to maintain stable water storage volumes in Shaw Reservoir to support the lake's fish population and heavy recreational use. To deliver the changed historical water rights in the correct timing and amount to support BLM's wetland habitat and wildlife management objectives, this change application (Application) requests water court confirmation of the historical consumptive use associated with the Shaw Reservoir historical water rights. The application also requests authorization to store the historical water rights in alternate locations and then subsequently release the changed historical water right for beneficial use. The request for alternate storage locations for the changed historical water rights will also facilitate maintenance of stable reservoir levels at Shaw Reservoir, because it will enable BLM to avoid changes to reservoir levels that would be necessary to release the changed water rights from Shaw Reservoir for beneficial use. The reservoirs in which the changed historical water rights will be stored include reservoirs owned and managed by Colorado Parks and Wildlife (CPW) and other reservoirs where BLM has agreements for storage space. In addition, the Application requests water court confirmation of exchange operations involving the changed historical water rights. These operations are required to move diverted water into the alternate storage locations and to deliver stored water to the place of use at Blanca Wetlands and SSLA. 3. Previous Decree Information for Water Rights to be Changed. A. Shaw Reservoir Priority No. 1916-39A 1. Adjudication Date: September 13, 1916.

**Attachment
Consent Agenda Item 1.a
November 16-17, 2022**

2. Appropriation Date: September 18, 1895. 3. Priority: Stream Priority 1916-39A and Reservoir Priority 1916-1. 4. Use: Irrigation. 5. Amount: 510.84 acre-feet, absolute and 127.71 acre-feet, conditional. 6. Subsequent Decree: The 127.71 acre-feet originally decreed as conditional was subsequently made absolute in Civil Action 2673, District Court, Alamosa County, entered July 18, 1960. 7. Source: Spring Creek, a natural stream of the State of Colorado. 8. Decreed Location: The outlet of Shaw Reservoir is a point between Stations 0 and 2 in the Southeast Quarter of the Southeast Quarter of Section 31, T39N R2E, New Mexico P.M. 9. Place of Beneficial Use: Not specified in the decree. B. Shaw Reservoir Enlargement Priority 1959-15 1. Original Decree: Civil Action 2673, District Court, Alamosa County 2. Adjudication Date: July 18, 1960. 3. Appropriation Date: September 27, 1954. 4. Priority: Reservoir Priority 1959-15. 5. Use: Irrigation. 6. Amount: 42.05 acre-feet, absolute. 7. Source: Kitty Creek, also known as Cat Creek, a natural stream of the State of Colorado. 8. Decreed Location: The initial point of survey for the reservoir, as enlarged, is located at the East end of the North dam of said reservoir, whence the Southwest corner of Section 18, T39N R3E, New Mexico P.M. bears North 51 degrees 7 minutes East, 30,824.4 feet. 9. Place of Beneficial Use: Not specified in the decree. C. DATE FILED: August 19, 2022 3:18 PM 2 Shaw Reservoir Feeder Ditch 1. Original Decree: In The Matter Of The Adjudication Of Priorities Of Water Rights In Water District Number Twenty In The State of Colorado, District Court, Costilla County. 2. Adjudication Date: September 13, 1916. 3. Appropriation Date: May 1, 1900 4. Priority: Stream Priority 1916-50. 5. Use: Feeding Shaw Reservoir. 6. Amount: 10.0 cfs, absolute. 7. Source: Little Trout Creek, a natural stream of the State of Colorado. 8. Decreed Location: a point, in the County of Mineral, State of Colorado, on the East Bank of Little Trout Creek, North 87 degrees 50 minutes West 1,841 feet from contour post No. 13 of Shaw Reservoir located in the Northeast Quarter of Section 6, T38N R2E, New Mexico P.M. 9. Place of Beneficial Use: Not specified in decree. D. Remarks Concerning Previous Decrees: The water source specified in previous decrees for the original reservoir (Spring Creek), the enlargement (Kitty Creek), and the Feeder Ditch (Little Trout Creek) are all at the same location, which is the diversion structure into the Shaw Reservoir Feeder Ditch. The creek name has changed several times since the first water right for the reservoir was established. The modern name used for the creek is Kitty Creek. 4. Change of use. A. Summary. BLM seeks to change the historical water rights described in Paragraph 3 from the original irrigation use to multiple uses, including irrigation, described below. BLM also seeks to change the place of use to the locations described below. Finally, BLM seeks confirmation of the annual volume of historical consumptive use available that may be applied under the changed water rights. B. Decreed Points of Diversion: The physical point of diversion for Shaw Reservoir Feeder Ditch will remain in the historical location and is not being changed. However, the Applicant requests that the decreed point of diversion reflect a modern legal description which incorporates GPS coordinates as follows: Shaw Reservoir Feeder Ditch – NE 1/4 SE 1/4, Section 6, T38N R2E, New Mexico P.M. NAD 83, Zone 13, 340740mE 4159302mN C. Decreed Place of Storage: The physical location of Shaw Reservoir will remain in the historical location. However, the Applicant requests that the decreed storage location reflect a modern legal description which incorporates GPS coordinates as follows: Center of North Dam (where outlet structure is located) – NE 1/4 SW 1/4, Section 5, T38N R2E, New Mexico P.M. NAD 83, Zone 1, 341566mE 4159205mN. Center of South Dam – NE 1/4 NW 1/4, Section 8, T38N R2E, New Mexico P.M.

NAD 83, Zone 13, 341315mE, 4158394mN. D. Decreed Water Sources: The physical source of water for Shaw Reservoir will remain the same as historical practice. However, because of the various names used for water sources in original decrees, the Applicant seeks water court confirmation that the source of water for the Shaw Reservoir Feeder Ditch is Kitty Creek. E. Places of Storage. BLM requests water court authorization to store the changed water right in any of the following reservoirs, including authorization to carry over stored water in these facilities from one water year to the next. BLM will not store water in any of the reservoirs listed below without the written permission of the reservoir owner. This application does not request an independent water storage right in any of the reservoirs listed below and instead requests authorization to store water pursuant to an agreement between the reservoir owner and BLM. 4E. Reservoir Storage Locations. Reservoir Name: Alberta Park Reservoir WDID: 2003531 Relevant Decrees: CA2673 Absolute Amounts (AF): 597.5 Adjudication Dates: 1/27/1960 Appropriation Dates: 9/27/1930 Legal Description: Located at a point on the northwesterly end of the dam, whence the NW corner of Sec.19, T39N, R2E, NMPM bears North 26°27' West 56,628 feet. 3 Reservoir Name: Beaver Park Reservoir WDID: 2003532 Relevant Decrees: 09/13/1916 and CA2673 Absolute Amounts (AF): 4,434 and 334.4 Adjudication Dates: 9/13/1916 and 1/27/1960 Appropriation Dates: 4/30/1910 and 5/10/1946 Legal Description: Located at a point whence the East 1/4 corner of Section 28, T39N, R3E, NMPM bears North 79°13' East 2,065.45 feet. Reservoir is located in Sec. 27, 28, 33, and 34, T39N, R3E, and Sec.3, T38N, R3E, NMPM. Reservoir Name: Big Meadows Reservoir WDID: 2003589 Relevant Decrees: CA3982 Absolute Amounts (AF): 2,437 Adjudication Dates: 4/21/1972 Appropriation Dates: 8/27/1959 Legal Description: Located at a point whence Mt. Hope bears North 85°50' West, and is a point on the Northwesterly end of the dam at high water line, and whence Heart Mountain bears South 49°00' East and is a point on the Southeasterly end of the dam at high water line. Reservoir is situated in Sections 17 and 18, T38N, R2E, NMPM. Reservoir Name: Troutvale Reservoir WDID: 2003569 Relevant Decrees: 9/13/1916 Absolute Amounts (AF): 1,020.6 Adjudication Dates: 9/13/1916 Appropriation Dates: 9/1/1911 Legal Description: Located at a point whence the North 1/4 corner of Section 16, T41N, R3W, NMPM bears North 70°54'30" West 915 feet. Reservoir Name: Troutvale Reservoir No. 2 WDID: 2003585 Relevant Decrees: CA3982 Absolute Amounts (AF): 435.37 Adjudication Dates: 4/21/1972 Appropriation Dates: 6/17/1940 Legal Description: Located at a point whence the North 1/4 corner of Section 10, T41N, R3W, NMPM bears North 27°08' West 2,175.5' and is a point on the Northwesterly end of the dam at high water line. Reservoir is situated in Section 10, T41N, R3W, NMPM. Reservoir Name: La Jara Reservoir WDID: 2103582 Relevant Decrees: 2/07/1918 Absolute Amounts (AF): 14,056.5 Adjudication Dates: 2/7/1918 Appropriation Dates: 12/13/1904 Legal Description: From said inlet works located in the La Jara Creek, said reservoir runs in a southeasterly direction about four miles to a point in the northeast quarter of section 31, T35N, R6E, NMPM, where the dam used for the impounding of water in said reservoir is now located and constructed and where the outlet works of said reservoir are now located, at a point which bears north 10°44'10" west 28,607.8 feet. Reservoir is situated on parts of Sections 7, 18, 19, 29, 30, 31 and 32, in T35 N, R6E, NMPM, and Sections 13, 24, 25, in T35N, R5E, NMPM. Reservoir Name: Rito Hondo Reservoir WDID: 2003588 Relevant Decrees: CA3982 Absolute Amounts (AF): 561.46 Adjudication Dates: 4/21/1972 Appropriation Dates: 10/4/1954 Legal Description: Located at a point whence the SE

corner of Sec.22, T42N, R3W, NMPM bears South 10°41' East 3,546.61 feet and is a point on the westerly end of the dam at high water line. Reservoir is situated in Sec.15 and 22, T42N, R3W, NMPM. Reservoir Name: Road Canyon Reservoir WDID: 2003555 Relevant Decrees: 09/13/1916 Absolute Amounts (AF): 1,182.75 Adjudication Dates: 9/13/1916 Appropriation Dates: 5/17/1908 Legal Description: Situated in Sec.26, 27 and 34, T41N, R3W and Sec.3, T40N, R3W, NMPM. 4 Reservoir Name: Road Canyon Reservoir No. 2 WDID: 2003584 Relevant Decrees: CA3982 Absolute Amounts (AF): 117.27 Adjudication Dates: 4/21/1972 Appropriation Dates: 6/26/1922 Legal Description: The initial point of survey of the high water line of said reservoir is located at a point whence the corner common to Sections 26, 27, 34 and 35, T41N, R3W, NMPM, bears North 27°48' East 10,273.69 feet, and is a point on the easterly end of the dam at high water line. Reservoir is situated in the West 1/2 of the SW 1/4, Sec.3, and the SE 1/4, SE 1/4 of Sec.4, T40N, R3W, NMPM. Reservoir Name: Trujillo Meadows Reservoir WDID: 2203575 Relevant Decrees: W-0047 Absolute Amounts (AF): 913.15 Adjudication Dates: 12/31/1970 Appropriation Dates: 8/31/1954 Legal Description: That the initial point of survey of the high water line is located at a point whence the North quarter corner of Section 5, Township 32 North, Range 5 East NMPM, bears North 67°19'35" East 283.21 feet and is a point on the northerly end of the dam at high water line. Said reservoir is situated in Section 5, T32N, R5E, NMPM and Sec.32, T33N, R5E, NMPM. Reservoir Name: San Luis Lake WDID: 3503531 Relevant Decrees: W-3962, 95CW40, 95CW004 Absolute Amounts (AF): 8645, 5752.72, 410 Adjudication Dates: 12/31/1978, 12/31/1987, 12/31/1995 Appropriation Dates: 8/5/1969, 11/25/1986, 11/01/1994 Legal Description: A natural lake located in portions of sections 25, 26, 35 and 36, R11E, T40N of the NMPM. The northwest corner of section 19, R12E, T40N, bears north 44 deg. 56'55" east o distance of 10,261.42 feet from the inlet of said lake and north 30 degrees 44'18" east a distance of 15,764.45 feet from the outlet. Reservoir Name: Shaw Reservoir WDID: 2003559 Relevant Decrees: 9/13/1916, 9/13/1916, CA 2673 Absolute Amounts (AF): 510.84, 127.71, 42.05 Adjudication Dates: 9/13/1916, 9/13/1916, 1/27/1960 Appropriation Dates: 9/18/1895, 9/18/1895, 9/27/1954 Legal Description: A point between Stations 0 and 2 in the Southeast Quarter of the Southeast Quarter of Section 31, T39N R2E, New Mexico P.M. Reservoir Name: Platoro Reservoir WDID: 2203574 Relevant Decrees: W-3253 Absolute Amounts (AF): 53,571.0 Adjudication Dates: 10/24/1985 Appropriation Dates: 6/1/1905 Legal Description: A point whence the Northeast corner of Section 21, T36N R4E, NMPM bears North 14°56'08" East a distance of 2,477.8 feet. 4F. Places of Use. Within Blanca Wetlands, as 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. Within the SSLA, as described below: Township 39 North, Range 12 East N.M.P.M: SE 1/4 Section 18; All of Section 19. Township 39 North, Range 11 East, N.M.P.M: SE 1/4 Section 24. A. Type of Use. BLM seeks to add the following uses to the historically decreed irrigation 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 5 domestic use; piscatorial and fish propagation; augmentation use; replacement of evaporative losses necessary to effectuate the aforementioned uses; storage in reservoirs listed in Section 3.E. necessary to effectuate the aforementioned uses; and exchanges necessary to effectuate the aforementioned uses. All uses may be accomplished by one of two methods: (1) direct application of water from the changed water rights after the changed water rights have been stored and subsequently released from Shaw Reservoir or, (2) after storage of the changed water rights one or more of the facilities listed in Paragraph 4.E. The augmentation use includes the following: (1) Use of the changed water right as an augmentation water source for the Blanca Wetlands augmentation plan decreed in case number 2002CW38B. After this application is decreed, BLM will follow the Notice of Use procedure described in Paragraph 13.C.1 of the 2002CW38B decree to add the changed water right to the authorized list of augmentation water sources. (2) Use of the changed water right through a BLM contract with one or more Subdistricts of the Rio Grande Water Conservation District for the purpose of remedying injurious depletions to the Rio Grande and Conejos River caused by groundwater well operations. This use will occur pursuant to an Annual Replacement Plan or Substitute Water Supply Plan approved by Colorado Division of Water Resources or pursuant to an augmentation plan approved by District Court, Water Division 3. (3) Use of the changed water right as a source of water for the San Luis Valley Water Conservancy District's (District) Augmentation Program for the augmentation of out of priority diversions by Participants located within the District's boundaries, as those boundaries may change from time to time in accordance with the statute. The District operates its Augmentation Program pursuant to the decrees entered in Case Nos. 84CW16, 93CW43, 94CW62, 03CW41, 05CW13, 07CW63, 09CW34 and 14CW3011, all decreed in District Court, Water Division No. 3. (4) Use of the changed water right to provide augmentation water to BLM's wetland management partners, including the U.S. Fish and Wildlife Service and Colorado Parks and Wildlife. These partners then provide equivalent water to BLM for diversion and use within the Blanca Wetlands Area. (5) Other augmentation uses that are approved pursuant to a substitute water supply plan approved by Colorado Division of Water Resources or pursuant to an augmentation plan approved by District Court, Water Division 3.

G. Confirmation of Historical Consumptive Use. Using a representative study period from 1968 through 2004, Applicant seeks to obtain a determination of the historical consumptive use of the water rights described in Section 3 of this Application as 172.7 acre-feet per year, as depicted in Exhibit A. Applicant seeks the right to utilize the confirmed historical consumptive use as set forth in Section 4 of this Application. A map depicting the location of the Shaw Reservoir and the Feeder Ditch is attached hereto as Exhibit B. A map depicting the location of the historically irrigated lands is attached hereto as Exhibit C.

5. Conditional Appropriative Rights of Substitution and Exchange.

A. Source of Water. The changed Shaw Reservoir water rights described in Paragraph 3.

B. Place of Use: Identical to those set forth in Paragraphs 4F.

C. Type of Use: Identical to those set forth in Paragraphs 4G.

D. Shaw Reservoir to Beaver Park Reservoir Exchange

1. Exchange From Point: The confluence of the South Fork of the Rio Grande with Beaver Creek, located in the SW 1/4 SE 1/4, Sec. 17, T39N R3E, NMPM. UTM Coordinates: NAD 83, Zone 13, 351413mE 4165149mN

2. Exchange To Point: Located at a point whence the East 1/4 corner of Section 28, T39N, R3E, NMPM bears North 79°13' East 2,065.45 feet. Reservoir is located in Sec. 27, 28, 33, and 34, T39N, R3E, and Sec. 3, T38N, R3E,

NMPM. 3. Amount Claimed: 10.0 cfs, conditional. 4. Date of Appropriation: Date this application is filed with the water court. 5. Date Exchange Made Absolute: Not Applicable. E. Closed Basin Project Canal Exchange 1. Exchange From Point: The confluence of the Closed Basin Project Canal with the 6 Rio Grande, located in the SW 1/4 SW 1/4, Sec. 28, T37N R11E, NMPM. UTM Coordinates: NAD 83, Zone 13, 430940mE 4141480mN. 2. Exchange To Reach: Any location along the Closed Basin Project Canal that is adjacent to BLM's Blanca Wetlands Area and South San Luis Lakes Area. This reach includes BLM Turnouts CHO3 and CHO4 as follows: Turnout CHO3: NE 1/4 SW 1/4, Section 4, Township 38 North, Range 12 East, N.M.P.M. UTM Coordinates: NAD 83, Zone 13, 440976mE 4157892mN Turnout CHO4: SW 1/4 SW 1/4, Section 9, Township 38 North, Range 12 East, N.M.P.M. UTM Coordinates: NAD 83, Zone 13, 440447mE 4156005mN. The upper terminus of the Exchange To Reach is as follows: NE 1/4 NW 1/4, Section 6, T39N R12E, N.M.P.M. UTM Coordinates: NAD 83, Zone 13 437990mE 4168640mN. This location is commonly known as the point where the Closed Basin Project Canal crosses under Alamosa County Road 6 North. The lower terminus of the Exchange To Reach is as follows: SW 1/4 SW 1/4, Section 17, T38N R12E, N.M.P.M. UTM Coordinates: NAD 83, Zone 13 438742mE 4154182mN 3. Amount Claimed: 8 cfs, conditional. 4. Date of Appropriation: Date this application is filed with the water court. 5. Date Exchange Made Absolute: Not Applicable F. Chicago Ditch Substitution 1. Description of Substitution: Water from the sources listed above may be released to the Rio Grande and subsequently diverted at the Chicago Ditch, operated by Alamosa National Wildlife Refuge. An equivalent volume of Closed Basin Project mitigation water, otherwise destined for delivery to Alamosa National Wildlife Refuge, will be diverted by BLM from the Substitution To Reach. 2. Substitution From Location: The Chicago Ditch (WDID 2000575). Original Decrees: May 1, 1896 and October 15, 1934. Decreed Point of Diversion: A point on the east bank of the Rio Grande-Del Norte from which it derives its supply of water, whence the one-quarter corner between Sections Eleven (11) and Twelve (12) in Township Thirty-seven (37) North, and in Range Ten (East) of the New Mexico Principal Meridian bears North 01° 12' East 1400.3 feet. 3. Substitution To Reach: Any location along the Closed Basin Project Canal that is adjacent to BLM's Blanca Wetlands Area and South San Luis Lakes Area. This reach includes BLM Turnouts CHO3 and CHO4 as follows: Turnout CHO3: NE 1/4 SW 1/4, Section 4, Township 38 North, Range 12 East, N.M.P.M. UTM Coordinates: NAD 83, Zone 13, 440976mE 4157892mN Turnout CHO4: SW 1/4 SW 1/4, Section 9, Township 38 North, Range 12 East, N.M.P.M. UTM Coordinates: NAD 83, Zone 13, 440447mE 4156005mN The upper terminus of the Substitution To Reach is as follows: NE 1/4 NW 1/4, Section 6, T39N R12E, N.M.P.M. UTM Coordinates: NAD 83, Zone 13 437990mE 4168640mN. This location is commonly known as the point where the Closed Basin Project Canal crosses under Alamosa County Road 6 North. The lower terminus of the Substitution To Reach is as follows: SW 1/4 SW 1/4, Section 17, T38N R12E, N.M.P.M. UTM Coordinates: NAD 83, Zone 13 438742mE 4154182mN 6. Amount Claimed: 8 cfs, conditional 7. Date of Appropriation: (date application filed with Water Court). 8. Date Substitution Made Absolute: Not Applicable G. Use of Facilities Owned By Other Parties. This Application does not request an independent water right in any facilities listed in Paragraph 3E and does not request judicial approval of any exchange between the facilities identified in Paragraph 3E, except for the exchanges claimed in Paragraph 5.G above.

The Applicant may seek administrative approval from Colorado Division of Water Resources for exchanges of water to other facilities listed in Paragraph 3.E above. BLM will not utilize any of the facilities listed in Paragraph 3.E of this Application without the written permission of the facility owner. H. Map. A map depicting the locations of the claimed exchanges is attached as Exhibit D. 6. Names and Addresses of Owners, Structures and of Land on which Structures Are Located: Barry Beal, High Valley Ranch, LLC, 104 S. Pecos St., Midland, TX 79701. United States Department of Agriculture, Rio Grande National Forest, 7 1803 W. Highway 160, Monte Vista, CO 81144 Attention: Andrew Peterson. State Land Board, Southwest District Office, District Manager, 305 Murphy Drive, Suite A, Alamosa 81101 Attention: Ron Rivale. Rio Grande Water Conservation District, 8805 Independence Way, Alamosa, CO 81101 Attention: Cleave Simpson. United States Department of the Interior, Bureau of Reclamation, Closed Basin Division, San Luis Valley Project, Colorado, 10900 Hwy 160 East, Alamosa, CO 81101 Attention: Russ Plummer. Colorado Parks and Wildlife, 6060 Broadway, Denver, CO 80216 Attention: Ed Perkins. The Nature Conservancy, 2424 Spruce St., Boulder, CO 80302 Attention: Heidi Shirk. U.S. Fish and Wildlife Service, 6120 Highway 15, Monte Vista, CO 81144 Attention: Chris Shaffer. San Luis Valley Water Conservancy District, 623 Fourth St., Alamosa, CO 81101 Attention: Heather Dutton, Manager.

THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE OR BE FOREVER BARRED.

You are notified that you have until the last day of October 2022, 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.