

**Consent Agenda Item 1.g**

September 15-16, 2021 Board Meeting

Case No. 21CW3029 (Water Division 7); The United States of America, Department of the Interior, Bureau of Land Management, San Luis Valley Field Office

**Summary of Water Court Application**

Application for junior surface water right and appropriative rights of exchange.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in 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 7 in the Upper San Juan Watershed, that could be injured by this application:

| Case Number | Stream                   | Upper Terminus               | Lower Terminus          | CFS Rate (Dates)                   | Approp. Date |
|-------------|--------------------------|------------------------------|-------------------------|------------------------------------|--------------|
| 80CW0031    | Wolf Creek               | headwaters in vicinity       | confl WF San Juan River | 11 (3/1 - 8/31)<br>6 (9/1 - 2/29)  | 01/30/1980   |
| 80CW0040    | San Juan River           | confl EF & WF San Juan River | confl McCabe Creek      | 50 (3/1 - 8/31)<br>30 (9/1 - 2/29) | 01/30/1980   |
| 80CW0041    | West Fork San Juan River | confl Wolf Creek             | confl EF San Juan River | 25 (4/1 - 8/31)<br>14 (9/1 - 3/31) | 01/30/1980   |

The CWCB holds water rights, including the following instream flow water rights in Water Division 3 in the Alamosa-Trinchera, Conejos, and Rio Grande River 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)<br>14 (5/1 - 9/30)  | 07/08/1980   |
| 80CW0099     | Lake Fork     | headwaters in vicinity     | confl SF Rio Grande   | 4 (10/1 - 4/30)<br>7 (5/1 - 9/30)   | 07/08/1980   |
| 82CW0214     | Conejos River | confl S Fork Conejos River | confl Elk Creek       | 25 (10/1 - 4/30)<br>75 (5/1 - 9/30) | 10/07/1982   |
| 82CW0216     | Conejos River | confl Elk Creek            | USGS gage near Mogote | 45 (10/1 - 4/30)<br>90 (5/1 - 9/30) | 10/07/1982   |

|          |                       |                                |                                |                                      |            |
|----------|-----------------------|--------------------------------|--------------------------------|--------------------------------------|------------|
| 82CW0237 | Conejos River         | confl Saddle Creek             | confl S Fork Conejos River     | 15 (10/1 - 4/30)<br>45 (5/1 - 9/30)  | 10/07/1982 |
| 83CW0039 | Rio Grande            | confl Trout Creek              | confl Goose Creek              | 65 (10/1 - 4/30)<br>150 (5/1 - 9/30) | 08/16/1982 |
| 83CW0040 | Rio Grande            | confl Squaw Creek              | confl Clear Creek              | 20 (10/1 - 4/30)<br>55 (5/1 - 9/30)  | 08/16/1982 |
| 83CW0042 | Rio Grande            | confl Goose Creek              | confl S Fork Rio Grande        | 80 (10/1 - 4/30)<br>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)<br>9 (5/1 - 9/30)    | 08/16/1982 |
| 83CW0049 | Rio Grande            | confl Clear Creek              | confl Trout Creek              | 45 (10/1 - 4/30)<br>90 (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 |
| 83CW0051 | Clear Creek           | confl N & S Clear Creek        | confl Rio Grande River         | 5 (10/1 - 4/30)<br>10 (5/1 - 9/30)   | 08/16/1982 |
| 84CW0137 | Rio de los Pinos      | outlet Trujillo Meadows Res    | Colorado-New Mexico state line | 5 (10/1 - 4/30)<br>19 (5/1 - 9/30)   | 10/07/1982 |
| 84CW0138 | Conejos River         | confl unnamed tributary        | confl Saddle Creek             | 10 (10/1 - 4/30)<br>40 (5/1 - 9/30)  | 10/07/1982 |
| 84CW0160 | South Fork Rio Grande | outlet Big Meadows Res         | confl Pass Creek               | 5 (10/1 - 4/30)<br>10 (5/1 - 9/30)   | 08/16/1982 |

### **Potential for Injury**

- 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.
- Applicant requests water court authorization to store the changed water right in any of several reservoirs, but did not request appropriative rights of exchange to move water to each of these reservoirs. Moving water to the reservoirs can create a depletive reach of stream. Without appropriative rights of exchange, administrative exchanges may be required. Any depletive reaches of stream resulting from moving water into storage should be defined clearly with a reference to intervening water rights, including the CWCB's instream flow water rights so that the water rights are not injured. If the operation does not constitute an exchange, then the operation needs to be described in detail in the decree so that other water rights can be protected.

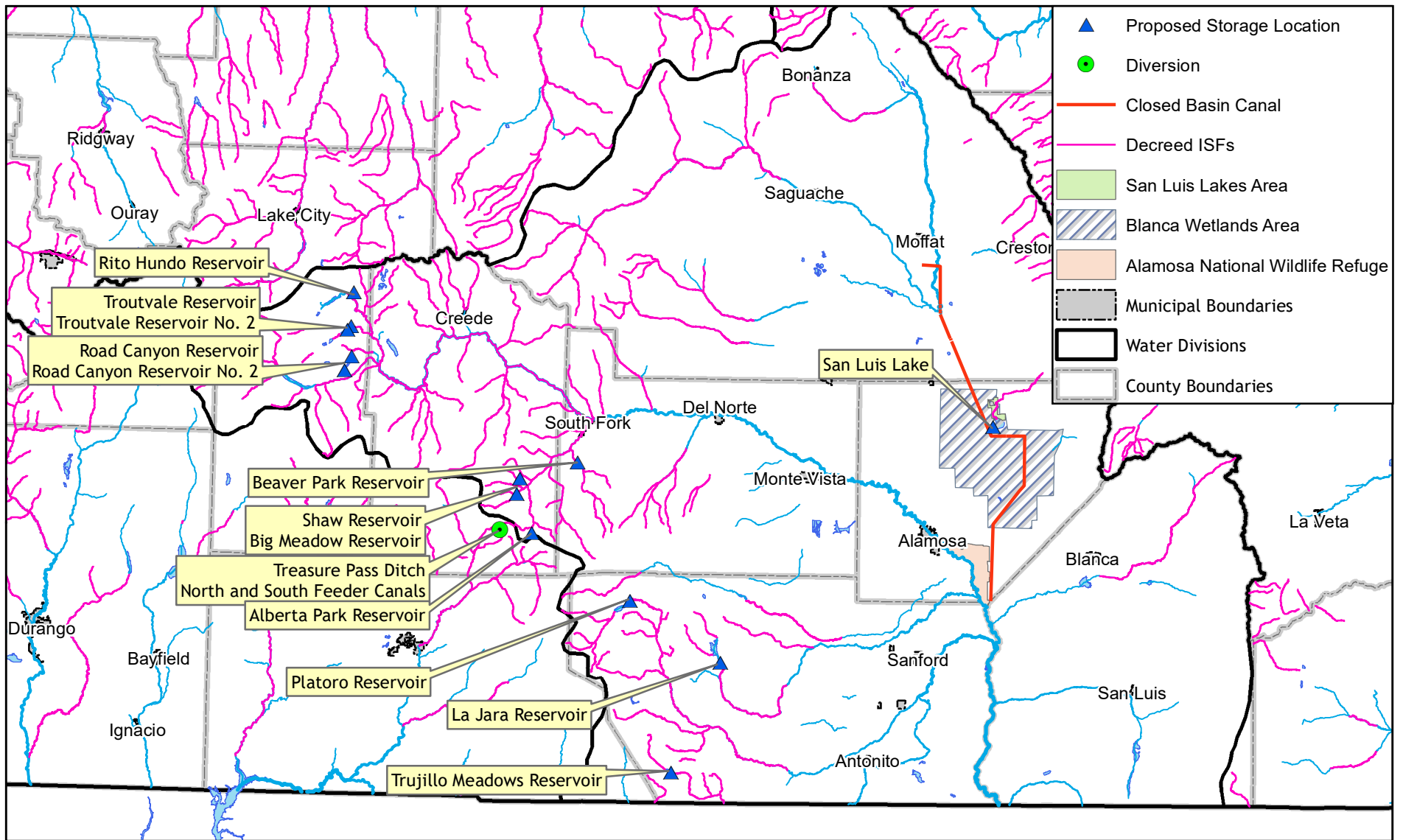
- CWCB has exclusive authority to hold instream flow water rights. If Applicant intends to use the water for instream flow purposes, it will need to request a contract or other devise from CWCB for instream flow use of the water.

#### **Other Objectors**

Statements of Opposition were also filed by Bootjack Ranch, LLC; Conejos Water Conservancy District; Rio Grande Water Conservation District; San Juan River Ranch Association, Inc.; San Juan Water Conservancy District; Southwestern Water Conservation District; the State Board of Land Commissioners; Colorado Parks and Wildlife; and, High Valley Ranch, LLC.

#### **Attorney Representing CWCB**

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

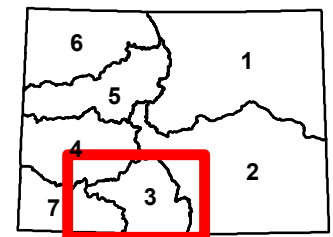


**COLORADO**  
**Colorado Water Conservation Board**

Department of Natural Resources

September 15-16, 2021 CWCB Board Meeting  
 Consent Agenda Item 1.g Statement of Opposition  
 Case No. 21CW3029 (Division 7)  
 The United States of America

0 10 20 40 Miles



DISTRICT COURT, WATER DIVISION 7, COLORADO

WATER RESUME

---

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 7

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications filed in the Office of the Water Clerk during the month of June 2021, for each county affected.

**21CW3029** Application For Junior Surface Water Right and Appropriative Rights of Exchange in Mineral, Archuleta, 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 trans-basin Treasure Pass Diversion Ditch (ditch) and its associated water right in April 2019. BLM is simultaneously filing two water right applications to accomplish its management objectives for this ditch. In Water Division 3, BLM is filing an application to change the historic Treasure Pass Diversion Ditch water right to types of use and places of use that will support BLM's resource management objectives along with appropriative rights of exchange. In Water Division 7, BLM is filing an application for a junior water right to be diverted at the ditch along with appropriative rights of exchange. The BLM is pursuing these dual applications because BLM has demands in excess of the historic Treasure Pass Diversion Ditch water right of 7 cubic feet per second (cfs). These demands are partially satisfied by diversions from the ditch under a junior water right. The historical diversion records for the ditch show frequent diversions in the range between 7 cfs and 13 cfs, demonstrating that there is physical capacity in the ditch above 7 cfs, and that diversions above 7 cfs were part of the historical operating practice. This application, which requests a junior water right, addresses any diversions made by the ditch up to 13 cfs that are not made under the historical water right. The changed historical water right and the new junior water right will support wetlands habitat and wildlife management at BLM's Blanca Wetlands Area (Blanca Wetlands) and South San Luis Lakes Area (SSLA). To deliver the changed water right and new junior water right in the correct timing and amount to support wetland habitat and wildlife management objectives, the applications request water court confirmation of the storage and subsequent release of the changed historical water right and new junior water right for beneficial use. The reservoirs in which changed historical water right and junior water right 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 applications request water court confirmation of exchange operations involving the changed historical water right and junior water right. These operations are required to move diverted water into storage and to deliver direct flow and stored water to the place of use at Blanca Wetlands and SSLA. **3. Water Court Jurisdiction and Venues.** The appropriate venue in which to adjudicate a change application for a trans-basin ditch is Water Division No. 3, the basin of use. Statements of Opposition should be filed in Water Division No. 3. The appropriate venue in which to adjudicate a junior water right for an existing transbasin ditch is Water Division No. 7, the basin of diversion. See *Department of Natural Resources v. Ogburn*, 560 P.2d 4 at 5 (Colo. 1977). Statements of Opposition should be filed in Water Division 7. To provide broad inquiry-level notice, the change of water right application and the junior water right application will be noticed in both Water Division 3 and Water Division 7. Both applications also include an attachment showing the application that is filed simultaneously in other Water Division, so that any inquiring party reviewing the

application will be able to see all pending water rights applications concerning Treasure Pass Diversion Ditch. **4. Treasure Pass Diversion Ditch Junior Water Right. A. Name of Structure:** Treasure Pass Diversion Ditch Junior Water Right. **B. Legal description of each point of diversion:** Identical to the points of diversion set forth in the historic water right for Treasure Pass Diversion in Civil Action 73 and 308, District Court In and For Archuleta County, Colorado, as described below: The said ditch is located on unsurveyed land, but a monument was erected on the top of what is known as Wolfe Creek Pass, in Mineral County, Colorado, consisting of a post 4" in diameter set in the ground surrounded to a height of 2 ½ feet by a mound of flat rock. The headgate of the North Feeder Lateral is located at a point on the south bank of a tributary to Wolfe Creek, a tributary of the West Fork of the San Juan River, from which it derives its supply of water, whence the monument bears South 50° 26' East 2,226.3 feet. The headgate of the South Feeder Lateral is located at a point on the north bank of a tributary to Wolfe Creek, a tributary of the West Fork of the San Juan River, from which it derives its supply of water, whence the aforesaid monument bears North 41° 04' East 3,347.8 feet in Mineral County, Colorado. **C. Place of Delivery.** Identical to the historical Place of Delivery set forth in the CA308 decree for Treasure Pass Diversion Ditch. *Description from the CA308 decree:* Claim is made to convey the water by the two feeder laterals mentioned into the main channel of Treasure Pass Diversion Ditch and thence conveyed across Wolf Creek Pass and deliver the water into the West Fork of Pass Creek, and thence to the Rio Grande River to the San Luis Valley, where its equivalent will be diverted into ditches utilized by Claimants for the irrigation of their land by the Rio Grande River. *BLM Description of Facilities Outlined in the CA308 Decree:* The North Feeder Lateral and the South Feeder Lateral are constructed at a grade that carries the water from the diversion points to Wolf Creek Pass. At Wolf Creek Pass, the two feeders join, and the water is carried across the pass in a common ditch and measured by a flume equipped with satellite telemetry. Because this water is trans-basin water, diverted from the San Juan Basin into the Rio Grande Basin, one hundred percent (100%) of the water delivered to the Rio Grande Basin may be consumptively used to extinction. The GPS coordinates for the measurement device on the ditch are NAD 83 Zone 13 340870mE 4149936mN **D. Source:** Unnamed tributaries to Wolf Creek, which are tributary of the West Fork of the San Juan River. **E. Date of Appropriation:** June 29, 2019. **F. Amount claimed:** 13.0 cfs, absolute **G. How appropriation was initiated:** BLM diverted water through the existing Treasure Pass Diversion Ditch and measured the diversion amount at the measurement flume located on the south side of Highway 160 over Wolf Creek Pass. Diverted water was placed into storage at Beaver Park Reservoir. **H. Date water was applied to beneficial use:** Water previously diverted under the junior water right and stored in Beaver Park Reservoir was delivered to Blanca Wetlands Area on March 31, 2021. **I. Places of Storage.** BLM requests water court authorization to store the junior Treasure Pass Diversion Ditch water right after diversion at the decreed points of diversion 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. **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. **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 ¼ 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 ¼ 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 ¼ 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. **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 ½ of the SW¼, Sec.3, and the SE¼, SE¼ 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. **J. Places of Use.** Within Blanca Wetlands, as described below: Township 38 North, Range 11 East N.M.P.M: Section 1, NW ¼, NE ¼, SE ¼ of Section 2, Section 12, NW ¼, NE ¼, SE ¼, N ½ of the SW ¼, of Section 13, and NE ¼ of Section 24. Township 38 North, Range 12 East, N.M.P.M: W ½ of Section 4, Sections 5, 6, 7, 8, 17 W ½ Section 9, and N ½ of Section 18. Township 39 North, Range 12 East, N.M.P.M: SE ¼ of the SW ¼ and SW ¼ of the SE ¼ of Section 30, E ½ of the W ½ and the E ½ of Section 31, and NW ¼, SW ¼, and SE ¼ of Section 32. Within the SSLA, as described below: Township 39 North, Range 12 East N.M.P.M.: SE ¼ Section 18, All of Section 19. Township 39 North, Range 11 East, N.M.P.M: SE ¼ Section 24. **K. 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; augmentation use; replacement of evaporative losses necessary to effectuate the aforementioned uses; storage in reservoirs listed in Paragraph 4.I. necessary to effectuate the aforementioned uses; exchanges necessary to effectuate the aforementioned uses. The augmentation use includes, but is not limited to, the following: Use of the junior water right as an augmentation water source for the Blanca Wetlands augmentation plan decreed in case number 2002 CW 38 B. After this case is decreed, BLM will follow the Notice of Use procedure described in Paragraph 13.C.1 of the 2002 CW 38B

decree to add the changed water right to the authorized list of augmentation water sources. Use of the junior 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 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. Use of the junior 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. 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. BLM also seeks water court confirmation that it is authorized to make a fully consumptive first use of the junior water right or to use, reuse, and successively use and dispose of the water to extinction for the purposes described in this application.

**5. Appropriative Rights of Exchange.**

**A. Source of Water.** The Treasure Pass Diversion Ditch Junior Water Right described in Paragraph 4.

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

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

**D. Treasure Pass Diversion Ditch 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 ¼ SE ¼, Sec. 17, T39N R3E, NMPM. UTM Coordinates: NAD 83, Zone 13, 351413mE 4165149mN

**2. Exchange To Point:** Located at a point whence the East ¼ 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:** 13.0 cfs, absolute

**4. Date of Appropriation:** June 29, 2019

**5. Date Exchange Made Absolute:** June 29, 2019

**E. Closed Basin Project Canal Exchange**

**1. Exchange From Point:** The confluence of the Closed Basin Project Canal with the Rio Grande, located in the SW ¼ SW ¼, 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 ¼ SW ¼, Section 4, Township 38 North, Range 12 East, N.M.P.M. UTM Coordinates: NAD 83, Zone 13, 440976mE 4157892mN. Turnout CHO4: SW ¼ SW ¼, 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 ¼ NW ¼, 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 ¼ SW ¼, Section 17, T38N R12E, N.M.P.M. UTM Coordinates: NAD 83, Zone 13 438742mE 4154182mN

**3. Amount Claimed:** 8 cfs, absolute.

**4. Date of Appropriation:** March 31, 2021

**5. Date Exchange Made Absolute:** March 31, 2021

**6. Structures Involved In Exchange:** To provide a source of water for the exchange, water from the junior water right may be released directly from the Treasure Pass Diversion Ditch or from any of the reservoirs listed in Paragraph 5.D. of this application. Exchange operations may also involve releasing water from the aforementioned facilities to the headgate of the Chicago Ditch, operated by Alamosa National Wildlife Refuge. An equivalent volume of Closed Basin Project mitigation water, otherwise destined for Alamosa National Wildlife Refuge, will be diverted from the Exchange To Reach. The Chicago Ditch (WDID 2000575) is described as follows: 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.

**F. Use of Facilities Owned By Other Parties.** BLM will not utilize any of the facilities listed in Paragraph 4.I. without the written permission of the facility owner. This application does not request an independent water right in any facilities listed in Paragraph 4.I. and instead requests authorization to exchange water pursuant to an agreement between the facility owner and BLM.

**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, 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. United States Department of Agriculture, Forest Service, Pagosa Ranger District, 180 Pagosa St., Pagosa Springs, CO 81147. Attention: Rebecca Smith. 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. Shaw Reservoir Company, 6820 Colorado Highway 17, Alamosa, CO 81101 Attention: Dan Russell. **7. Remarks:** The following report is hereby attached to and made part of this application: *Preliminary Engineering Report to Support a Claim for a Change of Water Right in the Treasure Pass Diversion Ditch, an Appropriation of a Junior Transbasin Water Right, and an Appropriative Right of Exchange* by Martin and Wood Water Consultants, Inc. This report contains maps of the ditch location, historical water use location, BLM's water use location, and locations of exchanges. (38 pages including exhibits)

**21CW3014 (filed in Water Div 3)** Application For Change of Surface Water Right and Appropriative Rights of Exchange in Mineral, Archuleta, 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 trans-basin Treasure Pass Diversion Ditch (ditch) and its associated water right in April 2019. BLM is simultaneously filing two water right applications to accomplish its management objectives for this ditch. In Water Division 3, BLM is filing an application to change the historic Treasure Pass Diversion Ditch water right to types of use and places of use that will support BLM's resource management objectives along with claiming appropriative rights of exchange. In Water Division 7, BLM is filing an application for a junior water right to be diverted at the ditch along with appropriative rights of exchange. The BLM is pursuing these dual applications because BLM has demands in excess of the historic Treasure Pass Diversion Ditch water right of 7 cubic feet per second (cfs). These demands are partially satisfied by diversions from the ditch under a junior water right. The historical diversion records for the ditch show frequent diversions in the range between 7 cfs and 13 cfs, demonstrating that there is physical capacity in the ditch above 7 cfs, and that diversions above 7 cfs were part of the historical operating practice. This application, which focuses on the change of the historical water right, addresses diversion diversions of up to 7 cfs that were made under the historical water right. The changed historical water right and the new junior water right will support wetlands habitat and wildlife management at BLM's Blanca Wetlands Area (Blanca Wetlands) and South San Luis Lakes Area (SSLA). To deliver the changed water right and new junior water right in the correct timing and amount to support wetland habitat and wildlife management objectives, the applications request water court confirmation of the storage and subsequent release of the changed historical water right and new junior water right for beneficial use. The reservoirs in which changed historical water right and junior water right 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 applications request water court confirmation of exchange operations involving the changed historical water right and junior water right. These operations are required to move diverted water into storage and to deliver direct flow and stored water to the place of use at Blanca Wetlands and SSLA. **3. Water Court Jurisdiction and Venues.** The appropriate venue in which to adjudicate a change application for a trans-basin ditch is Water Division No. 3, the basin of use. See *Department of Natural Resources v. Ogburn*, 560 P.2d 4 at 5 (Colo. 1977). Statements of Opposition should be filed in Water Division No. 3. The appropriate venue in which to adjudicate a junior water right for an existing trans-basin ditch is Water Division No. 7, the basin of diversion. (*See id.*) Statements of Opposition should be filed in Water Division 7. To provide broad inquiry-level notice, the change of water right application and the junior water right application will be noticed in both Water Division 3 and Water Division 7. Both applications also include an attachment showing the application that is filed simultaneously in the other Water Division, so that any inquiring party reviewing the application will be able to see all pending water rights applications concerning Treasure Pass Diversion Ditch. **4. Previous Decree Information for Water Right to be Changed.** **A. Water Rights:** The BLM purchased 100% interest in and to the Treasure Pass Diversion Ditch and its associated water right. **B. Original Decree:** Civil Action 73 and 308, District Court In and For Archuleta County, Colorado. **C. Adjudication Date:** April 19, 1962. **D. Appropriation Date:** August 1, 1922. **E. Priority:** Priority No. 284 in

Water District No. 29. **F. Use:** For the irrigation of the said eight hundred (800) acres of land located in Water District No. 20 of Colorado, and as supplemental to and in addition to the decreed rights for the same land in Water District No. 20. **G. Amount:** 7.0 cfs, absolute **H. Source:** Unnamed tributaries to Wolf Creek, which are tributary of the West Fork of the San Juan River. **I. Decreed Points of Diversion:** The said ditch is located on unsurveyed land, but a monument was erected on the top of what is known as Wolfe Creek Pass, in Mineral County, Colorado, consisting of a post 4" in diameter set in the ground surrounded to a height of 2 ½ feet by a mound of flat rock. The headgate of the North Feeder Lateral is located at a point on the south bank of a tributary to Wolfe Creek, a tributary of the West Fork of the San Juan River, from which it derives its supply of water, whence the monument bears South 50° 26' East 2,226.3 feet. The headgate of the South Feeder Lateral is located at a point on the north bank of a tributary to Wolfe Creek, a tributary of the West Fork of the San Juan River, from which it derives its supply of water, whence the aforesaid monument bears North 41° 04' East 3,347.8 feet in Mineral County, Colorado. **J. Place of Delivery:** *Description from the CA308 decree:* Claim is made to convey the water by the two feeder laterals mentioned into the main channel of Treasure Pass Diversion Ditch and thence conveyed across Wolf Creek Pass and deliver the water into the West Fork of Pass Creek, and thence to the Rio Grande River to the San Luis Valley, where its equivalent will be diverted into ditches utilized by Claimants for the irrigation of their land by the Rio Grande River. *BLM Description of Facilities Outlined in the CA308 Decree:* The North Feeder Lateral and the South Feeder Lateral are constructed at a grade that carries the water from the diversion points to Wolf Creek Pass. At Wolf Creek Pass, the two feeders join, and the water is carried across the pass in a common ditch and measured by a flume equipped with satellite telemetry. Because this water is trans-basin water, diverted from the San Juan basin into the Rio Grande basin, one hundred percent (100%) of the water delivered to the Rio Grande basin may be consumptively used to extinction. The GPS coordinates for the measurement device on the ditch are NAD 83 Zone 13 340870mE 4149936mN **K. Place of Use:** Approximately eight hundred (800) acres of land owned by Claimants located in Township 40 North, Range 6 East, N.M.P.M. in the County of Rio Grande and the State of Colorado. **5. Change of use.** **A. Summary.** BLM seeks to change the Treasure Pass Diversion Ditch water right described in Paragraph 4 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. **B. Decreed Points of Diversion:** The points of diversion will remain as set forth above in Paragraph 4I. **C. Place of Delivery.** The initial place of delivery will continue, as it has historically, to be the West Fork of Pass Creek, as described in Paragraph 4J. After diverted water is released to West Fork Pass Creek, it will be delivered to the places of storage and places of use described below. **D. 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. **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. **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 ¼ 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 ¼ 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 ¼ 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. **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 ½ of the SW¼, Sec.3, and the SE¼, SE¼ 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. **E. Places of Use.** Within Blanca Wetlands, as described below: Township 38 North, Range 11 East N.M.P.M: Section 1, NW ¼, NE ¼, SE ¼ of Section 2, Section 12, NW ¼, NE ¼, SE ¼, N ½ of the SW ¼, of Section 13, and NE ¼ of Section 24. Township 38 North, Range 12 East, N.M.P.M: W ½ of Section 4, Sections 5, 6, 7, 8, 17 W ½ Section 9, and N ½ of Section 18. Township 39 North, Range 12 East, N.M.P.M: SE ¼ of the SW ¼ and SW ¼ of the SE ¼ of Section 30, E ½ of the W ½ and the E ½ of Section 31, and NW ¼, SW ¼, and SE ¼ of Section 32. Within the SSLA, as described below: Township 39 North, Range 12 East N.M.P.M: SE ¼ Section 18; All of

Section 19. Township 39 North, Range 11 East, N.M.P.M: SE ¼ Section 24 **F. Type of Use.** BLM seeks 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 domestic use; piscatorial and fish propagation; augmentation use; replacement of evaporative losses necessary to effectuate the aforementioned uses; storage in reservoirs listed in Paragraph 5.D. necessary to effectuate the aforementioned uses; and exchanges necessary to effectuate the aforementioned uses. The augmentation use includes, but is not limited to, the following: Use of the changed water right as an augmentation water source for the Blanca Wetlands augmentation plan decreed in case number 2002 CW 38 B. After this case is decreed, BLM will follow the Notice of Use procedure described in Paragraph 13.C.1 of the 2002 CW 38B decree to add the changed water right to the authorized list of augmentation water sources. 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 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. 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. 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. BLM also seeks water court confirmation that it is authorized to make a fully consumptive first use of the changed water right or to use, reuse, and successively use and dispose of the water to extinction for the purposes described in this application.

**6. Appropriative Rights of Exchange.**

**A. Source of Water.** The changed Treasure Pass Diversion Ditch water right described in Paragraphs 4 and 5. **B. Place of Use:** Identical to those set forth in Paragraphs 5E. **C. Type of Use:** Identical to those set forth in Paragraphs 5F. **D. Treasure Pass Diversion Ditch 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 ¼ SE ¼, Sec. 17, T39N R3E, NMPM. UTM Coordinates: NAD 83, Zone 13, 351413mE 4165149mN

2. Exchange To Point: Located at a point whence the East ¼ 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: 7.0 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 Rio Grande, located in the SW ¼ SW ¼, 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 ¼ SW ¼, Section 4, Township 38 North, Range 12 East, N.M.P.M. UTM Coordinates: NAD 83, Zone 13, 440976mE 4157892mN. Turnout CHO4: SW ¼ SW ¼, 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 ¼ NW ¼, 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 ¼ SW ¼, 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 to be Made Absolute: Not Applicable

6. Structures Involved In Exchange: To provide a source of water for the exchange, water from the changed water right may be released directly from the Treasure Pass Diversion Ditch or from any of the reservoirs listed in Paragraph 5.D. of this application. Exchange operations may also involve releasing water from the aforementioned facilities to the headgate

of the Chicago Ditch, operated by Alamosa National Wildlife Refuge. An equivalent volume of Closed Basin Project mitigation water, otherwise destined for Alamosa National Wildlife Refuge, will be diverted from the Exchange To Reach. The Chicago Ditch (WDID 2000575) is described as follows: 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. F. Use of Facilities Owned By Other Parties. BLM will not utilize any of the facilities listed in Paragraph 5.D. of this application without the written permission of the facility owner. This application does not request an independent water right in any facilities listed in Paragraph 5.D. and instead requests authorization to exchange water pursuant to an agreement between the facility owner and BLM. **7. 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, 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. United States Department of Agriculture, Forest Service, Pagosa Ranger District, 180 Pagosa St., Pagosa Springs, CO 81147. Attention: Rebecca Smith. 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. Shaw Reservoir Company, 6820 Colorado Highway 17, Alamosa, CO 81101. Attention: Dan Russell. **8. Remarks:** The following report is hereby attached to and made part of this application: *Preliminary Engineering Report to Support a Claim for a Change of Water Right in the Treasure Pass Diversion Ditch, an Appropriation of a Junior Transbasin Water Right, and an Appropriative Right of Exchange* by Martin and Wood Water Consultants, Inc. This report contains maps of the ditch location, historical water use location, BLM's water use location, and locations of exchanges.

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 HEREBY NOTIFIED THAT YOU HAVE until the last day of August 2021, 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. A copy of such Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: \$192.00; Forms are available through the Office of the Water Clerk or on the Judicial web site at [www.courts.state.co.us](http://www.courts.state.co.us); Danene M. Etz, Water Court Specialist, 1060 E. 2<sup>nd</sup> Ave., Room 106, Durango, CO 81301; 970-385-6181)



Published: before July 31, 2021

Danene M. Etz, Water Court Specialist