

Consent Agenda Item 1.d

March 15-16, 2022 Board Meeting

Case No. 21CW3026 (Water Division 3); Sustainable Water Augmentation Group, Inc.

Summary of Water Court Application

Application for approval of plan of augmentation.

Staff Recommendation

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

CWCB Instream Flow Water Rights

Instream flow water rights that may be injured cannot be specifically identified because the proposed plan of augmentation allows for future wells and/or augmentation sources to be added without limitation in location.

Potential for Injury

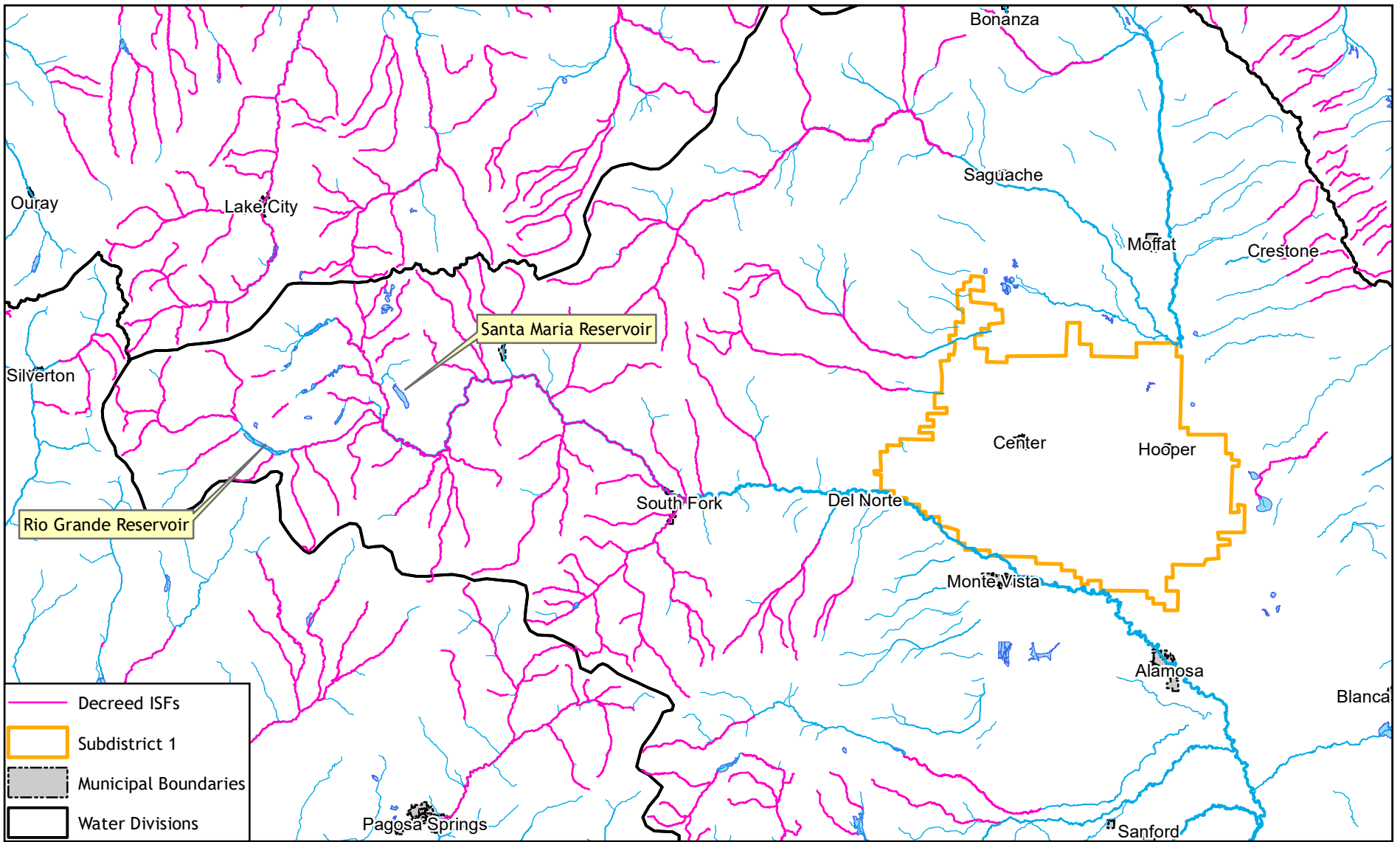
- The CWCB holds many instream flow water rights in Water Division 3 that could be injured by this application.
- As stated in paragraph 5.5 of the application, Applicant proposes to replace its injurious depletions to the Rio Grande River under the claimed augmentation plan through, in part, water exchanges. It is unclear what exchanges will be utilized. All exchanges must be clearly defined with reference to CWCB's instream flow water rights and protective terms and conditions must be included in any decree entered in this case to ensure that CWCB's instream flow water rights are not injured by the operation of Applicant's proposed augmentation plan.
- Terms and conditions should be included in the decree to ensure that the addition of future wells and/or augmentation sources to the plan includes a procedure that allows CWCB review to ensure the future wells and/or augmentation sources will not injure the CWCB's instream flow water rights.

Other Objectors

Statements of Opposition were also filed by Conejos Water Conservancy District, McCullough Farms LLC, Mike and Jim Kruse Partnership, Rio Grande Water Conservation District, Rio Grande Water Users Association, San Luis Valley Irrigation District, San Luis Valley Water Conservancy District, The Prairie Ditch Company, and the Town of Del Norte.

Attorney Representing CWCB

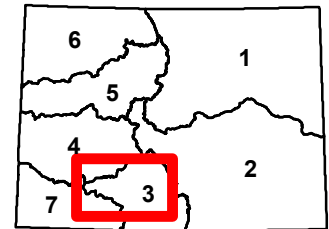
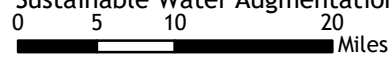
Christopher R. Stork, Assistant Attorney General, is assigned to this case and can be contacted at christopher.stork@coag.gov, or 720-508-6311.



COLORADO
Colorado Water Conservation Board

Department of Natural Resources

March 15-16, 2022 CWCB Board Meeting
 Consent Agenda Item 1.d Statement of Opposition
 Case No. 21CW3026 (Division 3)
 Sustainable Water Augmentation Group, Inc.



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 December 2021 for each county affected.

21CW3026 Applicant: Sustainable Water Augmentation Group, Inc. (“SWAG”), Post Office Box 601, Center, CO, 81125 with all correspondence connected herewith being sent to Applicant’s counsel: Bradley C. Grasmick, Ryan M. Donovan, and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5254 Ronald Reagan Drive, Ste. 1, Johnstown, CO 80534. APPLICATION FOR APPROVAL OF PLAN OF AUGMENTATION IN Saguache, Alamosa, and Rio Grande Counties. 2. General Overview of the Plan: Applicant’s members are well owners who withdraw groundwater within the unconfined aquifer in the Closed Basin. Applicant’s members’ wells are located within Special Improvement District No. 1 of the Rio Grande Water Conservation District (“Subdistrict No. 1”). Applicant and its members own, or otherwise control, 257 wells which are used to irrigate approximately 17,317 acres in Saguache, Alamosa, and Rio Grande Counties. The wells covered by this plan are listed in paragraph 3 and, in addition to any wells which may be lawfully added to this Application, are hereinafter referred to as “Member Wells”. Of those 17,317 acres approximately 8,847 acres are also irrigated via the Farmers Union Canal, 106 are also irrigated via the Rio Grande Canal, and 8,363 acres are irrigated solely by groundwater. Applicant seeks a plan of augmentation in order to set forth terms and conditions under which the Member Wells may continue to operate pursuant to and in compliance with the “Rules Governing the Withdrawal of Groundwater in Water Division No. 3 and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for All Irrigation Water Rights” (hereinafter the “Rules”) and Colorado law. The Member Wells may continue to operate and be covered in full, or in part, by Subdistrict No. 1’s Annual Replacement Plan both during the pendency of this Application and upon approval of this Plan. However, Applicant intends to operate this plan for the benefit of its members such that Injurious Depletions, as defined by the Rules, to the Rio Grande River are replaced, Applicant’s proportional obligation for achieving and maintaining a sustainable aquifer is satisfied, and the Member Wells may be operated pursuant to the terms of the decree to be entered in this case and any administrative approval by the State Engineer pursuant to C.R.S. 37-92-308 and not subject to Subdistrict No.1’s Annual Replacement Plan or the corresponding fees assessed by Subdistrict No. 1 pursuant to Subdistrict No. 1’s Plan of Water Management. 3. Name of Structures to Be Augmented: A list of Applicant’s Member Wells presently included in this Application are identified in the table below. The plan is also intended to augment any replacement well or alternate point of diversion well authorized in connection with any of the listed Member Wells. The plan will not be limited to the Member Wells described in this application, but inclusion of additional wells in the plan will only

**Attachment
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be permitted in accordance with statute, Applicant's bylaws, rules, and regulations, and the decree ultimately entered in this case. Member Wells may also be deleted from this plan by the Applicant. All Member Wells will be within Response Area No. 1 as identified in the Rio Grande Decision Support System Model Domain. To the extent the Court determines any amendment to this plan is necessary to include additional wells, Applicant will file such amendment with the Court. **Table 1. Applicant's Member Wells**

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2705428	W1843 WELL NO SKY VLY 07	25353-F, 48338-F	Irrigation, Commercial, Evaporation	04CW0025 W1843	12/31/1950	NE-NE-13-41-8
2008552	W0140 WELL NO PUMP 05	6152-R	Irrigation	W0140	5/31/1956	SW-NE-34-41-8
2706088	W2983 WELL NO 109	7555-	Stock	W2983	12/10/1960	SW-SW-4-41-9
2706324	07CW17 WELL NO 2-R	11310-R-R	Irrigation	07CW0017	7/31/1948	SE-SE-1-41-8
2705769	W1365 WELL NO 04		Domestic, Stock	W1365	4/30/1910	SE-SE-1-41-8
2705087	W1912 WELL NO 11	8937-F	Irrigation	W1912	6/23/1958	SE-NW-20-41-9
2706144	W1912 WELL NO 03	7719-F	Irrigation	W1912	8/28/1957	SW-NW-17-41-9
2706325	07CW23 WELL NO 5-R	9346-F-R	Irrigation	07CW0023	12/31/1956	NW-SE-18-41-10
2012602	W2556 WELL NO 07	5565-F	Irrigation	W2556	7/15/1965	SW-NW-35-41-8
2705421	W1504 WELL NO 09	12185-R	Irrigation, Stock	W1504	6/30/1955	SW-SW-14-41-8
2705097	W1912 WELL NO 17	8933-F	Irrigation	W1912	9/18/1958	SW-SE-20-41-9
2008556	W0140 WELL NO PUMP 11	1723-R	Irrigation	W0140	5/31/1957	SW-SE-28-41-8
2706297	W1510 WELL NO IRR 04	22883-F, 22883-F-R	Irrigation	94CW0017	6/5/1958	SW-NW-8-41-9
2706289	PERMIT 37969-F-	37969-F	Irrigation	W1417	2/20/1957	NW-SW-21-41-9
2706288	94CW017 WELL NO 4A	22882-F	Irrigation	94CW0017	9/10/1957	NW-SW-8-41-9
2706287	PERMIT 24304-F-	24304-F	Irrigation	W0854	6/26/1965	NE-NE-8-41-9
2706286	PERMIT 22885-F-	22885-F	Irrigation	W1912	8/21/1959	SE-NW-7-41-9
2706285	94CW017 WELL NO 16A	23242-F	Irrigation	94CW0017	12/9/1966	NE-SE-7-41-9
2706284	PERMIT 49700-F-	49700-F	Irrigation	W3721, W3722	4/30/1955	NE-SE-3-41-9
2706282	2004CW015 WELL NO. SKY VALLEY 5A	27105-F	Irrigation	04CW0015	9/30/1965	NW-NE-24-41-8

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2706281	2004CW015 WELL NO. SKY VALLEY (2,4)A	44998-F	Irrigation	04CW0015	12/31/1950	NW-NW-24-41-8
2706280	2004CW015 WELL NO. SKY VALLEY 2A	41958-F	Irrigation	04CW0015	12/31/1950	NE-NW-24-41-8
2706271	PERMIT 23229-F-	23229-F	Irrigation	W1504	6/30/1942	NW-SE-14-41-8
2706270	PERMIT 23181-F-	23181-F	Irrigation		2/3/1978	SW-NW-14-41-8
2706269	2004CW14 WELL NO. SKY VALLEY 3A	27103-F	Irrigation	04CW0014	9/20/1955	NW-NW-13-41-8
2706268	2004CW016 WELL NO. SKY VALLEY 1B	45000-F	Irrigation	04CW0016	12/31/1950	NW-SE-13-41-8
2706267	2004CW016 WELL NO. SKY VALLEY 1A	44999-F	Irrigation	04CW0016	12/31/1950	NW-NE-13-41-8
2706266	2004CW026 WELL NO. SKY VALLEY 4A	27104-F	Irrigation	04CW0026	5/31/1965	NW-SW-13-41-8
2706265	PERMIT 24729-F-	24729-F	Irrigation	W0412	10/20/1964	SW-SW-12-41-8
2706260	PERMIT 32518-F-	32518-F, 32518-F-R	Irrigation	07CW0017	4/25/1962	NW-SE-1-41-8
2706240	PERMIT 45382-F-	45382-F	Irrigation	82CW0118	1/9/1976	SW-SW-31-42-10
2706234	PERMIT 46081-F-	46081-F	Irrigation	90CW0032	8/22/1978	NW-SW-20-41-10
2706232	PERMIT 14571-R-	14571-R	Irrigation			SE-NE-19-41-10
2706224	PERMIT 485-RR	485-R-R	Irrigation	W227	3/25/1959	SW-NE-20-41-8
2706222	PERMIT 32517-F	32517-F	Irrigation	07CW0017	6/30/1957	NW-SW-1-41-8
2706190	2000CW023 WELL NOJUNE-S	51674-F	Irrigation	00CW0023	4/28/1980	SW-NE-8-41-10
2706189	2000CW023 WELL NO 1-S	51850-F	Irrigation	00CW0023	1/29/1975	SE-SW-19-41-10
2706188	2000CW023 WELL NO 5-S	51851-F	Irrigation	00CW0023	12/31/1956	NE-SE-18-41-10
2706187	2000CW023 WELL NO KATE-S	48299-F	Irrigation	00CW0023	4/28/1980	SW-SE-8-41-10
2706186	2000CW023 WELL NO 4-S	51848-F	Irrigation	00CW0023	7/28/1980	SW-NE-31-42-10
2706185	2000CW023 WELL NO 2-S	51849-F	Irrigation	00CW0023	1/9/1976	SW-SE-31-42-10
2706184	2000CW023 WELL NO LOIS-S	50607-F	Irrigation	00CW0023	4/28/1980	NW-NW-17-41-10

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2706152	94CW034 WELL NO 08A	22884-F	Irrigation	94CW0034	9/10/1958	NW-SW-20-41-9
2706151	94CW034 WELL NO 03A	22881-F	Irrigation	94CW0034	8/28/1957	NW-NW-17-41-9
2706147	W2362 WELL NO 01	1285-R, 1285-R-R	Irrigation	W2362	5/31/1947	SW-NE-1-41-9
2706143	W1912 WELL NO 08	8934-F, 47224-F	Irrigation	W1912	9/10/1958	SW-SW-20-41-9
2706142	W1028 WELL NO 05	11439-F	Irrigation	W1028	6/21/1968	SW-NE-19-41-9
2706114	W3967 WELL NO 28	1477-R	Irrigation	W3323	2/25/1957	NE-SW-21-41-9
2706008	W2289 WELL NO S 02	12460-R	Irrigation	W2289	8/11/1956	SW-SW-19-41-9
2705907	W1912 WELL NO 04	7720-F	Irrigation	94CW0017 W1912	9/10/1957	SW-SW-8-41-9
2705873	W1826 WELL NO 03		Irrigation	W1826	5/15/1955	SW-SE-12-41-8
2705797	W1504 WELL NO 14	13367-F	Irrigation	W1504	1/28/1969	SE-SW-14-41-8
2705755	W1129 WELL NO 01	15066-F	Irrigation	W1129	6/26/1971	SE-SW-8-41-9
2705754	W1028 WELL NO 03	13181-F	Irrigation	09CW0006 W1028	6/13/1969	SW-SE-18-41-9
2705745	W0904 WELL NO 01	930-R, 930-R-R	Irrigation	W0904	5/15/1948	NE-SW-17-41-10
2705744	W0903 WELL NO SKY VLY 04	6431-F	Irrigation	W0903	5/31/1965	SW-NW-24-41-8
2705734	W0854 WELL NO 06	3277-F	Irrigation	W0854	7/23/1961	SW-NE-6-41-9
2705733	W0854 WELL NO 05	3067-F	Irrigation	W0854	4/10/1961	SW-SE-6-41-9
2705712	W0755 WELL NO 01	6353-R	Irrigation	W0755	8/10/1956	SE-NW-11-41-8
2705574	82CW155 WELL HELEN	23355-F	Irrigation	82CW0155	4/28/1980	NW-SE-7-41-10
2705573	82CW118 WELL NO 04	25014-F, 25014-F-R	Irrigation	82CW0118	7/28/1980	SW-NE-31-42-10
2705572	82CW118 WELL NO 03	22602-F	Irrigation	82CW0118	7/11/1977	SW-NW-31-42-10
2705571	82CW118 WELL NO 02	20589-F	Irrigation	82CW0118	1/9/1976	NW-SE-31-42-10
2705570	82CW118 WELL NO 01	20588-F	Irrigation	82CW0118	1/9/1976	NW-SW-31-42-10
2705536	90CW029 WELL NO 01	19427-F	Irrigation	90CW0029	1/29/1975	NE-SW-19-41-10
2705531	90CW032 WELL NO 06	23944-F	Irrigation	90CW0032	8/22/1978	SW-NW-20-41-10
2705530	90CW032 WELL NO 05	23945-F	Irrigation	90CW0032	8/22/1978	SW-SW-20-41-10

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2705529	90CW032 WELL NO 04	24682-F	Irrigation	90CW0032	3/3/1980	NE-SE-20-41-10
2705528	90CW032 WELL NO 03	23946-F	Irrigation	90CW0032	8/22/1978	NW-SE-20-41-10
2705527	90CW032 WELL NO 02	24681-F	Irrigation	90CW0032	3/3/1980	NE-NE-20-41-10
2705526	90CW032 WELL NO 01	23947-F	Irrigation	90CW0032	8/22/1978	SW-NE-20-41-10
2705517	W3464 WELL NO 01	18335-F	Irrigation	W3464	12/6/1974	SW-NW-21-41-8
2705497	81CW178 JUNE	23356-F	Irrigation	81CW0178	4/28/1980	NW-NE-8-41-10
2705496	81CW178 KATE	23359-F	Irrigation	81CW0178	4/28/1980	NW-SE-8-41-10
2705495	81CW178 LOIS	23360-F	Irrigation	00CW0023 81CW0178	4/28/1980	SW-NW-17-41-10
2705482	W1912 WELL NO 16	11302-F	Irrigation	W1912	12/9/1966	SW-SE-7-41-9
2705481	W1028 WELL NO 04	13164-F	Irrigation	W1028	6/7/1969	SW-SW-18-41-9
2705480	W3705 WELL NO 01	21919-F	Irrigation	W3705	9/15/1976	NE-NW-19-41-9
2705471	W3722 WELL NO C&W 05	19784-F, 19784-F-R	Irrigation	W3722	5/5/1975	SW-NE-10-41-9
2705470	W3967 WELL NO 25	23562-F	Irrigation	W3967	5/8/1978	SW-SE-8-41-9
2705469	W0854 WELL NO 01	11728-R	Irrigation	W0854	3/31/1955	SW-SW-6-41-9
2705468	W3967 WELL NO 28	23565-F	Irrigation	W3967	5/8/1978	NE-SE-6-41-9
2705467	W3967 WELL NO 27	23564-F	Irrigation	W3967	1/13/1965	NE-SW-5-41-9
2705465	W1417 WELL NO 01	11960-R	Irrigation	W1417	2/20/1957	SW-SW-21-41-9
2705460	W1912 WELL NO 09	2264-F	Irrigation	W1912	8/21/1959	SW-NW-7-41-9
2705458	W1912 WELL NO 05	8936-F-R	Irrigation	94CW0017 W1912	6/5/1958	SW-NW-8-41-9
2705453	W1028 WELL NO 08R	13496-F	Irrigation	W3405	6/23/1969	NE-NE-19-41-9
2705452	W1028 WELL NO 07R	13495-F	Irrigation	W3405	7/27/1969	NE-SE-19-41-9
2705451	W1028 WELL NO 06	11440-F	Irrigation	W1028	6/17/1968	SW-SE-19-41-9
2705449	W1365 WELL NO 01	3535-F	Irrigation	W1365	4/25/1962	SW-SW-1-41-8
2705445	W0412 WELL NO 01	6346-F	Irrigation	W0412	10/20/1964	SW-SW-12-41-8
2705441	W1504 WELL NO 03	14209-F	Irrigation	W1504	2/11/1970	SE-NW-11-41-8
2705427	W0903 WELL NO SKY VLY 03	14225-R	Irrigation	W0903	9/20/1955	SW-NW-13-41-8
2705426	W3906 WELL NO 10R	5843-R-R	Irrigation	W3906	12/31/1942	NW-NE-14-41-8
2705423	W1504 WELL NO 11	12183-R	Irrigation	W1504	6/30/1942	SE-SW-14-41-8

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2705422	W1504 WELL NO 06	13362-F	Irrigation	W1504	2/1/1969	SW-NW-14-41-8
2705420	W1504 WELL NO 08	12184-R	Irrigation	W1504	6/30/1954	SW-SW-14-41-8
2705417	W2328 WELL NO 07	16407-R	Irrigation	W2328	7/31/1956	SE-NW-23-41-8
2705416	W3409 WELL NO 06R	6942-F-R	Irrigation	W3409	12/17/1965	NW-NE-23-41-8
2705415	W0903 WELL NO SKY VLY 01	14224-R, 14224-R-R	Irrigation	W0903	12/31/1950	SW-SW-13-41-8
2705414	W0903 WELL NO SKY VLY 06	6435-F	Irrigation	W0903	9/30/1965	NW-NE-24-41-8
2705413	W0903 WELL NO SKY VLY 05	6430-F	Irrigation	W0903	9/30/1965	SW-NE-24-41-8
2705407	W3409 WELL NO 17	19224-F	Irrigation	W3409	11/18/1974	NW-SW-22-41-8
2705406	W1493 WELL NO 02	677-R	Irrigation	W1493	6/30/1956	SW-SW-22-41-8
2705218	79CW042 WELL NO 02A	23498-F	Irrigation	79CW0042	5/1/1965	NW-SE-12-41-8
2705217	79CW042 WELL NO 01A	24383-F	Irrigation	79CW0042	5/1/1965	NW-NE-12-41-8
2705210	W3967 WELL NO 07A	23826-F	Irrigation	W3967	9/30/1961	NE-NE-6-41-9
2705209	W0854 WELL NO 03	11730-R	Irrigation	W0854	3/31/1956	SW-NW-6-41-9
2705208	W3967 WELL NO 03A	23825-F	Irrigation	W3967	3/31/1956	NE-NW-6-41-9
2705207	W0854 WELL NO 02	11729-R	Irrigation	W0854	3/31/1956	SW-SW-6-41-9
2705206	W3967 WELL NO 02A	23824-F	Irrigation	W3967	3/31/1956	NE-SW-6-41-9
2705205	W3967 WELL NO 33	23567-F	Irrigation	W3967	1/16/1965	NW-NE-5-41-9
2705204	W0854 WELL NO 09	6638-F	Irrigation	W0854	1/16/1965	SW-NW-5-41-9
2705203	W0854 WELL NO 08	6637-F	Irrigation	W0854	1/13/1965	SW-SW-5-41-9
2705202	W3967 WELL NO 32	23566-F	Irrigation	W3967	1/13/1965	NE-NW-5-41-9
2705201	W0854 WELL NO 10	6639-F	Irrigation	W0854	6/26/1965	SW-SE-5-41-9
2705200	W3967 WELL NO 26	23563-F	Irrigation	W3967	6/26/1965	NW-SE-5-41-9
2705178	W3705 WELL NO S 01A	21927-F	Irrigation	W3705	6/1/1956	NE-SW-19-41-9
2705174	W3720 WELL NO 08A	20973-F	Irrigation	W3720	6/30/1955	NW-NE-4-41-9
2705173	W1912 WELL NO 07	11336-R	Irrigation	W1912	6/30/1955	NW-SW-4-41-9
2705172	W3720 WELL NO 07A	20972-F	Irrigation	W3720	6/30/1955	NW-NW-4-41-9

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2705170	W3720 WELL NO 06A	20971-F, 20971-F-R	Irrigation	W3720	6/30/1956	NW-SE-4-41-9
2705169	W1912 WELL NO 06	11337-R	Irrigation	W1912	6/30/1956	SE-SE-5-41-9
2705168	W3720 WELL NO 05A	20970-F	Irrigation	W3720	6/30/1956	NW-SW-4-41-9
2705167	W1494 WELL NO 02	10416-F	Irrigation	09CW0006 W1494	8/10/1966	SW-NE-18-41-9
2705166	W3720 WELL NO 04A	21026-F	Irrigation	W3720	8/10/1966	NE-NE-18-41-9
2705165	W1494 WELL NO 01	10415-F	Irrigation	07CW0024 09CW0006 W1494	7/29/1966	SW-NW-18-41-9
2705164	W3720 WELL NO 03A	21025-F	Irrigation	07CW0024 09CW0006 W3720	7/29/1966	NE-NW-18-41-9
2705162	W3720 WELL NO 02A	21024-F	Irrigation	07CW0036 W3720	10/31/1965	NE-SE-18-41-9
2705161	W1028 WELL NO 01	10623-F	Irrigation	07CW0036 W1028	9/30/1966	SE-SW-18-41-9
2705160	W3720 WELL NO 01A	20974-F	Irrigation	W3720	9/30/1966	NE-SW-18-41-9
2705159	W1912 WELL NO 01	7721-F	Irrigation	W1912	8/22/1957	SW-SW-7-41-9
2705158	W3753 WELL NO 01A	20868-F	Irrigation	W3753	8/22/1957	NE-SW-7-41-9
2705143	W1826 WELL NO 01	6432-F	Irrigation	W1826	5/1/1965	SW-NE-12-41-8
2705120	82CW143 WELL NO 07R	13361-F-R	Irrigation	82CW0143	12/31/1954	SW-SW-14-41-8
2705115	W3722 WELL NO C&W 09	21256-F	Irrigation	W3721, W3722	5/31/1956	NW-NE-3-41-9
2705114	W2588 WELL NO 18	21255-F	Irrigation	W3721, W3722	5/31/1956	NE-NW-3-41-9
2705113	W0240 WELL NO 02	13017-R	Irrigation	W0240	5/31/1956	NW-SW-3-41-9
2705112	W3722 WELL NO C&W 03	19780-F	Irrigation	W3721, W3722	4/30/1955	NW-SE-3-41-9
2705111	W3721 WELL NO 04A	20165-F	Irrigation	W3721	4/30/1955	NW-SW-3-41-9
2705110	W0240 WELL NO 01	13016-R	Irrigation	W0240	4/30/1955	SW-SW-3-41-9
2705109	W3722 WELL NO C&W 02	19779-F, 19779-F-R	Irrigation	W3721, W3722	8/31/1956	NW-SE-9-41-9
2705108	W3721 WELL NO 02A	20166-F	Irrigation	W3721	8/31/1956	SW-SW-9-41-9
2705107	W1562 WELL NO 05	11718-R	Irrigation	W1562	8/31/1956	SW-SW-9-41-9

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2705106	W3722 WELL NO C&W 07	19786-F	Irrigation	W3721, W3722	8/31/1956	SE-NW-10-41-9
2705105	W3722 WELL NO C&W 01	19778-F	Irrigation	W3721, W3722	8/31/1956	SW-NE-9-41-9
2705104	W1562 WELL NO 04	11717-R	Irrigation	W1562	8/31/1956	SE-SE-8-41-9
2705103	W1028 WELL NO 03	20164-F	Irrigation	07CW0036 W3721	7/31/1955	SW-NW-9-41-9
2705102	W1562 WELL NO 01	11716-R	Irrigation	07CW0036 W1562	7/31/1955	SW-NW-9-41-9
2705098	83CW007 WELL NO 17A	25693-F	Irrigation	83CW0007	9/18/1958	NW-SE-20-41-9
2705096	W2983 WELL NO 101	25696-F	Irrigation	83CW0007	3/23/1961	SE-NE-8-41-9
2705095	W1912 WELL NO 15	2853-F	Irrigation	W1912	3/23/1961	SE-NW-8-41-9
2705094	83CW007 WELL NO 14A	25698-F	Irrigation	83CW0007	3/15/1961	NW-SE-17-41-9
2705092	83CW007 WELL NO 13A	25694-F	Irrigation	83CW0007	11/25/1957	NE-SW-17-41-9
2705091	W1912 WELL NO 13	7795-F	Irrigation	W1912	11/25/1957	SE-SE-18-41-9
2705090	83CW007 WELL NO 12A	25697-F	Irrigation	83CW0007	6/8/1960	NW-NE-17-41-9
2705088	83CW007 WELL NO 11A	25695-F	Irrigation	83CW0007	6/23/1958	NW-NE-20-41-9
2705086	83CW007 WELL NO 10A	25692-F	Irrigation	83CW0007	6/17/1958	NW-NW-20-41-9
2705082	82CW093 WELL NO 03R	1287-R-R	Irrigation	82CW0093	5/31/1957	SW-NE-1-41-9
2014298	PERMIT 55396-F-	55396-F	Irrigation	W3706	7/12/1974	SW-SE-31-41-9
2014220	PERMIT 886-RR	886-R-R	Irrigation	W2093	11/27/1959	SW-SW-29-41-10
2014148	PERMIT 43262-F-	43262-F	Irrigation	W0969	5/31/1948	NW-SE-10-40-8
2013954	PERMIT 46318-F-	46318-F	Irrigation	81CW0052	7/8/1996	NW-NW-7-40-10
2013916	02CW0006 WELL NO. 1R5	65266-F	Irrigation	02CW0006	10/10/1949	NW-NE-26-41-8
2013856	2002CW034 WELL JORDE 1-B	59744-F	Irrigation	02CW0034	1/31/1956	SW-SE-29-41-9
2013842	W3442 WELL NO 1	18633-F, 18633-F-R	Irrigation	W3442	4/29/1974	SW-SW-32-41-10

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2013679	93CW016 WELL NO 07S	42635-F	Irrigation	93CW0016	10/8/1974	NE-SE-4-40-9
2013678	93CW016 WELL NO 06S	42634-F	Irrigation	93CW0016	10/8/1974	SE-NE-4-40-9
2013676	93CW016 WELL NO 04S	42636-F	Irrigation	93CW0016	10/8/1974	NW-NW-9-40-9
2013675	93CW016 WELL NO 02S	42633-F	Irrigation	93CW0016	10/8/1974	SW-NW-4-40-9
2013674	93CW016 WELL NO 01S	42632-F	Irrigation	93CW0016	10/8/1974	SW-SW-4-40-9
2013673	93CW015 WELL NO YOWS 02S	42639-F	Irrigation	93CW0015	5/31/1940	SW-SE-5-40-9
2013626	W3935 WELL NO 02	21862-F	Irrigation	W3935	11/1/1976	NW-NE-29-41-10
2013625	W3935 WELL NO 01	21863-F	Irrigation	W3935	11/1/1976	NW-SE-29-41-10
2013551	W3706 WELL NO 02	18637-F	Irrigation	W3706	7/12/1974	SW-SE-31-41-9
2013550	W3706 WELL NO 01	20095-F	Irrigation	W3706	7/22/1975	NW-SE-31-41-9
2013549	W3704 WELL NO 01R	14105-R-R	Irrigation	W3704	4/30/1949	SW-SW-10-40-9
2013534	W3686 WELL NO 07	22290-F	Irrigation	W3686	10/8/1974	SW-SE-4-40-9
2013533	W3686 WELL NO 06	22289-F	Irrigation	W3686	10/8/1974	SW-NE-4-40-9
2013531	W3686 WELL NO 04	22287-F	Irrigation	W3686	10/8/1974	NW-NW-9-40-9
2013529	W3686 WELL NO 02	22285-F	Irrigation	W3686	10/8/1974	SW-NW-4-40-9
2013528	W3686 WELL NO 01	22284-F	Irrigation	W3686	10/8/1974	SW-SW-4-40-9
2013346	W3409 WELL NO 16R	19431-F-R	Irrigation	W3409	5/18/1973	NW-NE-27-41-8
2013345	W3409 WELL NO 04R	2146-F-R	Irrigation	W3409	6/15/1959	SW-NW-26-41-8
2013344	W3409 WELL NO 03R	1643-R-R	Irrigation	W3409	5/31/1950	NW-SE-27-41-8
2012599	W2556 WELL NO 04	14151-R, 14151-R-R	Irrigation	W2556	12/31/1947	SW-NW-35-41-8
2012598	W2556 WELL NO 03	4264-F	Irrigation	W2556	6/8/1963	SE-SE-9-40-9
2012448	W2460 WELL NO 05	10764-F	Irrigation	W2460	6/27/1966	SE-SW-25-41-8
2012446	W2460 WELL NO 02	8727-R	Irrigation	W2460	2/1/1954	SW-SW-25-41-8
2012229	W2328 WELL NO 05	5235-F-R	Irrigation	W2328	4/7/1964	SW-NW-26-41-8
2012228	W2328 WELL NO 03	13753-F	Irrigation	W2328	9/2/1969	SW-NE-27-41-8
2012226	W2328 WELL NO 01	11916-R	Irrigation	W2328	7/31/1955	SW-NW-27-41-8

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2012184	W2289 WELL NO 07	10433-F	Irrigation	W2289	3/31/1966	SE-SW-7-40-9
2011926	W2093 WELL NO 04	888-R-R	Irrigation	W2093	10/8/1959	SW-NE-29-41-10
2011925	W2093 WELL NO 03	885-R	Irrigation	W2093	3/21/1951	SW-SW-29-41-10
2011923	W2093 WELL NO 01	887-R, 887-R-R	Irrigation	W2093	1/15/1952	SW-SW-29-41-10
2011677	W1943 WELL NO 02	14316-R	Irrigation	W1943	5/31/1940	SW-SE-5-40-9
2011640	W1909 WELL NO 01	4831-F	Irrigation	W1909	12/7/1963	SW-SW-36-41-8
2011459	W1834 WELL NO 02	13222-R	Irrigation	W1834	6/30/1954	SE-NW-35-41-8
2011458	W1834 WELL NO 01	13221-R	Irrigation	W1834	6/30/1947	SE-NW-35-41-8
2010180	W1099 WELL NO 01	8768-R, 8768-R-R, 8768-R-R	Irrigation	11CW0014 W1099	3/28/1951	NW-SE-31-41-10
2009867	W0903 WELL NO JORDE 02	11967-R	Irrigation	W0903	12/31/1956	SW-NE-31-41-9
2009836	W0894 WELL NO 05	15512-F	Irrigation	W0894	5/20/1972	SW-SW-36-41-7
2009835	W0894 WELL NO 04	4460-F	Irrigation	W0894	7/19/1963	SW-SE-36-41-7
2009788	W0866 WELL NO 02	3508-F	Irrigation	W0866	5/10/1962	SW-NE-6-40-9
2009237	W0521 WELL NO 02	15040-R	Irrigation	W0521	5/31/1952	SE-NW-10-40-8
2008869	W0334 WELL NO 13	3108-F	Irrigation	W0334	5/10/1961	SW-SW-32-41-10
2008581	W0162 WELL NO 04	1644-R	Irrigation	W0162	5/31/1952	SW-SE-27-41-8
2008567	W0148 WELL NO PUMP 05	6485-R	Irrigation	W0148	6/20/1957	SW-NW-11-40-8
2008566	W0148 WELL NO PUMP 03	6483-R-R	Irrigation	W0148	9/21/1935	SE-NW-11-40-8
2008553	W0140 WELL NO PUMP 08	5237-F	Irrigation	W0140	3/20/1964	SE-NW-7-40-9
2008551	W0140 WELL NO PUMP 02	6075-F	Irrigation	W0140	8/25/1964	SW-SE-33-41-8
2008317	W0011 WELL NO 01	1495-R-R	Irrigation	W0011	7/31/1942	SW-NW-36-41-8
2008262	83CW065 WELL NO 05	24397-F	Irrigation	83CW0065	1/3/1979	SE-NE-32-41-9
2008258	83CW030 WELL NO 02	24667-F	Irrigation	83CW0030	9/10/1979	NW-SE-9-40-9
2008238	82CW182 WELL NO 01	23238-F	Irrigation	82CW0182	12/22/1977	SW-SE-32-41-10
2008145	81CW052 WELL NO 02	25203-F	Irrigation	81CW0052	12/18/1980	SW-NW-7-40-10
2008144	81CW052 WELL NO 01	25204-F	Irrigation	81CW0052	12/18/1980	SW-NW-7-40-10

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2008143	81CW042 WELL NO 02	25214-F	Irrigation	81CW0042	1/28/1981	NW-NW-32-41-10
2008142	81CW042 WELL NO 01	25213-F	Irrigation	81CW0042	1/28/1981	SW-NW-32-41-10
2008027	79CW084 WELL NO 01	22533-F	Irrigation	79CW0084	6/8/1977	SE-SW-31-41-10
2008011	79CW033 WELL NO 01R	675-R-R	Irrigation	79CW0033	7/31/1952	NE-NW-27-41-8
2006602	91CW002 WELL NO JORDY 1A	48906-F, 48906-F-R	Irrigation	91CW0002 97CW0015	1/31/1956	NW-SE-29-41-9
2006601	W0903 WELL NO JORDE 01	11966-R	Irrigation	W0903	1/31/1956	SW-NW-32-41-9
2006588	88CW034 WELL NO 01S	34580-F	Irrigation	88CW0034	5/10/1955	SW-SW-29-41-9
2006587	88CW034 WELL NO 01R	20325-R	Irrigation	88CW0034	5/10/1955	NW-SW-29-41-9
2006534	W3966 WELL NO 07A	24118-F	Irrigation	W3966	5/31/1935	SW-NW-7-40-9
2006516	W3908 WELL NO 01A	22919-F	Irrigation	W3908	8/31/1955	SW-NE-36-41-8
2006515	W0403 WELL NO 01	8678-R	Irrigation	W0403	8/31/1955	SE-NW-36-41-8
2006514	W3904 WELL NO 01A	22909-F	Irrigation	W3904	12/31/1950	NW-SE-26-41-8
2006513	W0081 WELL NO 01	7042-R, 7042-R-R	Irrigation	W0081	12/31/1950	SW-SE-26-41-8
2006512	W3903 WELL NO 01A	22908-F	Irrigation	W3903	7/31/1942	NW-NW-36-41-8
2006449	W3707 WELL NO 01A	21804-F	Irrigation	W3707	8/31/1953	SE-NE-6-40-9
2006420	W3585 WELL NO PUMP 10A	21115-F	Irrigation	W3585	5/31/1951	NE-SE-28-41-8
2006418	W3585 WELL NO PUMP 09A	21116-F, 44128-F	Irrigation	W3585	6/30/1955	NW-NE-7-40-9
2006416	W3585 WELL NO PUMP 04A	22135-F	Irrigation	W3585	12/31/1936	NE-NE-34-41-8
2006394	W3461 WELL NO 01A	19148-F	Irrigation	W3461	5/31/1947	SW-SW-36-41-8
2006362	W3357 WELL NO 01	17719-F	Irrigation	W3357	7/31/1939	SW-NE-10-40-8
2005803	83CW030 WELL NO 01R	8728-R-R	Irrigation	83CW0030	2/1/1954	NW-SW-25-41-8
2005723	83CW030 WELL NO 06A	25706-F	Irrigation	83CW0030	7/10/1967	SW-SE-9-40-9
2005717	83CW065 WELL NO JORDE 4A	26227-F	Irrigation	83CW0065	2/28/1957	NE-NW-32-41-9

WDID	Well Name	Permit No.	Type of Use	Decree	Appropriation Date	PLSS
2005716	W0903 WELL NO JORDE 04	11969-R, 11969-R-R	Irrigation	W0903	2/28/1957	SW-NW-32-41-9
2005715	83CW065 WELL NO 03A	26226-F	Irrigation	83CW0065	12/31/1956	SE-NE-31-41-9
2005714	W0903 WELL NO JORDE 03	11968-R	Irrigation	W0903	12/31/1956	SW-NE-31-41-9
2005617	80CW070 WELL NO 04R	10765-F-R	Irrigation	80CW0070	6/21/1966	NW-SE-25-41-8
2005524	81CW004 WELL NO 06A	24001-F	Irrigation	81CW0004	7/31/1954	NW-SE-7-40-9
2005339	W0969 WELL NO PUMP 10A	22283-F, 18980-F	Irrigation	W0969	12/31/1935	NW-SW-6-40-9
2005337	W0969 WELL NO PUMP 09	363-R, 363-R-R	Irrigation	W0969	3/31/1952	SW-SW-6-40-9
2005334	W0969 WELL NO PUMP 06	880-R-R	Irrigation	W0969	5/31/1948	NW-SE-10-40-8
2005053	W0148 WELL NO PUMP 04	6484-R	Irrigation	W0148	9/20/1953	SW-NW-11-40-8
2005052	W0148 WELL NO PUMP 02A	22282-F, 17720-F	Irrigation	W0148	3/31/1938	NW-SW-11-40-8
2005050	W0148 WELL NO PUMP 01	1272-R-R	Irrigation	W0148	3/31/1952	SW-SW-11-40-8
2005041	W0140 WELL NO PUMP 06	6783-R	Irrigation	W0140	4/20/1945	SW-NW-7-40-9
2009049	W0431 WELL NO 02	9440-F	Irrigation	W0431	6/24/1965	SW-NW-14-39-9
2014027	07CW18 WELL NO 2-S	47907-F	Irrigation	07CW0018	6/24/1965	SW-NW-14-39-9
2005571	W0431 WELL NO 01	9441-F, 9441-F-R	Irrigation	W0431	7/27/1965	NW-SW-14-39-9
2005572	82CW117 WELL NO 01A	25700-F, 25700-F-R	Irrigation	82CW011 11CW0013 06CW0025	7/27/1965	NW-SW-14-39-9

1. Water Rights to be Used for Augmentation, Replacement, or Recharge to the Rio Grande River and the Unconfined Aquifer. 4.1. Applicant and its members own shares in the Santa Maria Reservoir Company and interests in Rio Grande Reservoir which water may be used to satisfy depletions to the Rio Grande River or as recharge in the unconfined aquifer. 4.2. Applicant's Members own a total of 15 shares in the Rio Grande Canal, 10,720 acres within the San Luis Valley Irrigation District which entitle them to pro rata portion of the water determined to be available for groundwater recharge under the decrees entered in Case Nos. W-3979 and Case No. W-3980, respectively. Applicant may also recharge water delivered from these canals to

the unconfined aquifer. 4.3. Applicant owns or otherwise has the right to use 1 large capacity irrigation well which diverts from the Confined Aquifer as identified in **Exhibit 1**. The water diverted therefrom which will cease to be consumptively used, and the historical consumptive use of this well will be considered a source of recharge to the unconfined aquifer. 4.4. Applicant seeks approval to add additional temporary and permanent sources of augmentation, recharge, and replacement water to this Plan. 4.5. Applicant is actively negotiating lease and purchase agreements with water owners on the Rio Grande River. 4.6. Applicant may enter into forbearance agreements with water rights owners on the Rio Grande River as needed. 4.7. Applicant may utilize water rights owned or controlled by Subdistrict No. 1 within this Plan pursuant to agreement with the Subdistrict and as otherwise allowed or authorized by law. 5. Statement of Plan for Augmentation: 5.1. No replacement sources will be changed pursuant to this application. All changes of water rights for replacement sources will be filed as separate applications or amendments to this application. 5.2. This plan will operate in compliance with Rule 10 of the Rules. 5.3. Diversions from Member Wells cause depletions to the Rio Grande River. Pursuant to the Rule 10.2 of the Rules, the RGDSS Model or Response Functions developed pursuant thereto will be used for determining Stream Depletions resulting from groundwater withdrawals by the Member Wells. Based on the RGDSS Model, Applicant's Member Wells deplete the Rio Grande River in the RG1 administrative reach between Del Norte and the Excelsior Ditch Headgate. Applicant intends to utilize Response Functions in the operation of this plan, and will include a requirement that the information required by Rule 10.3 of the Rules be provide to the State Engineer by April 15th of each year. 5.4. Diversions from the Member Wells also cause depletions to the unconfined aquifer within Response Area No. 1. Pursuant to Rule 10.4 of the Rules, this Plan will include a requirement to identify the Applicant's proportional responsibility for achieving and maintaining a Sustainable Water Supply. Applicant's responsibility for achieving and maintaining a sustainable water supply will be based upon the Member Wells' past, present, and future groundwater withdrawals. From 1970-2010, pumping of the Member Wells resulted in an average net groundwater consumptive use ("NGWCU") of 18,515 acre feet per year. Since 2010, Applicant's Members have engaged in various conservation practices and have reduced their average ground water consumption. Between 2011 and 2019, Applicant's Members reduced their average NGWCU by 2,724 acre-feet to an average of approximately 15,791 acre-feet per year which represents a reduction in NGWCU of approximately 15%. 5.5. Replacement of Out of Priority Depletions. Applicant will utilize the supplies listed herein and other supplies that it acquires via purchase, lease, or otherwise to replace or Remedy its Injurious Depletions to the Rio Grande River. Applicant may also utilize water exchanges and forbearance agreements under the plan to be decreed herein. To the extent ongoing Injurious Stream Depletions resulting from all past groundwater withdrawals for the Member Wells are not covered by Subdistrict 1, then they will be replaced or otherwise remedied by this plan. 5.6. Aquifer Sustainability. In order for Applicant to achieve its proportional requirement for sustainability within the unconfined aquifer in Response Area 1, Applicant proposes to retire certain Member Wells which have been historically used on approximately 39 circles which are controlled by Applicant as identified on **Exhibit 1**, hereinafter the "SWAG Farm". The Member Wells used on the SWAG Farm have historically resulted in an average annual NGWCU over the 2010 to 2019 time period of approximately 5,678 acre-feet. The wells used on the SWAG Farm shall remain retired until such time as Applicant achieves its proportional obligation towards a sustainable water supply. In addition, Applicant will limit its average annual NGWCU to 14,034 acre feet

on a 10-year rolling average which is the average amount that can be withdrawn from the unconfined aquifer by the Member Wells presently included in the plan without resulting in a depletion to the unconfined aquifer. Once sustainability is achieved, Applicant will limit its Member Well pumping so that its operations reflect the long term average subject to modification due to the addition of new wells to the Plan, deletion of wells from the Plan, and with due regard for hydrologic and climatic conditions and due regard for the daily, seasonal and long-term demand for underground water. Applicant may also acquire and retire additional wells or obtain additional water supplies to be used to recharge the unconfined aquifer in order to increase its Member Well pumping without impairing sustainability. These values are subject to change as additional analysis and updates are performed.

5.7. Accounting and Reporting. Applicant's accounting, projection, and reporting of operations under this plan will be in conformance with Rule 10.5 of the Rules. Applicant will provide the information required by Rule 10.5.1 regarding projected operations under the plan for each year and by Rule 10.5.2 to document the sufficiency of operation under the plan for each year. Applicant may develop appropriate forms to report the information required by Rule 10.5 in a format and layout acceptable to the Division Engineer.

6. The Applicant's members reserve the right to operate in whole or in part pursuant to Subdistrict No. 1's Annual Replacement Plan. Applicant may also operate separate from Subdistrict No. 1 and pursuant to C.R.S. Section 37-92-308 while this application is pending. If Applicant operates under Subdistrict No. 1's Annual Replacement Plan, it may utilize some or all of the Member Wells historically used on the SWAG Farm such that full retirement of those wells will be delayed until such time as operations under this plan begin.

7. Name and Address of Owners of Structures: The Member Wells, water rights, and other structures referenced in this Application are owned by the following persons or entities:

7.1. Applicant contact information is described in Paragraph 1 herein.

7.2. Santa Maria Reservoir Company, 147 Washington Street, Monte Vista, CO 81144.

7.3. Rio Grande Water Users Association, 147 Washington Street, Monte Vista, CO 81144.

7.4. San Luis Valley Irrigation District, 296 Miles Street, Center, CO 81125.

7.5. Gunbarrel Road Alamosa, LLC, 1521 Westbranch Drive, Suite 100, McLean, VA 22102.

7.6. 4A Farms LLLP, 50501 County Road C, Center, CO 81125.

7.7. Anaiak Farms, Inc., 50501 County Road C, Center, CO 81125.

7.8. Anaiak Land, LLC, 50501 County Road C, Center, CO 81125.

7.9. Asier Artaechevarria, 50501 County Road C, Center, CO 81125.

7.10. John Artaechevarria, 3632 County Road 60, Center, CO 81125.

7.11. Bartee Ranch LLC, 3015 County Road 52, Center, CO 81125.

7.12. Echeverria Farms LLC, 59101 County Road G, Center CO 81125.

7.13. Elevation Ag, Inc., 0070 Lane 11 N, Center, CO 81125.

7.14. Margaret Dianne Goldman, 4015 N. 78th Street, Unit 106, Scottsdale, AZ 85251.

7.15. JADA Holdings, 5500 Ming Avenue, Suite 350, Bakersfield, CA 93309.

7.16. James M. Ford Estate, 3011 Lane 10 N, Hooper, CO 81136.

7.17. Jim Ford Farms Inc, 3011 Lane 10 N, Hooper, CO 81136.

7.18. Myers Land LLLP, 10516 County Road 100, Center, CO 81125.

7.19. Shirley J. Myers Trust, 10516 County Road 51, Center, CO 81125.

7.20. Ernie Myers, 5642 County Road 53, Center, CO 81125.

7.21. Gerald Myers, 10516 County Road 100, Center, CO 81125.

7.22. Jared Myers, 53943 County Road B, Center, CO 81125.

7.23. Willie Myers, 5642 County Road 53, Center, CO 81125.

7.24. Nevitt Ford 626, LLC, 22128 E. Cloud Road, Queen Creek, AZ 85142.

7.25. Skyline Land Company, LLC, 701 W 16th Street, Suite 101, Yuma, AZ 85364.

7.26. WI – Alamosa County, CO LLC c/o Bill Hughes, 106 E. Apple Street, Freeburg, IL 62243.

7.27. Charles Palmer, 4599 CR 52, Center, CO 81125.

This application consists of 16 pages and 1 exhibit.

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 February 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.

SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSP") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for following-leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP or Produced Nontributary Groundwater notification lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

Annual Replacement Plan Notification List for Water Division No. 3

The “Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (the Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for All Irrigation Water Rights” (“Groundwater Rules”) were adopted by the State Engineer and granted final approval by the Water Court on March 15, 2019.

Under Rule 4.2 of the Groundwater Rules, the Annual Replacement Plan Notification List or ARP List (“List”) means the list of interested persons established by the State Engineer for the purposes of notifying interested persons of the submission of any Subdistrict Annual Replacement Plans, approval or disapproval of those plans by the State and Division Engineers, and requests for variances under the Groundwater Rules. Under Rule 22 of the Groundwater Rules, when the rules mandate the provision of notice in accordance with Rule 22, the State Engineer must provide notice to interested persons through an electronic mailing list, such as the List, and the Division of Water Resources website.

The State Engineer will, in January of each year, cause to have published in the water court resume for Water Division No. 3, an invitation to be included on the List. Interested persons are invited to sign up for the List at: <https://dwr.colorado.gov/public-information/notification-lists>.