

J1901F West well
@ ovid

J1902F Middle
well @ ovid

J1903F E. well
@ ovid

IN THE WATER COURT
DIVISION I
STATE OF COLORADO

December 16th, 1982

TO: Donald F. McClary, Esq.

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W/W-7954-77

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St/Div

The Water Court Referee for Division I has instructed me to forward you this copy of his Ruling in Case No. W-8647-77.

Please check your Ruling very CAREFULLY! If any errors are found, notify the Water Court IMMEDIATELY.

You have within twenty (20) days after the above date of mailing to file with the Water Clerk any Protest to the Referee's Ruling. Any protest to the Referee's Ruling must be filed on or before January 5th, plus any additional time allowed by Rule 6(e), CRCP. In the absence of any Protest being received, the Judge of the Water Court will incorporate the Referee's Ruling into the Decree which will be entered after January 17th, 1983.

Marcie E. Spelts

Marcie E. Spelts
Water Clerk, Division No. I
POB "C"
Greeley, CO 80632

DISTRICT COURT, WATER DIVISION I, COLORADO

Case No. W-8647-77

FILED IN DISTRICT COURT

32 11 16 P 1: 39

REVISED FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT OF THE STATE OF COLORADO

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

GROUNDWATER APPROPRIATORS OF THE SOUTH PLATTE RIVER BASIN, INC., a Colorado corporation in SEDGWICK COUNTY

THIS CLAIM, having been filed with the Water Clerk, Water Division I, on September 27, 1977 and the Referee being fully advised in the premises, does hereby find:

All notices required by law of the filing of this application have been fulfilled, and the Referee has jurisdiction of this application.

An Entry of Appearance or Objection has been filed herein by the Great Western Sugar Company, by its attorney, David M. Brown of Moses, Wittemyer, Harrison & Woodruff, which Entry of Appearance or Objection has been withdrawn; Central Colorado Water Conservancy District, by its attorney, Alvin L. Steinmark, which Entry of Appearance or Objection has been withdrawn; Liddle Ditch Co., by its attorney, Hulbert E. Reichelt of the Law Firm of Vandemoer, Reichelt & Carlson; Carlson Ditch Company, by its attorney, Hulbert E. Reichelt of the Law Firm of Vandemoer, Reichelt & Carlson; and E. E. Sonnenberg & Sons, Inc. by Michael D. Shimmin of the Law Firm of Vranesh & Raisch, and the time for filing additional statements has expired.

All matters contained in the application having been reviewed, and testimony having been taken where such testimony is necessary, and such corrections made as are indicated by the evidence presented herein,

FINDINGS OF FACT

1. G.A.S.P. Well Nos. 21901-F through 21903-F were issued permits on December 16, 1976.
2. These wells have been operating pursuant to a State Engineer's annually approved plan for a substitute supply of water in accordance with 1973 CRS 37-80-120.

IT IS HEREBY THE RULING OF THE WATER REFEREE:

1. The name and address of the claimant:

Groundwater Appropriators of The South Platte River, Inc.
(G.A.S.P.)
617 Main Street - P. O. Box 974
Fort Morgan, Colorado 80701

2. The name of the structures:

G.A.S.P. Well No. 21901-F
G.A.S.P. Well No. 21902-F
G.A.S.P. Well No. 21903-F

3. The legal description of the structures:

G.A.S.P. Well No. 21901-F is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 11 North, Range 46 West of the 6th P.M., Sedgwick County, at a point 564 feet from the North Section lines and 2549 feet from the East Section line, said Section 15.

G.A.S.P. Well No. 21902-F is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 11 North, Range 46 West of the 6th P.M., Sedgwick County, at a point 286 feet from the North Section line and 2007 feet from the East Section line, said Section 15.

G.A.S.P. Well No. 21903-F is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 11 North, Range 46 West of the 6th P.M., Sedgwick County, at a point 25 feet from the North Section line and 1535 feet from the East Section line, said Section 15.

4. The source of water:

Groundwater

5. The date of appropriation:

G.A.S.P. Well No. 21901-F: June 28, 1977
G.A.S.P. Well No. 21902-F: June 28, 1977
G.A.S.P. Well No. 21903-F: June 28, 1977

6. The amount of water:

G.A.S.P. Well No. 21901-F: 5.33 cubic feet per second
G.A.S.P. Well No. 21902-F: 5.33 cubic feet per second
G.A.S.P. Well No. 21903-F: 5.33 cubic feet per second


7. The use of the water:

These wells are to be used to furnish replacement water requirements of member wells of G.A.S.P., a Colorado non-profit corporation, or others who contract with G.A.S.P. to receive replacement water, and the water produced from the within wells is to be used as a part of a plan of operation and augmentation solely for the purpose of maximizing the conjunctive use of groundwater and surface water in the South Platte River Basin.

8. These wells shall only be operated in accordance with the Amended Rules and Regulations of the State Engineer as adopted on March 15, 1974, in Case No. W-7209 et al. It is recognized that these wells are operating pursuant to annual approval by the State Engineer with the goal of developing a permanent plan for augmentation which will include the above-described wells. However, since such a plan for augmentation has not been either filed with or decreed by this Court, it cannot be conclusively determined that the operation of these wells in accordance with their priorities will not injuriously affect the owners of or persons entitled to use water under vested water rights or decreed conditional water rights. Therefore, the Court retains continuing jurisdiction over this matter until such time as a plan for augmentation including the above-described wells is decreed by this Court, and any party who has previously appeared in this matter may petition the Court for a determination of any alleged injury at any time, pursuant to its continuing jurisdiction. Under no circumstances should this Ruling and Decree be construed as a plan for augmentation or a determination that the operation of these wells under their own priorities does not result in injury to the owners of other water rights withdrawing from the South Platte River or its tributaries.

9. The priorities herein awarded said wells were filed in the Water Court in the year of 1977, shall be administered as having been filed in that year, and shall be junior to all priorities filed in previous years. As between all rights filed in the same calendar year, priorities shall be determined by historical dates or appropriation and not affected by the date of entry of ruling.

DATED THIS 16th day of December, 1982.


RAYMOND S. LIESMAN
Water Referee
Water Division No. I

THE COURT DOTH FIND: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY
MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: _____

ROBERT A. BEHRMAN
Water Judge
Water Division No. I
State of Colorado

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