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DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO

Case No. 94CW268

STATEMENT OF OPPOSITION

CONCERNING THE APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING CHANGE OF WATER RIGHTS, AND FOR ADJUDICATION OF EXCHANGE OF LAKEVIEW VILLAGE, INC., CITY OF BOULDER, AND COLORADO WATER CONSERVATION BOARD IN BOULDER AND WELD COUNTIES

1. Opposer:

Water Users Association of District No. 6
9595 Nelson Road, Box C, Suite 203
Longmont, Colorado 80501
(303) 772-4060

2. Reasons:

a. The Opposer is an association of water users diverting water from Boulder Creek and its tributaries. There are over forty members of the Association, consisting of agricultural, industrial, and municipal users. Members of the Association own almost all of the senior water rights decreed from Boulder Creek and its tributaries.

b. Vested and conditional water rights owned by members of the Association may be injured if the application filed by the Applicant is approved and granted.

c. Appropriate conditions, limitations and restrictions should be included in any ruling to protect against injury to other water users.

d. Without limiting the particular issues to which an objection may be made, Opposer asserts that the Applicants do not have a legal right to use the instream flow water rights decreed in Case No. 90CW193 for the purposes claimed in this case.

CENTRAL FILES

e. Opposer reserves the right to raise additional grounds for opposition and to describe additional facts and reasons why the application should be denied, granted in part or limited, as further facts become known and as Applicant's claim becomes more definite.

f. This statement of opposition is continuing in nature and shall apply to any and all future amendments to the original application.

DATED: FEB 27 1995

GRANT, BERNARD, LYONS & GADDIS,
a Professional Corporation

By: 

Steven P. Jefferys - No. 17858
Jeffrey J. Kahn - No. 6894
515 Kimbark Street
P.O. Box 978
Longmont, Colorado 80502-0978
(303) 776-9900 (Longmont)
(303) 571-5506 (Denver Metro)
Facsimile (303) 772-6105

ATTORNEYS FOR OPPOSER, WATER USERS
ASSOCIATION OF DISTRICT NO. 6

VERIFICATION

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

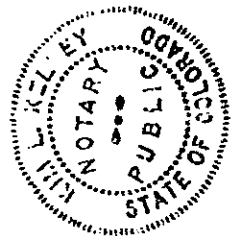
The undersigned, being sworn, says that the facts set forth in the foregoing instrument are true to the best of the undersigned's knowledge and belief.

Les Williams
Les Williams, President
Water Users Association
of District No. 6

Subscribed and sworn to before me this 24th day of February, 1995.

Witness my hand and official seal.

My commission expires: 07/19/1995
Kim L. Kelley
Notary Public



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CLERK'S
OFFICE

DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO

CASE NO. 94CW268

25 FEB 22 02:44
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STATEMENT OF OPPOSITION

CONCERNING THE APPLICATION FOR WATER RIGHTS OF LAKE VIEW VILLAGE, INC., THE CITY OF BOULDER AND THE COLORADO WATER CONSERVATION BOARD,

IN BOULDER AND WELD COUNTIES

1. Name, Mailing Address and Telephone Number of Opposer:

City of Lafayette
c/o City Administrator
1290 South Public Road
Lafayette, CO 80026
(303) 665-5588

2. Facts as to Why the Application Should Not be Granted or Why It Should be Granted Only in Part or on Certain Conditions:

- a. The Opposer owns or has an interest in numerous water rights in the Boulder Creek drainage basin.
- b. The proposed application for approval of a plan for augmentation, change of water rights and for adjudication of exchange, if granted without appropriate terms and conditions, may adversely affect the water rights owned by Opposer.
- c. Applicants must be placed on strict proof with respect to each element of their claims, including protective terms and conditions that must be imposed to preclude any possibility of injury to Opposer's water rights.
- d. The Application as published does not contain sufficient information to enable Opposer to state more specific grounds for objection. Opposer, therefore, reserves the right to raise other objections at a later date when more information becomes available.

CENTRAL FILES

- e. Opposer requests that this Statement of Opposition apply to any amendments which the Applicants may file in the future in this proceeding.

Respectfully submitted this 27th day of February, 1995.



David C. Lindholm (#9064)
P. O. Box 18903
Boulder, Colorado 80308-1903
(303) 442-2555

ATTORNEY FOR OPPOSER,
CITY OF LAFAYETTE

STATE OF COLORADO)

COUNTY OF BOULDER)

ss.

VERIFICATION


I, Timothy M. Paranto, Public Works Director for the City of Lafayette, Opposer herein, state under oath that I have read this statement of opposition, and verify its content.


Timothy M. Paranto

Subscribed under oath before me on this 24th day of February, 1995.

My commission expires:

April 2, 1998


Notary Public

DISTRICT COURT, WATER DIVISION I, COLORADO

Case No. 94 CW 268

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STATEMENT OF OPPOSITION

DEC 08 1995

STATE ENGINEER
COLORADO

CONCERNING THE APPLICATION FOR WATER RIGHTS OF LAKEVIEW VILLAGE,
INC., THE CITY OF BOULDER AND THE COLORADO WATER CONSERVATION BOARD

IN BOULDER AND WELD COUNTIES

1. Name, Mailing Address and Telephone Number of Opposer:

Booth Land and Livestock Company
33071 Highway 85
P. O. Box 72
Lucerne, CO 80646
970-353-7055

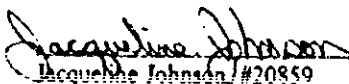
2. Facts as to Why the Application Should Not be Granted or Why it Should be Granted
Only in Part or on Certain Conditions:

- a. Opposer owns or has an interest in water rights in the McCormick Seepage Ditch with a headgate on the bank of Mayfield Hollow, a tributary of the St. Vrain Creek
- b. Applicants propose to take 100 acre feet of water from an unnamed tributary, which, upon information and belief is Mayfield Hollow, for augmentation for out-of-priority depletions resulting from evaporation from Lakeview Reservoirs No. 1 and No. 2 and to exchange a like amount of water by delivery down Boulder Creek to the St. Vrain River.
- c. This proposal will reduce the flow in Mayfield Hollow and thereby deprive Opposer of its decreed right in the flow of the McCormick Ditch.
- d. Opposer's vested water rights will be injured with resulting harm and damage to its crops if the application filed by the Applicants is approved and granted.
- e. Opposer requests that this Statement of Opposition apply to any amendments which Applicants may file in the future in this proceeding

CENTRAL FILES

Respectfully submitted this 15th day of September, 1995.

KAROWSKY, WITWER, MILLER & OLDENBURG


Jacqueline Johnson #20859

R. Sam Oldenburg, #4156
822 7th Street, Suite 760
P. O. Box 1407
Greeley, CO 80632-1407
970-352-3161

Attorneys for Opposer

CERTIFICATE OF MAILING

The undersigned certifies that a true and correct copy of the foregoing Statement of Opposition was mailed, postage prepaid, this 15th day of September, 1995, to the following:

Alan D. Berryman, Division Engineer
State of Colorado Water Division One
Office of the State Engineer
800 8th Avenue, Room 321
Greeley, CO 80631

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