

**HEARING OFFICER'S REPORT**  
**Colorado Ground Water Commission**  
**August 20, 2010 Meeting**

The listing below summarizes all adjudicatory matters pending before the Colorado Ground Water Commission as August 20, 2010.

**Box Elder Creek Designated GW Basin,**

Case number: 06-GW-23

Designated Basin:

Date of request: 03-Mar-06

Management District:

Date of Hearing: 18-May-07

Place of hearing: Rm 318

Subject: Creation of the Box Elder Creek Designated Ground Water Basin.

Status: Hearing is scheduled on January 16, 2007 and continue though January 17, 22, 23, 24, 25, 26, 29 and 30, 2007. The Hearing will be held in Room 318.

Staff's position statement due October 31, 2006. All dispositive motions to be considered by the Hearing Officer prior to the hearing must be filed no later than November 15, 2006. Response briefs are due no later than November 30, 2006. Reply briefs must be filed no later than December 6, 2006. All discovery is to be completed by December 20, 2006. Prehearing Statements are to be filed with the Hearing Officer no later than December 29, 2006. All exhibits, including a final listing of all exhibits to be introduced at the hearing, are to be exchanged between the parties no later than January 5, 2007. A final list of witnesses that will be called during the hearing is to be filed with the Hearing Officer and served upon all parties no later than January 5, 2007. Pretrial briefs may be filed no later than five (5) days prior to the hearing.

On October 30, 2006, East Cherry Creek Valley filed a Motion to Reconsider the Hearing Officer's Setting Order and Requested a Stay in the Proceedings until completion of the WAS trial in water court based on numerous legal arguments. This motion is currently pending reply and response briefs. Update: All dispositive motions ruled upon. 9 day hearing complete. Decision of the Hearing Officer mailed on February 20, 2007. An appeal was filed on March 7, 2007. Oral Arguments held before the Ground Water Commission on May 18, 2007. Before District Court on Appeal. Certification of transcript was mailed on October 5, 2007. Hearing before District Court set for some time in 2010.

**Cherokee Metro & Meridian Svc Dist,**

Designated Basin: Upper Black Squirrel

Management District: Upper Black Squirrel

Date of Hearing: 11-Jan-09

Place of hearing: Room 318

Case number: 08-GW-71

Date of request: 15-Oct-08

Subject: Objection to an application for approval of a replacement plan to make new appropriations from the alluvial aquifer within the Upper Black Squirrel Creek Designated Basin.

Status: Acknowledgement sent on October 17, 2008. Hearing is scheduled for June 8 thru 12 and June 15 thru 19, 2009. June 8, 12, 15, 16, 17 and 18th in Room 318. June 9, 10, 11 & 19 in Room 518. Prehearing Conference scheduled for May 13, 2009 in Room 814 starting at 10:00 a.m. Motion to Dismiss is pending. Hearing Officer order mailed April 6, 2009. Motion to Dismiss denied. Motion to Consolidate pending. Objectors filed Motion for Determination of Law, Hearing Officer ruled on May 5, 2009. Objectors filed Motion to Exclude, Hearing Officer denied the motion. Order mailed May 13, 2009. Order Denying Motion to Intervene mailed May 22, 2009. Two weeks of hearing held June 8th thru June 19, 2009. Pending resetting for 1 week of hearing. Hearing scheduled for January 11,13,14,19,20 and 21, 2009. Hearing held September 17, 2009, parties agreed to continue matter upon consolidation of this case with Case No. 08GW78 as well as the change case filings for well nos. 9 through 12. Order Vacating Hearing Dates, Consolidating Cases, Notice of Hearing and Pre-Hearing Orders mailed September 17, 2009. Case is now stayed pending outcome of district court declaratory judgment proceedings on stipulation interpretation.

**Cherokee Metro & Meridian Svc Dist,**

Designated Basin: Upper Black Squirrel

Management District: Upper Black Squirrel

Date of Hearing: 11-Jan-10

Place of hearing: Denver Rm 318

Case number: 09-GW-15

Date of request:

Subject: Objection to an application to change the type and place of use

Status: Acknowledgement of Receipt of Objections, Consolidation of Cases for Hearing Purposes, Notice of Hearing and prehearing order mailed November 17, 2009. Case is now stayed pending outcome of district court declaratory judgement proceedings on stipulation interpretation.

**Cherokee Metro District,**

Designated Basin: Upper Black Squirrel

Management District: Upper Black Squirrel

Date of Hearing: 02-Mar-09

Place of hearing: Colorado Sprgs

Case number: 05-GW-15-17

Date of request: 17-Aug-05

Subject: An appeal to the Groundwater Commission regarding Denial Nos. AD-14669, AD-14670, AD-14671. Hearing scheduled for March 6 and 7, 2006 was vacated. Hearing scheduled for June 5 and 6, 2006 was vacated. The Hearing Officer's order dated April 24, 2006 states the denials are reversed and remanded to Staff for proceeding with determinations of water rights for, subsequent publication and allowance for objections as a result of publication.

Status: Acknowledgement sent on October 19, 2005. Consolidated Hearing Cases 05-GW-15, 05-GW-16 and 05-GW-17. Staff's Motion for verification pending before the Hearing Officer. An appeal and Designation of Record has been filed with the Ground Water Commission on June 13, 2006. A hearing on appeal will be held before the Colorado Ground Water Commission on November 17, 2006. Update: Commission upheld hearing officer in part and remanded to staff to notify land owners. The hearing is scheduled for April 8, 9th and 11th, 2008 at the El Paso County Board of County Commissioners, 27 E. Vermijo, Colorado Springs, Colorado starting at 9:00 a.m. The Hearing Officer denied Motion to Stay case and ruled that parties within the boundaries of the application shall be given full party status. All other parties are allowed only limited party status pursuant to the Adjudicatory Rules. Motion for Determinations of Questions of Law and Summary Judgment are pending response briefs from Objectors. Hearing Officer ruled on various motions and stayed the case pending determination in District Court as to whether leases held by Applicant convey rights to Denver basin water. District Court remanded to commission and dismissed complaint (Order Attached). Hearing Officer ordered on August 11, 2008 that response briefs are due on August 18, 2008. Status/Setting Conference will be held on September 15, 2008 at 1:30 p.m. in the Training Room of the Division of Wildlife and Water Resources facility located at 4255 Sinton Rd, Colorado Springs. A Prehearing Conference was scheduled for February 16, 2009 and the Hearing is scheduled for March 2nd through 6th 2009 at the address listed above for the Status Conference. Motion for Summary Judgment denied. Hearing Officer ordered issues of injury will not be heard. Evidence concerning saturated thickness may be presented as well as lease information. Hearing held. Ruling pending. Findings of fact, conclusions of law and initial decision of the Hearing Officer mailed May 27, 2009. Notice of Hearing on Appeal was filed June 24, 2009. Oral argument before the Commission scheduled for August 21, 2009 at 10am. Notice of Hearing on Appeal mailed July 14, 2009. Order Vacating Hearing mailed July 27, 2009. Hearing Officer's ruling is to be heard before GWC on May 21, 2010. Booker's requested stay of hearing on May 21, 2010 in order to allow for review of transcript. Request was granted by Executive Director of Commission and hearing before Commission will now be held at the August 2010 meeting. On July 19, 2010 counsel for Applicant submitted a motion to withdraw as counsel for the Applicant. That motion is pending.

**Cherokee Metropolitan District,**

Designated Basin: Upper Black Squirrel

Management District: Upper Black Squirrel

Date of Hearing: 11-Jan-10

Place of hearing: Room 318

Subject: Objection to an application to change the type and place of use of Well Permit No. 49988-F.

Case number: 08-GW-78

Date of request: 29-Dec-08

Status: Acknowledgement mailed on December 31, 2008. Setting of hearing scheduled for January 13, 2009 was vacated because the objection period has been extended to February 14, due to a re-publication of the amended location. Acknowledgement to statement of objection to the application mailed March 25, 2009. Notice to Set on April 22, 2009. Hearing is scheduled for September 17th & 18th in Denver room 318. Notice of Hearing was sent electronically on April 22, 2009. Set for hearing September 17 & 18, 2009. Motion to dismiss and Motion for Determination of Law pending. Conference call held September 14, 2009 at 10:30am regarding motion for sanctions. Order Concerning Motion for Sanctions mailed September 15, 2009. Hearing held September 17, 2009, parties agreed to continue matter upon consolidation of this case with Case No. 08GW71 as well as the change case filings for well nos. 9 through 12. Order Vacating Hearing Dates, Consolidating Cases, Notice of Hearing and Pre-Hearing Orders mailed September 17, 2009. Case is now stayed pending outcome of district court declaratory judgment proceedings on stipulation interpretation.

**Cridlebaugh, John**

Designated Basin: Kiowa-Bijou

Management District: North Kiowa-Bijou

Date of Hearing:

Place of hearing:

Subject: Objection to an application to change the allowed type of use of Determination of Water Right.

Case number: 10-GW-01

Date of request: 26-Apr-10

Status: Acknowledgement mailed May 3, 2010. Setting for hearing scheduled for May 12, 2010 at 10 a.m. Pre-hearing conference scheduled for June 29, 2010 at 10:00 a.m. At pre-hearing conference the Objector orally withdrew their objection to the application. Hearing Officer remanded this matter to Staff and closed file via Order dated June 29, 2010. Case closed.

**Farmer, Edna I**

Designated Basin: Laramie-Fox Hills

Management District: Upper Black Squirrel

Date of Hearing:

Place of hearing:

Subject: Objection to an application for Determination of Water Right

Case number: 09-GW-02

Date of request: 12-Mar-09

Status: Acknowledgement and Notice to Set mailed March 19, 2009. Setting of Hearing scheduled for March 31, 2009 at 10:00 a.m. Setting conference vacated until decision on Motion to Consolidate. Motion to Consolidate denied. Pending outcome of Chrokee Replacement case.

**Farmer, Daniel & Teresa**

Designated Basin: Laramie-Fox Hills  
Management District: Upper Black Squirrel

Case number: 09-GW-03

Date of request: 12-Mar-09

Date of Hearing:

Place of hearing:

Subject: Objection to an application for Determination for Water Right

Status: Setting of hearing scheduled March 31, 2009 at 10:30am. above. Pending outcome of Chrokee Replacement case. See 09-GW-02.

**Kroskob & Urich,**

Designated Basin: Kiowa-Bijou  
Management District:

Case number: 07-GW-19

Date of request: 03-Aug-07

Date of Hearing: 04-Aug-08

Place of hearing: Rm 318

Subject: Ground Water Commission is considering two petitions to amend the boundaries of the Kiowa-Bijou Designated Ground Water Basin so as to include two sections of land described as follows: Sec. 1, T2N, R59W, 6th PM and Sec 15, T3N, R59W, 6th PM.

Status: Petitions to be published in August 2007. Hearing held August 4 thru 7, 2008. Hearing Officer's Initial Decision denied petitions. Initial Decision was mailed on November 4, 2008. An Appeal to the Hearing Officer's decision was filed on November 24, 2008. Oral Arguments will be held before the Ground Water Commission on February 20, 2009 at 10:00 a.m. in Room 318. Commission upheld Hearing Officer discussion. Case appealed to District Court. Ground Water Commission Order mailed April 28, 2009.

**Lost Creek Hay Gulch - Rulemaking,**

Designated Basin: Lost Creek  
Management District: Hay Gulch

Case number: 09-GW-12

Date of request: 30-Mar-09

Date of Hearing: 15-Mar-10

Place of hearing: Room 318

Subject: Petition filed by Morgan County Quality Water District to change Designated Basin Rule 5.2.5.2 to make the Hay Gulch basin in Lost Creek over appropriated.

Status: Notice to Set mailed October 6, 2009. Setting conference scheduled for October 21, 2009 at 10:00 a.m. Hearing scheduled for March 15 through 19, 22 through 24 and 30 through 31, 2010 at 10:00 a.m. Notice of Hearing and Case Management Order mailed October 21, 2009. Findings of Fact issued by Hearing Officer April 16, 2010. Hearing to be held before Commission at May 2010 meeting. Commission upheld decision of Hearing Officer. No appeal filed. Rules are in effect, case closed.

**Lost Creek Main Stem - Rulemaking,**

Case number: 09-GW-13

Designated Basin: Lost Creek

Date of request: 03-Aug-09

Management District:

Date of Hearing: 13-Sep-10

Place of hearing:

Subject: Petition to change Rule 5.2.5.2 to make the main stem of Lost Creek over appropriated.

Status: Notice to Set mailed November 24, 2009. Setting conference scheduled for December 15, 2009 at 10:00 a.m. Applicant filed Request for Party Status on October 28, 2009.

Hearing Officer granted request for party status, Order mailed November 24, 2009.

Hearing scheduled for September 13 through September 22, 2010. Motion for Determination of Question of Law filed. Hearing Officer issued order denying motion on May 7, 2010. Case to proceed as ordered.

**Meridian Service Metropolitan Dist.,**

Case number: 09-GW-11

Designated Basin: Upper Black

Date of request: 15-Jun-09

Management District:

Date of Hearing: 20-Oct-09

Place of hearing: Room 814

Subject: Objection concerning an application to change a determination of water right

Status: Acknowledgement mailed June 30, 2009. Prehearing Conference scheduled for July 14, 2009 at 10:00 a.m. Notice of Hearing, scheduled for October 20, 2009 at 9:00 a.m. in room 814, mailed July 14, 2009. Objectors moved to vacate hearing scheduled for October 20, 2009. Hearing Officer's Order vacating Hearing and Notice to Set mailed October 2, 2009. Resetting for hearing scheduled for October 20, 2009 at 10:00 a.m. Hearing scheduled for February 25th and 26th, 2010 at 9:00 a.m. Objectors submitted Motion to Vacate the Hearing on December 15, 2009 and staying the proceedings until there is a final ruling on a Motion for Declaratory Judgment in the Division 2 Water Court in Case No. 98CW80. Hearing Officer granted motion, therefore this matter is stayed and hearing is vacated.

**Morley Howard Investments LLC,**

Case number: 07-GW-02

Designated Basin: Upper Black Squirrel

Date of request: 01-Mar-07

Management District: Upper Black Squirrel

Date of Hearing:

Place of hearing:

Subject: Objection to three change of Determination of Water Right Applications (Receipt Nos. 3610361 A - C).

Status: Acknowledgement sent April 25, 2007. Setting of hearing scheduled for May 23, 2007 was vacated. Check for status once the hearing before the GWMD is completed. Still waiting on Management District to export hearing result as of February 2, 2010. Still waiting on Management District, as of this date, to export hearing.

**PV Water II, LLC,**

Designated Basin: Lost Creek  
Management District: Lost Creek

Case number: 09-GW-16-27

Date of request: 19-Nov-09

Date of Hearing: 05-Oct-10

Place of hearing: Denver Rm 818

Subject: Objection to applications for changes in use of water rights

Status: Acknowledgement mailed November 24, 2009. Hearing scheduled for October 5, 2010 and October 6, 2010. Parties stipulated, hearing vacated and case remanded to staff. Case closed.

**Silagi, Moshe**

Designated Basin: Lost Creek  
Management District: Lost Creek

Case number: 09-GW-28

Date of request: 24-Nov-09

Date of Hearing: 05-Oct-10

Place of hearing: Room 814

Subject: Objection to determination of water rights

Status: Acknowledgement and notice to set mailed December 1, 2009. Setting conference scheduled for January 7, 2010 at 10 a.m. Hearing scheduled for August 5, 2010 at 9:30 a.m. Hearing Officer's order vacating hearing and remanding to staff e-mailed June 22, 2010. This case is closed.

**Springs East Airport, Inc.,**

Designated Basin: Upper Black Squirrel  
Management District: Upper Black Squirrel

Case number: 07-GW-69

Date of request: 10-Dec-07

Date of Hearing: 14-Jan-09

Place of hearing: Rm 719 or 814

Subject: Objection to application for a change of water rights for well with Permit No. 6055-FP.

Status: Acknowledgement mailed on December 17, 2007. Setting of hearing scheduled for January 10, 2008 was vacated the Hearing Officer granted Motion to Stay, parties are to let Hearing Office know if need a setting conference or if parties settle. On June 24, 2008 the Hearing Officer received a letter from Mr. Whedon the letter request removal of Stay Order, therefore all parties have until July 9, 2008 to respond to motion. Mr. Whedon has until July 21, 2008 to reply to all other parties responsive briefs. A Status conference is scheduled for September 15, 2008 at 4255 Sinton Rd at the DOW training facility in Colorado Springs at 2:30 p.m. Hearing Officer removed the Stay Order and Larsen Land & Equipment LLC is and indispensable party and is required to adjudicate this matter. Hearing was held on January 14, 2009 and the Initial Decision of the Hearing Officer was mailed on January 27, 2009. Check for appeal to initial decision. Case appealed to commission. Order of the GWC mailed June 1, 2009. The Initial Decision and Order of the Hearing Officer is hereby affirmed and adopted as the Decision of the Commission. Appealed to District Court. Transcript submitted to District Court on July 15, 2009.

**Upper Spring Creek basin,**

Designated Basin:

Management District:

Date of Hearing: 15-Jun-10

Place of hearing: Room 318

Subject: Petition to create new designated ground water basin

Case number: 09-GW-14

Date of request: 15-Jun-09

Status: Draft of legal notice for the petition for the new "Upper Spring Creek" designated Basin submitted to Hearing Officer September 21, 2009. A pre-hearing setting conference scheduled for November 24, 2009 at 9:00 a.m. in room 318. Hearing scheduled for June 15, 2010 through June 18, 2010 at 9:00 a.m. Joint Motion to Vacate the hearing and all prehearing deadlines filed on March 18, 2010. Hearing Officer granted the motion and the Hearing and related deadlines are vacated. Notice to Set scheduled for April 8, 2010 at 10:00 a.m. Joint Motion to Vacate the Hearing and all Prehearing Deadlines filed on March 18, 2010. Order Vacating Hearing and Notice to Set mailed March 30, 2010. Setting conference to re-set scheduled for April 7, 2010 at 10:00 a.m. Hearing scheduled for January 4 through 11, 2011 at 10:00a.m.

**Woodmen Hills Metro Dist,**

Designated Basin: Upper Black Squirrel

Management District: Upper Black Squirrel

Date of Hearing: 15-Aug-05

Place of hearing: Rm 318

Subject: Objection to (3) three applications to appropriate designated ground water from the alluvial aquifer of Black Squirrel Creek, or its tributaries and an application for a replacement plan to prevent injury to water rights of other appropriators and allow the proposed appropriation from the alluvial aquifer. Receipt No 501564-A, B, C and

Status: Acknowledgement mailed December 17, 2003. Hearing scheduled for June 21 and 22, 2004 was vacated, the parties drafting a stipulated settlement. The Hearing scheduled for August 15, 16 and 17, 2005 was vacated because the applicant submitted a Motion to Vacate the Hearing. In the motion the Hearing Officer was informed that republication of the application was needed to include structures not included in the previous publications. On August 9, 2005, the Applicant submitted a Motion to Vacate the Hearing scheduled to begin on August 15, 2005. In this motion, the Hearing Officer was informed that republication of the application was needed to include structures not included in previous publications for notice purposes. All other parties concurring with the request, and being fully informed, the Hearing Officer orders the hearing vacated. Staff is to proceed with re-publication and inform the Hearing Officer when the time for objections has concluded so further settings can occur in this matter.

Case number: 03-GW-20

Date of request: 30-Oct-03

**Yokam Land Holding LLC,**

Designated Basin: Lost Creek

Management District:

Date of Hearing:

Place of hearing:

Subject: Objection concerning applications for approval of the appropriation of designated ground water from the Alluvial aquifer within the Lost Creek Designated Ground Water Basin (Receipt No. 3634430A - F)

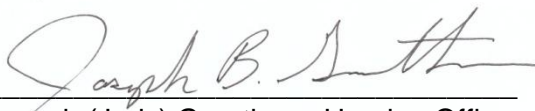
Case number: 09-GW-04

Date of request: 19-Mar-09

Status: Acknowledgement mailed March 27, 2009. Setting of hearing scheduled on April 8, 2009 at 10am. Stayed pending Lost Creek Rulemaking.



Respectfully submitted

A handwritten signature in cursive script, appearing to read "Joseph B. Grantham". The signature is written in dark ink and is positioned above a horizontal line.

Joseph (Jody) Grantham, Hearing Officer