

HEARING OFFICER'S REPORT
Colorado Ground Water Commission
August 21, Meeting

The listing below summarizes all adjudicatory matters pending before the Colorado Ground Water Commission as August 21, 2009.

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, Case number: 08-GW-71
Designated Basin: Upper Black Squirrel Date of request: 15-Oct-08
Management District: Upper Black Squirrel

Date of Hearing: 11-Jan-09 Place of hearing: Room 318

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. 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.

Cherokee Metropolitan District,

Designated Basin: Upper Black Squirrel

Management District: Upper Black Squirrel

Date of Hearing: 17-Sep-09

Place of hearing: Room 318

Case number: 08-GW-78

Date of request: 29-Dec-08

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

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.

Duncan, Mildred

Designated Basin: Upper Black Squirrel

Management District: Upper Black Squirrel

Date of Hearing: 22-Jul-09

Place of hearing: Room 814

Case number: 09-GW-01

Date of request: 06-Mar-09

Subject: Objection concerning an application for a request to change the description of acres of a well with permit No. 10714-FP

Status: Acknowledgement mailed March 11, 2009. Notice to Set on March 24, 2009 at 10am. Setting of hearing scheduled for March 24, 2009. Hearing scheduled for July 22, 2009 in Denver room 814 at 10am. Notice of Hearing mailed March 24, 2009. Order Concerning Motion in Limine, Motion to Amend Caption and Motion to Stay mailed July 14, 2009. Hearing vacated. Stayed while issues of ownership are dealt with between the parties.

Farmer, Edna I

Designated Basin: Laramie-Fox Hills

Management District: Upper Black Squirrel

Date of Hearing:

Place of hearing:

Case number: 09-GW-02

Date of request: 12-Mar-09

Subject: Objection to an application for Determination of Water Right

Status: Setting of hearing scheduled March 31, 2009 at 10am. Motion to Consolidate pending.

Farmer, Daniel & Teresa

Designated Basin: Laramie-Fox Hills

Management District: Upper Black Squirrel

Date of Hearing:

Place of hearing:

Case number: 09-GW-03

Date of request: 12-Mar-09

Subject: Objection to an application for Determination for Water Right

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

Kroskob & Urich,

Designated Basin: Kiowa-Bijou

Management District:

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.

Case number: 07-GW-19

Date of request: 03-Aug-07

Lost Creek Rule Making,

Designated Basin: Lost Creek

Management District: Lost Creek

Date of Hearing:

Place of hearing:

Subject: Petition to find portion of basin over-appropriated.

Status: Remanded to Hearing Officer for fact finding. Rule making publication pending.

Case number: 09-GW-12

Date of request:

Meridian Service Metropolitan Dist.,

Designated Basin: Upper Black

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. Setting of hearing on July 14, 2009 at 10am. Hearing scheduled for October 20, 2009 at 9am in room 814.

Case number: 09-GW-11

Date of request: 15-Jun-09

Morley Howard Investments LLC,

Designated Basin: Upper Black Squirrel

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.

Case number: 07-GW-02

Date of request: 01-Mar-07

Palmer, Glenn

Designated Basin: Kiowa-Bijou

Management District: North Kiowa-Bijou

Date of Hearing:

Place of hearing:

Subject: Objection concerning the Issuance of Final Permit Application for Permit No. 1659-S.

Status: Objection concerning the Issuance of Final Permit Application for Permit No. 1661-F. At the setting on October 17, 2007 Mr. McClary dismissed these cases, haven't received the withdrawal as of November 8, 2007.

Case number: 07-GW-38

Date of request: 30-Aug-07

Palmer, Glenn

Designated Basin: Kiowa-Bijou

Management District: North Kiowa-Bijou

Date of Hearing:

Place of hearing:

Subject: Objection concerning the Issuance of Final Permit Application for Permit No. 1661-F. Setting of hearing scheduled for October 17, 2007 at 10:00 a.m.

Status: See Case No. 07-GW-38 above.

Case number: 07-GW-39

Date of request: 30-Aug-07

PV Water II LLC,

Designated Basin: Lost Creek

Management District: Lost Creek

Date of Hearing:

04-Nov-09

Place of hearing:

Room 814

Subject: Objection by Lost Creek Land & Cattle & Equus Farms, Inc. to the Application for change of Water Rights by PV Water II, LLC (Rcpt Nos.

Status: Acknowledgement sent June 25, 2009. Setting of hearing scheduled for July 7, 2009 at 10am. Hearing scheduled for November 4th & 5th, 2009 8th floor conference room @ 9am.

Case number: 09-GW-05

Date of request: 10-Jun-09

PV Water II LLC,

Designated Basin: Lost Creek

Management District: Lost Creek

Date of Hearing:

Place of hearing:

Subject: Objection by Lost Creek Land & Cattle & Equus Farms, Inc. to the Application for change of Water Rights by PV Water II, LLC (Rcpt Nos.

Status: See case number 09-GW-05 above

Case number: 09-GW-06

Date of request: 10-Jun-09

PV Water II LLC,

Designated Basin: Lost Creek

Management District: Lost Creek

Date of Hearing:

Place of hearing:

Subject: Objection by Lost Creek Land & Cattle & Equus Farms, Inc. to the Application for change of Water Rights by PV Water II, LLC (Rcpt Nos.

Status: See case number 09-GW-05 above

Case number: 09-GW-07

Date of request: 10-Jun-09

PV Water II LLC,

Designated Basin: Lost Creek

Management District: Lost Creek

Date of Hearing:

Place of hearing:

Subject: Objection by Lost Creek Land & Cattle & Equus Farms, Inc. to the Application for change of Water Rights by PV Water II, LLC (Rcpt Nos.

Status: See case number 09-GW-05 above

Case number: 09-GW-08

Date of request: 10-Jun-09

PV Water II LLC,

Designated Basin: Lost Creek

Management District: Lost Creek

Date of Hearing:

Place of hearing:

Subject: Objection by Lost Creek Land & Cattle & Equus Farms, Inc. to the Application for change of Water Rights by PV Water II, LLC (Rcpt Nos.

Status: See case number 09-GW-05 above

Case number: 09-GW-09

Date of request: 10-Jun-09

PV Water II LLC,

Designated Basin: Lost Creek

Management District: Lost Creek

Date of Hearing:

Place of hearing:

Subject: Objection by Lost Creek Land & Cattle & Equus Farms, Inc. to the Application for change of Water Rights by PV Water II, LLC (Rcpt Nos.

Status: See case number 09-GW-05 above

Case number: 09-GW-10

Date of request: 10-Jun-09

Springs East Airport, Inc.,

Designated Basin: Upper Black Squirrel

Management District: Upper Black Squirrel

Date of Hearing: 14-Jan-09

Place of hearing: Rm 719 or 814

Case number: 07-GW-69

Date of request: 10-Dec-07

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.

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

Case number: 03-GW-20

Date of request: 30-Oct-03

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 497318.

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. Order to show cause for failure to prosecute is being considered by the Hearing Officer.

Yokam Land Holding LLC,

Designated Basin: Lost Creek

Management District:

Date of Hearing:

Place of hearing:

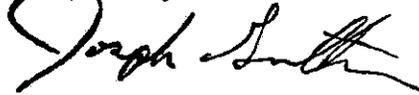
Subject: Objection concerning applications for approval of the appropriation of designated ground water from the Alluvial aquifer within the Lost Creek Designated Ground Water Basin (Receipt No. 3634430A - F)

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

Case number: 09-GW-04

Date of request: 19-Mar-09

Respectfully submitted



Joseph (Jody) Grantham, Hearing Officer