

HEARING OFFICER'S REPORT

Prepared for the February 16, 2018 meeting of the Colorado Ground Water Commission

The listing below summarizes all adjudicatory matters pending before the Colorado Ground Water Commission as of July 20, 2017. **Updated/new information is indicated in bold italics.** **Gaps in case numbering indicate case reported on previously is closed and therefore, removed from the report.**

Woodmen Hills Metro Dist.

Case No. 03-GW-20

Designated Basin: Upper Black Squirrel Date of request: Oct. 30, 2003

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, and C.

Status: Amended replacement plan filed and published. Motion to vacate hearing granted. ***The parties entered into a stipulated agreement and the Hearing Officer entered Findings on November 27, 2017. Case closed.***

Cherokee Metro & Meridian Svc Dist.

Case No. 08-GW-71

Designated Basin: Upper Black Squirrel Date of request: Oct. 15, 2008

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: Two weeks of hearing held June 8th thru June 19, 2009. Case consolidated with Case Nos. 08GW78 as well as the change case filings for well nos. 9 through 12 (09GW15). Case is presently stayed. Supreme Court issued a decision on the ability of Meridian to Intervene in the declaratory action regarding the stipulation in 98CW80 and indicated Meridian could intervene and remanded to Water Court for further action. Supreme Court upheld lower court ruling that nothing in the stipulation, and particularly not its use of the word "recharge," implied abandonment or forfeiture of any right Cherokee might otherwise have to claim future credits within the basin. Matter is remanded to District Court who will then remand to the Commission for further proceedings. ***Still awaiting remand from District Court to continue proceedings.***

Cherokee Metropolitan District

Case No. 08-GW-78

Designated Basin: Upper Black Squirrel Date of request: Dec. 29, 2008

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

Status: **See Case No. 08GW71 above.**

Meridian Service Metropolitan Dist.,

Case No. 09-GW-11

Designated Basin: Upper Black Squirrel Date of request: June 15, 2009

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

Status: **See Case No. 08GW71 above.**

Cherokee Metro & Meridian Svc Dist.

Case No. 09-GW-15

Designated Basin: Upper Black Squirrel Date of request: Nov. 17, 2009

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

Status: **See Case No. 08GW71 above.**

Meridian Service Metropolitan District

Case No. 12-GW-10

Designated Basin: Upper Black Squirrel Date of request: Jan.-12, 2012

Subject: Nature of water and jurisdiction.

Status: Initial decision of Hearing Officer entered on April 25, 2013. Commission upheld Hearing Officer's decision. Meridian appealed to El Paso County District Court. Certification of record on appeal is complete. District Court upheld Commission decision. Appealed to Supreme Court, briefs have been filed. Oral argument before the Supreme Court held on September 30, 2015. Decision issued by Supreme Court upholding District Court and Commission decision. ***Still awaiting remand from District Court.***

Front Range Resources, LLC

Case No. 13-GW-07

Designated Basin: Lost Creek

Date of request: Sept. 12, 2013

Subject: Application for approval of a replacement plan located in the Lost Creek Designated Basin

Status: Hearing Officer issued order per stipulation of the parties and is now on appeal to the District Court. Set for trial before District Court in Adams County, June 6 thru 17, 2016. Oral argument on motion to dismiss South Platte water rights from replacement plan held. District Court dismissed South Platte water rights for inclusion in replacement plan. District Court dismissed case based on issue of speculation. ***The Applicant appealed the case to the Supreme Court. Oral Argument before the court at was held on December 5, 2017. Awaiting decision.***

Strasburg Sanitation and Water District

Case No. 16GW01

Designated Basin: Kiowa-Bijou (North)

Date of request: Jan. 14, 2016

Subject: Objection to issuance of Final Permit, Permit No. 2642-F.

Status: Case is set for a 4 day hearing commencing on May 22, 2017. Motion for Summary Judgment denied. ***Commission upheld Hearing Officer decision. Time for appeal has passed. Case closed.***

Town of Kiowa

Case No. 16GW02

Designated Basin: Kiowa-Bijou

Date of request: Jan. 14, 2016

Subject: Objection to issuance of Final Permit, Permit No. 2794-F.

Status: ***Hearing Officer entered initial decision upholding Staff's limitations on the final permit. Decision appealed and Commission upheld the Hearing Officer's decision. Time for appeal has passed with no appeal. Case closed.***

Meridian Service Metro District

Case No. 16GW05

Designated Basin: Upper Black Squirrel

Date of request: December 16, 2016

Subject: Determine jurisdiction over the replace of depletions caused by evaporation to surface water flowing into and through lined impoundments in the basin.

Status: ***Awaiting further action/direction from the Commission.***

Rulemaking, Rule 7.4

Case No. 17GW04

Designated Base: Statewide

Date of request: August 2017

Subject: Rulemaking before the Commission

Status: ***Rulemaking to be held before the Commission at its February 16, 2018 meeting.***

Rulemaking, Rules 5.6 and 5.8

Case No. 17GW05

Designated Base: Statewide

Date of request: August 2017

Subject: Rulemaking before the Commission

Status: ***The matter was referred to the Hearing Officer. Hearing to be held June 18 through 22, 2018.***

Respectfully submitted,



Joseph (Jody) Grantham, Hearing Officer