

Cowan, John S - CO#17767
CO Weld County District Court 19th JD
PO Box 2038
901 9th Ave
Greeley, CO 80632

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HEATHER RIDGE METRO DISTRICT NO. 1
13521 E Iliff Avenue
Aurora, CO 80014

To: HEATHER RIDGE METRO DISTRICT NO. 1
From: Cowan, John S - CO#17767
Subject: Service of Documents in In the interest of: HEATHER RIDGE METRO DISTRICT NO. 1

You are being served documents that have been electronically submitted in In the interest of: HEATHER RIDGE METRO DISTRICT NO. 1 through LexisNexis File & Serve. The details for this transaction are listed below.

Court: CO Weld County District Court 19th JD
Case Name: In the interest of: HEATHER RIDGE METRO DISTRICT NO. 1
Case Number: 2010CW87
Transaction ID: 39398550
Document Title(s):
NOTICE OF REFEREE RULING, PROTEST DUE SEPTEMBER 12, 2011 (1 page)
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE AND DECREE OF THE WATER COURT (4 pages)
Exhibit A (1 page)
Authorized Date/Time: Aug 22 2011 8:51AM MDT
Authorizer: John S Cowan
Authorizer's Organization: CO Weld County District Court 19th JD
Sending Parties:
N/A
Served Parties:
HEATHER RIDGE METRO DISTRICT NO. 1

Exhibit A

Form No.
GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80263
(303) 866-3581

LIC

WELL PERMIT NUMBER		15105	- F	R
DIV. 1	WD 8	DES. BASIN	MD	

APPLICANT

HEATHER RIDGE METRO DISTRICT NO. 1
BISHOP-BROGDEN ASSOCIATES, INC
333 W HAMPDEN AVE #1050
ENGLEWOOD, CO 80110-

(303) 806-8952

APPROVED WELL LOCATION

ARAPAHOE COUNTY
SW 1/4 SE 1/4 Section 25
Township 4 S Range 67 W Sixth P.M.

DISTANCES FROM SECTION LINES

99 Ft. from South Section Line
1929 Ft. from East Section Line

UTM COORDINATES (Meters, Zone: 13,NAD83)

Easting: Northing:

PERMIT TO CONSTRUCT A WELL


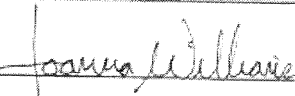
ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(2) for the replacement of an existing well, permit no. 15105-F (decreed by the Division 1 Water Court as Environmental Developers Well no. 3-015105-F, case no. W-1433). The old well must be plugged and abandoned in accordance with Rule 16 of the Water Well Construction Rules. A Well Abandonment Report form must be submitted within sixty (60) days after construction of the new well, affirming that the old well was plugged and abandoned.
- 4) Approval of this replacement well permit shall not result in an expanded use of ground water. The use of ground water from this well combined with well no. 15106-F is restricted to the irrigation of 45 acres of golf course located south of Hill Ave. and east of Interstate 225, which are described as being portions of the NW1/4 of the SE1/4, NE1/4 of the SE1/4, SW1/4 of the SE1/4, SE1/4 of the SE1/4, in Section 25, also described as being portions of the NW1/4 of the NE1/4, NE1/4 of the NE1/4, in Section 36, all in Township 4 South, Range 67 West of the 6th P.M.
- 5) The maximum pumping rate of this well shall not exceed 300 GPM.
- 6) The annual amount of ground water to be appropriated shall not exceed 280 acre-feet.
- 7) Pursuant to Rule 10 of the Denver Basin Rules, production is limited to the production interval of the existing well. The production interval will begin at 1000 feet below land surface and extend to a depth of 1599 feet. Plain casing must be installed and grouted to prevent the withdrawal of ground water from other intervals and the movement of ground water between aquifers.
- 8) The owner shall mark the well in a conspicuous place with well permit number(s), name of the aquifer, and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 9) A totalizing flow meter must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (recorded at least annually) and submitted to the Division Engineer upon request.
- 10) This replacement well shall not be constructed any closer to any other existing well than the well it is replacing, if such other well is within 600 feet of the replacement, is completed in the same aquifer, and is not owned by the applicant.
- 11) This well shall be constructed not more than 200 feet from the location specified on this permit and not more than 200 feet from the original well location of Environmental Developers Well no. 3-015105-F. The decreed well location specified in case no. W-1433, for Environmental Developers Well no. 3-015105-F, is more than 200 feet from the actual well location and must be amended. The applicant has submitted an application to the Division 1 Water Court, case no. 2010CW87, to amend the well location.
- 12) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.

Note: Permit no. 15105-FR issued on January 29, 2010 has been cancelled.

JMW 3/3/10

APPROVED JMW		
Receipt No. 3644686	State Engineer	By
	DATE ISSUED 03-03-2010	EXPIRATION DATE 03-03-2011

Heather Ridge Metro District No. 1
10CW87

EXHIBIT A

FINDINGS OF FACT, CO

DISTRICT COURT, WATER DIVISION NO. 1 STATE OF COLORADO 901 9 th Avenue P. O. Box 2038 Greeley, Colorado 80632	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF:	COURT USE ONLY
HEATHER RIDGE METRO DISTRICT NO. 1	Case Number:
IN ARAPAHOE COUNTY	10CW87
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE AND DECREE OF THE WATER COURT	

This matter comes before the Court on an application for change of water right. Applicant seeks to correct the location of a well so that the actual location agrees with the decreed location. The actual location of the well under Permit No. 15105-F is more than 200 feet from the location decreed in Case No. W-1433. The Application in this case was filed on March 2, 2010. The Referee, having considered the pleadings, the files herein, and the evidence presented, and being fully advised in the premises, hereby enters the following Findings and Ruling:

FINDINGS OF FACT

1. Name and Address of Applicant.

Heather Ridge Metro District No. 1
 13521 East Iliff Avenue
 Aurora, CO 80014
 (303) 337-3458

2. Notice. Timely and adequate notice of the pendency of this proceeding has been given in the manner required by law. The Court has jurisdiction over the subject matter of this proceeding and over all persons who have standing to appear as parties, whether they have appeared or not.
3. Statements of Opposition. No Statements of Opposition were filed. The time for filing statements of opposition has expired. No motions to intervene have been filed.
4. Designated Basin. Neither the land nor the water that are the subjects of this application are located within the boundaries of any designated ground water basin.
5. Decreed water right for which change is sought:

Name of structure: Well No. 3-015105-F

Original decree: W-1433, March 7, 1977 Water Division 1

Legal description of structure in Case No. W-1433: Located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 4 South, Range 67 West, 6th P.M., Arapahoe, Colorado at a point approximately 100 feet from the south line and 2140 feet from the east line of said Section 25.

Date of appropriation: January 15, 1971

Amount: 0.66 cfs

Source: Groundwater

Use: Irrigation of approximately 45 acres of golf course.

6. Description of change. The application seeks to correct the location of the well because the actual location of the well is more than 200 feet from the decreed well location. All other provisions of the original decree remain unchanged.
7. Actual location of Well No. 3-015105-F:

Legal description of structure: Located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 4 South, Range 67 West, 6th P.M., Arapahoe, Colorado at a point approximately 99 feet from the south line and 1929 feet from the east line of said Section 25.

8. Well No. 3-015105-F has been replaced with a well under Permit No. 15105-F-R, which is located no more than 200 feet from the actual location of Well No. 3-015105. The location of Well 15105-F-R, is the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 4 South, Range 67 West, 6th P.M., at a point approximately 99 feet from the south line and 1882 feet from the east line of said Section 25. A copy of Well Permit No. 15105-F-R is attached as Exhibit A.

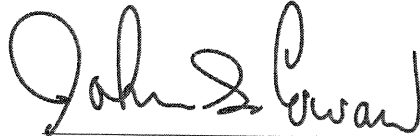
CONCLUSIONS OF LAW

9. Jurisdiction. The application herein is one contemplated by law, and this Court has exclusive jurisdiction over the subject matter of this proceeding. §§ 37-92-203 and 37-90-137(6), C.R.S.
10. Application. The application herein was filed with the Water Clerk in accordance with the provisions of §37-92-302(1)(a), C.R.S.
11. Notice. Timely and adequate notice of the filing and of the contents of the application herein was given in the manner provided by law, and this Court has jurisdiction over all persons or entities affected hereby, whether they have appeared or not. §37-92-302, C.R.S.

RULING AND DECREE

12. Each of the foregoing Findings of Fact and Conclusions of Law is incorporated herein as if set out in full.
13. The application herein is granted subject to the limitations described herein.
14. If not already in place, properly maintained measuring devices, acceptable to the Division Engineer or Water Commissioner, may be required for the administration of this water right.
15. Applicant shall report the dates and amounts of water diverted under this water right to the local Water Commissioner on at least an annual basis.
16. This well must at all times be operated in strict compliance with the terms and conditions of Well Permit No. 15105-F-R.
17. This change of water right shall be subject to reconsideration by the Water Judge on the question of injury to the vested water rights of others for a period of 2 years. This period may be further extended upon further decision by the Water Judge that the nonoccurrence of injury shall not have been conclusively established. § 37-92-304(6), C.R.S.

Dated: August 22, 2011



John S. Cowan
Water Referee
Water Division No. 1

This document was e-filed pursuant to C.R.C.P. 121 §1-16. A printable version of the electronically signed document is available in the court's electronic file.

THE COURT FINDS: 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: _____

BY THE COURT

James F. Hartmann
Water Judge
Water Division No. 1

NOTICE OF REFEREE RU

<p>District Court, Water Division No. 1, Colorado Court Address: 901 9th Avenue Greeley, CO 80631</p> <hr/> <p>Concerning the Application for Water Rights of Applicant: HEATHER RIDGE METRO DISTRICT NO. 1</p> <p>IN ARAPAHOE COUNTY</p>	<p>Case No: 2010CW87</p> <p>Water Division 1 Division 1</p>
<p>NOTICE OF REFEREE RULING, PROTEST DUE SEPTEMBER 12, 2011</p>	

Heather Ridge Metro District No. 1
13521 East Iliff Avenue
Aurora, CO 80014

Division Engineers
State Engineers

Pursuant to §37-92-303(1), C.R.S., a copy of the ruling of the water court referee for water division 1 is being forwarded to you. Please check the ruling carefully. If any errors are found, notify the water clerk's office immediately. If you have any questions regarding this matter, please direct them to the water referee at (970) 351-7300, ext. 5405.


You have twenty days from the mailing of this notice to file a written pleading with the water clerk to protest or support the referee's ruling. Your pleading must clearly identify the matter and shall state the factual and legal grounds in support of your position. **Any such pleading must be filed on or before September 12, 2011.** A copy of your pleading shall include a certificate of service upon all parties. If no pleading protesting the ruling is filed, the water judge will then enter a judgment and decree based upon the referee-s ruling.

Certificate of Service

I hereby certify that I served via LexisNexis File & Serve, a true and correct copy of the foregoing Notice of Referee Ruling to the parties listed above.

Dated: August 22, 2011

BY:


Connie Koppes
Water Clerk, Water Division 1

This document was filed pursuant to C.R.C.P. 121, § 1-26. A printable version of the electronically signed document is available in the Court's electronic file.