

FILED IN DISTRICT COURT

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1ST DIST. WATER COURT
WELD COUNTY COLO.

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO

CASE NO. 84CW012
(W-1739)

FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER COURT

IN THE MATTER OF THE APPLICATION OF WATER RIGHTS OF
BAILEY WATER AND SANITATION DISTRICT, IN PARK COUNTY

THIS APPLICATION FOR CHANGE OF WATER RIGHT was filed with the Water Clerk, Water Division 1., on January 24, 1984 and an amended application was filed on June 7, 1988. These applications are related to the application originally filed on December 28, 1971 in Case No. W-1739. The Referee being fully advised in the premises does hereby find:

All notice required by law of the filing of this application have been fulfilled, and the Referee has jurisdiction of this application.

No Statement of Opposition to said application has been filed and the time for filing such statement has expired.

All matters contained in the application were reviewed, and testimony was taken where such testimony was necessary and such corrections made as are indicated by the evidence presented.

FINDINGS OF FACT

It is hereby the findings of the Water Referee that Entrikin Ditch, No. 225 was decreed on May 22, 1913 in the Eleventh Judicial District in and for the County of Park with an appropriation date of May 1, 1863 for agricultural irrigation to the amount of 1 cubic foot of water per second. On March 31, 1977 in Case No. W-1739 applicant was granted an alternate point of diversion and an alternate use of the water right but the amount of water to be diverted from the alternate point of diversion was to not exceed 49 gpm or 0.11 cfs and the total diversion from the original and alternate point of diversion was not to exceed 19.8 acre feet per year. Applicant filed an Application for Change of Water Right and an Amended Application for Change of 84CW012

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Water Right in this case to change the water right to increase the maximum instantaneous rate of diversion to 449 gpm or 1 cfs and to change the historic depletions to 19.8 acre feet per year under the Entrikin Ditch water right.

IT IS HEREBY THE RULING OF THE WATER REFEREE

1. The name and address of the applicant:

Bailey Water and Sanitation District
POB 422
Bailey, CO 80421

2. The name of the structure:

Entrikin Ditch, No. 225

3. The legal description of the structure:

SE/SE/SE

The headgate is located on the southeasterly bank of the north fork of the South Platte River at a point near the west line of the northeast quarter of Section 30, Township 7 South, Range 72 West, 6th P.M., whence the west quarter corner of Section 29, in said Township and Range bears South 60° East, 1,492 feet, Park County.

NW/NW/SE

The alternate point of diversion is a well located approximately 900 feet upstream on the opposite bank of the north fork of the South Platte River, which well is more specifically described as being in the NW1/4 SE1/4, Section 30, Township 7 South, Range 72 West, 6th P.M., Park County, 490 feet South of the East-West centerline of said Section 30, and 145 feet East of the North-South centerline of said Section 30, which well is a replacement well for Well No. 3585 F.

4. The source of the water:

South Platte River

5. The date of appropriation:

May 1, 1863 as decreed in Park County on May 22, 1913.

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6. The amount of water:

1.0 cubic foot per second (449 gpm) from the original or the alternate point of diversion, not to exceed 19.8 acre feet total depletion per year.


7. The use of the water:

Domestic, fire protection and related uses for the inhabitants living or doing business within the Bailey Water and Sanitation District service area.

8. The applicant shall obtain approval of an accounting system from the Division Engineer that will allow the calculation of depletions within the Bailey Water and Sanitation District service area prior to the applicant pumping water in an amount that exceeds 19.8 acre feet per year. Upon approval being granted by the Division Engineer of the accounting system applicant can use the amount of water set forth in paragraph No. 6 above.

9. This change shall be subject to reconsideration by the water judge on the question of injury to the vested rights of others for a period of five years from the date of this decree pursuant to CRS 37-92-304(6).

Dated: JAN 31 1990


JAMES A. GUSTAFSON
Water Referee
Water Division No. 1

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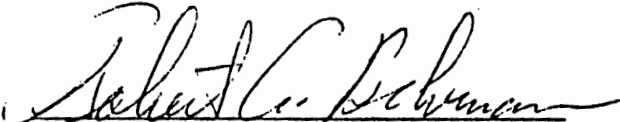
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THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY
MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: FEB 28 1990



ROBERT A. BEHRMAN

Water Judge

Water Division No. 1

State of Colorado