

DISTRICT COURT, WATER DIVISION 1,
COLORADO

Court Address:
Weld County Courthouse
P.O. Box 2038
Greeley, Colorado 80632

CONCERNING THE APPLICATION FOR WATER

RIGHTS OF: Leland and Tracey Peavy; Daryl Bivens, Marilyn Bivens, Paul Bivens & Janice Spencer; Charles and Lori Gahm; Robert and Barbara Maier; Michele Guin; John Mullen and Patricia Lafferty; Paul and Faline Harrison; Raymond and Sandra Kolibaba; Walter Burns; Frank and Gloria Bush; Jodi Zanger; William and Janet Weston; William and Janet Weston; Lynette Dunn; Phillip and Melissa Niedringhaus; Deborah and Thomas Marsh; Kevin Albert and Kathleen Harris; Rurik and Kathleen Lubinski; Barbara Gail Hoffman; Robert and Carol Payne; Emil and Cheryl Lassen, Betty Jane Lassen & Amy Lassen; Hendrik and Alida Alberts; Jeremy and Jennifer Hixon; Mark & B Donnell Heistand; Adam & Kathrina Bender; Jeff and Paula Jungen; Sonya Blackstock Family Trust; Michael Sauer & Christine Vigil; Greg and Stacey Daniels; M. Frank and Sharon Loner; Earl and Cheryl Arterburn; Jamie Larson and Janell Taylor; Roger and Georgia Hassebrook; Steven and Paula Woodman; Matthew and Martha Blue; Loren R. Priest; Blanche E. Mote; Richard and Gail Roslien; Peter and Metta Inskeep; John and Lora Warren; Guy Geerds; Richard and Jean Kuhns; Mark and Sheila Lake; James E. Flohr; John and Mary Kay Raab; Gary and Dorothy Rasmussen; Ricky and Marcia Wehrli; Eldon and Fleta Johnsen; Milton L. and Josephine Herzer; R. Keith and Linette Miller; Gregory and Deborah Waltz; Roxanne R. Halvorson; Ray and Norma Hixon; Thomas P. and Jean S. O Barr; Eugene Otto Bargaquast; Bruce and Suzanne Riccio; Douglas and Diane Gilbert; The Sidney Dattner Bypass Trust; Leslie and Colleen Beller; Larry Andrew and Pamela K. Trujillo; Barbara K. Holtz; William and Delora Crockett; Cynthia Y. Marr; Hugo and Madai Santana; James Reeb and Audrey Neuhart; Kenneth and Diane Estlund; Martha and Steven Friedman; The De Leon Family Revocable Trust; Melvin and Marian Lewis; Helen Patch Morgan Trust; Janice K. Rhodes; Larry Gallagher; Paul and Gloria Lotito; Christine Russell; Wayne & Shirley Gale Trust; Gustavo and Isabel Ugueto; Harold K. Snyder; Lawrence and Arlene Keyser; Yona Diane Victor & Leonid S.Smirnoff Revocable Trust; John Spomer; Kerry S. and Diane H. Carney; Richard Lyle; Erin McCawley Renn; Education Reform Irrevocable Trust; Richard and Cynthia Rathbun; Norman and Marolun; Norman and Marolun Scheffel Larry and Ruth Ann White; Jeffrey and Marie Kistler; Barbara Cowger; William Norden; James Evans; Nell Reiland; Weldon and Janet Moore; Sabina Tabaka-King; Eric and Katherine Johnson; Gregory and Vicki Peterson.

IN DOUGLAS COUNTY

▲ COURT USE ONLY ▲

Case Number: 08CW309

ORDER REGARDING COMPLIANCE WITH UNIFORM LOCAL RULE 3

1. The application in this matter was filed in December, 2008, and amended in February, 2009.
2. The applicants in this case seek to adjudicate rights to the water in the non-tributary Denver Basin aquifers underlying their respective individual lots located in Ponderosa Hills Subdivision, located in portions of Section 7, T6S, R65W, and Sections 11 and 12, T6S, R66W of the 6th P.M., described as follows:

<u>NEW CASE NUMBER</u>	<u>NAME AND ADDRESS (All in Parker, CO 80138)</u>	<u>LEGAL LOT/BLK/FILING</u>
08CW309	Leland and Tracey Peavy 8854 Piney Creek Road	13-17-2
08CW590	Daryl Bivens, Marilyn Bivens, Paul Bivens & Janice Spencer 9189 East Piney Creek Road	28-6-2
08CW591	Charles and Lori Gahm 9238 Piney Creek Road	6-17-2
08CW592	Robert and Barbara Maier 9286 Piney Creek Road	5-17-2
08CW593	Michele Guin 9336 Piney Creek Road	4-17-2
08CW594	John Mullen and Patricia Lafferty 7780 Ponderosa Drive	36-17-1
08CW595	Paul and Faline Harrison 8005 Ponderosa Drive	15-11-1
08CW596	Raymond and Sandra Kolibaba 8327 Ponderosa Drive	16-10-1
08CW597	Walter Burns 8361 Ponderosa Drive	17-10-1
08CW598	Frank and Gloria Bush 8372 Ponderosa Drive	9-9-1
08CW599	Jodi Zanger 8430 E. Ponderosa Drive	6-9-1
08CW600	William and Janet Weston 8550 Ponderosa Drive	3-9-1
08CW601	William and Janet Weston 8506 Ponderosa Drive	4-9-1

08CW602	Lynette Dunn 9167 Sand Creek Road	7-5-2
08CW603	Phillip and Melissa Niedringhaus 12285 Spring Creek Road	19-12-1
08CW604	Deborah and Thomas Marsh 12412 Spring Creek Road	10-11-1
08CW605	Kevin Albert and Kathleen Harris 12478 Spring Creek Road	9-11-1
08CW606	Rurik and Kathleen Lubinski 7580 Summit Road	4-14-1
08CW607	Barbara Gail Hoffman 7849 Summit Road	22-2-1
08CW608	Robert and Carol Payne 8033 Summit Road	25-2-1
08CW609	Emil and Cheryl Lassen Betty Jane Lassen & Amy Lassen 8093 Summit Road	26-2-1
08CW610	Hendrik and Alida Alberts 8234 Summit Road	1-11-1
08CW611	Jeremy and Jennifer Hixon 8777 Summit Road	16-3-1
08CW612	Mark & B Donnell Heistand 8848 Summit Road	1-8-2
08CW613	Adam & Kathrina Bender 8887 Summit Road	11-4-2
08CW614	Jeff and Paula Jungen 9351 Summit Road	19B-1, Fil. 2, 4 th Amd.
08CW615	Sonya Blackstock Family Trust 12780 Timber Lane	4-13-1
08CW616	Michael Sauer & Christine Vigil 12354 Woodland Trail	16-6-2
08CW617	Greg and Stacey Daniels 12628 Woodland Trail	8-8-2
08CW618	M. Frank and Sharon Loner 12818 Woodland Trail	4-8-2

08CW619	Earl and Cheryl Arterburn 12987 Woodland Trail	1-3-1
08CW620	Jamie Larson and Janell Taylor 12113 Woody Creek Road	13-16-1
08CW621	Roger and Georgia Hassebrook 12169 Woody Creek Road	14-16-1
08CW622	Steven and Paula Woodman 12337 Woody Creek Road	17-16-1
08CW623	Matthew and Martha Blue 12449 Woody Creek Road	19-16-1
08CW624	Loren R. Priest 12005 Antelope Trail	27-17-1
08CW625	Blanche E. Mote 12011 Antelope Trail	28-17-1
08CW626	Richard and Gail Roslien 12081 Antelope Trail	29-17-1
08CW627	Peter and Metta Inskeep 12132 Antelope Trail	24-17-1
08CW628	John and Lora Warren 12564 Antelope Trail	7-10-1
08CW629	Guy Geerds 12620 Antelope Trail	6-10-1
08CW630	Richard and Jean Kuhns 12630 Antelope Trail	5-10-1
08CW631	Mark and Sheila Lake 12660 Antelope Trail	4-10-1
08CW632	James E. Flohr 12678 Antelope Trail	3-10-1
08CW633	John and Mary Kay Raab 7702 Deertrail Drive	1-16-1
08CW634	Gary and Dorothy Rasmussen 7731 Deertrail Drive	8-13-1
08CW635	Ricky and Marcia Wehrli 7774 Deertrail Drive	8-12-1

08CW636	Eldon and Fleta Johnsen 7874 Deertrail Drive	6-12-1
08CW637	Milton L. and Josephine Herzer 7898 Deertrail Drive	5-12-1
08CW638	R. Keith and Linette Miller 7901 Deertrail Drive	13-13-1
08CW639	Gregory and Deborah Waltz 7950 Deertrail Drive	3-12-1
08CW640	Roxanne R. Halvorson 12316 Evergreen Trail	3-18-2
08CW641	Ray and Norma Hixon 12418 Forest Canyon Drive	12-6-2
08CW642	Thomas P. and Jean S. O Barr 12464 Forest Canyon Drive	10-6-2
08CW643	Eugene Otto Bargaquast 12514 Forest Canyon Drive	8-6-2
08CW644	Bruce and Suzanne Riccio 12590 Forest Canyon Drive	5-6-2
08CW645	Douglas and Diane Gilbert 12660 Forest Canyon Drive	2-6-2
08CW646	The Sidney Dattner Bypass Trust 12703 Forest Canyon Drive	19-7-2
08CW647	Leslie and Colleen Beller 12756 Forest Canyon Drive	5-5-2
08CW648	Larry Andrew and Pamela K. Trujillo 12834 Forest Canyon Drive	2-5-2
08CW649	Barbara K. Holtz 12858 Forest Canyon Drive	1-5-2
08CW650	William and Delora Crockett 7876 Inspiration Drive	9-2-1
08CW651	Cynthia Y. Marr 7926 Inspiration Drive	8-2-1
08CW652	Hugo and Madai Santana 8208 Inspiration Drive	3-2-1

08CW653	James Reeb and Audrey Neuhart 8392 Inspiration Drive	7-3-1
08CW654	Kenneth and Diane Estlund 8938 Inspiration Drive	7-4-2
08CW655	Martha and Steven Friedman 9188 Inspiration Drive	3-4-2
08CW656	The De Leon Family Revocable Trust 8270 Inspiration Drive	1-4-2
08CW657	Melvin and Marian Lewis 12109 Lost Canyon Trail	6-15-1
08CW658	Helen Patch Morgan Trust 12280 Lost Canyon Trail	9-16-1
08CW659	Janice K. Rhodes 12281 Lost Canyon Trail	3-15-1
08CW660	Larry Gallagher 12438 Lost Canyon Trail	6-16-1
08CW661	Paul and Gloria Lotito 12650 Lost Canyon Trail	7-14-1
08CW662	Christine Russell 12710 Lost Canyon Trail	6-14-1
08CW663	Wayne & Shirley Gale Trust c/o Colorado State Bank & Trust 12782 Lost Canyon Trail	5-14-1
08CW664	Gustavo and Isabel Ugueto 12540 Pine Cone Road	9A, Fil.2, 2 nd Amd.
08CW665	Harold K. Snyder 12711 Pine Cone Road	19-8-2
08CW666	Lawrence and Arlene Keyser 12722 Pine Cone Road	4-7-2
08CW667	Yona Diane Victor & Leonid S. Smirnoff Revocable Trust 12755 Pine Cone Road	20-8-2
08CW668	John Spomer 8296 E. Ponderosa Drive	21-17-1
08CW669	Kerry S. and Diane H. Carney 12224 Woody Creek Road	13-12-1

08CW670	Richard Lyle 12121 Antelope Trail	30-17-1
08CW671	Erin McCawley Renn 12425 Antelope Trail	21-11-1
08CW672	Education Reform Irrevocable Trust 9238 Piney Creek Road	28-11-1
08CW673	Richard and Cynthia Rathbun 12371 Forest Canyon Drive	10-11-2
08CW674	Norman and Marolun Scheffel 12372 Forest Canyon Drive	14-6-2
08CW675	Larry and Ruth Ann White 7536 Inspiration Drive	15-2-1
08CW676	Jeffrey and Marie Kistler 9206 Inspiration Drive	2-4-2
08CW677	Barbara Cowger 12394 Lost Canyon Trail	7-16-1
08CW678	William Norden 12911 Lost Canyon Trail	2-1-1
08CW679	James Evans 8973 Piney Creek Road	24-6-2
08CW680	Nell Reiland 2874 W. Long Drive	40-17-1
08CW681	Weldon and Janet Moore 8150 Ponderosa Drive	23-17-1
08CW682	Sabina Tabaka-King 7795 Summit Road	21-2-1
08CW683	Eric and Katherine Johnson 12749 Timber Lane	10-14-1
08CW684	Gregory and Vicki Peterson 8592 Summit Road	1-9-1

3. The application violates Rule 3(b) of the Uniform Local Rules for all State Water Court Divisions (“ULR”), which provides as follows:

More than one water right, claim or structure may be incorporated in any one application under one caption, provided that the required information is given for each water right, claim or structure, and that each has the same ownership.

Ownership of the subject 96 tracts lies in ninety six separate owners as set forth in the table in paragraph 2 above. This violates the “same ownership” requirement of Rule 3(b).

5. The application in this case was accepted for filing by the Division 1 Water Court Clerk, notwithstanding the violation of ULR 3(b). Several other cases containing a similar violation of ULR 3(b) were also accepted for filing and are now pending in Water Division 1.

Prior to analyzing the applicability of ULR 3(b) to cases involving multiple owners Division 1 Water Court awarded several decrees in cases that violated the “same ownership” requirement. Having created the appearance that cases in violation of ULR 3(b) are acceptable, it would be unfair for the Court to dismiss pending applications that contain the subject violation. Accordingly, in order to bring this case into compliance with ULR 3(b), it is ORDERED that this case is hereby divided and renumbered such that all claims in each case involve the same owner. The reassigned Case Numbers are as set forth in paragraph 2 above. The caption for each of the reassigned and renumbered cases shall contain the respective tract owner only, also as set forth in paragraph 2 above.

Dated this ___ day of _____, 2010.

BY THE REFEREE:

John Cowan
Water Referee
Water Division No. 1