

1 DISTRICT COURT, WATER DIVISION 2, STATE OF COLORADO

2 Case No. 02CW183, 03CW28, 03CW68, DIVISION 2

FILED IN THE OFFICE OF THE CLERK,
DISTRICT COURT WATER DIV. NO. 2
STATE OF COLORADO

JUL 02 2004

CLERK

3 _____
4 ORDER
5 _____

6 CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHTS OF
7 WOLLERT ENTERPRISES, INC., 136TH & COLORADO, L.L.C., HIGH
8 PLAINS A&M, L.L.C., MAGRO, L.L.C., AND ISG, L.L.C., et al.

9
10 IN THE ARKANSAS RIVER AND ITS TRIBUTARIES, IN OTERO, BENT,
11 PROWERS, CROWLEY, KIOWA, and PUEBLO COUNTIES, COLORADO.

12 _____
13 This matter is before the Court in Case Nos. 02CW183
14 and 03CW28 on Applicants' Motion for Determination of a
15 Question of Law Pursuant to C.R.C.P. 56(h). This matter
16 is also before the Court in 03CW68 on the Applicants'
17 Motion for Determination of a Question of Law Pursuant to
18 C.R.C.P. 56(h). Objectors, Southeastern Colorado Water
19 Conservancy District (Southeastern), Lower Arkansas Valley
20 Water Conservancy District, District 70 Irrigating Canals
21 Assoc., Amity Mutual Irrigation Company, Carl M. Shinn,
22 Mary Jane Shinn, and Wendy S. Shinn, through their
23 respective counsel filed a combined Brief in Response to
24 the Motion for Determination of a Question of Law and in
25 Support of a Motion for Summary Judgment.

1 Responses have been filed by the City of Aurora, the
2 State and Division Engineers, Colorado Water Conservation
3 Board, and the Fort Lyon Canal Company. A list of the
4 parties and their attorneys, if represented by an
5 attorney, is attached to this Order. The Court is now
6 properly advised in the premises.

7 THE COURT FINDS AND CONCLUDES:

8 CASE NUMBER 02CW183

9 Applicants, Wollert Enterprises, Inc.; 136th &
10 Colorado, L.L.C.; High Plains A&M, L.L.C.; and Magro,
11 L.L.C., filed an application for change of certain water
12 rights. The water rights to be changed are shares that
13 were purchased or are about to be purchased by Applicants
14 in the Fort Lyon Canal Company, a Colorado Mutual Ditch
15 Company.

16 The Applicants also seek the right to divert and/or
17 store the water rights at certain alternate points of
18 diversion and/or storage.

19 The Applicants seek to change the uses of said rights
20 from irrigation and other presently decreed uses to: All
21 beneficial uses, including but not limited to irrigation,
22 municipal, domestic and household purposes, drinking,
23 cooking, cleaning, showers, toilets, irrigation of yards,
24 lawns, shrubbery, trees, pools, fountains and landscapes,
25 watering domestic animals; mechanical, manufacturing, and

1 industrial, military, and governmental purposes; bottled
2 water; generation of electric power and power generally;
3 fire suppression and protection; sewage treatment; street
4 sprinkling; irrigation of parks, grounds, golf courses,
5 and open spaces; recreation, golf course hazards, ponds,
6 fishing, and fish propagation; agricultural uses,
7 livestock watering and agriculture; land and reservoir
8 evaporation; maintenance, preservation and conservation of
9 wildlife, wildlife habitat, wildlife propagation, and
10 wetlands; creating, maintaining and enhancing aesthetic
11 values; in-stream flow; erosion control, siltation
12 control, and flood control; maintaining storage reserves;
13 adjustment and regulation; augmentation; replacement;
14 groundwater recharge; exchange; and for succession of such
15 uses; the water may be totally consumptively used,
16 successively used, reused, and recaptured for later use;
17 and the water may be stored in any place Applicants may
18 have or obtain the right to store water.

19 The Applicants seek a decree from the Court that they
20 have the right to use, reuse, and successively use to
21 extinction, and dispose of, by sale, exchange, or
22 otherwise, all water lawfully diverted and/or stored
23 pursuant to any decree entered in the case.

24 The Applicants also seek to, in addition to the lands
25 currently under the Fort Lyon Canal, serve the following

1 counties: Otero, Bent, Prowers, Pueblo, Crowley, Kiowa,
2 Custer, Fremont, Chaffee, Park, Teller, El Paso, Lincoln,
3 Elbert, Douglas, Jefferson, Lake, Clear Creek, Gilpin,
4 Denver, Arapahoe, Adams, Washington, Boulder, Broomfield,
5 Larimer, Weld, and Morgan.

6 The Applicants have purchased the Fort Lyon shares for
7 purposes of marketing them and do not yet have contracts
8 with any end users.

9 Applicants admit they possess no contract for use of
10 the water except leases for the current irrigation
11 purposes.

12 CASE NUMBER 03CW28

13 Applicants are High Plains A&M, L.L.C. and Magro,
14 L.L.C. They have filed an Application for change of water
15 rights concerning shares purchased by them from the Fort
16 Lyon Canal Company.

17 The Applicants seek the right to divert and/or store
18 the subject water rights at various alternate points of
19 diversion and/or storage listed in their Application.

20 The Applicants seek to change the use of said water
21 rights from irrigation and other presently decreed uses
22 to: All beneficial uses, including but not limited to
23 irrigation, municipal, domestic and household purposes,
24 drinking, cooking, cleaning, showers, toilets, irrigation
25 of yards, lawns, shrubbery, trees, pools, fountains and

1 landscapes, watering domestic animals; mechanical,
2 manufacturing, and industrial, military, and governmental
3 purposes; bottled water; generation of electric power and
4 power generally; fire suppression and protection; sewage
5 treatment; street sprinkling; irrigation of parks,
6 grounds, golf courses, and open spaces; recreation, golf
7 course hazards, ponds, fishing, and fish propagation;
8 agricultural uses, livestock watering and agriculture;
9 land and reservoir evaporation; maintenance, preservation
10 and conservation of wildlife, wildlife habitat, wildlife
11 propagation, and wetlands; creating, maintaining and
12 enhancing aesthetic values; in-stream flow; erosion
13 control, siltation control, and flood control; maintaining
14 storage reserves; adjustment and regulation; augmentation;
15 replacement; groundwater recharge; exchange; and for a
16 succession of such uses; and the water may be totally
17 consumptively used, successively used, reused, and
18 recaptured for later use; and the water may be stored in
19 any place Applicants may have or obtain a right to store
20 water.

21 Applicants seek a decree from the Court that they have
22 the right to use, reuse, and successfully use to
23 extinction and dispose of, by sale, exchange, or
24 otherwise, all water lawfully diverted and/or stored
25 pursuant to any decree in the request.

1 The Applicants intend to use the water for lands
2 currently under the Fort Lyon Canal, as well as the
3 following counties: Otero, Bent, Prowers, Pueblo,
4 Crowley, Kiowa, Custer, Fremont, Chaffee, Park, Teller, El
5 Paso, Lincoln, Elbert, Douglas, Jefferson, Lake, Clear
6 Creek, Gilpin, Denver, Arapahoe, Adams, Washington,
7 Boulder, Broomfield, Larimer, Weld, and Morgan.

8 The Applicants intend to use the purchased Fort Lyon
9 shares for the purpose of marketing them, and Applicants
10 do not yet have contracts with any end users.

11 Applicants confirm that they possess no contracts for
12 use of the water, except leases for the current irrigation
13 purposes.

14 CASE NUMBER 03CW68

15 The Applicants who have applied for a change of water
16 rights in the above matter are ISG, L.L.C., et. al.

17 The water rights to be changed are represented by
18 shares the Applicants purchased from the Fort Lyon Canal
19 Company.

20 The Applicants apply to change the present uses from
21 irrigation and other presently decreed uses to: All
22 beneficial uses, including but not limited to irrigation,
23 municipal, domestic and household purposes, drinking,
24 cooking, cleaning, showers, toilets, irrigation of yards,
25 lawns, shrubbery, trees, pools, fountains and landscapes,

1 watering domestic animals; mechanical, manufacturing, and
2 industrial, military, and governmental purposes; bottled
3 water; generation of electric power and power generally;
4 fire suppression and protection; sewage treatment; street
5 sprinkling; irrigation of parks, grounds, golf courses,
6 and open spaces; recreation, golf course hazards, ponds,
7 fishing and fish propagation; agricultural uses, livestock
8 watering and agriculture; land and reservoir evaporation;
9 maintenance, preservation and conservation of wildlife,
10 wildlife habitat, wildlife propagation, and wetlands;
11 creating, maintaining and enhancing aesthetic values;
12 in-stream flow; erosion control, siltation control, and
13 flood control; maintaining storage reserves; adjustment
14 and regulation; augmentation; replacement; groundwater
15 recharge; exchange; and for a succession of such uses; and
16 the water may be totally consumptively used, successively
17 used, reused, and recaptured for later use; and the water
18 may be stored in any place Applicants may have or obtain a
19 right to store water. Applicants seek a decree from the
20 Court that they have the right to use, reuse, and
21 successfully use to extinction, and dispose of, by sale,
22 exchange, or otherwise, all the water lawfully diverted
23 and/or stored pursuant to any decree entered in this case.

24 The Applicants propose to use the water rights in the
25 lands currently under the Fort Lyon Canal, as well as the

1 following counties: Otero, Bent, Prowers, Pueblo,
2 Crowley, Kiowa, Custer, Fremont, Chaffee, Park, Teller, El
3 Paso, Lincoln, Elbert, Douglas, Jefferson, Lake, Clear
4 Creek, Gilpin, Denver, Arapahoe, Adams, Washington,
5 Boulder, Broomfield, Larimer, Weld, and Morgan.

6 The Applicants purchased the shares for purposes of
7 marketing them and do not yet have contracts with any end
8 users.

9 The Applicants admit that they possess no contracts
10 for use of the water, except leases for the current
11 irrigation purposes.

12 Water right means a right to use in accordance with
13 its priority a certain portion of the waters of the state
14 by reason of the appropriation of the same. C.R.S.
15 37-92-103(12).

16 Appropriation means the application of a specified
17 portion of the waters of the state to a beneficial use
18 pursuant to the procedures described by law; but no
19 appropriation of water, either absolute or conditional,
20 shall be held to occur when the proposed appropriation is
21 based upon the speculative sale or transfer of the
22 appropriative rights to persons not parties to the
23 proposed appropriation, as evidenced by either of the
24 following: II) The appropriator of record does not have
25 a specific plan and intent to divert, store, or otherwise

1 capture, possess, and control a specific quantity of water
2 for specific beneficial uses. C.R.S. 37-92-103(3)(a)(II).
3 (Emphasis added).

4 Beneficial use is the use of that amount of water that
5 is reasonable and appropriate under reasonably efficient
6 practices to accomplish without waste the purpose for
7 which the appropriation is lawfully made and, without
8 limiting the generality of the foregoing, includes the
9 empowerment of water for recreational purposes, including
10 fishery, wildlife, and also includes the diversion of
11 water by a county, municipality, city and county, water
12 district, water and sanitation district, water
13 conservation district, or water conservancy district for
14 recreational inchannel diversion purposes. For the
15 benefit and enjoyment of present and future generations,
16 "beneficial use" shall also include the appropriation by
17 the State of Colorado in the manner proscribed by law of
18 such minimum flows between specific points or levels for
19 and on natural streams and lakes as are required to
20 preserve the natural environment to a reasonable degree.
21 C.R.S. 37-92-103(4).

22 C.R.S. 37-92-103(5) provides the definition for change
23 of water rights and provides that it includes changes of
24 conditional water rights, as well as changes of water
25 rights.

1 Priority means the seniority by date as of which a
2 water right is entitled to use or conditional water right
3 will be entitled to use and the relative seniority of a
4 water right or a conditional water right in relation to
5 other water rights and conditional water rights deriving
6 their supply from a common source. C.R.S. 37-92-103(10).

7 An absolute decree confirms that an appropriation is
8 vested as a property right and entitles the subsequent
9 operation of that right through a decreed point of
10 diversion, in a specified amount, for a particular
11 beneficial use. State Engineer v. Bradley (In Re
12 Application of Water Rights in Rio Grande County), 53 P.3d
13 1165, 1168 (Colo.2002).

14 To render a valid judgment, a Court must have
15 jurisdiction over the parties and the subject matter.
16 People v. Coyle, 654 P.2d 815, 819 (Colo. 1982).

17 A person seeking a determination of a water right must
18 file an application with the water clerk setting forth
19 facts supporting the ruling sought in order to invoke the
20 jurisdiction of a water court. C.R.S. 37-92-302(1)(a).

21 The water clerk is required to prepare a resumé of all
22 applications in the water division which have been filed
23 in the clerk's office during the preceding month not later
24 than the fifteenth day of each month. The resumé must
25 contain certain information. C.R.S. 37-92-302(3)(a).

1 The clerk is also required to publish each resumé or a
2 portion thereof in a newspaper or newspapers as is
3 necessary to obtain circulation once in every county
4 affected, as determined by the water judge. C.R.S.
5 37-92-302(3)(b).

6 The Applicants in these matters claim that the
7 anti-speculation doctrine found in C.R.S. 37-92-103(3)(a)
8 applies only to applications for new appropriations of
9 water rights. They further contend the concerns
10 underlying the anti-speculation doctrine are not
11 applicable in application(s) for changes of water rights.
12 They further assert that the water court is required to
13 grant an application to change water rights if the
14 applicant shows that no injury will result from the
15 proposed change.

16 The obvious reasons for the filing requirements found
17 in C.R.S. 37-92-302(1)(a), C.R.S. 37-92-302(3)(a), and
18 C.R.S. 37-92-302(3)(b) is to provide notice to other
19 owners of water rights who can then determine if the
20 application, if approved, will cause injury to their
21 existing rights. Specificity in the application and
22 notice is necessary to properly apprise other water rights
23 owners if their rights will be affected.

24 C.R.S. 37-92-102(1)(a) provides, "It is hereby
25 declared to be the policy of the State of Colorado that

1 all water in or tributary to natural surface streams, not
2 including nontributary groundwater as that term is defined
3 in Section 37-90-103, originating in or flowing into this
4 state have always been and are hereby declared to be the
5 property of the public, dedicated to the use of the people
6 of the state subject to appropriation and use in
7 accordance with Sections 5 and 6 of Article XVI of the
8 State Constitution and this Article.

9 Article XVI, Section 5 of the Colorado Constitution
10 provides, "The water of every natural stream, not
11 heretofore appropriated, within the state of Colorado, is
12 hereby declared to be the property of the public, and the
13 same is dedicated to the use of the people of the state,
14 subject to appropriation as hereinafter provided."

15 The importance of Sections 5-8 of Article XVI was duly
16 noticed in In Re Senate Resolution, 9 Colo. 620, 21 P. 470
17 (1886) which declared that Sections 5-8 comprise that part
18 of the constitution that deals with the subject of water
19 rights and is a subject second to none in its importance
20 and intricacy.

21 A water right comes into existence only through
22 application of the water to the appropriator's beneficial
23 use; that beneficial use then becomes the basis, measure
24 and limit of the appropriation. Coffin v. Lefthand Ditch
25 Co., 6 Colo. 443, 447 (1882).

1 Property rights and water are usufructuary; ownership
2 of the resource itself remains in the public. Farmers'
3 Highline Canal and Reservoir Co. v. City of Golden, 975
4 P.2d 189, 198 (Colo. 1999). The appropriation of water
5 within the meaning of the constitution, consists of two
6 acts, first, the diversion of the water from the natural
7 stream and second, the application thereof to beneficial
8 use. Farmers' Highline Canal and Reservoir Co. v.
9 Southworth, 13 Colo. 111, 21 P. 1028 (1889). A water
10 right is created by appropriation and beneficial use of
11 unappropriated water. Williams v. Midway Ranch Property
12 Owners Association, Inc., 938 P.2d 515, 521 (Colo. 1997).
13 The Colorado Supreme Court has ruled that certain
14 limitations may be placed on changes of water rights to
15 "advance the fundamental principles of Colorado and
16 western water law that favor optimum use, efficient water
17 management, and priority administration, and disfavors
18 speculation and waste." Sante Fe Trail Ranches Property
19 Owners Ass'n v. Simpson, 990 P.2d 46, 54 (Colo. 1999).
20 (Emphasis added.)

21 The Court in Colorado River Water Conservation
22 District v. Vidler Tunnel Water Company, 197 Colo. 413,
23 417, 594 P.2d 566, 568 (Colo. 1979) declared, "Our
24 constitution guarantees a right to appropriate, not a
25 right to speculate. The right to appropriate is for Use,

1 not merely for profit. As we read our constitution and
2 statutes, they give no one the right to preempt the
3 development potential of water for the anticipated future
4 use of Others not in privity of contract, or in any agency
5 relationship, with the developer regarding that use."
6 (Emphasis added).

7 Here, the Applicants seek the change for virtually any
8 use where water may be necessary without identifying the
9 specific use and/or end user. Applicants' plan is so
10 expansive and nebulous that it is impossible for other
11 holders of water rights to determine whether they will be
12 injured. Furthermore, there is no discernible method to
13 determine whether the water will be put to a beneficial
14 use.

15 The Court in Vidler at 418, 569 expressed disfavor for
16 granting conditional decrees based solely on obtaining
17 water for sale as a commodity. The Court further
18 determined that to allow such decrees, "(w)ould encourage
19 those with vast monetary resources to monopolize, for
20 personal profit rather than for beneficial use, whatever
21 unappropriated water remains." The Court sees no reason
22 to distinguish between appropriated and unappropriated
23 water as the distinction would render meaningless the
24 initial application for a water right and its notice
25 requirements.

1 An applicant could easily circumvent the
2 anti-speculation doctrine in the initial application
3 process by securing a water right that satisfies all
4 requirements and will be put to a beneficial use without
5 injury to other water right holders and subsequently apply
6 for a change for said use to many others uses not included
7 in the original resumé.

8 To permit the anti-speculation doctrine to be so
9 easily manipulated in light of the longstanding opposition
10 to such a use of the State's most valuable resource would
11 play havoc with the adjudication processes that have
12 served the State well.

13 The proposed uses by Applicants are all inclusive and
14 are such a deviation from the original right that they
15 take on the characteristics of a new water right. That
16 being the case, all owners who might be injuriously
17 affected have a right to be notified of the specific use
18 of said right. Without such a scheme, there is no
19 conceivable way to measure injury and impose terms and
20 conditions which might prevent said injury.

21 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

22 The anti-speculation doctrine and C.R.S.
23 37-92-103(3)(a) and C.R.S. 37-92-305(9)(b) apply to
24 applications for changes of water rights. Applicants'
25 current application violates the anti-speculation doctrine

1 as set forth above.

2 Southeastern's Motion for Summary Judgment be and is
3 hereby GRANTED.

4 The Applications filed in the above-entitled matters
5 be and are hereby DISMISSED.

6 Done and dated this 2nd day of July 2004.

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DENNIS MAES, WATER JUDGE, DV. 2

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CASE NO. 02CW183
WOLLERT ENTERPRISES, et al.
LIST OF PARTIES

Name of Party	Attorney(s)
Wollert Enterprises, Inc. 136 th & Colorado, LLC High Plains A&M, LLC Magro, LLC	Harvey W. Curtis David L. Kueter Patricia A. Madsen
Fort Lyon Canal Company	John S. Lefferdink
Holbrook Mutual Irrigating Company	Michael L. Nicklos
Prowers County Board of Commissioners	N/A
Lance O. Verhoeff Verhoeff Farms, Inc.	Mark A. MacDonnell
Arkansas Valley Ditch Association	John R. Hill, Jr.
May Valley Water Association	N/A
James A. Gruenloh	N/A
Board of County Commissioners of Otero County	N/A
Southeastern Colorado Water Conservancy District	Stephen H. Leonhardt Scott A. Clark Bernard F. Gehris
Ruth and Dale Hency	James G. Felt
The Wheatridge Lateral Ditch Company	N/A
Board of Water Works of Pueblo, Colorado	William A. Paddock Karl D. Ohlsen
Donald Marvin McBee	N/A
Donald Martin McBee	N/A

Clover Meadow Lateral Ditch Co.	N/A
Lower Arkansas Valley Watershed Association of Conservation Districts	Mark A. MacDonnell
Bent Conservation District	Mark A. MacDonnell
Smith Mutual Ditch Company	N/A
Carl M. Shinn Mary Jane Shinn Wendy S. Shinn	Donald L. Steerman
District 67 Irrigation Canals Association	Donald L. Steerman
The Amity Mutual Irrigation Co.	Donald L. Steerman
Pueblo, a Municipal Corporation	Anne J. Castle Christopher L. thorne Thomas J. Florczak
St. Charles Mesa Water District	Anne J. Castle
City of Lamar, Colorado	N/A
Stanley V. Cline, individually; as Personal Representative of the Estate of Bonnie Cline, Deceased; Estate of Joe Cline, Deceased; as agent for Bourne Limited Partnership; as a member and representative of the McClave Lateral, an Unincorporated Association; as a member and representative of the Sunflower Lateral, an Unincorporated Association; and as a member and representative of the Enterprise Lateral, an Unincorporated Association	N/A
Arbor Lateral Company	N/A
McClave Water Association	N/A
City of Colorado Springs	William Kelly Dude

Lyle T. Japhet Trust; Lyle T. Japhet, Trustee	N/A
Burt Heckman, individually, as partner with Fred Heckman, as a member and representative of the McClave Lateral, an Unincorporated Association and as an owner of the a. Reyher Seep One Ditch	N/A
Earl Living Trust; Bonnie J. Earl, Trustee	N/A
Bent County Board of Commissioners	Mark A. MacDonnell
Hans Friederichs, Jr. and JoLeyne White-Heckman-Friederichs, as members and representatives of the Stony Point Lateral, an Unincorporated Association	N/A
ContiBeef, LLC, d/b/a Colorado Beef	Anne J. Castle Christopher L. Thorne
The Colorado Canal Company, The Lake Meredith Reservoir Company, and The Lake Henry Reservoir Company	Mary Mead Hammond Karl D. Ohlsen
Kent and Peg Miller, as Personal Representatives for headgates 91, 95, 112 of Fort Lyon Canal	N/A
Mike Wyckoff, as Personal Representative for headgates 101, 112 of Fort Lyon Canal	N/A
Valley Water Protection Association, LLC	David C. Hallford Anne Marie Callahan
Timberlake Grazing Association, Inc.	N/A
The City of Aurora, Colorado	John M. Dingess

Lower Arkansas Valley Water Conservancy District	H. Barton Mendenhall
Don Downing	N/A
State Division of Wildlife	Bradley W. Cameron
Colorado Water Conservation Board	Alexandra L. Davis
Reed & Ullom	Glenn E. Porzak Kevin J. Kinnear
Wiley Drainage District	Glenn E. Porzak Kevin J. Kinnear
Public Service Company of Colorado d/b/a Xcel Energy	Brian M. Nazareus Carolyn F. Burr William H. Caile
Wiley School District RE-13JT	N/A
Raymond D. Mauch	N/A
Harold D. (Hal) Simpson, State Engineer, and Steven J. Witte, Division Engineer	Alexandra L. Davis
Willard Kasza	N/A
Andrew Kern Drainage Ditch	Randa Davis-Tice
Upper Arkansas Water Conservancy District	Julianne M. Woldridge
Colorado Water Protective and Development Association	Julianne M. Woldridge
Columbine Lateral Ditch Co.	N/A
Consolidated Ditch Lateral, Inc.	N/A
Lorraine Schleining	N/A

Colorado Springs Utilities	William A. Paddock Karl D. Ohlsen
Catlin Canal Company	Glenn E. Porzak Kevin J. Kinnear
Lower Arkansas Water Management Association	David L. Harrison Richard J. Mehren

CASE NO. 03CW28
HIGH PLAINS A&M, LLC and MAGRO, LLC
LIST OF PARTIES

Name of Party	Attorney(s)
High Plains A&M, LLC Magro, LLC	Harvey W. Curtis David L. Kueter Patricia A. Madsen
Fort Lyon Canal Company	John S. Lefferdink
Arkansas Valley Ditch Association	John R. Hill, Jr.
Upper Arkansas Water Conservancy District	Julianne M. Woldridge
Colorado Water Protective and Development Association	Julianne M. Woldridge
Lyle T. Japhet Trust	N/A
Stanley V. Cline	N/A
Holbrook Mutual Irrigating Company	Michael L. Nicklos
Bent County Board of Commissioners	Mark A. MacDonnell
Southeastern Colorado Water Conservancy District	Stephen H. Leonhardt Scott A. Clark Bernard F. Gehris
Smith Mutual Ditch Company	N/A
The Board of County Commissioners of The County of Otero	N/A
May Valley Water Association	N/A
James A. Gruenloh	N/A
Columbine Lateral Ditch Co.	N/A
Andrew Kern Drainage Ditch Rex and Alberta Davis Robert C. Lubbers	Randa Davis-Tice

St. Charles Mesa Water District	Anne J. Castle
The Amity Mutual Irrigation Company	Donald L. Steerman
District 67 Irrigation Canals Association	Donald L. Steerman
Carl M. Shinn Many Jane Shinn Wendy S. Shinn	Donald L. Steerman
Raymond D. Mauch	N/A
City of Aurora, Colorado	John M. Dingess
Donald Martin McBee	N/A
Donald Marvin McBee	N/A
Lower Arkansas Valley Water Conservancy District	H. Barton Mendenhall
ContiBeef, LLC d/b/a Colorado Beef	Anne J. Castle Christopher L. Thorne
The Colorado Canal Company The Lake Meredith Reservoir Company The Lake Henry Reservoir Company	Mary Mead Hammond William A. Paddock
Valley Water Protection Association, LLC	David C. Hallford Anne Marie Callahan
Harold D. (Hal) Simpson, State Engineer, and Steven J. Witte, Division Engineer	Alexandra L. Davis
Pueblo, a Municipal Corporation	Anne J. Castle Christopher L. Thorne
City of Colorado Springs	William Kelly Dude
Public Service Company of Colorado d/b/a Xcel Energy	Brian M. Nazareus Carolyn F. Burr William H. Caile
Colorado Water Conservation Board	Alexandra L. Davis

Board of Water Works of Pueblo, Colorado	William A. Paddock Karl D. Ohlsen
Consolidated Ditch Lateral, Inc.	N/A
City of Colorado Springs Utilities	William A. Paddock Karl D. Ohlsen
Catlin Canal Company	Glenn E. Porzak Kevin J. Kinnear
Lower Arkansas Water Management Association	David L. Harrison Richard J. Mehren

CASE NO. 03CW68
ISG, LLC, et al.
LIST OF PARTIES

Name of Party	Attorney(s)
ISG, LLC, et al.	Karl F. Kumli, III Star L. Waring
Fort Lyon Canal Company	John S. Lefferdink
Holbrook Mutual Irrigating Company	Michael L. Nicklos
Otero County Board of County Commissioners	N/A
Board of Water Works of Pueblo, Colorado	William A. Paddock Beth Ann J. Parson
Lower Arkansas Water Conservancy District	H. Barton Mendenhall
Southeastern Colorado Water Conservancy District	Stephen H. Leonhardt Scott A. Clark Bernard F. Gehris
The Amity Mutual Irrigation Company	Donald L. Steerman
District 67 Irrigation Canals Association	Donald L. Steerman
Carl M. Shinn Mary Jane Shinn Wendy S. Shinn	Donald L. Steerman
City of Aurora, Colorado	John M. Dingess
The Colorado Canal Company The Lake Meredith Reservoir Company The Lake Henry Reservoir Company	Mary Mead Hammond William A. Paddock
Valley Water Protection Association, LLC	David C. Hallford Anne Marie Callahan
Pueblo, a Municipal Corporation	Anne J. Castle Christopher L. Thorne Thomas J. Florczak

St. Charles Mesa Water District	Anne J. Castle Christopher L. Thorne
ContiBeef d/b/a Colorado Beef	Anne J. Castle Christopher L. Thorne
Harold D. (Hal) Simpson, State Engineer, and Steven J. Witte, Division Engineer	Alexandra L. Davis
Arkansas Valley Ditch Association	John R. Hill, Jr. Marcus J. Lock
Catlin Canal Company	Glenn E. Porzak Kevin J. Kinnear
Colorado Water Protective and Development Association	Julianne M. Woldridge
Upper Arkansas Water Conservancy District	Julianne M. Woldridge
Colorado Springs Utilities	William A. Paddock Karl D. Ohlsen
Public Service Company of Colorado d/b/a Xcel Energy	Brian M. Nazareus
Colorado Water Conservation Board	Alexandra L. Davis
Pueblo West Metropolitan District	Robert F. T. Krassa
Henry Earl Tice Randa Davis-Tice Robert C. Lubbers Revocable Trust	Randa Davis-Tice
Andrew Kern Drainage Ditch	Randa Davis-Tice
Bent County Board of Commissioners	Mark A. MacDonnell
Lower Arkansas Water Management District	David L. Harrison Richard J. Mehren