

APPENDIX A

BEFORE THE GROUND WATER COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE PROPOSED)) DESIGNATED GROUND WATER BASIN -)) OF THE NORTHERN HIGH PLAINS)) OF THE STATE OF COLORADO))))))))	<p style="text-align: right; color: blue; font-size: small;"> DATE FILED: November 29, 2016 10:04 PM FINDINGS FILED: 748278DF3DAA2 CASE NUMBER: 2015CW3018 </p> <p style="text-align: right;"> CONCLUSIONS OF LAW FINAL ORDER </p>
--	---------------------------------	--

This matter having come on for hearing in Wray, Colorado, on April 14, 1966, pursuant to published notice, the Ground Water Commission does hereby find from said hearing the following:

FINDINGS OF FACT

1. That this hearing was commenced, pursuant to published notice at 10:00 A.M., on Thursday, April 14, 1966, in the Municipal Auditorium, Wray, Colorado.

The following members of the Commission were present:

- John Cuykendall, Chairman
- Harold Colglazier
- Martin Buol
- Warren Hofstra
- Michael Strang
- A. Ralph Owens, State Engineer

At 12:50 P.M., April 14, 1966, said hearing was closed.

2. As required by Section 148-18-11, CRS, 1963, as amended, the following objector filed a written protest with the Commission which set forth its objection to the determination of a designated ground water basin of the Northern High Plains of the State of Colorado:

Pioneer Irrigation District, Laird, Colorado

The following parties each filed written statements favorable to the determination of said designated ground water basin:

- H. F. Kerst, Northwestern Colorado Water Development Committee
- Guy Poe, Phillips County, Colorado
- J.A. Spiers, Yuma County, Colorado
- Duane Kjeldgaard, Washington County, Colorado
- Mirel White, Cheyenne County, Colorado
- Bill Hinkhouse, Kit Carson County, Colorado
- Eldon Reinert, Kiowa-Prowers County, Colorado
- Samuel Chutkow, Denver, Colorado

3. Pursuant to Section 148-18-5 (2), CRS, 1963, as amended, a map clearly showing all lands included within the boundaries of the proposed designated ground water basin, and a written description thereof, sufficient to apprise interested parties of the boundaries of the proposed basin, were on file in the office of the State Engineer prior to this hearing.

4. Pursuant to Section 148-18-11, CRS, 1963, as amended, notice of said hearing concerning the proposed Designated Ground Water Basin in the Drainage Areas of the Northern High Plains was published in the:

- a. Cheyenne Wells Record in the County of Cheyenne,
- b. Burlington Record in the County of Kit Carson,
- c. Kiowa County Press in the County of Kiowa,
- d. Akron News-Reporter in the County of Washington
- e. Wray Gazette in the County of Yuma,
- f. Holyoke Enterprise in the County of Phillips,
- g. Limon Leader in the County of Lincoln
- h. Sterling Journal-Advocate in the County of Logan,
- i. Julesburg Grit-Advocate in the County of Sedgwick.

The affidavits of publication are Exhibits B-1 through B-9, and are included as part of the record of this hearing.

5. Pursuant to Section 148-18-5 (1) (b), CRS, 1963, as amended, the name or names of the water bearing geological members of a defined formation included within the boundaries of the proposed basin are:

- a. Ogallala-Alluvium formation;
- b. Chadron formation (considered as part of Ogallala-Alluvium formation);
- c. Niobrara formation;
- d. Benton formation;
- e. Dakota formation;
- f. Morrison formation.

6. Pursuant to Section 148-18-5 (1) (c), CRS, 1963, as amended, the boundary of the Ogallala-Alluvium formation is shown on maps Exhibit E-1 through E-3. Because of the areal extent of the other formations involved, the boundary of these formations will be the boundary of the basin and shown on the maps, Exhibit E-1 through E-3.

7. Pursuant to Section 148-18-5 (1) (d), CRS, 1963, as amended, the estimated quantity of water stored in the Ogallala-Alluvium aquifer is 96,688,000 acre-feet.

No estimated quantity is made for the remaining formations, since it is considered they do not produce water of sufficient quantities to be significant.

8. Pursuant to Section 148-18-5 (1) (e), CRS, 1963, as amended, the estimated annual rate of recharge of the Ogallala-Alluvium aquifer is 423,500 acre-feet.

9. Pursuant to Section 148-18-5 (1) (f), CRS, 1963, as amended, the estimated use of ground water in the area under consideration in the year 1966 is 331,360 acre-feet.

10. Pursuant to Section 148-18-5 (1) (g), CRS, 1963, as amended, the estimated projected use of ground water in the succeeding 50 years, at 10 year intervals, is:

<u>Year</u>	<u>Acre-feet</u>
1975	1,035,000
1985	1,704,000
1995	2,371,000
2005	3,039,000
2015	3,706,000

11. Pursuant to Section 148-18-2 (3), CRS, 1963, as amended, the ground water is that ground water which in its natural course would not be available to and required for the fulfillment of decreed surface rights.

CONCLUSIONS OF LAW

1. The ground water found in the Ogallala-Alluvium aquifer of the drainage area of the Northern High Plains of the State of Colorado is "designated ground water" as defined in Section 148-18-2 (3), CRS, 1963, as amended, and is ground water which in its natural course would not be available to and required for the fulfillment of decreed surface rights.

2. The requirements of Article 18 of Chapter 148, CRS, 1963, as amended, have been fully met in this hearing.

FINAL ORDER

1. It is hereby ordered, adjudged and decreed that the following described area is found to be a designated ground water basin and shall be so designated and called the Northern High Plains Ground Water Basin.

2. The vested surface water rights within the designated ground water basin are recognized and specifically noted as being without the jurisdiction of the Ground Water Commission and are wholly governed by the provisions of the Republican River compact where applicable or otherwise by the surface water laws concerning tributary waters.

All the following are west of the 6th P.M.

T. 11 N., R. 42 W., Sections 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32 -- T. 11 N., R. 43 W., Sections 13 thru 16 (incl.), and 20 thru 36 (incl.) -- T. 11 N., R. 44 W., Sections 25 thru 29 (incl.), and 31 thru 36 (incl.) -- T. 10 N., R. 42 W., thru R. 44 W., (incl.), All Sections -- T. 10 N., R. 45 W., Sections 1 thru 4 (incl.), and 7 thru 36 (incl.) -- T. 10 N., R. 46 W., Sections 8 thru 36 (incl.) -- T. 10 N., R. 47 W., Sections 13, 24 thru 28 (incl.), and 32 thru 36 (incl.) -- T. 9 N., R. 42 W., thru R. 47 W., (incl.), All Sections -- T. 9 N., R. 48 W., Sections 1, 2, 9 thru 17 (incl.), and 19 thru 36 (incl.) -- T. 9 N., R. 49 W., Sections 23, 24, 25, 26, 27, and 33, 34, 35, 36 -- T. 8 N., R. 42 W., thru R. 49 W. (incl.), All Sections -- T. 8 N., R. 50 W., Sections 11 thru 15 (incl.), 21 thru 29 (incl.), and 32 thru 36 (incl.) -- T. 7 N., R. 42 W., thru R. 50 W. (incl.), All Sections -- T. 7 N., R. 51 W., Sections 12, 13, 14, 23, 24, 25, 26, 35, and 36 -- T. 6 N., R. 42 W., thru R. 50 W. (incl.), All Sections -- T. 6 N., R. 51 W., Sections 1, 2, 3, 9 thru 16 (incl.), 20 thru 28 (incl.), and 33, 34, 35, 36 -- T. 5 N., R. 42 W., thru R. 50 W. (incl.), All Sections -- T. 5 N., R. 51 W., Sections 1, 2, 3, 4, 8 thru 17 (incl.), and 19 thru 36 (incl.) -- T. 4 N., R. 42 W., thru R. 50 W. (incl.), All Sections -- T. 4 N., R. 51 W., Sections 1, 2, 3, 4, 5, 8 thru 17 (incl.), 19 thru 27 (incl.), and 33, 34, 35, 36 -- T. 3 N., R. 42 W., thru R. 50 W. (incl.), All Sections -- T. 3 N., R. 51 W., Sections 1, 2, 3, 4, 5, and 7 thru 36 (incl.) -- T. 3 N., R. 52 W., Sections 13, 14, 15, 21 thru 28 (incl.), and 32, 33, 34, 35, 36 -- T. 2 N., R. 42 W., thru R. 52 W. (incl.), All Sections -- T. 2 N., R. 53 W., Sections 12, 13, 14, 23, 24, 25, 26, 35 and 36 -- T. 1 N., R. 42 W., thru R. 52 W. (incl.), All Sections -- T. 1 N., R. 53 W., Sections 1, 11, 12, 13, 14, 15, 22 thru 27 (incl.)

and 33, 34, 35, 36 -- T. 1 S., R. 42 W., thru R. 52 W. (incl.), All Sections --
T. 1 S., R. 53 W., Sections 1, 2, 3, 10 thru 15 (incl.), 22 thru 27 (incl.), and
33, 34, 35, 36 -- T. 2 S., R. 42 W., thru R. 52 W. (incl.) All Sections -- T. 2 S.,
R. 53 W., Sections 1, 2, 3, 10 thru 15 (incl.), 22 thru 29 (incl.), and 32, 33, 34,
35, 36 -- T. 3 S., R. 42 W., thru R. 52 W (incl.), All Sections -- T. 3 S.,
R. 53 W., Sections 1 thru 5 (incl.), 9 thru 16 (incl.), 21 thru 28 (incl.), 33, 34,
35, 36 -- T. 4 S., R. 42 W., thru R. 52 W. (incl.), All Sections -- T. 4 S., R. 53 W.
Sections 1, 2, 3, 4, 9 thru 16 (incl.), and 20 thru 36 (incl.) -- T. 5 S., R. 42 W.,
thru R. 53 W. (incl.), All Sections -- T. 5 S., R. 54 W., Sections 11 thru 16 (incl.)
and 19 thru 36 (incl.) -- T. 5 S., R. 55 W., Sections 25, 34, 35, and 36 -- T. 5½ S.,
R. 42 W., thru R. 50 W. (incl.), All Sections -- T. 6 S., R. 42 W., thru R. 54 W.
(incl.), All Sections -- T. 6 S., R. 55 W., Sections 1, 2, 3, 10 thru 16 (incl.),
and 20 thru 36 (incl.) -- T. 7 S., R. 42 W., thru R. 55 W. (incl.), All Sections --
T. 7 S., R. 56 W., Sections 1, 2, 3, 4, 9 thru 16 (incl.), and 21 thru 36 (incl.) --
T. 8 S., R. 42 W., thru R. 55 W. (incl.) All Sections -- T. 8 S., R. 56 W., Sections
1 thru 6 (incl.), and 9, 10, 11, 12 -- T. 9 S., R. 42 W., thru R. 52 W. (incl.),
All Sections -- T. 9 S., R. 53 W., Sections 1 thru 31 (incl.), and 34, 35, 36 --
T. 9 S., R. 54 W., Sections 1 thru 26 (incl.), and 36 -- T. 9 S., R. 55 W.,
Sections 1, 2, 3, 4, 11, 12, and 13 -- T. 10 S., R. 42 W., thru R. 52 W. (incl.),
All Sections -- T. 10 S., R. 53 W., Sections 1, 2, 3, 10 thru 15 (incl.), 22 thru
26 (incl.), 35 and 36 -- T. 11 S., R. 41 W., thru R. 50 W. (incl.), All Sections --
T. 11 S., R. 51 W., Sections 1 thru 30 (incl.), N/2 of 33, and 35 and 36 --
T. 11 S., R. 52 W., Sections 1 thru 6 (incl.), 8 thru 16 (incl.), and 22 thru 27
(incl.) -- T. 11 S., R. 53 W., Section 1 -- T. 12 S., R. 41 W., thru R. 46 W.
(incl.), All Sections -- T. 12 S., R. 47 W., Sections 1 thru 18 (incl.), and 22
thru 27 (incl.) -- T. 12 S., R. 48 W., Sections 1, 2, 3, 4, and 10 thru 15 (incl.) --
T. 13 S., R. 41 W., thru R. 45 W., (incl.) All Sections -- T. 13 S., R. 46 W.,

Sections 1 thru 5 (incl.), 9 thru 16 (incl.), 22 thru 26 (incl.), 35 and 36 --
T. 14 S., R. 41 W., thru R. 45 W. (incl.), All Sections -- T. 14 S., R. 46 W.,
Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26 and 34, 35, 36 -- T. 15 S., R. 41 W.,
thru R. 45 W. (incl.), All Sections -- T. 15 S., R. 46 W., Sections 1, 2, 3, 10,
11, 12, 13, 14, 23, 24, 25, and 36 -- T. 16 S., R. 41 W., thru R. 44 W. (incl.),
All Sections -- T. 16 S. R. 45 W., Sections 1 thru 5 (incl.), 9 thru 14 (incl.),
23, 24, 25, and 36 -- T. 17 S., R. 41 W., thru R. 43 W. (incl.), All Sections --
T. 17 S., R. 44 W., Sections 1 thru 17 (incl.), 21 thru 27 (incl.), 35 and 36 --
T. 18 S., R. 41 W., thru R. 43 W. (incl.), All Sections -- T. 18 S., R. 44 W.,
Sections 1, 2, 12, 13, 24, 25, 26, 35 and 36 -- T. 19 S., R. 41 W., thru R. 42 W.
(incl.), All Sections -- T. 19 S., R. 43 W., Sections 1 thru 30 (incl.) -- T. 19 S.,
R. 44 W., Sections 1, 2, 11, 12, 13, 14, 15, 22, 23, 24, and 25 -- T. 20 S.,
R. 41 W., Sections 5, 6, 7, 8, 17 and 18 -- T. 20 S., R. 42 W., Sections 1, 2, 3,
and 12.