

CWD88WAT

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: WATER DECREE

NAME OF AGENCY OR CONTRACTOR: DISTRICT COURT, MESA  
COUNTY

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT CLIFTON  
WATER DISTRICT, APPLICATION NO 85CW37

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1988

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

Application No. 85CW37

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AMENDED RULING OF REFEREE

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IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE CITY OF GRAND JUNCTION, COLORADO AND THE CLIFTON WATER DISTRICT, IN THE COLORADO RIVER, IN MESA COUNTY

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The above entitled Application was filed on February 14, 1985, and was referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 29th day of March, 1985, in accordance with Article 92 of Chapter 37, Colorado Revised Statutes 1973, known as The Water Right Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the Application are true and having become fully advised with respect to the subject matter of the Application does hereby make the following determination and Ruling as the Referee in this matter, to wit:

1. The statements in the Application are true.
2. The name of the structure is Grand Junction-Colorado River Pipeline.
3. The name and address of the Claimant:

City of Grand Junction  
250 North 5th Street  
Grand Junction  
Colorado 81501, and

Clifton Water District  
137 Third Street  
P. O. Box 100  
Clifton, Colorado 81520.

4. The source of the water is the Colorado River.

5. The point of diversion of the Grand Junction-Colorado River Pipeline, as decreed in Civil Action No. 8303, is located on the West bank of the Colorado River at a point whence the Southeast Corner of Section 2, T. 11 S., R. 98 W. of the 6th P.M. bears S. 56°15' W. 7051.00 feet.

6. In Case No. W-3532, alternate points of diversion were established for the Grand Junction-Colorado River Pipeline at the following locations:

a) **Diversion Point No. 2** is located on the Right bank of the Colorado River at a point whence the Northeast Corner of Section 3, T. 1 S., R. 2 E. Ute Meridian, bears N. 13°18' E. 1800 feet. This is also the point of diversion of the Grand Valley Canal.

b) **Diversion Point No. 3** is located on the Right bank of the Colorado River at a point whence the Northeast Corner of Section 3, T. 1 S., R. 2 E. Ute Meridian bears N. 43°33' E. 3400 feet.

c) **Diversion Point No. 4** is located on the Right bank of the Colorado River at a point whence the Southwest Corner of Section 7, T. 1 S., R. 2 E. Ute Meridian bears West 1439.46 feet.

7. On July 21, 1959, in Civil Action No. 8303, the Mesa County District Court awarded to the Grand Junction-Colorado River Pipeline, Structure No. 543, Priority No. 787, a conditional water right for 120 cubic feet of water per second of time, to be used for domestic, municipal and industrial purposes, with appropriation date of February 17, 1947.

8. During the intervening years, at timely intervals as required by statute, the Claimant has shown to the Court that reasonable diligence has been exercised in the development of this conditional water right, and the Court has ruled that said water right be continued in full force and effect.

9. On February 23, 1976, the City conveyed 20 c.f.s. of the subject water right to Water Development Company. By Case No. W-2915 in this Court the transferee, Water Development Company, was permitted to change the point of diversion of 20 c.f.s. to the vicinity of Rifle, Colorado.

10. By Deed dated September 21, 1977, the City conveyed 20 c.f.s. of the subject water right to the Clifton Water District.

11. On July 31, 1979, in Case No. 79CW22, the Water Referee awarded an absolute and unconditional decree for 12.38 cubic feet of water per second of time for the Grand Junction-Colorado River Pipeline under Priority No. 787.

12. On February 14, 1985, the Claimants filed, in Water Court for Water Division No. 5, an Application to Make Water Right Absolute in Part, in which it is requested that an additional 6.19 cubic feet of water per second of time of the Grand Junction-Colorado River Pipeline be made absolute and unconditional.

In support of this request it is stated that a total of 18.57 cubic feet of water per second of time have been transported to the Clifton Water Treatment Plant via Diversion Point No. 2, of which the Clifton Water District has beneficially used within its boundaries 11.61 c.f.s. and the City of Grand Junction has beneficially used 6.96 c.f.s.

The Referee does therefore conclude that the above-entitled Application should be granted and that an additional 6.19 cubic feet of water per second of time of the water previously awarded conditionally to the Grand Junction-Colorado River Pipeline should be and hereby are made absolute and unconditional.

The Ruling of Referee dated October 30, 1985, and made a Decree of the Court on December 2, 1985, is hereby vacated.

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It is accordingly ORDERED that this Ruling shall be filed with the Water Clerk subject to Judicial review.

It is further ORDERED that a copy of this Ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Dated January 2, 1988

BY THE REFEREE:

[Signature]  
Copy of the foregoing mailed to all  
Council of record ~~Water~~  
Referee—Div. Engineer—and  
State Engineer—Date Jan 1, 88  
[Signature]  
Water Div. No. 5

[Signature]  
Water Referee  
Water Division No. 5  
State of Colorado

No protest was filed in this matter. The foregoing Ruling is confirmed and approved, and is made the Judgment and Decree of this Court.

Dated \_\_\_\_\_

\_\_\_\_\_  
Water Judge