

IN THE DISTRICT COURT IN AND FOR  
WATER DIVISION NO. 3  
STATE OF COLORADO  
CASE NO. W-2057

JAN 14 1975

CARLA R. GILLELAND  
WATER CLERK

IN THE MATTER OF THE APPLICATION  
FOR WATER RIGHTS OF  
WALTER WEISS AND MAYME WEISS

REFEREE'S REPORT  
AND RULING

IN SAGUACHE COUNTY

Artesian  
WELL NO. 5 W-2057.

THIS MATTER coming on to be heard this day before the undersigned Referee, pursuant to Order of Referral herein, and upon examination of the records and files herein, and upon his investigation, hereby makes the following Findings and Rulings therein:

(1) That the application of Walter Weiss and Mayme Weiss for an underground water right was filed on the 29th day of June, 197 2.

(2) That the Water Clerk for Water Division No. 3 issued and caused a resume of said application to be published and mailed as required by statute.

(3) That the time for filing statements of opposition expired on the 31st day of December, 197 2, and no statements of opposition have been filed herein.

(4) That the Referee finds that Well No. 5 of the applicants above named Artesian is located in the Watershed of the Closed Basin at a point 150 feet from the North section line, and 375 feet from the West section line, in the NW $\frac{1}{2}$  NW $\frac{1}{2}$

in Section 9, Township 43 North, Range 10 East, NMPM in the County of Saguache, State of Colorado, and draws its supply of water from a (confined) (~~unconfined~~) subterranean aquifer into which such well penetrates, and said well is 400 feet in depth. That the casing of said well is 2 inches in diameter, and is unperforated to a depth of unknown feet and perforated from a depth of unknown feet to a depth of unknown feet, and produces 30 gallons of water per minute, being .067 cubic feet of water per second of time, being .134 acre feet of water in a period of twenty-four (24) hours by artesian flow.

W-2057-Artesian Well 5.

(5) That such appropriation was initiated on the 31st day of December, 1913, by the commencement of drilling operations which were diligently pursued and a producing well obtained. Well Registration No. none.

Artesian  
(6) That such Well No. 5 is used as an independent source of water for domestic, irrigation, and stockwater use.

Artesian  
(7) That said Well No. 5 of the applicant is entitled to appropriation priority as of the 31st day of December, 1913, for 30 gallons of water per minute, being .067 cubic feet of water per second of time, being .134 acre feet of water per twenty-four (24) hours, for domestic, irrigation, and stockwater purposes.

(8) That said well may be used as an alternate point of diversion for the following surface water rights: Not applied for.

W-2057-Artesian Well 5.

THEREFORE, IT IS HEREBY RULED AND ORDERED that the application herein be and it is hereby granted the indicated priority as follows:

1. Applicant's name and address:

Walter Weiss and Mayme Weiss  
Rural Route One, Box 25  
Moffat, CO 81143.

2. Name or designation of well:

Well No. Artesian 5.

3. Location of well and point of diversion:

NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 9, Township 43 North, Range 10 East, NMPM,  
at a point 150 feet from North Section line and 375 feet  
from West Section line, in Saguache County, Colorado.

4. Alternate points of diversion, if any:

None.

5. Type of beneficial use:

Domestic, irrigation, and stockwater.

6. Amount and source and means of diversion:

30 gallons per minute, being .067 cubic feet of water per second of time,  
being .134 acre feet of water in a period of twenty-four hours, from  
(confined) (~~unconfined~~) aquifer.

7. Priority date of appropriation:

December 31, 1913.

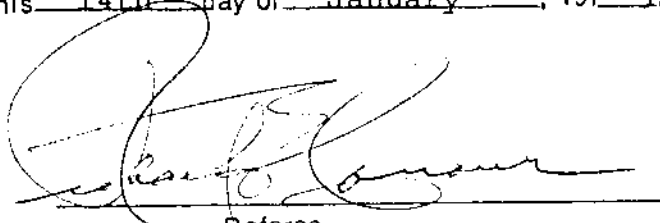
8. That said well may be used as an alternate point of diversion for the following surface water rights: Not applied for.

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IT IS FURTHER ORDERED that the Water Clerk shall mail copies of this report and ruling as provided by statute.

Dated and entered of record this 14th day of January, 1975.



Referee  
Water Division No. 3

*Walter Weiss and  
Mayme Weiss*