


DISTRICT COURT, WATER DIVISION NO. 1, COLORADO 901 9 th Avenue Greeley, CO 80631-1113	EFILED Document – District Court 2004CW224 CO Weld County District Court 19th JD Filing Date: May 5 2009 9:27AM MDT Filing ID: 25017148
CONCERNING THE APPLICATION FOR WATER RIGHTS OF BESTWAY CONCRETE IN ADAMS COUNTY	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> Case No.: 04CW224
ORDER VACATING ORDER APPLYING W.C.R. 11 AND DENYING MOTION TO APPLY NEW RULE 11, W.C.R.	

This matter comes before the court on its own motion. The court has reconsidered the Motion to Apply New Rule 11, W.C.R. filed by Applicant and Opposers Response. Being fully advised, the court finds and orders as follows:

1. The Order dated April 21, 2009 granting Applicant’s motion was improvidently granted and is therefore vacated.
2. Applicant has not shown that applying the new W.C.R. 11 will not prejudice Opposers Public Service Co. and East Cherry Creek Water and Sanitation District because of the increased procedural burdens the rule places on parties.
3. Therefore, the Applicant’s motion to apply the new W.C.R. 11 is denied and the rules applying to applications filed before July 1, 2009 shall govern this case.

Dated: May 5, 2009.

By the court:


 Roger A. Klein
 Water Judge
 Water Division No. 1

This document was filed pursuant to C.R.C.P. 121, § 1-26. A printable version of the electronically signed order is available in the Court's electronic file.