

From the LITTLE CIMARRON RIVER, a natural stream in said Water District No. 62, as follows:

Ditch.		Appropriation.		
No.	Name	No.	Date.	Amt.
9,	The Rives Ditch No. 2,	9,	Sept. 1, 1877,	.40
44,	The Rives Ditch No. 1,	44,	Sept. 1, 1883,	.21
56,	The McKinley Ditch,	56,	Sept. 1, 1886,	12.17
61,	The Collier Ditch,	61,	Sept. 1, 1889,	4.95
107,	The Vandeburg Ditch ,	No appropriation shown.		

- o -

From the BIG CIMARRON RIVER, a natural stream in said Water District No. 62, as follows:

Ditch.		Appropriation.		
No.	Name	No.	Date.	Amt.
34,	The McMinn Ditch,	34,	Mar. 31, 1883,	5.21
40,	The Schildt-Brown Ditch,	40,	June 1, 1883,	1.57
45,	The Vee Ditch,	45,	Sept. 1, 1883,	8.60

(See note to Priority No. 45 from Vee Creek. This ditch is entitled to priority No. 45, of 8.60 cubic feet of water per second of time from the Big Cimarron River and from Vee Creek, taking from either, but at no time to take into said ditch under said priority No. 45 to exceed said 8.60 cubic feet per second of time from said streams).

76,	The Brown Ditch,	76,	May 30, 1893,	.92
85,	the McMinn-Vee Ditch,	85,	May 1, 1899,	.79
99,	The Rives and Lines Ditch,	99,	Aug. 16, 1902,	.52

- o -

From VEE CREEK, a natural stream in said Water District No. 62, as follows:

Ditch.		Appropriation.		
No.	Name.	No.	Date.	Amt.
45,	The Vee Ditch,	45,	Sept. 1, 1883,	8.60

(See note to Priority No. 45 from the Big Cimarron River. This ditch is entitled to Priority No. 45, of 8.60 cubic feet of water per second of time from the Big Cimarron River and from Vee Creek, taking from either, but at no time to take into said ditch under said Priority No. 45 to exceed said 8.60 cubic feet per second of time, from said streams).

No. 9.

✓ The Rives Ditch No. 2.

That said ditch is entitled to Priority No. 9, and it is hereby ordered, adjudged and decreed that there be allowed to flow into said ditch from the Little Cimarron River, for the use and benefit of the parties lawfully entitled thereto and by virtue of actual appropriation and by original construction--Priority No. 9,-- not to exceed .40 cubic feet of water per second of time.

- o -

No. 44.

✓ The Rives No. 1 Ditch.

That said ditch is entitled to Priority No. 44, and it is hereby ordered, adjudged and decreed that there be allowed to flow into said ditch from the Little Cimarron River, for the use and benefit of the parties lawfully entitled thereto and by virtue of actual appropriation and by original construction--Priority No. 44,-- not to exceed .21 cubic feet of water per second of time.

- * * -

No. 56.

✓ The McKinley Ditch.

That said ditch is entitled to Priority No. 56, and it is hereby ordered, adjudged and decreed that there be allowed to flow into said ditch from the Little Cimarron River, for the use and benefit of the parties lawfully entitled thereto and by virtue of actual appropriation and by original construction --Priority No. 56,-- not to exceed 12.17 cubic feet of water per second of time.

- o -

No. 61.

✓ The Collier Ditch.

That said ditch is entitled to Priority No. 61, and it is hereby ordered, adjudged and decreed that there be allowed to flow into said ditch from the Little Cimarron River, for the use and benefit of the parties lawfully entitled thereto and by virtue of actual appropriation and by original construction--Priority No. 61,--not to exceed 4.95 cubic feet of water per second of time.

Case 1761-77 In re Peterson Pine Creek Ditch Co.
9/22/27 Water District No. 62 Pine Creek Canal Co. et al.

STATE OF COLORADO
COUNTY OF MONTROSE.

SS.

IN THE DISTRICT COURT.

IN THE MATTER OF THE SUPPLEMENTAL
ADJUDICATION OF PRIORITIES OF WATER
RIGHTS IN WATER DISTRICT NO. 62, STATE
OF COLORADO, ON THE PETITION OF THE
CIMARRON AND UNCOMPAGNE VALLEY
CANAL AND RESERVOIR COMPANY

FINDINGS OF THE REFEREE.

TO THE HONORABLE THOMAS J. FLACK:-

Judge of the District Court, of the Seventh Judicial
District of the State of Colorado, sitting in and
for the County of Montrose.

The undersigned, S. V. Hobbaugh, Referee in the above
entitled matter, from the evidence submitted therewith, as to
the several ditches in Water District No. 62, State of Colorado,
for which Statements of Claim were filed with the undersigned
as such Referee, doth Find as follows:-

That all the Ditches and Canals, hereinafter mentioned, divert
their water from Water District No. 62, in the State of Colorado,
and from the Gunnison River and its tributaries, in said Water
District.

THE REFEREE FINDS, that this is a supplemental adjudication,
in said Water District, No. 62; that there was an original adjudication
in said District, on March 28th, 1905; wherein, the ditches that came
in at that time received numbers up to, and including No. 109, and
appropriations of water, and, THE REFEREE, in order to avoid confusion,
has given numbers to the Ditches in this adjudication, that have
not already been numbered in the original adjudication, beginning with
No. 110.

* * * * *

PETERSON PINE CREEK DITCH NO. 118.

PRIORITY NO. 117.

Said ditch is claimed by Peter Peterson, whose postoffice address is Sapinero, Gunnison County, Colorado.

3 The name of said ditch is THE PETERSON PINE CREEK DITCH, and it diverts its supply of water from Pine Creek, a natural stream, in Water District No. 62, and a tributary of the Gunnison River. The headgate of said ditch is located on the east bank of Pine Creek, at a point whence the S. W. corner of Sec. 4, T. 48, N. R. 4 W. bears south 19°10', east 1012 feet

4 From the headgate, the ditch extends in a general northeasterly direction for 2.1 miles. Its width on bottom is 3 ft; width at high water line, 4 ft; depth of water carried in said ditch, 1.5 ft; grade, 20 ft. to the mile; carrying capacity of said ditch is 12.4 cubic ft. of water per second of time.

Referee finds that construction was begun on said ditch, June 1st, 1896, and completed June 1st, 1897. Water was diverted through same and used for irrigation of approximately 168.24 acres of land in 1897, and ever since said time said water has been used in irrigation of the said 168.24 acres of land.

The referee further finds that 1 cubic inch of water is sufficient to irrigate one acre of land in this vicinity, or, one cubic ft. of water to 38.4 acres of land. Therefore, the Referee finds that the said PETERSON PINE CREEK DITCH is entitled to Priority No. 117 from date of March 28, 1905, and in amount of 4.39 cubic ft. of said water per second of time of the waters of Pine Creek.

* * * * *

PINE CREEK DITCH NO. 120.

PRIORITY NO. 119.

6 Said ditch is claimed by J. J. Shackleford, Rocco Santorilla, Ella Watson and Joseph Watson.

Post office address of J. J. Shackleford, is Baldwin, Gunnison County, Colorado.

That the name of said ditch is PINE CREEK DITCH, and it

diverts its supply of water from Pine Creek, a natural stream in Water District No. 62, and a tributary of the Gunnison River.

The headgate of said ditch is situate on the east bank of Pine Creek at a point whence the northwest corner of Sec. 5, Tp. 47, N. R. 4, W. N.M.P.M., bears north $50^{\circ}30'$, W. 2,684 ft.

From said headgate, said ditch flows in a general northeasterly direction, for 7.92 miles.

Its width at the bottom, is 8 ft; 10 ft. wide at high water mark; 2 ft. deep; has a grade of 10 ft. to the mile, and a carrying capacity of 72 cubic ft. of water per second of time. Waters are diverted through said ditch and used for irrigation purposes in irrigating approximately 1,020 acres of land.

The Referee finds that construction was begun on said ditch May 1st, 1904, and that within a reasonable time thereafter, and in the exercise of due diligence, water was diverted through the same and used for beneficial purposes as above mentioned.

The Referee further finds that in that vicinity, 1 cubic inch of water is sufficient to irrigate 1 acre of land, or, 38.4 acres to 1 cubic ft. of water.

The Referee finds that the said Pine Creek Ditch is entitled to Priority No. 119 from date, Mar. 28, 1905, and in amount, 26.61 cubic ft. of water per second of time of the waters of the said Pine Creek.

The above and foregoing are the findings of the Referee from the evidence offered and received by the Referee with respect to the several ditches therein mentioned and is respectfully submitted.

S. V. Hobough

Referee.

(ENDORSED)

No. 1745, DISTRICT COURT MONTROSE COUNTY COLORADO.
In the Matter of the Supplemental Adjudication of Water Rights
in Water District No. 62, State of Colorado, on the Petition
of the Cimarron & Uncompahgre Valley Canal and Reservoir Company
Findings of S. V. Hobough Referee.
FILED IN THE DISTRICT COURT MONTROSE COUNTY COLORADO
Mar. 22, 1913 Joseph L. Atkinson, Clerk.

STATE OF COLORADO, }
COUNTY OF MONTROSE. } SS.

I, Joseph L. Atkinson, Clerk of the District Court within and for the County of Montrose, State aforesaid, do hereby certify the above and foregoing to be a true, perfect and complete copy of the Findings of the Referee in case No. 1745, In the Matter of the Supplemental Adjudication of Water Rights in Water District No. 62, State of Colorado, on the Petition of the Cimarron and Uncompahgre Valley Canal and Reservoir Company, insofar as the same relate and pertain to the Peterson Pine Creek Ditch and the Pine Creek Ditch as fully as the same now remains on file in the office of the Clerk of the District Court of Montrose County, Colorado.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Montrose, County and State aforesaid, this 22nd day of September, A. D. 1927.

-----CLERK.

1166 words

12 folios

26
240

5024

2.90 made for Howard & Powers, attys
Commission Colorado

9/22/27

Page 175

MAY 8, 1913

Decretal Order

87

STATE OF COLORADO |
County of Montrose | ss.

IN THE DISTRICT COURT

IN THE MATTER OF THE SUPPLEMENTAL)
ADJUDICATION OF PRIORITIES OF WATER)
RIGHTS IN WATER DISTRICT NO. 62, STATE)
OF COLORADO, ON THE PETITION OF THE 1745)
CIMARRON & UNCOMPAGNE VALLEY CA-)
NAL AND RESERVOIR COMPANY)

~~DECRETAL ORDER~~

88

STATE OF COLORADO |
County of Montrose | ss.

IN THE DISTRICT COURT

IN THE MATTER OF THE SUPPLEMENTAL)
ADJUDICATION OF PRIORITIES OF WATER)
RIGHTS IN WATER DISTRICT NO. 62, STATE)
OF COLORADO, ON THE PETITION OF THE) 1745
CIMARRON & UNCOMPAHGRE VALLEY CA-)
NAL AND RESERVOIR COMPANY.)

DECRETAL ORDER.

Now on this 8th day of May A. D. 1913, this matter coming on for final hearing and adjudication upon the report of S. V. Hobaugh, Referee, heretofore appointed herein, and to whom the matter was by order of the Judge of this Court, heretofore entered on the 3rd day of May, 1910, referred for the purposes in said order mentioned, as well upon the several findings upon the evidence produced, as upon the evidence taken by and before the said Referee in this matter, all of which findings and evidence have been and are duly filed among the records

of this Court; and the Court having been fully advised in the premises, and being fully satisfied from the returns of notices, certificates of publication, affidavits and certificates of the said Referee, that the said testimony returned was taken upon due and lawful notice in all respects according to the provisions of the Statutes, in such case made and provided, and the rules and order of this Court in that behalf in this matter made and entered; and further, that all parties interested have been notified of the time of the filing of the report and findings of said Referee, and further, that all interested in this proceeding and entitled to notice in any stage of the proceedings therein, have at all times been duly notified according to law and the order of this Court; and the report of the said Referee, S. V. Hobough, together with the evidence, findings, returns of services of notices, affidavits and notices having been found to be in due form, and the Court having now here in open Court heard all parties and their attorneys as far as they desire to be heard respectively touching the several matters herein, and being fully advised in the premises:

It is hereby ordered, adjudged and decreed by the Court, that the several findings of the Referee, reported to and filed in this Court, be in all things approved and confirmed, and that they be taken deemed and held in all respects as the findings of the Court in this matter; and further, that all and singular, the several Canals and Ditches hereinafter set forth be ordered, adjudged and decreed to have the several rights, numbers and priorities of the waters of the several streams respectively as hereinafter more particularly set forth, subject, however, to the following next mentioned provisions, to-wit:

1st. No part of this decree shall in any case be taken, deemed or held to grant or confirm to any of the ditches or canals hereinafter named, or either, or all of them, or

to their owners, or any or either of them, or to any person or persons deriving water from said ditches or canals, or any or either of them, for the purposes of irrigation, the right to the use of the waters of any stream in said Water District for the purposes of irrigation as against any person or persons using waters, or any portion thereof, of said streams, or any of them, for domestic purposes to the extent of the actual and necessary use of such waters for domestic purposes; but the right to the constant and uninterrupted use of the waters of said streams and all and every of them for domestic purposes to the extent that such use is necessary shall forever remain inviolate.

2nd. No part of this decree shall in any case be taken, deemed or held to confirm, impair or in any manner affect any claim of right or property held or claimed by any person, association, corporation, or joint stock company in or to any ditch or canal, or any part thereof, or the land or any part thereof on which any such of the same may be situated, or the land held or claimed as right of way of any or either of them: or any right, interest or claim of property whatever in or relating to any of them.

3rd. No part of this decree shall be taken, deemed or held as affecting in any manner any question or claim of right between the owners or claimants of or under any such ditch or canal as between each other; whether as part owners or shareholders therein, either as stockholders in any corporation or shareholders in any joint stock company, or as individuals claiming or to claim the use of the waters of any stream under or through the same or any part thereof; nor shall it affect the rights, interests or claims of any consumer or consumers of water for irrigation or domestic purposes, whether as part owner, lessee, share-

holder or stockholder in any corporation, association or joint stock company owning, holding or controlling the same, or as purchaser therefrom, as against the rights, interests or claims of any other party or parties interested, or claiming right or interest in or to such ditch or canal as owner, lessee or part owner thereof, or as shareholder or stockholder in any joint stock company, association or corporation claiming the same or any part thereof, or purchaser of water therefrom; neither shall it affect any claim of priority made or resisted as between parties using water for said purposes, or either of them from the same ditch or canal.

4th. No part of this decree shall affect in any way, any right, claim or interest now or hereafter held or claimed to any appropriation of water made after the closing of testimony touching the construction or enlargement of the ditch or canal, by means of which such appropriation may be or shall have been made.

5th. No part of this decree shall be taken or held as adjudging to any claimant, or present or future representative or representatives of any claimant to any ditch or canal; or to the use of water thereunder or there-through any right to take and carry by means of any canal or ditch herein mentioned, or by means of any appropriation herein adjudged, any water from any natural stream except for lawful and beneficial purposes.

6th. No part of this decree shall be taken, deemed or held to award to any ditch or canal a priority of right to a greater quantity of water than the actual carrying capacity of said ditch or canal as constructed or enlarged at the time of making and entering this decree.

7th. This decree shall be taken, deemed and held as determining and establishing the several priorities of right, by actual appropriation of water from the streams in said Water District No. 62 for irrigation by means of

the several ditches and canals in said District concerning which testimony has been offered in this matter, each according to the construction, enlargement or extension thereof, with the amount of water held to have been appropriated thereby.

90

This decree is rendered in all respects, so far as the Referee is able to determine, according to the laws governing former decrees; and that every person interested should be able to establish their rights. The Referee has found for all the ditches that have taken part in this adjudication, notwithstanding the fact that in the opinion of the Referee, that except in the early part of the season, and in time of high water from various causes, there will not be enough water in the streams to fill said decrees.

Subject to the several last mentioned provisions, it is further, as to the said several ditches and canals, and the several appropriations of waters by means of them respectively claimed in this matter, ordered, adjudged and decreed in accordance with the findings of said Referee, as follows:

That the ditches in said Water District No. 62, for which Statements of Claim have been filed with the Referee, be, and they are hereby numbered, and the number of their respective appropriations, with the date thereof, the number of cubic feet of water per second of time, and the stream from which water is taken, are hereby determined and decreed to be as follows:

No.	DITCH Name	NAME OF Stream	No.	APPROPRIATION Date	Amt.
110	The Uncompahgre Valley Project	GUNNISON River	111 ¹ / ₄	June-1-1901	1300. ✓
111	Messler Ditch	Cherry Creek	111 ¹ / ₂	Mar. 28-1905	3. ✓
112	Johnson Ditch	Trout Creek	111 ³ / ₄	" "	2. ✓
113	Spring Creek Ditch	Spring Creek	112	" "	2. ✓
114	Addington No. 1 Ditch	Lake Fork	113	" "	2.875 ✓
115	Madera Pipeline	" "	114	" "	.0026 ✓
116	Lake City Pipeline	" "	115	" "	0.0983 ✓
116 ¹ / ₂	Well in Lake City	" "	115 ¹ / ₂	" "	.1485 ✓
117	Willow Creek Ditch	Willow Creek	116	" "	5.21 ✓
118	Peterson Pine Creek Ditch	Pine Creek	117	" "	4.39 ✓
119	Craig Ditch	Lake Fork	118	" "	10.42 ✓
120	Pine Creek Ditch	Pine Creek	119	" "	26.61 ✓
121	Big Willow Springs Ditch	Big Willow Creek	120	" "	5.99 ✓
99	Rives & Lines Ditch	Big Cimarron River	121	" "	.18 ✓
122	Big Blue Ditch	Big Blue Creek	122	" "	21.87 ✓
61	Collier Ditch	Little Cimarron River	123	" "	3.5 ✓
109	Cimarron Canal	Big "	124	" "	39. ✓
56	McKinley Ditch	Little "	125	May-10- "	3.125 ✓
86	Coal Creek Ditch	Coal Creek	126	" "	4.5 ✓
123	Peterson & Riley Ditch	Stumpy Creek	127	March-31-1906	.833 ✓
56	McKinley Ditch	Little Cimarron River	128	May -10- "	3.125 ✓

And more particularly with reference to the ditches taking water from the various natural streams, in said Water District No. 62, it is hereby ordered, adjudged and decreed that the ditches taking their supply of water from their respective natural streams in said Water District No. 62, and their respective numbers, priority numbers, dates of appropriation, and number of cubic feet of water per second of time, are hereby determined and decreed to be as follows:

91

From the GUNNISON River, a natural stream, in said Water District No. 62, as follows:

DITCH.		APPROPRIATION		
No.	Name	No.	Date	Amt.
110	The Uncompahgre Valley			
	Project	111 $\frac{1}{4}$	June-1-1901	1300.

From Cherry Creek, a natural stream, in Water District No. 62, as follows:

DITCH.		APPROPRIATION		
No.	Name	No.	Date	Amt.
111	Messler Ditch	111 $\frac{1}{2}$	March-28-1905	3.

From Trout Creek, a natural stream, in said Water District No. 62, as follows:

DITCH		APPROPRIATION		
No.	Name	No.	Date	Amt.
112	Johnson Ditch	111 $\frac{3}{4}$	March-28-1905	2.

From Spring Creek, a natural stream, in said Water District No. 62, as follows:

DITCH		APPROPRIATION		
No.	Name	No.	Date	Amt.
113	Spring Creek Ditch	112	March-28-1905	2.

91 1/2

From the Lake Fork of the Gunnison River, a natural stream, in Water District No. 62, as follows:

DITCH		APPROPRIATION		
No.	Name	No.	Date	Amt.
114	Addington No. 1 Ditch	113	March-28-1905	2.875
115	Madera Pipeline	114	" " "	.0026
116	Lake City Pipeline	115	" " "	0.0983
116 1/2	Well in Lake City	115 1/2	" " "	.1485
119	Craig Ditch	118	" " "	10.42

From Big Willow Creek, a natural stream in said Water District No. 62, as follows:

DITCH		APPROPRIATION		
No.	Name	No.	Date	Amt.
117	Willow Creek Ditch	116	March-28-1905	5.21
121	Big Willow Springs			
	Ditch	120	" " "	5.29

From PINE CREEK, a natural stream, in said Water District No. 62, as follows:

92

DITCH		APPROPRIATION		
No.	Name	No.	Date	Amt.
118	Peterson Pine Creek			
	Ditch	117	March-28-1905	4.39
120	Pine Creek Ditch	119	" " "	26.61

From the BIG CIMARRON RIVER, a natural stream in said Water District No. 62, as follows:

DITCH		APPROPRIATION		
No.	Name	No.	Date	Amt.
99	Rives & Lines Ditch	121	March-28-1905	.18
109	Cimarron Canal	124	" " "	39.

From BIG BLUE CREEK, a natural stream, in said Water District No. 62, as follows:

DITCH		APPROPRIATION		
No.	Name	No.	Date	Amt.
122	Big Blue Ditch	122	March-28-1905	21.87

From the LITTLE CIMARRON RIVER, a natural stream, in said Water District No. 62, as follows:

DITCH		APPROPRIATION		
No.	Name	No.	Date	Amt.
61	Collier Ditch	123	March-28-1905	3.5
56	McKinley Ditch	125	May-10 "	3.125
56	McKinley Ditch	128	" " 1906	3.125

From Coal Creek, a natural stream, in said Water District No. 62, as follows:

DITCH		APPROPRIATION		
No.	Name	No.	Date	Amt.
86	Coal Creek Ditch	126	1905	4.5

92 1/2 ✓
From STUMPY CREEK, a natural stream in said Water District-No. 62, as follows:

DITCH		APPROPRIATION		
No.	Name	No.	Date	Amt.
123	Peterson & Riley Ditch	127	March-31-1906	.833

And more particularly with reference to the several ditches heretofore mentioned, the Referee doth find as follows:

✓
..... THE UNCOMPAGHGRE VALLEY PROJECT
OF
THE GUNNISON TUNNEL & SOUTH CANAL
PROJECT
(No. 110).
PRIORITY NO. 111 1/4

That said Uncompahgre Valley Project or Gunnison Tunnel and South Canal is entitled to Priority No. 111 1/4 of date June 1, 1901, and it is hereby ordered, adjudged and decreed, that there be allowed to flow in said tunnel and canal from the Gunnison river and its tributaries for the use and benefit of the parties lawfully entitled thereto, and by virtue of the acts of the General Assembly of the State of Colorado, and the work done by the State

of Colorado, upon State Canal No. 3, and by virtue of the act of Cession by said General Assembly and the Deed of Cession of the State of Colorado to the United States for State Canal No. 3 and all rights connected therewith, and by virtue of the assertion and claim of the United States of its right to the use of the unappropriated waters of the Gunnison river and its tributaries, and by virtue of actual appropriation and original construction of the Uncompahgre Valley Project or Gunnison Tunnel and South Canal and said priority No. 111¼ of date June 1, 1901, so much of the water of the said Gunnison river and its tributaries as will flow into said tunnel, not to exceed thirteen hundred (1300) cubic feet of water per second of time; and it is hereby further ordered, adjudged and decreed that so much of said water so appropriated and diverted from the said Gunnison river thru the said tunnel and canal as may flow into or be discharged into the Uncompahgre river and its tributaries, a part of the distributing system of said project, shall be allowed to flow in said Uncompahgre river and its tributaries for the sole use, diversion, and benefit of the said project.

The above decree is subject however to the prior decree of November 1st, 1905.

MESSLER DITCH NO. 111.
PRIORITY NO. 111½

That said ditch is entitled to PRIORITY NO 111½ and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said ditch, from Cherry Creek, for the use and benefit of the parties lawfully entitled thereto and by virtue actual appropriation and by

93 1/2
original construction, and Priority No. 111¹/₂ so much of the waters of said Cherry Creek as will flow therein as at present constructed, not to exceed 3. cubic ft. of water per second of time.

JOHNSON DITCH NO. 112
PRIORITY NO. 111³/₄

That said ditch is entitled to PRIORITY NO 111³/₄, and it is hereby ordered, adjudged and decreed that there be allowed to flow into said ditch from Trout Creek, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 111³/₄, so much of the waters of said Trout Creek, as will flow therein as at present constructed, not to exceed 2. cubic ft. of water per second of time.

SPRING CREEK DITCH NO. 113
PRIORITY NO. 112.

That said ditch is entitled to PRIORITY NO. 112, and it is hereby ordered, adjudged and decreed that there be allowed to flow into said ditch from Spring Creek, for the use and benefit of the parties lawfully entitled thereto and by virtue of actual appropriation, and by original construction and Priority No. 112, so much of the waters of Spring Creek as will flow therein, as at present constructed, not to exceed 2. cubic ft. of water per second of time.

ADDINGTON NO. 1 DITCH NO. 114.

PRIORITY NO. 113

That said ditch is entitled to PRIORITY NO. 113, and it is hereby ordered, adjudged and decreed that there be allowed to flow into said ditch, from the Lake Fork of the Gunnison river, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 113, so much of the waters of the Lake Fork of the Gunnison River, as will flow therein, as at present constructed, not to exceed 2.875 cubic ft. of water per second of time.

MADERA PIPELINE NO. 115

PRIORITY NO. 114

That said Pipeline is entitled to PRIORITY NO. 114, and it is hereby ordered, adjudged and decreed that there be allowed to flow into said Pipeline from the Lake Fork of the Gunnison River, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 114, so much of the waters of the Lake Fork, as will flow therein, as at present constructed, not to exceed .0026 cubic ft. of water per second of time.

LAKE CITY PIPELINE NO. 116.

PRIORITY NO 115

That said Pipeline is entitled to PRIORITY NO. 115, and it is hereby ordered, adjudged and decreed that there

94 1/2

be allowed to flow into said Pipeline, from a Spring, which flows into the Lake Fork of the Gunnison River, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 115, so much of the waters of the said Spring as will flow therein, as at present constructed, not to exceed 0.0983 cubic ft. of water per second of time.

RIO GRANDE R. R. COMPANY'S WELL & PIPELINE
NO. 116 1/2
PRIORITY NO. 115 1/2

That said Well and Pipeline is entitled to PRIORITY NO. 115 1/2, and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said Well and Pipeline from the Lake Fork of the Gunnison River, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 115 1/2, so much of the waters of the said Lake Fork as will flow therein, as at present constructed, not to exceed .1485 cubic ft. of water per second of time.

WILLOW CREEK DITCH NO. 117
PRIORITY NO. 116

That said ditch is entitled to PRIORITY NO. 116 and it is hereby ordered, adjudged and decreed that there be allowed to flow into said ditch from Willow Creek, for the use and benefit of the parties lawfully entitled there-

to, and by virtue of actual appropriation, and by original construction, and Priority No. 116, so much of the waters of said Willow Creek, as will flow therein, as at present constructed, not to exceed 5.21 cubic ft. of water per second of time.

PETERSON PINE CREEK DITCH NO. 118
PRIORITY NO. 117

That said ditch is entitled to PRIORITY NO. 117, and it is hereby ordered, adjudged and decreed that there be allowed to flow into said ditch from Pine Creek, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 117, so much of the waters of said Pine Creek as will flow therein, as at present constructed, not to exceed 4.39 cubic ft. of water per second of time.

CRAIG DITCH NO. 119.
PRIORITY NO. 118.

That said ditch is entitled to PRIORITY NO. 118, and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said ditch from the Lake Fork of the Gunnison River, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 118, so much of the waters of the said Lake Fork, as will flow therein, as at present constructed, not to exceed 10.42 cubic ft. of water per second of time.

PINE CREEK DITCH NO. 120.
PRIORITY NO. 119.

p. 95 1/2
That said ditch is entitled to PRIORITY NO. 119, and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said ditch from Pine Creek, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 119, so much of the unappropriated waters of Pine Creek, as will flow therein, as at present constructed, not to exceed 26.61 cubic ft. of water per second of time.

BIG WILLOW SPRINGS DITCH NO. 121
PRIORITY NO. 120.

That said ditch is entitled to PRIORITY NO. 120, and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said ditch from Big Willow Creek, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 120, so much of the unappropriated waters of said Big Willow Creek, as will flow therein, as at present constructed, not to exceed 5.99 cubic ft. of water per second of time.

RIVES & LINES DITCH NO. 99.
PRIORITY NO. 121

That said ditch is entitled to PRIORITY NO. 121, and it is hereby ordered, adjudged and decreed, that there be

—17—

allowed to flow into said ditch, from the Big Cimarron River, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, by enlargement, and Priority No. 121, so much of the unappropriated waters of the Big Cimarron River, as will flow therein, by reason of said enlargement, as at present constructed, not to exceed .18 cubic ft. of water per second of time.

BIG BLUE DITCH NO. 122
PRIORITY NO. 122.

That said ditch is, entitled to PRIORITY NO. 122, and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said ditch, from the Big Blue Creek, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 122, so much of the waters of the Big Blue Creek, as will flow therein, as at present constructed, not to exceed 21.87 cubic ft. of water per second of time.

COLLIER DITCH NO. 61.
PRIORITY NO. 123

That said ditch is entitled to PRIORITY NO. 123, and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said ditch, from the Little Cimarron River, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, by enlargement, and Priority No. 123, so much of the waters of the Little Cimarron

✓
River, as will flow therein, as at present constructed, not to exceed 3.5 cubic ft. of water per second of time by reason of said enlargement.

96/12
—
CIMARRON CANAL NO. 109.
PRIORITY NO. 124.
—

✓
That said Canal is entitled to PRIORITY NO. 124, and it is hereby ordered adjudged and decreed, that there be allowed to flow into said Canal, from the Big Cimarron River, and its tributaries, crossed and tapped by said Canal, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation and by original construction, by enlargement, and Priority No. 124, so much of the unappropriated waters of the Big Cimarron River, and its tributaries, crossed and tapped as above stated, as will flow therein, as at present constructed, not to exceed 39. cubic ft. of water per second of time, by reason of said enlargement, as of date March 28th, 1905.

—
McKINLEY DITCH NO. 56.
PRIORITY NO. 125
—

✓
That said ditch is entitled to PRIORITY NO. 125 and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said ditch, from the Little Cimarron River, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, by enlargement, and Priority No. 125, so much of the unappropriated waters of the

Little Cimarron River, as will flow therein, as at present constructed, not to exceed 3.125 cubic ft. of water per second of time, by reason of said enlargement.

COAL CREEK DITCH NO. 86.
PRIORITY NO. 126.

That said ditch is entitled to PRIORITY NO. 126, and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said ditch, from Coal Creek, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, by enlargement, and Priority No. 126, so much of the unappropriated waters of Coal Creek (if any there be) as will flow therein, as at present constructed, not to exceed 4.5 cubic ft. of water per second of time, by reason of said enlargement.

PETERSON & RILEY DITCH NO. 123
PRIORITY NO. 127

That said ditch is entitled to PRIORITY NO. 127, and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said ditch, from Stumpy Creek, for the use and benefit of the parties lawfully entitled thereto, and by virtue of actual appropriation, and by original construction, and Priority No. 127, so much of the unappropriated waters of Stumpy Creek, as will flow therein, as at present constructed, not to exceed .833 cubic ft. of water per second of time.

MCKINLEY DITCH NO. 56
PRIORITY NO. 128.

97 1/2

J That said ditch is entitled to PRIORITY NO. 128, and it is hereby ordered, adjudged and decreed, that there be allowed to flow into said ditch, from the Little Cimarron River, for the use and benefit of the parties lawfully entitled thereto and by virtue of actual appropriation, and by original construction, by enlargement, and Priority No. 128, so much of the unappropriated waters of the Little Cimarron River, as will flow therein as at present constructed, not to exceed 3.125 cubic ft. of water per second of time, by reason of said enlargement.

That as to ditches numbered as follows, viz:

NO.	NAME	NAME OF STREAM
44	Rives No. 1 Ditch	From the Little Cimarron River.
9	Rives No. 2 “	From the Little Cimarron River.

That no evidence has been offered or received, showing that said ditches are entitled to any additional priority, and no appropriation can be given to said ditches, for any additional amount of water, under the evidence submitted.

By the Court,
CHAS. CAVENDER,
Judge.

STATE OF COLORADO, |
County of Montrose. | ss.

I, Joseph L. Atkinson, Clerk of the District Court in and for said County, in the State aforesaid, do hereby certify the foregoing to be a true, perfect and complete copy of the DECRETAL ORDER, in case No. 1745, IN THE MATTER OF THE SUPPLEMENTAL ADJUDICATION OF PRIORITIES OF WATER RIGHTS IN WATER DISTRICT NO. 62, STATE OF COLORADO, ON THE PETITION OF THE CIMARRON & UNCOMPAHGRE VALLEY CANAL AND RESERVOIR COMPANY, as the same now appears of record in Order Book 8, in the office of the Clerk of the District Court, Montrose County, State aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Montrose, in said County, this eighteenth day of June A. D. 1913.

Joseph L. Atkinson
Clerk of the District Court.

THE MCKINLEY DITCH ENLARGEMENT.

Ditch No. 56

Priority No. 285. ✓

THE COURT FINDS:

That the District Number of said ditch is 56, and it is entitled to Priority No. 295.

That it diverts its supply of water from the Little Cimarron River, a tributary of the Gunnison River, in Water District No. 62.

That its headgate is located on the east bank of said Little Cimarron River, at a point whence the SE corner of Sec. 2, Twp. 47 N., R. 6 W., N.M.P.M., bears South 22° 25' East 1622 feet; and its general direction is northerly.

That it is 3.5 miles long, and as enlarged is 9 feet wide at the top, 6 feet at the bottom, and 1.5 feet deep, with a grade of 5.25 feet per mile, and carrying capacity of 31.00 cubic feet of water per second of time.

AND THE Court Further Finds: That the records of the District Court of Montrose County, Colorado show said ditch was, in Decree of March 28, 1904, numbered 56, and awarded Priority No. 56, for 12.17 cubic feet of water per second of time, as of date Sept. 1, 1886, for the irrigation of 467 acres; That in Decree of May 8, 1913, said ditch was awarded Priority No. 125, for 3.125 cubic feet of water per second of time, as of date May 10, 1905, and Priority No. 128, for 3.125 cubic feet of water per second of time, as of date May 10, 1906, for the irrigation of about 200 additional acres.

And from the Findings and Report of the Referee in relation to said ditch,--which are hereby approved and confirmed,-- it appears that the work on the present enlargement of said ditch was begun on or about May 1, 1912, and said work was diligently completed to an additional capacity of approximately

12.56 cubic feet of water per second of time; That within a reasonable time thereafter the irrigated acreage under said ditch was increased 280 acres, or to a total of 950 acres; that all of said soil is of a rocky, porous character, and it has been found from long experience that approximately 1.00 cubic foot of water per second of time is required for the proper irrigation of each 30 acres thereof; That ever since the completion of said last enlargement, the capacity of said ditch, or 31.00 cubic feet of water per second of time have been diverted thereby, and applied to the beneficial irrigation of said 950 acres, and have been found necessary therefor; said water being diverted by the enlargement being used for the supplemental irrigation of the 670 acres theretofore irrigated, and for the complete irrigation of said 280 additional acres.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that, subject to all of the general limitations in said above general decree expressed, there be allowed to flow in said ditch from said Little Cimarron River, for the uses aforesaid, and for the benefit of the parties lawfully entitled thereto, under and by virtue of said Appropriation by enlarged construction, and beneficial use, and Priority No. 285, so much water as will flow therein as now constructed, not to exceed 12.56 cubic feet of water per second of time, as of Historic Date May 1, 1912, and Decreed Date April 2, 1925.



DISTRICT COURT, WATER DIVISION NO. 4, COLORADO 1200 North Grand Ave. Bin A Montrose, CO 81401-3146	FILED Document CO Montrose County District Court 7th JD Filing Date: Feb 15 2013 01:22PM MST Filing ID: 49562474 Review Clerk: Darleen Cappannokeep
CONCERNING THE APPLICATION FOR WATER RIGHTS OF August Nicolas Family Partnership, LLLP, a Colorado limited liability limited partnership; Larry A. Collins and Lula May Collins; Wayne Maurer and Charles Maurer; R & G Butte Rock Ranch, LLC, a Colorado limited liability company; William R. Sanders and Janice L. Sanders; Lee R. Hawk and Janice M. Hawk; and Western Rivers Conservancy, an Oregon nonprofit public benefit corporation	
IN GUNNISON AND MONTROSE COUNTIES	▲ COURT USE ONLY ▲
	Case Number: 12CW52 Division: Courtroom:
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE, AND DECREE	

This matter comes before the Referee upon the Application for a Change of Water Rights (the "Application") of the above-captioned applicants (the "Applicants"). The Referee, having made such investigations as are necessary to determine whether the statements in the Application are true, and having become fully advised with respect to the subject matter of the Application, hereby makes the following findings of fact, conclusions of law, and ruling.

FINDINGS OF FACT

- 1) Name, Mailing Address, and Telephone Number of Applicants.

August Nicolas Family Partnership, LLLP 556 6530 Road Montrose, CO 81401 Phone: 970-249-4357	Lee R. Hawk and Janice M. Hawk P.O. Box 126 Cimarron, CO 81220 Phone: 970-249-4115
---	---



Larry A. Collins and Lula May Collins 640 County Road 24 P.O. Box 298 Cimarron, CO 81220 Phone: 970-252-9465	R & G Butte Rock Ranch, LLC c/o Mike Richard P.O. Box 182 Cimarron, CO 81220 Phone: 956-763-6912
Wayne Maurer P.O. Box 649 Olathe, CO 81425 Phone: 970-275-0385	Western Rivers Conservancy 71 SW Oak St., Suite 100 Portland, OR 97204 Phone: 503-241-0151
Charles Maurer P.O. Box 1117 Grand Junction, CO 81502 Phone: 970-254-0156	William R. Sanders and Janice L. Sanders 67632 Landfill Road Montrose, CO 81401 Phone: 970-275-1260

- 2) The Application was filed on May 31, 2012, and referred to the Water Referee on August 3, 2012.
- 3) Notice of the Application was published in the Resume of all applications filed in the District Court in and for Water Division No. 4 during the month of May, 2012. Pursuant to the Court's Orders dated June 1, 2012, the resume notice of the Application was published in the Crested Butte News on June 8, 2012, and in the Montrose Daily Press on June 5, 2012. Proofs of publication were filed with this Court on July 6, 2012, and July 9, 2012, respectively.
- 4) The deadline for filing statements of opposition has passed. No statements of opposition were filed. No parties intervened in the case.
- 5) The Division Engineer filed its consultation report (the "Consultation Report") with this Court on October 4, 2012, and an amended consultation report (the "Amended Report") on January 3, 2013. The findings of the Consultation Report and the Amended Report have been given due consideration.
- 6) MontroseBank, a Colorado corporation, was previously an owner of a portion of the Water Rights (as defined below) that are the subject of the Application, and was originally an Applicant in this case. However, while the Application was pending before the Court, Western Rivers Conservancy acquired MontroseBank's portion of the Water Rights. By Order of the Court dated October 25, 2012, Western Rivers Conservancy was substituted as the real party in interest of the portion of the Water Rights formerly owned by MontroseBank, and MontroseBank was dismissed from the case.
- 7) Except as expressly stated to the contrary herein, the facts alleged in the Application are true.
- 8) Decreed water rights for which change is sought: All water rights decreed to the McKinley Ditch (the "Water Rights").
 - a) Case Number, Court, and Date of Original and All Relevant Subsequent Decrees:
 - i) Civil Action No. 1319, District Court, Montrose County, March 28, 1904



- ii) Civil Action No. 1745, District Court, Montrose County, May 8, 1913
- iii) Civil Action No. 4742, District Court, Montrose County, April 21, 1941.
- iv) Case No. 05CW132, District Court, Water Division 4, May 30, 2008

b) Legal description of structure as described in most recent decree (05CW132): A point in the NW1/4NW1/4NW1/4, Section 12, Township 47 North, Range 6 West, N.M.P.M., 58 feet from the north section line and 220 feet from the west section line (easting 282861, northing 4247959, Zone 13, NAD 83).

c) Decreed source of water: Little Cimarron River, tributary to the Cimarron River, tributary to the Gunnison River

d) Priorities, appropriation dates, total amount decreed, and amount Applicants intend to change:

McKinley Ditch (all amounts are absolute and are in cfs)			
Priority	Appropriation Date	Total Amount Decreed	Amount Applicants Intend to Change
56	September 1, 1886	12.17	12.17
125	May 10, 1905	3.125	3.125
128	May 10, 1906	3.125	3.125
285	May 1, 1912	12.58	12.58
Total:		31.00	31.00

e) Decreed use: Irrigation

9) Description of proposed change: The Applicants seek to change the decreed place of use of the Water Rights to the extent necessary to conform the decreed place of use to the historical place of use of the Water Rights.

a) Decreed Place of Use.

i) The Water Rights are cumulatively decreed for the irrigation of approximately 950 acres. *See* Decree, Civil Action No. 4742, District Court, Montrose County (the "CA-4742 Decree").

ii) The CA-4742 Decree found that the Water Rights were decreed to irrigate the following acreages:

Priority:	56	125 and 128	285
Acres:	467	200	Complete irrigation of 280 acres and supplemental irrigation of 670 acres

iii) The CA-4742 Decree appears to be in error. Priority Numbers 125 and 128 were decreed for the irrigation of 240 acres, not 200 acres. The Decree of the District Court, Montrose County, entered in Civil Action No. 1745 (the "CA-1745 Decree"), confirmed priority numbers 125 and 128 for 3.125 each (6.25 cfs together). The Findings of the Referee in Civil



Action No. 1745 found that 240 acres of land were irrigated by priority numbers 125 and 128, and that one cubic foot per second of time of water is sufficient to irrigate 38.4 acres of land. Accordingly, the Referee found that the McKinley Ditch was entitled to priority number 125 in the amount of 3.125 cfs, and priority number 128 in the amount of 3.125 cfs. 6.25 cfs multiplied by 38.4 acres per cfs equals 240 acres.

iv) Consequently, the correct allocation of acres amongst the various McKinley Ditch priorities is as follows:

Priority:	56	125	128	285
Acres:	467	120	120	Complete irrigation of 240 acres and supplemental irrigation of 710 acres

b) Historical Use.

i) The Water Rights have historically been used to collectively irrigate approximately 950 acres of land underlying the McKinley Ditch.

ii) Historically, by mutual agreement, the owners of the Water Rights have shared the water that is diverted through the McKinley Ditch, with each owner being entitled to a certain percentage of the entire quantity diverted, regardless of which of the individual Water Rights happened to be in priority and regardless of the quantity of water being diverted through the McKinley Ditch at any given time.

iii) In 1948, the owners of the Water Rights at that time memorialized the above-described mutual agreement by entering into that certain written agreement dated June 17, 1948, recorded June 19, 1948 in Montrose County at Book 330, Page 232, and recorded July 27, 1948 in Gunnison County at Book 271 Page 447 (the "1948 Agreement"), confirming the historical operation of the McKinley Ditch as described in the preceding paragraph and allocating the Water Rights pro rata amongst the owners of the Water Rights at that time. The Applicants are the successors in interest to the parties to the 1948 Agreement.

iv) Because of this arrangement, owners of land that was not originally irrigated by priority number 56 were able to irrigate at least a portion of their lands using water diverted under priority number 56. Similarly, owners of land that was not originally irrigated by priority numbers 125 and 128 were able to irrigate at least a portion of their lands using water diverted under these priorities.

c) Applicants seek a change in the decreed place of use of the Water Rights to expressly allow the use of the Water Rights in conformity with the 1948 Agreement. That is, Applicants seek confirmation of the right to use their respective pro rata portion of each individual Water Rights on their respective properties lying underneath the McKinley Ditch. In other words, the change of place of use requested in this case will not result in a change in the decreed place of use of the McKinley Ditch as a whole. However, it will result in a change in the decreed place of use of the individual priorities.

d) Applicants are not seeking to change the beneficial use (irrigation) or the amount or timing of diversions.



e) The Applicants' respective ownership of the right to use the Water Rights is currently as follows:

	Shares	Percentage of Total
Wayne & Charles Maurer	2	25.00%
R & G Butte Rock Ranch	2	25.00%
Larry A. Collins and Lula May Collins	1	12.50%
August Nicolas Family Partnership	1	12.50%
Lee R. Hawk and Janice M. Hawk	1/8	1.56%
William R. Sanders and Janice L. Sanders	3/8	4.69%
Western Rivers Conservancy	1 1/2	18.75%
TOTAL:	8	100.00%

f) Limitation to prevent expansion of use. In order to prevent the change of water rights requested herein from causing an expansion of use of the Water Rights, the total area irrigated by the McKinley Ditch must be limited to approximately 950 acres, and the total area irrigated by each priority must be limited to those acreages specified in paragraph 9(a)(iv), above. The Applicants have agreed to allocate the decreed acreage pro-rata according to their respective ownership interests, as shown in the following table:

Owner	Acres irrigated by each McKinley Ditch Priority				Total acres irrigated
	Priority 56	Priority 125	Priority 128	Priority 285*	
Wayne & Charles Maurer	116.75	30	30	60	236.75
R&G Butte Rock Ranch	116.75	30	30	60	236.75
Larry A. Collins and Lula May Collins	58.375	15	15	30	118.375
August Nicolas Family Partnership	58.375	15	15	30	118.375
Lee R. Hawk and Janice M. Hawk	7.2852	1.872	1.872	3.744	14.7732
William R. Sanders and Janice L. Sanders	21.9023	5.628	5.628	11.256	44.4143
Western Rivers Conservancy	87.5625	22.5	22.5	45	177.5625
TOTAL	467	120	120	240	947

*In accordance with the CA-4742 Decree, amounts in this column represent the number of acres that can be irrigated entirely by priority number 285. Priority number 285 may also be used for supplemental irrigation of the acres that are irrigated by priority numbers 56, 125, and 128.



CONCLUSIONS OF LAW

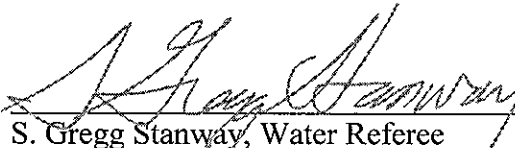
- 10) The foregoing findings of fact are hereby incorporated into and made a part of these conclusions of law, as if fully set forth herein at this point.
- 11) Timely and adequate notice of this Application was given in the manner required by law. This Court has jurisdiction over the subject matter of this proceeding and over all who have standing to appear as parties, whether they have appeared or not.
- 12) "A change of water right...shall be approved if such change...will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right...If it is determined that the proposed change...as presented in the application and the proposed ruling or decree would cause such injurious effect, the referee or the water judge, as the case may be, shall afford the applicant or any person opposed to the application an opportunity to propose terms or conditions that would prevent such injurious effect." C.R.S. § 37-92-305(3)(a).
- 13) The terms and conditions contained in this Ruling are sufficient to prevent the change of water rights requested in this case from causing injury to vested water rights and decreed conditional water rights.

RULING

IT IS HEREBY RULED AND ORDERED:

- 14) The foregoing findings of fact and conclusions of law are hereby incorporated into and made a part of this Ruling, as if fully set forth herein at this point.
- 15) Subject to the terms and conditions contained herein, the change of water rights requested by the Applicants is hereby APPROVED. Applicants, and their successors interest, shall be allowed to use the Water Rights to irrigate the land owned by Applicants that lies underneath the McKinley Ditch, as shown on the attached Exhibit A.
- 16) Applicants, and their successors in interest, shall not use the Water Rights to irrigate more acres than the amounts shown in paragraph 9(f), above.
- 17) When there is a valid call for water from downstream of the McKinley Ditch headgate, diversions at the McKinley Ditch shall be limited to the aggregate decreed flow rate of the McKinley Ditch water rights that remain in priority.
- 18) Nothing in this Ruling shall be interpreted to prohibit the Applicants from using water diverted through the McKinley Ditch to irrigate acreage in addition to the acreages specified in paragraph 9(f), above, at such times that there is no valid call for water from downstream of the McKinley Ditch headgate.
- 19) This ruling shall be filed with the Water Clerk and a copy shall be filed with the State Engineer and Division Engineer, Water Division No. 4.

Dated this 17th day of January, 2013.

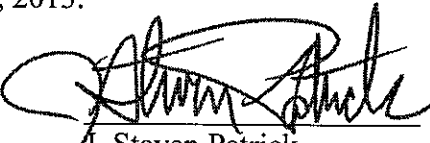

S. Gregg Stanway, Water Referee



DECREE

No protest was filed in this matter. The foregoing ruling is confirmed and approved, and is made the judgment and decree of this Court.

DONE this 14th day of Feb, 2013.

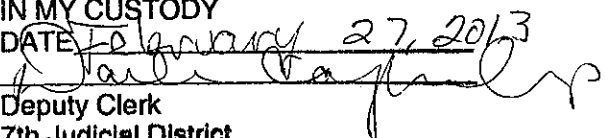


J. Steven Patrick
Water Judge

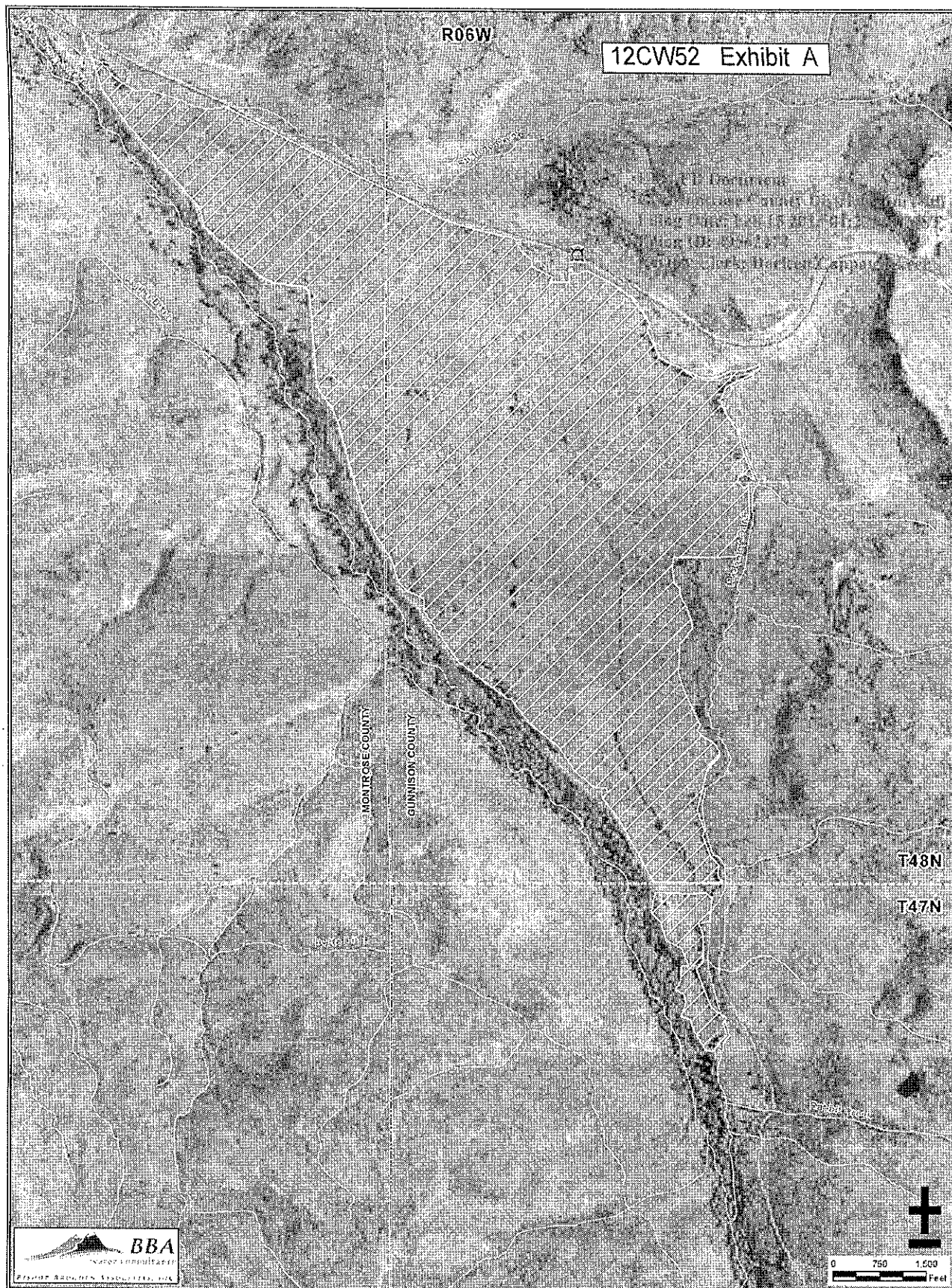


CERTIFIED TO BE A FULL, TRUE
AND CORRECT COPY OF ORIGINAL
IN MY CUSTODY

DATE February 27, 2013



Deputy Clerk
7th Judicial District



12CW52 Exhibit A

618981
Page 8 of 8
R 46.00 D 0.00

S Dominguez Gunnison County, CO
3/14/2013 1:50:54 PM
335



Legend

- Stream/Ditch
- Irrigated Area
- Township & Range
- County Boundary

Figure 1
McKinley Ditch
Approx. Irrigated Area

Date: May 04, 2012
Photo Date: July 16, 2009
Job No. 0906.01

Overview Map

