

DISTRICT COURT, WATER DIVISION 1, STATE OF COLORADO

Case No. 86CW287

FILED IN DISTRICT COURT
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FINDINGS AND RULING OF THE REFEREE AND
JUDGMENT AND DECREE OF THE COURT

DISTRICT COURT
WELF COUNTY COLO.

CONCERNING THE APPLICATION FOR WATER RIGHTS OF
RANCH OF THE ROCKIES ASSOCIATION IN PARK COUNTY

This matter came on for hearing before the Water Referee on December 9, 1987, upon the application of Ranch of the Rockies Association for a conditional storage right for the Buffalo Creek Dam and Reservoir.

All matters contained in the application having been reviewed, and testimony and evidence having been taken where necessary, and the Referee being fully advised in the premises, the Referee hereby enters the following findings and ruling in accordance with C.R.S. § 37-92-303(1):

1. The application was filed on October 31, 1986 by Ranch of the Rockies Association ("RORA"). RORA's address is:

c/o Harley Hamilton
Mountain Planning & Development
P.O. Box 120
Fairplay, CO 80440

2. All notices required by law of the filing of the application have been given in the manner required by law, and the Referee and this Court have jurisdiction over the application and these proceedings, and over all persons who have standing to appear as parties, whether they have appeared or not.

3. A timely statement of opposition was filed on behalf of the City of Thornton. No other statement of opposition to the application has been filed, and the time for filing additional statements of opposition has expired.

4. The following conditional water right is hereby approved:

a. Name of structure: Buffalo Creek Dam and Reservoir.

- b. Legal description of structure:
NW 1/4 NW 1/4, Section 25, Township 12 South,
Range 77 West of the 6th P.M., more
particularly described as follows:
- From the Northwest corner of Section 25,
thence South 73°00' East 728 feet to the
north abutment of the dam.
- c. Source of water: Buffalo Creek, tributary to
the South Fork of the South Platte River.
- d. Date of appropriation: August 31, 1975.
- e. Amount of water: 180 acre-feet, CONDITIONAL.
- f. Use of water: Domestic, commercial,
irrigation, recreation, wildlife, fish
propagation, and as a source of replacement
water under the augmentation plan decreed in
Case No. W-8109-75 and amended in Case
No. 84CW296.

5. Buffalo Creek Dam and Reservoir have been constructed, and the Reservoir has a capacity of 180 acre-feet. Therefore, the requirements of C.R.S. § 37-92-305(9)(b) have been met.

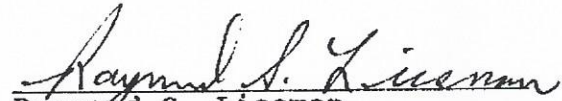
6. Water shall not be impounded, except pursuant to the operation of a lawful exchange, unless authorized by virtue of the priority herein awarded. At all other times, all inflow of water into the reservoir from any source, including precipitation, shall be removed by RORA (or RORA's successors in interest) by draining, pumping or other means, and released into the nearest natural water course or below the reservoir, and such inflow shall not be utilized by RORA (or RORA's successors in interest) in any manner. RORA shall install and maintain such meters, measuring devices or other structures as may be reasonably required by the Division Engineer of Water Division No. 1.

7. If RORA wishes to maintain the conditional water right decreed herein as described in paragraph 4, above, it shall file with the Water Clerk an application for a quadrennial finding of reasonable diligence on or before the last day of September, 1992 and of every fourth calendar year thereafter, until a determination is made by this Court that such conditional water right has become absolute by reason of completion of the appropriation.

8. The priority herein awarded to the Buffalo Creek Reservoir is granted pursuant to an application filed in the Water Court in the year of 1986. Said priority shall be administered as having been filed in that year, and shall be

junior to all priorities granted pursuant to applications filed in previous years. As among all rights granted pursuant to applications filed in the same calendar year, priorities shall be determined by historical dates of appropriation and shall not be affected by the date of entry of ruling by the Referee or decree by the Court.

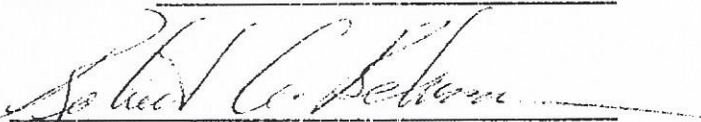
DATED this 1st day of August, 1988.


Raymond S. Liesman
Water Referee

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.

THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: September 2, 1988


Robert A. Behrman
Water Judge