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DISTRICT COURT, WATER DIVISION 1, COLORADO

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WATER RESOURCES
STATE ENGINEER
2210

Case No. (94CW166) 86CW287)

FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE,
JUDGMENT AND DECREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF RANCH OF THE
ROCKIES ASSOCIATION,

IN PARK COUNTY.

This claim for a finding of reasonable diligence and to make conditional water rights absolute, having been filed in the District Court, Water Division 1, in September, 1994, all matters contained in the application having been reviewed, all testimony having been taken where such testimony is necessary, and such corrections made as are indicated by the evidence presented herein, it is hereby the Ruling of the Referee:

FINDINGS OF FACT

1. Name, address and telephone number of Applicant:

Ranch of the Rockies
P.O. Box 85
Hartsel, Colorado 80449
(719) 826-2079

2. Statements of Opposition:

No statements of opposition have been filed in this matter.

3. Subject matter Jurisdiction:

Timely and adequate notice of the application was published as required by statute, and the Court has jurisdiction over the subject matter of this proceeding and

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over the parties affected hereby, whether they have appeared or not.

4. Name of structure: Buffalo Creek Dam and Reservoir

5. Description of conditional water right:

A. Decreed in Case No. 86CW287 on September 2, 1986 in District Court, Water Division 1

B. Location: In the N41/4NW1/4 of Section 25, T12S, R77W of the 6th P.M., more particularly described as beginning at the Northwest corner of Section 25, thence S 73 degrees 00' E, 728 feet to the north abutment of the dam.

C. Source: Buffalo Creek, tributary to the South Fork of the South Platte River

D. Appropriation Date: August 31, 1975

Amount: 180 acre-feet (conditional)

E Use: 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.

6. Claim for absolute water right:

40 acre-feet for recreation, wildlife, and fish propagation and 2.0 acre-feet for augmentation purposes.

7. Finding of Reasonable Diligence:

The application was filed in a timely manner pursuant to the Water Right Determination and Administration Act of 1969, 37-92-302, C.R.S. and Applicant has continued in the development of the remaining conditional water rights during the subject diligence period.

CONCLUSIONS OF LAW

8. The Court has jurisdiction as stated above and notice has been given to all parties of the subject of this matter.

JUDGMENT AND DECREE

9. The foregoing Findings of Fact and Conclusions of Law are approved and incorporated herein by reference.

10. 40 acre-feet of the conditional water right has been put to beneficial use for recreation, wildlife, and fish propagation purposes and 2.0 acre-feet of the conditional water right has been put to beneficial use for augmentation purposes and said amounts are hereby made absolute.

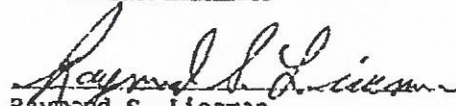
11. The remaining conditional rights for the Buffalo Creek Dam and Reservoir are hereby continued in full force and effect until June, 2001. If Applicant desires to maintain such remaining conditional rights, an application for a finding of reasonable diligence shall be filed on or before June, 2001 or a showing made on or before such date that the conditional water right has become an absolute water right by reason of the completion of the appropriation.

12. 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 reasonable required by the Division Engineer of Water Division 1.

13. The priority awarded to the Buffalo Creek Reservoir as granted in Case No. 86CW287 was 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 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 25th day of April, 1995.


Raymond S. Liesman
Water Referee
Water Division 1

THE COURT DOTH FIND THAT NO PROTEST WAS FILED IN THIS MATTER, THEREFOR THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: 6/2/95


Jonathan W. Hays
Water Judge
Water Division 1