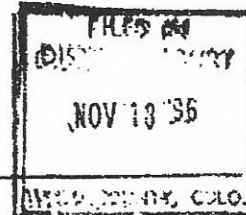


DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. 95CW152  
(W-8109-75 & 84CW296)



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 change of water rights, having been filed in the District Court, Water Division 1, on July 31, 1995, 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 Association  
P.O. Box 85  
Hartsel, Colorado 80449  
(719) 836-2079

2. Statements of opposition: A statement of opposition was filed by the City and County of Denver, acting through its Board of Water Commissioners. No other statements were filed and the time for such filings has ended.

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

4. Water rights being changed: Terms and conditions of augmentation plan as decreed in Case No. W-8109-75 and 84CW296.

CENTRAL FILES



5. Decree Information: As decreed in District Court, Water Division 1 in Case No. W-8109-75 on August 26, 1977. Case No. 84CW296 was a restatement and amendment of W-8109-75 and was made a decree of the Court on November 14, 1990 (augmentation decrees). Case No. 84CW296 was amended on March 30, 1995. Pursuant to the Amended Decree HAMDUN, Corporation is no longer a co-applicant. Further, Ranch of the Rockies was given the authority sufficient to implement the plan for augmentation and to perform the responsibilities required by the Decree.

6. Decreed changes: The above-referenced augmentation decrees adjudicated a plan for augmentation to supply a development to be located on approximately 7,000 acres located in parts of T12S, R77W; T13S, R77W; T13S, R76W; and T14S, R76W of the 6th P.M., Park County, Colorado, as described in the original augmentation decrees. Among other uses, said plan allows a water supply for 2167 units with no irrigation and a 12 horse stable, from wells which are tributary to the South Fork of the South Platte River. The consumptive use from inhouse uses associated with these units is 0.0314 acre-feet per unit per year. Depletions to the stream system are replaced by utilizing consumptive use credits associated with water in the Guiraud 3T Ditch and the Haver No. 3 Ditch and releases from Applicant's Buffalo Creek Dam and Reservoir as decreed by this Court in Case No. 86CW287. The surface rights were also changed to augmentation purposes in the augmentation decrees in the amount of 76.40 acre-feet annually for the Guiraud 3T Ditch and 36.72 acre-feet annually for the Haver No. 3 Ditch.

The augmentation decrees do not provide for watering of horses on the units and apparently limits the stable to only 12 horses. See 84CW296 (W-8109-75), paragraph 18. The purpose of this amendment to the augmentation plans is to provide for watering of horses on the units and to increase the number of horses which may be kept at the stable. To accomplish this, the terms and conditions of the augmentation decrees are hereby amended to reduce the number of units with no irrigation to be served under the augmentation plan from 2167 units to 1271 units (reduction of 896 units). See 84CW296 (W-8109-75), paragraphs 14 and 23. Exhibit A to this decree amends the annual water diversion and replacement requirements in paragraph 23 to reflect the reduction of number of units with no irrigation and the increased watering of horses. The reduction in the number of these units makes available approximately 28.134 acre-feet of consumptive use credits associated with the Guiraud 3T Ditch and Haver No. 3 Ditch water rights (896 units x 0.0314 acre-feet) which would otherwise be utilized for replacement of depletions associated with those units.

Applicant estimates that the demand and consumptive use associated with each horse is approximately 0.0125 acre-feet annually. Applicant will account for the number of horses on the property during the entire year. However, it is expected that the majority of the horses will be kept on the property only during the summer months. Summer depletions associated with the care of the horses will be replaced by utilizing Guiraud 3T Ditch consumptive use credits, if available, in the same manner as described in the decree in Case No. 84CW296 (by leaving a portion of the right in the stream when in



priority or by releases from the Buffalo Creek Reservoir). See 84CW296 (W-8109-75), paragraph 32. Depletions which occur during the winter months will also be accounted for and replaced by releases from the Buffalo Creek Reservoir pursuant to Case No. 84CW296. Such accounting will be provided on a form which is satisfactory to the Division Engineer and similar to Exhibit B attached hereto. Such form is not specifically decreed herein and may be changed only with the prior approval of the Division Engineer and Water Commissioner.

No other parts of the augmentation decrees in Case Nos. W-8109-75 and 84CW296 are changed by this decree.

### CONCLUSIONS OF LAW

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

JUDGMENT AND DECREE

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


9. The augmentation plans decreed in Case Nos. W-8109-75 and 84CW296 are hereby amended to reduce the total number of lots to be served under the plan from 2,397 to 1,501 units. The decrees are further amended to provide for the watering of up to 2,246 horses under this plan, for a total consumptive use not to exceed 28.07 acre feet per year or approximately 0.0125 acre feet per horse. The annual water diversions and replacement requirements as set forth in Case No. 84CW296, paragraph 23, are amended to provide for the addition of horse watering as shown on Exhibit B.

10. The Court finds that Applicant's amended plan for augmentation, conditioned and operated and subject to priority administration as provided herein, will prevent injurious effect to the owners of or persons entitled to use water under vested water rights or decreed conditional water rights.

11. The Court finds that no other parts of the augmentation decrees in Case Nos. W-8109-75 and 84CW296 are changed by this decree.

12. The Court will retain jurisdiction for a period of five years from the date of this decree to assure that no injury to the vested rights of other water users results from the granting of this decree.

Dated this 18 day of November, 1996.

  
Raymond S. Liesman  
Water Referee  
Water Division 1

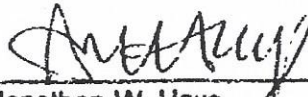
THE COURT DOTH FIND THAT NO PROTEST WAS FILED IN THIS MATTER,  
THEREFOR THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS  
HEREBY MADE THE JUDGMENT AND DECREE OF THIS COURT.

Dated: DEC 16 1996

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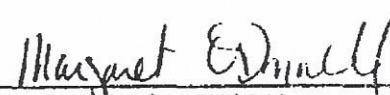
DEC 18 1996

WATER RESOURCES  
STATE ENGINEER  
C.O.O.

  
Jonathan W. Hays  
Water Judge  
Water Division 1

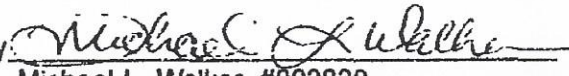
APPROVED AS TO FORM AND CONTENT:

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ATTORNEYS FOR APPLICANT

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AND THROUGH ITS BOARD OF WATER  
COMMISSIONERS

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