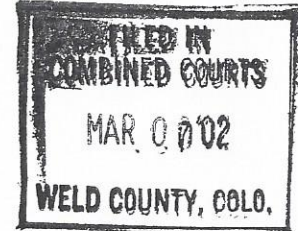


DISTRICT COURT, WATER DIVISION 1,  
COLORADO

Court Address:  
Weld County Courthouse  
P.O. Box 2038  
Greeley, CO 80632

RANCH OF THE ROCKIES ASSOCIATION,  
Applicant,  
  
IN PARK COUNTY.

Attorneys:  
Holder & Ciliberto, P.C.  
Holly I. Holder, Atty. Reg. #10216  
Carrie L. Ciliberto, Atty. Reg. #30577  
518 Seventeenth Street, Suite 1500  
Denver, Colorado 80202-4162  
Telephone: (303) 534-3636



σ COURT USE ONLY σ

Case Number: 01CW093  
(94CW166)

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

This claim for a finding of reasonable diligence and to make a conditional water right absolute, having been filed in the District Court, Water Division 1, on June 28, 2001, all matters contained in the application having been reviewed, all testimony having been taken where such testimony was 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  
492 Ranch Road RORA D2  
Hartsel, Colorado 80449  
(719) 836-2079

2. Statements of Opposition: No statements of opposition have been filed in this matter 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 appears or not.
4. Decree Information: Decreed in Case No. 86CW287 on September 2, 1988, District Court, Water Division 1.
  - A. Name of structure: Buffalo Creek Dam and Reservoir
  - B. Source of water: Buffalo Creek, tributary to the South Fork of the South Platte River
  - C. Date of appropriation: August 31, 1975
  - D. Amount of water claimed: 180 acre-feet (conditional). In Case No. 94CW166, 40 acre-feet of the conditional amount was decreed absolute for recreation, wildlife, and fish propagation and 2 acre-feet was decreed absolute for augmentation purposes.
  - E. Legal description: In the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 12 South, Range 77 West, 6<sup>th</sup> P.M., more particularly described as beginning at the northwest corn of Section 25, thence South 73°00' East, 728 feet to the north abutment of the dam.
  - F. Uses: 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.

#### CLAIM FOR ABSOLUTE WATER RIGHT

5. The Buffalo Creek Dam and Reservoir has been constructed and has stored the total decreed capacity of 180 acre-feet. Therefore, Applicant requests that the remaining 140 acre-feet of the conditional right (which was not made absolute in a prior decree), be made absolute for recreation, wildlife, and fish propagation uses. Applicant has also used an additional 6 acre-feet for augmentation purposes (in addition to 2 acre-feet made absolute for augmentation purposes in a prior decree). Said amounts are hereby made absolute pursuant to this decree.



### FINDING OF REASONABLE DILIGENCE

6. The application for finding of reasonable diligence was filed in a timely manner pursuant to the Water Right Determination and Administration Act of 1969, §37-92-302, C.R.S. During this diligence period, in continuing the development of the conditional water rights not made absolute pursuant to this decree, Applicant was engaged in the legal defense and protection of said water rights and has been diligent in the continued use and development of the water rights involved. During this diligence period, Applicant has been diligent in the development of the subject conditional water rights. Those activities include but are not limited to the following:

A. Applicant has completed the reservoir and has stored the entire decreed capacity of 180 acre-feet. Also, during the diligence period Applicant has continued to maintain the reservoir, including repair of the reservoir liner and cleaning of the spillway.

B. Applicant has stocked the reservoir with fish for the last three years at a cost of approximately \$3,000.00 per year.

C. During the diligence period, Applicant has expended in excess of \$158,000.00 in the completion and maintenance of the dam and reservoir.

D. Applicant has put the remaining 140 acre-feet of the conditional water right to beneficial use for recreation, wildlife, and fish propagation and an additional 6 acre-feet to beneficial use for augmentation purposes.

E. Each month during the diligence period, Holly I. Holder, P.C., has reviewed the resume of applications as published by the Water Clerk for Water Division 1 and advised Applicant whether Statements of Opposition need to be filed to protect Applicant's water rights.

F. The Office of the State Engineer conducted an inspection of the dam and reservoir in June, 2001, and found that the dam and reservoir are in excellent condition.

### CONCLUSIONS OF LAW

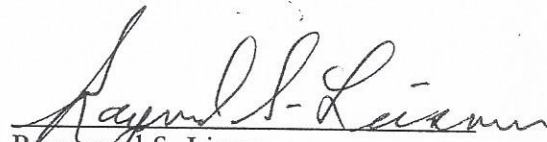
7. The Court has jurisdiction as stated above, and notice has been given to all parties of the subject of this matter.

JUDGMENT AND DECREE

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

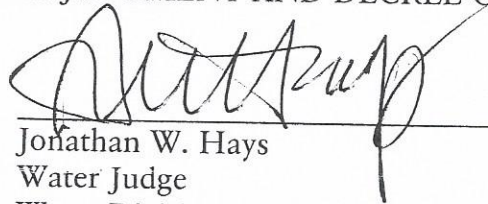
9. The conditional rights associated with the Buffalo Creek Dam and Reservoir are continued in full force and effect until March 200~~8~~. If Applicant desires to maintain such conditional rights, an application for a finding of reasonable diligence shall be filed on or before March 31, 200~~8~~ or a 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.

Dated this 7 day of March, 2002



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.



Jonathan W. Hays  
Water Judge  
Water Division 1

MAR 27 2002