

**GRANTED**

It is hereby ORDERED that upon receipt of this order the moving party shall mail or deliver a copy to any pro se party who has entered an appearance in this action.

James Hartmann
District Court Judge

DATE OF ORDER INDICATED ON ATTACHMENT

**DISTRICT COURT, WATER DIVISION NO. 1,
COLORADO**

Court Address: 901 9th Avenue, Greeley, CO 80631-1113
Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038

EF LED Document – District Court
2010CW303

CO Weld County District Court 19th JD

Filing Date: **COURT USE ONLY**

Filing ID: 38962888

**CONCERNING THE APPLICATION FOR WATER
RIGHTS OF:**

RANCH OF THE ROCKIES ASSOCIATION

IN PARK COUNTY.

Case Number: 10CW303
(95CW152)
(84CW296)
(W-8109-75)

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

A claim for a change of water right and amendment to augmentation plan decree was filed in the District Court, Water Division 1, on December 29, 2010. 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:

I. FINDINGS OF FACT

1. Applicant. The Applicant herein is the Ranch of the Rockies Association (hereinafter "RORA"), 492 Ranch Road, Hartsel, CO 80449.
2. Application. The application in this matter was filed with the water clerk on December 29, 2011
3. Notice and Jurisdiction. All notices required by law of the filing of this application have been fulfilled, and the Court has jurisdiction over the subject matter of this application and over all persons and property affected by it, irrespective of whether they or its owners have appeared. The water and lands that are the subjects of this application are not located in a designated ground water basin.
4. Statements of Opposition. No statements of opposition to the application in this matter were filed, and the time for filing statements of opposition has expired.
5. Summary of Consultation. The Division Engineer for Water Division 1 filed a Summary of Consultation on March 31, 2011. Applicant responded to the Summary of Consultation by letter to the Referee dated June 10, 2011. The Referee has duly considered the Summary of Consultation and Applicant's response thereto.

6. Previous Decrees. The district court, Water Division 1, entered a decree in Case No. W-8109-75 on August 26, 1977 (the "Original Decree") approving a plan for augmentation and change of water rights. Amendments to the plan for augmentation were subsequently approved by the court in Case No. 84CW296 on March 30, 1995, and in Case No. 95CW152 on December 19, 1996 (collectively the "Amended Decrees"). The Original Decree and Amended Decrees adjudicated a plan for augmentation to supply a development located on approximately 7,000 acres located in parts of T12S, R77W; T13S, R77W; T13S, R76W; and T14S, R76W, 6th P.M., Park County, Colorado. Said plan for augmentation allows the withdrawal of ground water tributary to the South Fork of the South Platte River for the supply of up to 1,501 homes and 2,246 horses, along with other uses. The source of augmentation is consumptive use credits from the historical use of the water rights decreed to the Guiraud 3T Ditch, the Haver No. 3 Ditch, and releases of water from RORA's Buffalo Creek Reservoir (decreed in Case No. 86CW287). The total annual consumptive use credits available to RORA from the Guiraud 3T Ditch and the Haver No. 3 Ditch is 113.12 acre-feet, which amount is sufficient to replace depletions associated with all the uses decreed in the plan for augmentation. RORA requests the following changes and/or amendments to the plan for augmentation as decreed in the Original Decree and as amended in the Amended Decrees.
7. Proposed Amendment: By virtue of the application in this case Applicant seeks to remove one single-family, in-house only use, home from the Original Decree and Amended Decrees, and add the uses associated with a fire station. Water use at the fire station is limited to ordinary household uses, without irrigation, for a part-time volunteer fire department; no full time occupancy of the fire station will occur. RORA proposes to amend the plan for augmentation to allow such use. RORA has estimated, and the Referee so finds, that total annual water use and consumption will be equal to or less than the water use and consumption associated with an in-house use only single-family home as currently provided for in the plan for augmentation. RORA therefore proposes to reduce the total number of allowable in-house use only homes from 1,271 to 1,270 (total homes from 1,501 to 1,500), and add the uses associated with the fire station.

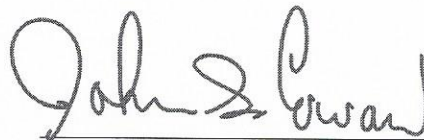
II. CONCLUSIONS OF LAW

8. Incorporation of findings of fact. The foregoing Findings of Fact in Section I of this decree are incorporated herein.
9. Notice and Jurisdiction. Full and adequate notice of the claims adjudicated herein has been given in the manner required by law. The Court has jurisdiction of the subject matter of this application and all persons affected hereby, whether they have appeared or not, pursuant to C.R.S. §§37-92-203(1), 37-92-302 and 37-92-304.
10. Application contemplated by law. The application for change of water rights and amendment to augmentation plan decree described herein is contemplated by law and satisfies the requirements of C.R.S. §37-92-101, *et seq.*

III. RULING OF THE REFEREE

11. Incorporation of findings of fact and conclusions of law. The foregoing Findings of Fact and Conclusions of Law are incorporated herein.
12. Amendment to Augmentation Plan Decree. The augmentation plan decreed in Case No. W-8109-75, as amended by the decrees entered in Case Nos. 84CW296 and Case No. 95CW152, are hereby amended to reduce the total number of lots to be served under the plan from 1,501 to 1,500. Said decrees are further amended to provide for the use of water for one fire station under the plan for augmentation, for a total consumptive use not to exceed 0.0314 acre-feet per year. The Referee finds that no changes to the annual water diversions and replacement requirements as set forth in the decree entered in Case No. 95CW152, Exhibit A and Exhibit B, are necessary, provided, however, that the fire station be included in the totals for the number of "In-House Use" lots. In all other respects, the plan for augmentation shall be subject to the terms of the decree entered in Case No. 84CW296, as amended. The Referee finds that no other parts of the decrees in Case Nos. W-8109-75, 84CW296, or 95CW152 are changed by this decree.
13. Administration. The Referee finds that the 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. Pursuant to CRS §37-92-305(8), the state engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced to prevent injury to vested water rights.
14. Retained Jurisdiction. The Court retains jurisdiction for a period of two (2) years from the date of this decree to assure that no injury to vested rights of other water users results from the granting of this decree.

Dated: July 6, 2011



John S. Cowan
Water Referee
Water Division 1

This document was e-filed pursuant to C.R.C.P. 121 §1-16. A printable version of the electronically signed document is available in the court's electronic file.

DECREE

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

THE COURT HEREBY CONFIRMS AND APPROVES THE FOREGOING
RULING OF THE WATER REFEREE AND ENTERS THE SAME AS THE
JUDGMENT OF THIS COURT

DATED: _____

BY THE COURT:

James F. Hartmann
Water Judge
Water Division 1

This document constitutes a ruling of the court and should be treated as such.

File & Serve

Transaction ID: 38560714

Current Date: Jul 28, 2011

Case Number: 2010CW303

Case Name: In the interest of: RANCH OF THE ROCKIES ASSOCIATION

Court Authorizer

Comments:

ORDER:

There has been no protest filed to the Ruling of the Water Referee. The foregoing Ruling of the Water Referee is confirmed and approved and is hereby entered as the judgment and decree of this court.

Dated: July 28, 2011

/s/ James F. Hartmann
Water Judge, Division No. 1