

Original mailed to Denise 9/27/05

THE LAW FIRM OF
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A LIMITED LIABILITY PARTNERSHIP

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September 21, 2005

Campground of the Rockies
c/o Manning and Company
PO Box 1826
Englewood, CO 80150

RE: Letter received from Mark Wagner of Hill & Robbins, P.C.

Dear Members of the Board:

I have enclosed a letter received in our office from Hill & Robbins, P.C., regarding a Water Court Ruling. As requested in the letter, we are forwarding it to you for review.

Yours very truly,

WINZENBURG, LEFF, PURVIS & PAYNE, LLP


Allison A. Gerkman

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OF COUNSEL
AVI S. ROCKLIN

September 2, 2005

Mark K. Payne
Registered Agent
Campground of the Rockies Association, Inc.
1660 Lincoln, Street
Suite 1550
Denver, CO 80264-2166

Re: Water Court Ruling; Case No. 96CW1145

Dear Mr. Payne:

I am enclosing a copy of the Water Referee's Ruling dated September 2, 2005 in the above-referenced case. The Ruling confirms water rights to two wells owned by Campground of the Rockies Association, Inc. I anticipate that the Ruling will be approved and confirmed by the Water Judge and made the Decree of the Court in approximately thirty days for now.

As I do not have the address of the current president of the Association, please provide a copy of this letter and the Ruling to the Association's president.

Thank you for your assistance.

Very truly yours,


Mark J. Wagner

MJW/

Encl.

District Court, Water Division 1, State of Colorado Court Address: 901 9 th Ave P. O. Box 2038 Greeley, CO 80632	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: CAMPGROUND OF THE ROCKIES ASSOCIATION IN PARK COUNTY	▲ COURT USE ONLY ▲
	Case Number: 96CW1145
NOTICE OF REFEREE RULING	

Mark Wagner
 1441 18th Street, Suite 100
 Denver, CO 80202

Division Engineer
 c/o dawn.ewing@dwr.state.co.us

State Engineer
 c/o alison.needham@dwr.state.co.us


The Water Court Referee for Water Division No. 1 has instructed me to forward a copy of this Ruling. Please check the Ruling carefully. If any errors are found, notify the Water Clerk's Office immediately. If you have any questions regarding this matter, please direct them to the Water Referee at (970) 351-7300, ext. 5406 or by e-mail to ray.liesman@judicial.state.co.us.

You have twenty days after the above mailing to file with the Water Clerk any pleading in protest to or in support of the Referee's Ruling. Any such pleading must be filed on or before **September 22, 2005**, plus any additional time allowed by Rule 6(e) C.R.C.P. In the absence of any pleading, the Judge of the Water Court will enter the Referee's Ruling as a Decree the day after **September 22, 2005**.

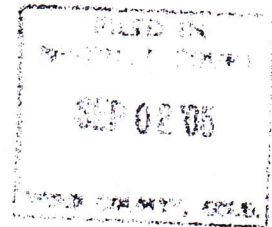
Certificate of Service

I hereby certify that I served via LexisNexis File & Serve, a true and correct copy of the foregoing Ruling to the parties listed above.

Dated: September 2, 2005.

By: 
 Connie Koppes
 Deputy Clerk, Water Division 1

This ruling was filed electronically pursuant to Rule 121, §1-26. The original is in the Court's file.



FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER JUDGE

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

The above entitled Application was filed on December 31, 1996, and was referred to the undersigned as Water Referee for Water Division 1, State of Colorado, by the Water Judge of said Court, in accordance with C.R.S. §§37-92-101, et seq.

No statements of opposition to the Application have been filed and the time for filing such statements has expired. All notices required by law of the filing of the Application having been given and the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the Application are true and having become fully advised with respect to the subject matter of the Application does hereby make the following determination and ruling as the Referee in this matter:

1. The statements in the Application are true.

2. **Name and address of Applicant:**

Campground of the Rockies Association
P.O. Box 4318
Englewood, Colorado 80155

3. **Name of Wells and Well Permit Numbers:**

A. W.U.R.V. No. 1; Well Permit No. 26043-F

B. W.U.R.V. No. 2; Well Permit No. 26044-F

4. **Legal Descriptions of Wells:**

A. W.U.R.V. No. 1 is located in the NE1/4 SW1/4, Section 14, T12S, R77W, 6th P.M., Park County, Colorado at distances of 1,600 feet from the South section line and 2,450 feet from the West section line of said Section 14.

B. W.U.R.V. No. 2 is located in the NE1/4 SW1/4, Section 14, T12S, R77W, 6th P.M., Park County, Colorado at distances of 1,640 feet from the South section line and 2,550 feet from the West section line of said Section 14.

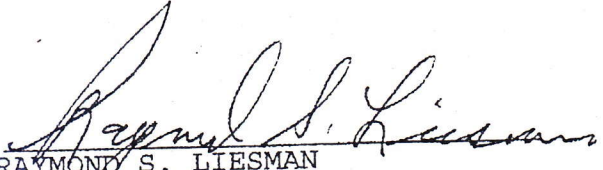
5. **Source:** Groundwater tributary to the South Platte River.
 - A. **Depth:** (a) W.U.R.V. No. 1: 85-feet.
(b) W.U.R.V. No. 2: 90 feet.
6. A. **Date of Appropriation:** September 27, 1982 for both wells.
B. **Date Water Applied to Beneficial Use:** December 20, 1982 for both wells.
7. **Amount of Water Claimed:**
 - A. W.U.R.V. No. 1: An average annual amount of 17.46 acre-feet with a maximum instantaneous pumping rate of 50 gpm, provided that the combined total annual withdrawal from this well and W.U.R.V. No. 2 shall not exceed 34.92 acre-feet; ABSOLUTE.
 - B. W.U.R.V. No. 2: An average annual amount of 17.46 acre-feet with a maximum instantaneous pumping rate of 50 gpm, provided that the combined total annual withdrawal from this well and W.U.R.V. No. 1 shall not exceed 34.92 acre-feet; ABSOLUTE.
8. **Use:** Domestic and Commercial uses.
9. Out-of-priority depletions attributable to the use of the subject wells are currently being replaced pursuant to the plan for augmentation decreed by this Court in Case No. 84CW296 (W-8109-75). No change of water rights or change in the plan for augmentation for the wells is granted herein. By this Ruling and Decree the Court hereby confirms the water rights used from W.U.R.V. Nos. 1 and 2.
10. **Calendar year priority:** The priority decreed herein shall be administered as having been filed in the calendar year of 1996 and shall be junior to all priorities filed in previous years. As between all rights filed in the same calendar year, priorities shall, unless otherwise ordered by the Court, be determined by historical dates for appropriation and not affected by the date of entry of this Ruling and Decree.

It is accordingly ORDERED that this Ruling and Decree shall be filed with the Water Clerk subject to Judicial review.

It is further ORDERED that a copy of this Ruling and Decree shall be filed with the Division Engineer for Water Division 1 and the State Engineer.

Case No. 96CW1145
Page 3

Dated: September 2, 2005


RAYMOND S. LIESMAN
Water Referee
Water Division No. 1

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: _____

ROGER A. KLEIN
Water Judge
Water Division No. 1
State of Colorado

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October 19, 2005

Campground of the Rockies Association, Inc.
c/o Manning & Company
P.O. Box 1826
Englewood, CO 80150

Re: Water Court Decree; Case No. 96 CW 1145

Dear Members of the Board:

Enclosed please find a copy of correspondence dated September 27, 2005 from Mark J. Wagner, Esq. and signature page of the Judge's ruling in this matter.

Very truly yours,

WINZENBURG, LEFF, PURVIS & PAYNE, LLP

Mary Davis

Mary Davis
Legal Assistant

Enclosures

HILL & ROBBINS, P.C.

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AVI S. ROCKLIN

September 27, 2005

Mark K. Payne
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Re: Water Court Decree; Case No. 96CW1145

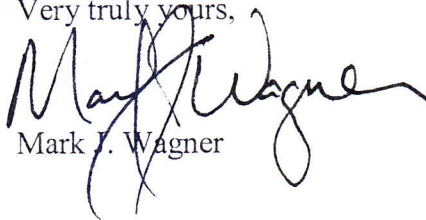
Dear Mr. Payne:

I am enclosing a copy of the Water Judge's signature page indicating that the Ruling that I previously sent to you has now been confirmed and made the Decree of the Court.

As I do not have the address of the current president of the Association, please provide a copy of this letter and the Judge's signature page to the Association's president.

Thank you for your assistance.

Very truly yours,



Mark J. Wagner

MJW/

Encl.