

DISTRICT COURT, WATER DIVISION NO. 1, COLORADO  901 9 <sup>th</sup> Avenue Greeley, CO 80631 (970) 351-7300	COURT USE ONLY  <hr/> Case Number: 2004CW013 (1987CW148)
<hr/> IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF DOUGLASS RANCH PROPERTY OWNERS ASSOCIATION  IN PARK AND JEFFERSON COUNTIES	
<b>FINDINGS AND RULING OF THE REFEREE AND DECREE OF THE WATER          COURT</b>	

This matter came before the Referee on the application of Douglass Ranch Property Owners Association (“Applicant”) to make absolute conditional water right or, in the alternative, for a finding of reasonable diligence. Having considered the pleadings, the comments of the Division Engineer and the evidence presented, and being fully informed in the matter, the Referee enter the following Findings and Ruling of the Referee:

**FINDINGS OF FACT**

1. The name and address of the Applicant are Douglass Ranch Property Owners Association, P. O. Box 603, Pine, Colorado 80470.
2. The application in this case was filed with the Water Clerk, Water Division No. 1 on January 30, 2004.
3. Timely and adequate notice of the application was given in the manner required by law. The Court has jurisdiction over the subject matter of this proceeding and over all persons who have standing to appear as parties, whether they have appeared or not. None of the land or water rights involved in this application are within the boundaries of a designated groundwater basin. No statements of opposition were filed. The time for filing such statements of opposition has expired.
4. Name of Structure: Douglass Ranch Pond 1.
5. Date of Original Decree, Case No. and Court: January 23, 1991, Case No. 87CW148, District Court, Water Division No. 1. By order of the Court dated

November 18, 2003 the Court extended the deadline for filing the application in this case up to and including January 30, 2004.

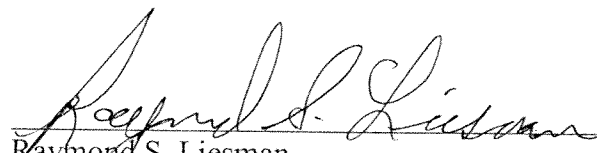
6. Legal Description of Structure: The centerline of the dam for Douglass Ranch Pond 1 is located on an unnamed tributary of Elk Creek at a point whence the southeast corner of Section 6, Township 7 South, Range 71 West of the 6<sup>th</sup> P.M., bears South 3° 00' East, a distance of 1819 feet, more or less.
  7. Source of Water: An unnamed tributary of Elk Creek, a tributary of the North Fork of the South Platte River.
  8. Date of Appropriation: August 31, 1987.
  9. Amount of Water: 187,320 cubic feet (4.3 acre-feet), CONDITIONAL.
  10. Use of Water: Domestic, municipal, irrigation, commercial, recreation, fish propagation, stock watering, fire protection, augmentation, exchange and all other beneficial uses.
  11. Applicant seeks a final decree making the water right for Douglass Ranch Pond 1 in the amount of 187,320 cubic feet (4.3 acre-feet) absolute for domestic, irrigation, commercial, recreation, fish propagation, stock watering, fire protection, augmentation, exchange and all other beneficial uses.
  12. The Referee has consulted with the Division Engineer as required by law. The Division Engineer filed a summary of consultation dated April 27, 2004.
  13. Although the application sought to make absolute the conditional water right for Douglass Ranch Pond 1 for municipal use, applicant has decided to drop this claim and to abandon the conditional water right for Douglass Ranch Pond 1 for municipal use as decreed in Case No. 87CW148, District Court, Water Division No. 1.
- CONCLUSION OF LAW**
14. The Court has jurisdiction over the subject matter of this proceeding and over all who may be affected hereby, whether they have appeared or not. §§ 37-92-203 and 302, C.R.S.

15. Timely and adequate notice of the pendency of this proceeding was given in the manner required by law. § 37-92-302, C.R.S.
16. The Referee finds that the statements contained in the application, as modified by this decree, are true, that granting the application will not result in injury to any vested or conditional water right, that Applicant has met all requirements and met all burdens of proof and that Applicant is, therefore, entitled to a Ruling and Decree granting the application.

**RULING OF THE REFEREE AND DECREE OF THE COURT**

17. The foregoing findings of fact and conclusions of law are incorporated by reference and modified as necessary to constitute part of the Ruling and Decree of the Court.
18. Applicant is hereby granted a final and absolute decree for Douglass Ranch Pond 1 in the amount of 187,320 cubic feet (4.3 acre-feet) with an appropriation date of August 31, 1987 for domestic, irrigation, commercial, recreation, fish propagation, stock watering, fire protection, augmentation, exchange and all other beneficial uses.
19. The conditional water right for Douglass Ranch Pond 1 for municipal use, as decreed in Case No. 87CW148, District Court, Water Division 1 is hereby abandoned.
20. IT IS ACCORDINGLY ORDERED that this Ruling and Decree shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to C.R.S. § 37-92-304, as amended.


Dated this 31<sup>st</sup> day of October, 2005.

  
Raymond S. Liesman  
Water Referee  
Water Division No. 1

THE COURT DOTH FIND: 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: NOV 22 2005

BY THE COURT:

  
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Roger A. Klein  
Water Judge  
Water Division No. 1  
State of Colorado