

IN THE DISTRICT COURT IN AND FOR
THE COUNTY OF GARFIELD AND STATE OF COLORADO

Civil Action No. 5584

IN THE MATTER OF THE PETITION FOR THE)
ORGANIZATION OF THE WEST DIVIDE WATER)
CONSERVANCY DISTRICT.)

D E C R E E

This cause came on for hearing on this 10th day of April, 1964, on the petition for organization of a water conservancy district, filed in this cause on the 27th day of January, 1964. Various of the petitioners appeared in person and all of the petitioners appeared by their attorney, FRANK DELANEY, ESQ. No other persons appeared to object or to protest to the said petition or the formation of said district and there were no other appearances. Thereupon, the petitioners, through their counsel, submitted evidence in support of the allegations of the petition, and the Court having considered the petition and the record and files herein, and the evidence submitted in behalf of the petitioners, and being now fully advised in the premises, makes the following findings:

1. The petition for the organization of said district was filed in this cause on the 27th day of January, 1964; that on the same date, the Court entered an order for a hearing on said petition, and on that date directed notice to be given of the time and place of said hearing, as required by law; thereafter, and on the 5th day of February, 1964, the petitioners filed a bond for the costs and expenses, as provided by statute, and the Court entered an order approving said bond on said 5th day of February, 1964.

2. The petition herein alleges and shows that the proposed district, as described in the petition, has an assessed valuation of irrigated land, together with improvements thereon, within said proposed district of less than Twenty Million Dollars; that the petition (Which in form consists of several similar petitions) is signed by

not fewer than twenty-five (25%) per cent of the owners of irrigated lands to be included in the proposed district, but not embraced within the corporate limits of a city or town.

Said petition is likewise signed by not fewer than five (5%) per cent of the owners of non-irrigated land, or lands embraced in the incorporated limits of the cities and towns which are situate in the proposed district.

Each tract of land, irrigated as well as non-irrigated, owned by each petitioner is listed below the name of the signer in said petition; and each such tract, together with improvements thereon, has an assessed value of not less than one thousand dollars.

3. That the Clerk of this Court has caused notice to be issued and published in two weekly newspapers, The Glenwood Post, published in Garfield County, Colorado, and The Aspen Times, published in Pitkin County, Colorado, for four consecutive issues of each, and in The Daily Sentinel, a daily newspaper published at Grand Junction, in Mesa County, Colorado, on the same day of each week for four consecutive issues; that a copy of said notice was mailed by the Clerk of this Court to the Board of County Commissioners of Garfield County, Colorado, the Board of County Commissioners of Pitkin County, Colorado, and the Board of County Commissioners of Mesa County, Colorado, by registered mail, and return registration receipts are on file herein; said notices were so mailed and served within the time and manner provided by law.

4. That said petition has been signed by more than the required number of qualified owners of irrigated land situate in the territory within the proposed district, and also by more than the required number of owners of non-irrigated and town property within the proposed district; that the said petition has been signed in full conformity with the "Water Conservancy Act" of Colorado (1953 C.R.S. 149-6-1 to 149-6-43).

5. That no protesting petition has been filed, and that no one has appeared to object to the organization and incorporation of said district.

6. That there is no city included within the proposed district with a population of more than Twenty-five Thousand (25,000) according to the last United States census.

7. The Court has jurisdiction of the parties and the subject matter of this action.

8. That the allegations of the petition are true and said petition should be, and is, approved by the Court.

9. That the property within the proposed district will be benefited by the accomplishment of the following purposes, as enumerated in C.R.S. 1953, 149-6-3, namely, the conserving, developing, and stabilizing supplies of water for domestic, irrigation, power, manufacturing, and other beneficial uses, and by the construction of works for said purposes.

10. That a general description of the contemplated improvements, all of which are intended to accomplish the purposes set forth in the last preceding paragraph of this decree, are as follows:

The construction of the West Divide Project, under the provisions of the Colorado River Storage Project and participating Projects Act, Public Law 485, 84th Congress, 2nd Session of the United States, approved April 11, 1956. In connection with and to bring about said proposed improvement, to enter into any and all proper, convenient and needful contracts and agreements with the United States of America for the repayment of the costs of construction thereof. The purpose of said contemplated improvement is to provide a supply of water for irrigation, domestic, municipal, industrial, and other beneficial uses within the District. The various units and features of said project are more particularly described in the petition, reference to which is made for further particulars.

Said district is to exercise all powers conferred upon such districts by law in order to conserve, develop, and stabilize supplies of water for all beneficial purposes within said district.

11. That a public necessity exists for the construction of works to accomplish the purposes aforesaid.

12. A general description of the territory to be included within the proposed district, which contains and includes parts of Garfield, Mesa and Pitkin Counties, Colorado, is as follows:

Beginning at the Southwest Corner, Section 31, Township 8 South, Range 96 West of the 6th Principal Meridian; thence, North approximately 3/4 mile to the Southeast Corner, Section 36, Township 8 South, Range 97 West of the 6th Principal Meridian; thence, West approximately 1 mile to the Southwest Corner of said Section 36; thence, North approximately 1/2 mile to the West 1/4 Corner of said Section 36; thence, West approximately 1/2 mile to the Center of Section 35, Township 8 South, Range 97 West of the 6th Principal Meridian; thence, North approximately 1 mile to the Center of Section 26, Township 8 South, Range 97 West of the 6th Principal Meridian; thence, East approximately 1/2 mile to the East 1/4 Corner of said Section 26; thence, North approximately 1 mile to the West 1/4 Corner of Section 24, Township 8 South, Range 97 West of the 6th Principal Meridian; thence, East approximately 1 mile to the East 1/4 Corner of said Section 24; thence, North approximately 3/4 mile to the Northwest Corner of Section 18, Township 8 South, Range 96 West of the 6th Principal Meridian; thence, East approximately 1 mile to the Northeast Corner of said Section 18; thence, North approximately 1/2 mile along the West boundary of Section 8, Township 8 South, Range 96 West of the 6th Principal Meridian to the point of intersection of said West boundary with the Mesa-Carfield County line; thence, East approximately 1 mile along said Mesa-Carfield County line to the point of intersection of said line with the West boundary of Section 9, Township 8 South, Range 96 West of the 6th Principal Meridian; thence, North approximately 1 1/4 miles along the West boundary of said Section 9 and the West boundary of Section 4, and of said Township and Range to the point of intersection of said West boundary of said Section 4 with the South bank of the Colorado River Channel; thence in a general Northeasterly direction along said South bank of said river channel approximately 49 miles to the point of intersection of said South bank with the West corporate limits of the City of Glenwood Springs, Colorado; thence, following along the Westerly, Northerly, Easterly and Southerly boundaries of Glenwood Springs to the intersection of said Southerly boundary with the Center line of the channel of the Roaring Fork River, thereby, including in said District all of the area in the City of Glenwood Springs as of February 1, 1963; thence, in a general Southeasterly direction along the Center line of said Roaring Fork River Channel approximately 9 1/2 miles to the point of intersection of the Center line of said Roaring Fork River Channel with the Center line of the Crystal River Channel; thence, in a general Southerly direction along the Center line of said Crystal River Channel approximately 16 1/2 miles to the point of intersection of said Center line of said channel with the East boundary of Section 8, Township 10 South, Range 88 West of the 6th Principal Meridian; thence, South along the East boundary of said Section 8 and the East boundaries of Sections 17, 20, 29 and 32 of said Township and Range, approximately 4 1/4 miles to the Southeast

Corner of said Section 32, thence, West approximately 1/3 mile to the Northeast Corner of Section 5, Township 11 South, Range 88 West of the 6th Principal Meridian; thence, South approximately 1 1/2 miles to the Pitkin-Cunnison County line; thence West along said County line approximately 2 miles to the point of intersection of said County line with the West boundary of Township 11 South, Range 88 West of the 6th Principal Meridian; thence, North along said West boundary of said Township approximately 1 1/2 miles to the Northwest Corner of said Township and Range; thence, West approximately 2/3 mile to the Southwest Corner of Section 36, Township 10 South, Range 89 West of the 6th Principal Meridian; thence, North approximately 6 miles to the Northwest Corner of Section 1, Township 10 South, Range 89 West of the 6th Principal Meridian; thence, West along North boundary of said Township and Range approximately 4 3/4 miles to the point of intersection of said boundary with the Pitkin-Cunnison County line; thence, in a general Northwesterly direction along said County line approximately 3 1/2 miles to the point common to the boundaries of Cunnison, Mesa and Pitkin Counties in Section 24, Township 9 South, Range 90 West of the 6th Principal Meridian; thence, following the Mesa-Cunnison County line in a general Southwesterly direction approximately 8 miles to the point of intersection of said line with the line between Ranges 90 West and 91 West near the Southwest Corner of Section 31, Township 9 South, Range 90 West of the 6th Principal Meridian; thence, North approximately 1/2 mile to the Southeast Corner of Section 36, Township 9 South, Range 91 West of the 6th Principal Meridian; thence, West approximately 2 miles to the Southwest Corner of Section 35, said Township and Range; thence, North approximately 3 miles to the Southeast Corner of Section 15, Township 9 South, Range 91 West of the 6th Principal Meridian; thence, West approximately 4 miles to the Southwest Corner of Section 18, Township 9 South, Range 91 West of the 6th Principal Meridian; thence, North approximately 3 miles to the Southeast Corner of Section 36, Township 8 South, Range 92 West of the 6th Principal Meridian; thence, West approximately 6 miles to the Southwest Corner of Section 31 of said Township and Range; thence, North along the West boundary of Township 8 South, Range 92 West of the 6th Principal Meridian; approximately 3 3/4 miles to the point of intersection of said boundary with the Mesa-Garfield county line; thence, West along said County line approximately 14 miles to the point of intersection of said County line with the East boundary of Section 15, Township 8 South, Range 95 West of the 6th Principal Meridian; thence, South along the East boundary of said Section 15 and the East boundaries of Sections 22, 27, and 34 of said Township and Range to the Southeast Corner of said Section 34; thence, West approximately 4 miles along the South boundary of said Township and Range to the Southwest Corner of Section 31, Township 8 South, Range 95 West of the 6th Principal Meridian; thence, South approximately 1 mile to the Southeast Corner of Section 36, Township 8 South, Range 96 West of the 6th Principal Meridian; thence, West along the South boundary of said Township and Range approximately 6 miles to the point of beginning.

13. That the name of said district, as proposed in said petition, is "West Divide Water Conservancy District". Said name is hereby adopted and approved.

14. No part of the proposed district is included within the boundaries of a district already in existence, under the provisions of C.R.S. 1953, 149-6-1, et seq., as amended, known as the "Water Conservancy Act".

15. A general designation of divisions of the district is as follows: The district shall be divided into five divisions.

Division 1, or the Glenwood Springs Division of said district shall embrace all territory within said district included within the corporate limits of the City of Glenwood Springs, Colorado.

Division 2, or the Roaring Fork Division of said district, shall embrace all of that part of Pitkin County contained in said district herein before described and that part of Garfield County contained within the district situated East of the line between Ranges 89 and 90 West of the 6th Principal Meridian, except for the area contained in division 1 or the Glenwood Springs division herein before described.

Division 3, or the Divide Creek Division, shall embrace that part of the proposed district lying between a general North-South line, extending through the center of Townships 6, 7, and 8 South, Range 92 West of the 6th Principal Meridian and the West Boundary of Division 2, or the Roaring Fork Division herein before described.

Division 4, or the Mamm Creek Division, shall embrace that part of the proposed district lying between a general North-South line, extending through the center of Townships 6, 7, and 8 South, Range 94 West of the 6th Principal Meridian and the West boundary of Division 3, or the Divide Creek Division, herein before described.

Division 5, or the Mesa Division, shall embrace that part of the proposed district lying West of Division 4, or the Mamm Creek Division, herein before described.

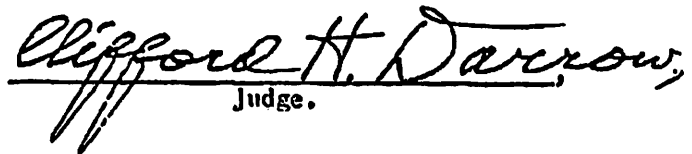
16. One director is proposed for each division of said district.

WHEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the territory as above described in paragraph 12 be, and the same is, hereby organized, constituted, and created a water conservancy district under the "Water Conservancy Act" of the State of Colorado, as amended, the same being C.R.S. 1953, 149-6-1 to 149-6-43, under the corporate name of "West Divide Water Conservancy District", with its office or principal place of business at Glenwood Springs, Colorado.

IT IS FURTHER ORDERED that the Board of Directors of said District shall consist of not to exceed five directors, to be appointed by order of Court within thirty days from the date of the decree, as provided by C.R.S. 1953,149-6-9, and that each such director, so appointed, shall be a qualified resident of the division which he is to represent.

Done in open Court.

BY THE COURT:


Judge.