

Dist. Boundaries
X7

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

Filed in the office of the Clerk of the District Court of Pueblo County, Colo.

APR 29 1958

Civil Action No. 40487 - Div. "B"

Marie E. Hornel
Clerk

IN THE MATTER OF SOUTHEASTERN)
COLORADO WATER CONSERVANCY) FINDINGS AND DECREE
DISTRICT)

On this 29th day of April, 1958, this cause coming on for hearing on the petition for the organization of a Water Conservancy District under the "Water Conservancy Act," of the State of Colorado, the Court, after full hearing, finds:

1. That the petition in this cause for organization of a "Water Conservancy District" was filed in the office of the Clerk of the District Court, sitting in and for Pueblo County on February 25, 1958, and by order, this Court on said day fixed this 29th day of April, 1958, for hearing said petition, by the District Court sitting in and for said Pueblo County, at the Court House in the City of Pueblo, Pueblo County, Colorado. That bond to pay all expenses connected with these proceedings in case the organization of the District be not effected, with security approved by the Court, has been filed in and is a part of these proceedings.

2. That the petition for the organization of a water conservancy district, filed in this cause, sets forth:

(1) The proposed name of the District.

(2) That the property within the proposed District will be benefited by the accomplishment of the purposes enumerated in Section 3 of said Act.

(3) A general description of the purpose of the contemplated improvement, and of the territory to be included in the proposed District.

(4) The assessed value of all irrigated lands within the boundaries of the proposed District.

(5) A general designation of Divisions of the District and the number of Directors of the District proposed for each subdivision.

(6) Prayer for organization of the District by the proposed name; and

(7) The signatures of the petitioners, with each tract (or tracts) listed opposite the name of the signer and the assessed valuation thereof, and whether each signer is the owner of irrigated lands or nonirrigated lands, or lands embraced in the incorporated limits of a city or town situated in the proposed District.

3. That the Clerk of this Court has caused notice of the pendency of said petition and of the time and place of hearing hereon, by publication of "Notice" in the following newspapers, to wit: "Mountain Mail," a legal newspaper of general circulation in Chaffee County; "Daily Record," a legal newspaper of general circulation in Fremont County; "Pueblo Chieftain," a legal newspaper of general circulation in Pueblo County; "Gazette-Telegraph," a legal newspaper of general circulation in El Paso County; "New Era," a legal newspaper of general circulation in Crowley County; "Tribune Democrat," a legal newspaper of general circulation in Otero County; "Bent County Democrat," a legal newspaper of general circulation in Bent County; "Lamar Daily News," a legal newspaper of general circulation in Prowers County; "Kiowa County Press," a legal newspaper of general circulation in Kiowa County. That said publication was made in each of said newspapers in the manner as required by law as more fully appears by affidavits of publication on file in this cause. That the Clerk of this Court on February 27, 1958, caused a copy of said Notice to be mailed, by United States registered mail, to each

of the Boards of County Commissioners of Bent, Chaffee, Crowley, El Paso, Fremont, Kiowa, Otero, Prowers and Pueblo Counties, as more fully appears by the affidavit of mailing of said notices by the Clerk of this Court and return registration receipts on file in this cause.

4. That no protesting petition or petitions have been filed.

5. That on April 29, 1958, a Motion for Continuance was filed for the Twin Lakes Reservoir and Canal Company, John L. Wyeth, C. D. Buchner, and E. E. Kercheval, by Barnard & Barnard, attorneys, and, the Court having heard argument thereon did deny said motion; that a Motion to Dismiss was on April 29, 1958, filed for the Twin Lakes Reservoir and Canal Company, John L. Wyeth, C. D. Buchner, and E. E. Kercheval, by Barnard & Barnard, attorneys, and, the Court having heard argument thereon did overrule said motion; that an Objection was filed on April 29, 1958, for John L. Wyeth, C. D. Buchner, and E. E. Kercheval by Barnard & Barnard, attorneys, and, the Court having heard argument thereon overruled said objection; that several requests for exclusion of lands were made to the Court by letters and the Court having considered the same finds that such requests by individual owners are governed by 149-6-32 C. R. S. '53.

6. That said petition has been signed by more than fifteen hundred (1500) qualified owners of irrigated land (i. e. 2286) situated within the limits of the territory proposed to be organized into the District and not embraced within the incorporated limits of a city or town; and each tract of land is listed opposite the name of each signer and each such tract (or tracts), together with improvements thereon, has an assessed value of not less than Two Thousand Dollars (\$2,000); and said petition has been signed by more than five hundred (500) qualified owners of lands embraced in the incorporated limits of cities and towns, (i. e. 1141), all situated in the proposed District; and each tract (or tracts) is listed opposite the

name of each signer and each such tract (or tracts), together with improvements thereon, has an assessed value of more than One Thousand Dollars (\$1,000); that said petition has been signed and presented in full conformity with the "Water Conservancy Act" of Colorado.

7. That the assessed valuation of irrigated land, together with improvements thereon, within the boundaries of the District hereinafter described, is more than Twenty Million Dollars (\$20,000,000), to wit, Twenty-Seven Million Six Hundred Fifty Thousand Dollars (\$27,650,000); and, on application being made to the Court by petitioners, said petitions and each and all of them on file herein are amended to conform to the proof so that paragraph Fourth thereof is amended to read: "Fourth: The assessed value of all irrigated land, together with improvements thereon, within the boundaries of the proposed district is Twenty-Seven Million Six Hundred Fifty Thousand Dollars (\$27,650,000)."

8. That the City of Pueblo, in the County of Pueblo, and the City of Colorado Springs, in the County of El Paso, are cities each of which have a population of more than twenty-five thousand (25,000) as determined by the last United States census; that said City of Pueblo, by and through the written consent of the chief executive officer of said city and with the approval of the legislative body thereof, has consented to inclusion within said District without restriction as to the maximum rate of taxation; that, by ordinance duly adopted by the City Council of the City of Colorado Springs on March 8, 1955, the same being ordinance No. 2206, together with the amendment thereof which was duly adopted by the City Council of the said City of Colorado Springs on February 11, 1958, said ordinance as amended consents to the inclusion of the City of Colorado Springs within the boundaries of the proposed Southeastern Colorado Water Conservancy District and to taxation in and

by such District pursuant to the statutes in such case made and provided, provided, however, that the judicial decree authorizing and adjudging the formation and incorporation of the Southeastern Colorado Water Conservancy District shall include a provision that in the event the transmountain water diversion program known as the Fryingpan-Arkansas Project is not authorized, approved, and constructed as a United States Bureau of Reclamation project and the City of Colorado Springs should not approve or desire to participate in any other program or project for the diversion and use of water by said District, the City of Colorado Springs, at its request, shall be excluded from said Conservancy District on the payment of assessments due and payable by said city; that the proper officers of said City of Colorado Springs have consented to the inclusion of said city on said terms.

9. That except for said cities of Colorado Springs and Pueblo, there are no other cities or towns or cities and counties included within the proposed District having a population of more than twenty-five thousand (25,000) as determined by the last United States census.

10. That the City of Canon City, in Fremont County, Colorado, by Resolution No. 1-57, passed by the City Council of said Canon City, on Monday, February 4, 1957, requested the inclusion of the City of Canon City within the boundaries of the proposed Southeastern Colorado Water Conservancy District, and that, subsequently thereto, said City of Canon City expressly objected to inclusion in writing to the Court prior to the date on which the Court declared the District organized, all as provided by Section 149-6-32(2) of the Session Laws, the same being Chapter 293 of the Session Laws of Colorado 1957.

11. That this Court has jurisdiction of the parties to, and the subject matter of, this proceeding.

12. That the petition as amended in all respects complies with, and conforms to, the requirements of said Water Conservancy Act, and the allegations of said petition are true, and said petition is approved by the Court,

13. That the property within the proposed District will be benefited by the accomplishments of the following purposes, to wit: Construction of "Works" as defined in said Water Conservancy Act for conserving, developing and stabilizing the supplies of water for domestic, irrigation, power, manufacturing, and other beneficial uses.

14. That the purposes for which said District is established are: To acquire and appropriate waters of the Colorado and Arkansas Rivers and their tributaries and other sources of supply by means of "Works" as defined in said "Water Conservancy Act," and to divert, store, transport, conserve, develop, and stabilize all of said supplies of water for domestic, irrigation, power, manufacturing, and other beneficial uses within and for the territory to be included in the said proposed District.

15. That public necessity exists for the construction of the proposed "Works."

16. That the territory to be included in the proposed District is described as follows:

CHAFFEE COUNTY

Township 12 South, Range 79 West: Sections 7, 8, 9, 26, 27, 28, 33, 34, 35
Township 12 South, Range 80 West: Section 12
Township 13 South, Range 78 West: Sections 19, 30, 31, 32, 33
Township 13 South, Range 79 West: Sections 2, 3, 11, 12, 13, 14, 22 through 27, 35, 36
Township 14 South, Range 78 West: Sections 4 through 9, 15 through 21, 28 through 35
Township 14 South, Range 79 West: Sections 1, 2, 11, 12, 13, 14, 22 through 27, 35, 36
Township 15 South, Range 78 West: Sections 2 through 11, 14 through 23, 26 through 35
Township 15 South, Range 79 West: Sections N 1/2 1, N 1/2 2
Township 51 North, Range 8 East: Sections 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, 33, 34
Township 50 North, Range 9 East: Sections 19, 30, 31, 32, 33
Township 50 North, Range 8 East: Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 21 through 28, 31 through 36
Township 50 North, Range 7 East: Sections 29 through 36
Township 49 North, Range 9 East: Sections 4, 5, 6, 7, 8, 9, 10, that part of 11 and 14 in Chaffee County, 15
Township 49 North, Range 8 East: Sections 1 through 12
Township 49 North, Range 7 East: Sections 1, 2, 3

Also including all territory within the limits of the following towns and cities: Salida and Buena Vista

That said lands above described include the area within the town of Poncha Springs, and, on application being made to the Court by petitioners, said petitions and each and all of them on file herein are amended to read:

Also including all territory within the limits of the following towns and cities: Salida, Buena Vista, and Poncha Springs.

FREMONT COUNTY

Township 49 North, Range 9 East: (Most of this township is in Chaffee County) Sections 13, that part of 14 in Fremont County, 24
Township 49 North, Range 10 East: Sections 18, 19, 20, 21, 27, 28, 29, 34, 35
Township 48 North, Range 10 East: Sections 1, 2, 3, 10, 11, 12, 13
Township 48 North, Range 11 East: Sections 7, 17, 18, 19, 20, 28, 29, 32, 33, 34, 35, 36
Township 48 North, Range 12 East: Sections 13, 14, 15, 20, 21, 22, 23, 28, 29, 30, 31, 32
Township 19 South, Range 73 West: Sections 6, 7
Township 47 North, Range 11 East: Sections 3, 4, 5
Township 18 South, Range 70 West: Sections 3, 4, 9, 10, 13 through 36
Township 18 South, Range 69 West: Sections 24, 25, 36
Township 18 South, Range 68 West: Sections 19, 27 through 35
Township 19 South, Range 70 West: Sections 1 through 12
Township 19 South, Range 69 West: Sections 1, 7 through 17, 20 through 24
Township 19 South, Range 68 West: Sections 2 through 11, 14 through 23, 25, 26, 36
Township 20 South, Range 68 West: Section 1

Also including all territory within the limits of the following towns and cities: Canon City, South Canon, East Canon, Florence, Penrose and Portland

PUEBLO COUNTY

Township 18 South, Range 65 West: Sections 1, 2, 11, 12, 13, 24, 25, 36
Township 18 South, Range 64 West: Sections 6, 7, 18, 19, 30, 31
Township 19 South, Range 65 West: Sections 1, 12, 13, 24, 25, 36
Township 19 South, Range 64 West: Sections 6, 7, 18, 19, 30, 31
Township 20 South, Range 67 West: Sections 5, 6, 8, 9, 15, 16, 22, 23, 24
Township 20 South, Range 66 West: Sections 19, 29, 30, 32, 33, 34, 35, 36
Township 20 South, Range 65 West: Sections 1, 12, 13, 14, 22 through 28, 31 through 36
Township 20 South, Range 64 West: (Less Booth Orchard) Sections 6, 7, 13, 14, 18, 19, 23, 24, 25, 26, 29 through 36
Township 20 South, Range 63 West: (Less Booth Orchard) Sections 17, 18, 19, 20, 29 through 36
Township 20 South, Range 62 West: Section 31
Township 21 South, Range 66 West: Sections 1, 2, 3
Township 21 South, Range 65 West: Sections 1 through 6, 8 through 17, 22 through 27, 34, 35, 36
Township 21 South, Range 64 West: Sections 1 through 24

Township 21 South, Range 63 West: Sections 1 through 24, 26, 27, 34, 35
Township 21 South, Range 62 West: Sections 1 through 29, 35, 36
Township 21 South, Range 61 West: Sections 4 through 11, 13 through 36
Township 21 South, Range 60 West: Sections 19, 20, 21, 26 through 36
Township 22 South, Range 65 West: Sections 1, 2, 3
Township 22 South, Range 61 West: Sections 1 through 24, 27, 28, 29, 30, 31
32, 33, 34
Township 22 South, Range 60 West: Sections 1 through 25, 36

Also including all territory within the limits of the following towns
and cities: Pueblo

EL PASO COUNTY

Township 13 South, Range 67 West: Sections 7 through 36
Township 13 South, Range 66 West: Sections 7, 8, 9, 10, 15 through 22,
27 through 34
Township 14 South, Range 67 West: Sections 1 through 15, 22 through 27,
34 through 36
Township 14 South, Range 66 West: Sections 3 through 10, 15 through 22,
27 through 34
Township 15 South, Range 67 West: Sections 1, 2, 11 through 14
Township 15 South, Range 66 West: Sections 1 through 18, 23, 24, 25, 36
Township 15 South, Range 65 West: Sections 7, 8, 13 through 23, 26 through
34
Township 16 South, Range 66 West: Sections 1, 12
Township 16 South, Range 65 West: Sections 3 through 10, 15, 16, 17, 20,
21, 22, 27, 28, 29, 32, 33, 34
Township 17 South, Range 65 West: Sections 3, 4, 5, 8, 9, 10, 11, 14, 15,
22, 23, 24, 25, 26, 35, 36

Also including all territory within the limits of the following towns and
cities: Colorado Springs, Fountain and Manitou Springs

CROWLEY COUNTY

Township 20 South, Range 58 West: Section 35
Township 20 South, Range 57 West: Sections 34, 35, 36
Township 20 South, Range 56 West: Sections 28, 31, 32, 33, 34
Township 21 South, Range 59 West: Sections 35, 36
Township 21 South, Range 58 West: Sections 1, 2, 3, 9 through 16,
20 through 36
Township 21 South, Range 57 West: Sections 1 through 36
Township 21 South, Range 56 West: Section 2 through 33
Township 22 South, Range 59 West: Sections 1 through 6, that part of
Sections 7, 8, 9, 10 and 11 lying north of the Arkansas River, 12,
that part of Sections 13, 14, 15, 16 and 17 lying north of the
Arkansas River.
Township 22 South, Range 58 West: Sections 1 through 12, that part of
Sections 13, 14, 15, 16, 17, 18 and 24 lying north of the Arkansas
River
Township 22 South, Range 57 West: Sections 1 through 10, 15 through 18,
that part of Sections 19 and 20 lying north of the Arkansas River

Also including all territory within the limits of the following towns and
cities: Olney Springs, Crowley, Ordway and Sugar City

OTERO COUNTY

Township 21 South, Range 54 West: Sections 25, 36
Township 22 South, Range 59 West: That part of Sections 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, lying south of Arkansas River, 19 through 36
Township 22 South, Range 58 West: That part of Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 lying south of the Arkansas River, 25 through 36
Township 22 South, Range 57 West: That part of Sections 19, 20, and 21 lying south of the Arkansas River, 25 through 36
Township 22 South, Range 56 West: Sections 30 through 36
Township 22 South, Range 55 West: Sections 1, 2, 11 through 14, 23 through 28, 31 through 36
Township 22 South, Range 54 West: Sections 1, 7, 8, 12, 13, 16 through 36
Township 23 South, Range 59 West: Sections 2, 3, 4, 5, 6, 9, 10
Township 23 South, Range 58 West: Sections 1, 2, 12, 13, 24, 25
Township 23 South, Range 57 West: Sections 1 through 30, 34, 35, 36
Township 23 South, Range 56 West: Sections 1 through 36
Township 23 South, Range 55 West: Sections 1 through 36
Township 23 South, Range 54 West: Sections 1 through 24, 27, 28, 29, 30, 31, 32, 33
Township 24 South, Range 57 West: Sections 1, 2, 3, 10 through 15, 22, 23, 24, 26, 27, 34, 35
Township 24 South, Range 56 West: Sections 1 through 19, 23, 24, 25, 26
Township 24 South, Range 55 West: Sections 1 through 30
Township 24 South, Range 54 West: Sections 5, 6, 7, 18
Township 25 South, Range 57 West: Sections 2, 3

Also including all territory within the limits of the following towns and cities: Fowler, Manzanola, Rocky Ford, Swink, La Junta and Cheraw

BENT COUNTY

Township 21 South, Range 53 West: Sections 29, 30, 31, 32
Township 21 South, Range 49 West: Sections 35, 36
Township 21 South, Range 48 West: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22 through 29, 31 through 36
Township 22 South, Range 53 West: Sections 5, 6, 7, 8, 13 through 36
Township 22 South, Range 52 West: Sections 19 through 36
Township 22 South, Range 51 West: Sections 1, 2, 11 through 36
Township 22 South, Range 50 West: Sections 12 through 36
Township 22 South, Range 49 West: Sections 1, 2, 3, 4, 7 through 36
Township 22 South, Range 48 West: Sections 1 through 35
Township 23 South, Range 53 West: Sections 1 through 19, less that land under Las Animas Town Canal
Township 23 South, Range 52 West: Sections 1 through 18, 20 through 28, 33, 34, less that land under Las Animas Town Canal
Township 23 South, Range 51 West: Sections 1 through 12, 17, 18, 19, 20
Township 23 South, Range 50 West: Sections 1 through 17, 20, 21
Township 23 South, Range 49 West: Sections 2 through 11, 16, 17, 18
In addition to the lands above described, there is hereby included all lands irrigated within the exterior boundaries of the district in Bent County except the lands irrigated by the Las Animas Town Canal or the Amity Canal

Also including all territory within the limits of the following towns and cities: Las Animas

PROWERS COUNTY

Township 21 South, Range 47 West: Sections 11 through 36
Township 21 South, Range 46 West: Sections 4, 5, 7, 8, 9, 15 through 36
Township 21 South, Range 45 West: Sections 19, 20, 29, 30, 31, 32
Township 22 South, Range 47 West: Sections 1 through 24, 30 less that
land under Amity Canal
Township 22 South, Range 46 West: Sections 1 through 19, N 1/2 20,
N 1/2 21, N 1/2 22, less that land under Amity Canal
Township 22 South, Range 45 West: Sections 5, 6, 7, 8, 18, less that
land under Amity Canal
In addition to the lands above described, there is hereby included all
lands irrigated by the Ft. Lyon Canal, within the exterior boundaries of
the district in Prowers County.

Also including all territory within the limits of the following towns and
cities: Wiley

KIOWA COUNTY

Including all territory within the limits of the following towns and
cities: Eads

17. That the said territory above described should be constituted and
created a Water Conservancy District under the "Water Conservancy Act" of
Colorado under the corporate name of "Southeastern Colorado Water Conservancy
District."

WHEREFORE, IT IS BY THE COURT, ORDERED, ADJUDGED,
DECLARED AND DECREED:

That the territory as above described be and the same hereby is
organized, constituted and created a Water Conservancy District under the "Water
Conservancy Act" of Colorado, under the corporate name of "Southeastern Colorado
Water Conservancy District," with its office or principal place of business at Pueblo,
in Pueblo County, Colorado.

That the Board of Directors of said District shall consist of fifteen
directors, and the territory within said District is hereby subdivided into Divisions,
with the number of Directors for each subdivision as follows:

- DIVISION NO. 1: All territory within the District lying in Chaffee County; two Directors.
- DIVISION NO. 2: All territory within the District lying in Fremont County; two Directors.
- DIVISION NO. 3: All territory within the District lying in Pueblo County; two Directors.
- DIVISION NO. 4: All territory within the District lying in El Paso County; two Directors.
- DIVISION NO. 5: All territory within the District lying in Crowley County; two Directors.
- DIVISION NO. 6: All territory within the District lying in Otero County; two Directors.
- DIVISION NO. 7: All territory within the District lying in Bent County; two Directors.
- DIVISION NO. 8: All territory within the District lying in Prowers and Kiowa Counties; one Director.

BY THE COURT


JUDGE