

IN THE DISTRICT COURT OF :  
LAS ANIMAS COUNTY, COLORADO. :

In the Matter of the Adjudication :  
of Priorities of Right to the Use :  
of Water in Water District No. 19. :

Now on this 10<sup>th</sup> day of August, 1903, the same being one of the judicial days of the regular May, 1903, Term of the said Court, this cause coming on for final hearing upon the original petition herein filed by L. W. De Busk, Esquire, on the 29th day of September, 1901, as well as upon all subsequent applications and the petitions in said cause filed, and upon the report and findings of the Referee L. H. Noble, heretofore in said cause appointed as such referee, as well as the reports of E. J. Hubbard and W. H. Knott, respectively theretofore appointed in said cause in said capacity, and upon the exceptions filed by various ditches participating in said proceedings to the report of the said L. H. Noble, Referee, together with all of the testimony heretofore in said cause taken by said referees, or any of them, as well as the testimony taken by the court herein, and the argument of counsel being heard, and the court being fully advised in the premises, doth find as follows, to-wit:

First: That the character and conditions of the soil, so far as brought under irrigation within said district No. 19, as shown by the evidence in this cause, are sufficiently uniform that the duty of water within the said district does not substantially vary.

Second: That it requires one cubic foot of water per second of time to beneficially and sufficiently irrigate fifty acres of ground within the said district, and the quantity of water awarded

One hundred fifty-second:

THE MAXWELL IRRIGATING DITCH NO. 9.

The Court doth find:

(a) That the owner of said Maxwell Irrigating Ditch No. 9 is The Rocky Mountain Coal & Iron Company.

(b) That said the construction of said ditch was begun March 31, 1872, and was constructed with reasonable diligence to completion and to a carrying capacity of three (3) cubic feet of water per second of time.

(c) That said ditch draws its supply of water from the Middle Fork of the Las Animas River through a head gate which is situated on the south bank of said Las Animas River at a point about thirty chains east and ten chains north of the west corner of Section 30, Township 23, South of Range 68 West, in Las Animas County, Colorado.

(d) That water has been applied from said ditch for beneficial uses for the irrigation of land for agricultural purposes to three hundred acres of land from the year 1872 to the present time.

(e) That said ditch by virtue of such appropriation is entitled to a priority for agricultural purposes for six cubic feet of water per second of time as of date March 31, 1872.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, That The Maxwell Irrigating Ditch be and it hereby is awarded District Priority No. 59 and Middle Fork Priority No. 5 as of date March 31, 1872, and there shall be permitted to flow in to the head gate of said ditch by virtue of such priority six (3) cubic feet of water per second of time.

113



Water Division/District:

Last Refresh Date

Structure Type:

2009-08-01

Structure Name Structure ID Source Legal Location Decried Amounts Owner Name Case Number

Select a row from the search results below to activate the reporting features

Div	WD	Structure ID	Structure Name	Q10	Q40	Q160	Sect	Twship	Range	PM	Distance From N/S Line	Distance From E/W Line	Water Source
2	19	580	MAXWELL DITCH NO 9	NE	NW	30	33S	68W	S				MID FORK PURGATOIRE
2	19	5199	STONEWALL WELL	NE	NW	30	33S	68W	S				EXEMPT WELLS

2 records returned

**Results List Report:**

**Structure Reports:**

Web CDSS Structure Data Selector Version 1.10.29.04 © 2007 Division of Water Resources - State of Colorado

Colorado's Decision Support Systems | [Terms Of Use](#)

RECEIVED  
JAN 20 75  
STATE ENGINEER  
JAN 20 1975  
C.S.K.

IN THE DISTRICT COURT IN AND FOR  
WATER DIVISION NO. 2  
STATE OF COLORADO  
CASE NO. W-3919

Filed in the office of the  
Clerk, District Court Water  
Division No. 2, State of  
Colorado

JAN 17 1975  
10 a.m.  
*Priscilla S. Lucero*  
Clerk

IN THE MATTER OF THE APPLICATION )  
FOR WATER RIGHTS OF )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) )  
IN LAS ANIMAS COUNTY )

JUDGMENT AND DECREE

THE COURT FINDS That no protest has been filed to the  
Ruling of the Water Referee in the above case within the  
time provided by law, and that the said Ruling should be  
confirmed, approved and adopted,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED That  
the Ruling of the Water Referee entered on December 10, 1974,  
be and the same is incorporated herein by reference and is  
hereby confirmed, approved and adopted as the judgment of  
this Court.

Done this 17th day of January, A. D. 19 75.

BY THE COURT:

*William L. Gobin*  
\_\_\_\_\_  
WATER JUDGE

cc: George A. Newnam (2 copies)  
Attorney for Applicant  
310-312 1st National Bank Building  
Trinidad, Colorado 81082

Division Engineer  
State Engineer

DISTRICT COURT  
WATER DIVISION NO. 2  
STATE OF COLORADO  
Certified to be a full, true  
and correct copy of original  
on file.  
Date: JAN 17 1975  
FRISCILLA S. LUCERO, CLERK  
By: *Lawrence Peña*  
Deputy Clerk

RECEIVED  
DEC 12 74  
STATE BARBERS  
FILED  
COURT

IN THE DISTRICT COURT IN AND FOR  
WATER DIVISION NO. 2  
STATE OF COLORADO

COF

CASE NO. W-3919

IN THE MATTER OF THE APPLICATION )  
FOR WATER RIGHTS OF )

[REDACTED]

RULING OF REFEREE

IN LAS ANIMAS COUNTY )

Pursuant to Order of Referral filed and entered in the above case on February 26, 1973, and a subsequent Order Transferring case to the undersigned Water Referee filed and entered on November 14, 1974, the undersigned having investigated the matter of the application on file herein, hereby makes the following findings and ruling thereon:

FINDINGS OF FACT

1. That the said application was filed on February 26, 19 73.

2. That the Water Clerk caused publication of such filing as provided by statute; that the time for filing Statements of Opposition expired on the last day of April 19 73, and that none has been filed.

3. That the said application concerns two wells and one spring located in Las Animas County, Colorado, and used for domestic purposes.

4. That the said wells are exempt wells as defined in CRS 1963, 148-21-45(1)(c) to (f), as amended.

5. That applicant has furnished acceptable proof as to claims made.

IT IS, THEREFORE, ORDERED AS FOLLOWS: That applicant(s) be, and is (are) hereby, awarded certain absolute underground water rights, and an absolute surface water right, to-wit:

NAME AND ADDRESS: [REDACTED]

UNDERGROUND WATER RIGHT

NAME OF WELL: Well for Ranch.

LOCATION OF WELL: NE 1/4 of NE 1/4 of Sec. 33, T. 32S.,  
R. 67W. of the 6th P.M., in Las Animas  
County, Colorado.

DEPTH: 12 feet.

PRIORITY DATE: December 31, 1916.

AMOUNT OF WATER: 0.017 c.f.s., or 8 g.p.m.

USE OF WATER: Domestic use.

STATE ENGINEER'S WELL NUMBER: Not furnished.

MEANS OF DIVERSION: Well and pump.

UNDERGROUND WATER RIGHT

NAME OF WELL: Well in Stonewall.

LOCATION OF WELL: NE 1/4 of NW 1/4 of Sec. 30, T. 33S.,  
R. 68W. of the 6th P.M., in Las Animas  
County, Colorado, and being in Lot 20  
Stonewall Plaza.

DEPTH: 60 feet.

PRIORITY DATE: March 31, 1966.

AMOUNT OF WATER: 0.033 c.f.s., or 15 g.p.m.

USE OF WATER: Domestic use.

STATE ENGINEER'S WELL NUMBER: 26594.

MEANS OF DIVERSION: Well and pump.

WATER RIGHT

NAME OF DITCH, SPRING,  
OR OTHER STRUCTURE: Spring at Ranch.

LOCATION OF POINT OF DIVERSION:

NE 1/4 of NE 1/4 of Sec. 33, T. 32S., R. 67W. of the 6th  
P.M., in Las Animas County, Colorado.

DESCRIPTION OF DITCH AND/OR PIPELINE  
(MEANS OF DIVERSION):

Not furnished.

SOURCE OF WATER: Spring in the watershed of Wet Canyon  
on Upper Purgatoire River.

PRIORITY DATE: December 31, 1916., provided, however  
that this right shall be junior to all  
priorities awarded in cases filed prior  
to 1973, and otherwise junior  
as provided in CRS 1963, 148-21-22, as  
amended.

AMOUNT OF WATER: 0.004 c.f.s., or 2 g.p.m.

USE OF WATER: Domestic use.

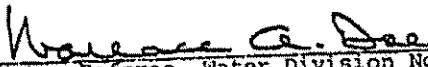
LAND IRRIGATED: None.

IT IS FURTHER ORDERED That applicant(s) shall install and maintain such water measurement devices, recording devices, content gauges and inlet and outlet measurement and recording devices, as the case may be, as are deemed essential by the Office of the State Engineer, and the same shall be installed and operated in accordance with instructions from said Office.

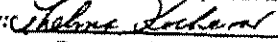
IT IS FURTHER ORDERED That copies of this ruling shall be mailed as provided by statute.

Dated and filed with the Water Clerk this 10th day of December, A. D. 19 74.

BY THE REFEREE:

  
Water Referee, Water Division No. 2  
State of Colorado

DISTRICT COURT  
WATER DIVISION NO. 2  
STATE OF COLORADO  
Certified to be a full, true  
and correct copy of original  
file. DEC 10 1974  
Date:

PRISCILLA S. LUCERO, CLERK  
By:   
Deputy Clerk

**Structure Summary Report**

HydroBase

State of Colorado

**Structure Name:** MAXWELL DITCH NO 9

**Water District:** 19

**Structure ID Number:** 580

**Source:** MID FORK PURGATOIRE

**Location:** Q10 Q40 Q160 Section Twnshp Range PM  
NE NW 30 33S 68W S

**Distance From Section** From N/S Line: From E/W Line:

**UTM Coordinates (NAD 83):** Northing (UTM) Easting (UTM x): Spotted from PLSS distances from section lines

**Latitude/Longitude (decimal degrees):**

<b>Water Rights Summary:</b>	<b>Total Decreed Rate(s) (CFS):</b>	<b>Absolute:</b> 5.6800	<b>Conditional:</b> 0.0000	<b>AP/EX:</b> 0.0000
	<b>Total Decreed Volume(s) (AF):</b>	<b>Absolute:</b> 0.0000	<b>Conditional:</b> 0.0000	<b>AP/EX:</b> 0.0000

**Water Rights -- Transactions**

Case Number	Adjudication Date	Appropriation Date	Administration Number	Order Number	Priority Number	Decreed Amount	Adjudication Type	Uses	Action Comment
W4138	1903-08-10	1861-11-01	4323.00000	0	2	0.7500 C	O,TT	14Q	TF SEGUNDO DITCH ID 763 (ANTONIO LOPEZ
W4138	1903-08-10	1866-03-01	5904.00000	0	24	0.3300 C	O,TT	14Q	TF SEGUNDO DITCH ID 763 (SEGUNDO DITCH
08/10/1903	1903-08-10	1872-03-31	8126.00000	0	59	3.0000 C	O	1	ORIGINAL RIGHT
W4138	1903-08-10	1877-05-01	9983.00000	0	82	0.9000 C	O,TT	14Q	TF MAXWELL NO 13 (MAXWELL NO 13 PRIORITY)
W4138	1903-08-10	1877-07-01	10044.00000	0	83	0.7000 C	O,TT	14Q	TF A STORZ DITCH NO 2 (A STORZ DITCH NO 2

**Water Rights -- Net Amounts**

Adjudication Date	Appropriation Date	Administration Number	Order Number	Priority/Case Number	Rate (CFS)			Volume (Acre-Feet)		
					Absolute	Conditional	AP/EX	Absolute	Conditional	AP/EX
1903-08-10	1877-05-01	9983.00000	0	82	0.9000	0	0	0	0	0
1903-08-10	1877-07-01	10044.00000	0	83	0.7000	0	0	0	0	0
1903-08-10	1861-11-01	4323.00000	0	2	0.7500	0	0	0	0	0
1903-08-10	1866-03-01	5904.00000	0	24	0.3300	0	0	0	0	0
1903-08-10	1872-03-31	8126.00000	0	59	3.0000	0	0	0	0	0

**Irrigated Acres Summary -- Totals From Various Sources**

GIS Total (Acres):	Reported:
Diversion Comments Total (Acres):	0
Structure Total (Acres):	Reported: 2006
	Reported:

**Irrigated Acres From GIS Data**

Year	Land Use	Acres Flood	Acres Furrow	Acres Sprinkler	Acres Drip	Acres Groundwater	Acres Total
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No data available for this report

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**Diversion Summary in Acre-Feet - Total Water Through Structure**

Year	FDU	LDU	DWC	Maxq & Day	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Total
1946	1946-07-21	1946-07-23	3	2 07-21	0	0	0	0	0	0	0	0	9	0	0	0	9
1951	1951-05-31	1951-09-02	24	3 05-31	0	0	0	0	0	0	6	15	42	65	12	0	140
1952	1952-03-09	1952-07-31	65	3 03-09	0	0	0	0	6	0	65	179	137	0	0	0	387
1953	1953-05-29	1953-07-13	38	3 05-29	0	0	0	0	0	0	18	179	30	0	0	0	226
1954	1954-05-11	1954-08-11	27	2 05-11	0	0	0	0	0	0	12	4	48	44	0	0	107
1955	1955-05-26	1955-08-19	76	3 05-26	0	0	0	0	0	0	36	179	125	113	0	0	452
1956	1956-05-23	1956-08-03	26	3 05-23	0	0	0	0	0	0	42	77	18	18	0	0	155
1957	1957-05-08	1957-08-14	99	3 05-08	0	0	0	0	0	0	143	179	184	83	0	0	589
1958	1958-06-01	1958-07-13	43	3 06-01	0	0	0	0	0	0	0	179	77	0	0	0	256
1959	1959-05-16	1959-07-09	47	2 05-16	0	0	0	0	0	0	40	111	36	0	0	0	186
1960	1960-05-16	1960-07-19	42	3 05-16	0	0	0	0	0	0	12	143	95	0	0	0	250
1961	1961-04-27	1961-08-14	110	3 04-27	0	0	0	0	0	24	184	179	184	83	0	0	655
1962	1962-04-26	1962-07-22	88	3 04-26	0	0	0	0	0	30	184	179	131	0	0	0	524
1963	1963-06-17	1963-08-31	4	3 06-17	0	0	0	0	0	0	0	6	0	18	0	0	24
1964	1964-05-26	1964-08-11	18	3 05-26	0	0	0	0	0	0	36	48	0	24	0	0	107
1965	1965-05-19	1965-06-20	30	3 05-19	0	0	0	0	0	0	60	119	0	0	0	0	179
1968	1968-06-15	1968-08-09	38	3 06-15	0	0	0	0	0	0	0	95	101	30	0	0	226
1969	1969-05-20	1969-07-30	72	3 05-20	0	0	0	0	0	0	71	179	179	0	0	0	428
1970	1970-05-03	1970-08-08	88	3 05-03	0	0	0	0	0	0	173	179	125	48	0	0	524
1973	1973-06-01	1973-08-21	82	3 06-01	0	0	0	0	0	0	0	179	184	125	0	0	488
1975	1975-07-03	1975-07-28	15	3 07-03	0	0	0	0	0	0	0	0	89	0	0	0	89
1978	1978-05-15	1978-08-01	27	3 05-15	0	0	0	0	0	0	24	60	71	6	0	0	161
1979	1979-05-15	1979-09-14	110	6 07-08	0	0	0	0	0	0	74	246	233	76	21	0	650
1980	1980-05-13	1980-09-08	95	6 06-19	0	0	0	0	0	0	26	135	176	66	17	0	420
1981	1981-06-06	1981-08-04	50	3 06-07	0	0	0	0	0	0	0	79	112	21	0	0	212
1982	1982-06-09	1982-08-14	67	3 06-10	0	0	0	0	0	0	0	113	145	19	0	0	278
1983	1983-05-19	1983-10-23	158	6 05-28	0	0	0	0	0	0	93	338	314	165	159	122	1191
1984	1984-05-28	1984-09-21	76	6 06-12	0	0	0	0	0	0	6	171	3	232	27	0	438
1985	1985-05-09	1985-09-14	129	3 06-21	0	0	0	0	0	0	54	132	127	49	21	0	382
1986	1986-05-02	1986-10-03	155	1 05-07	0	0	0	0	0	0	65	58	59	61	59	6	309
1987	1987-05-15	1987-09-05	78	1 05-27	0	0	0	0	0	0	30	25	20	57	10	0	142
1988	1988-05-24	1988-09-01	101	2 06-09	0	0	0	0	0	0	17	103	94	53	1	0	269
1990	1990-08-03	1990-10-30	89	1 08-24	0	0	0	0	0	0	0	0	0	26	45	45	115
1991	1991-06-13	1991-06-28	16	1 06-24	0	0	0	0	0	0	0	33	0	0	0	0	33
1992	1992-04-01	1992-07-17	108	1 04-01	0	0	0	0	0	60	61	60	34	0	0	0	214
1993	1993-06-14	1993-09-27	106	2 06-14	0	0	0	0	0	0	0	37	18	35	41	0	131
1999	1999-06-02	1999-06-17	16	4 06-02	0	0	0	0	0	0	0	111	0	0	0	0	111
2007	2007-06-21	2007-07-08	18	1 06-21	0	0	0	0	0	0	0	29	23	0	0	0	52
	<i>Minimum</i>		1		0	0	0	0	0	0	0	0	0	0	0	0	9
	<i>Maximum</i>		6		0	0	0	0	6	60	184	338	314	232	159	122	1191
	<i>Average</i>		3		0	0	0	0	0	3	40	109	85	40	11	5	292

38.00 years with diversion records

- Notes: The average considers all years with diversion records, even if no water is diverted.  
 The above summary lists total monthly diversions.  
 \* = Infrequent Diversion Record. All other values are derived from daily records.  
 Average values include infrequent data if infrequent data are the only data for the year.

### Diversion Comments

IYR	NUC Code	Acres irrigated	Comment
1946		45	
1947		100	
1948		100	
1949		100	
1950		50	OPENED 7-21-50, CLOSED 8-10-50
1951		25	
1952		100	
1953		100	
1954		100	
1955		100	
1956		80	
1957		100	
1958		100	
1959		100	
1960		100	
1961		100	
1962		100	
1963		30	
1964		75	
1965		125	
1968		90	
1969		200	
1972			NOT USED. NO DEMAND
1975		70	
1978		20	
1995	Water available, but not taken	0	
1996	Water available, but not taken	0	
1997	Water available, but not taken	0	
1998	Water available, but not taken	0	
2000	No water available	0	
2001	No water available	0	
2002	No water available	0	
2003	No water available	0	
2004	No water available	0	
2005	No water available	0	
2006	No water available	0	

Note: Diversion comments and reservoir comments may be shown for a structure, if both are available.

Documentary Fee  
\$ 8.45  
939

QUIT CLAIM DEED

THIS DEED, Made as of the 30th day of July, 1986, between [redacted] a corporation duly organized and existing under and by virtue of the laws of the State of Delaware, of the first part, and [redacted] whose legal address is [redacted] of the [redacted] and [redacted] of the second part;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) And Other Good And Valuable Consideration, to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, hath remised, released, sold, conveyed and QUIT CLAIMED, and by these presents doth remise, release, sell, convey and assigns forever, all the right, title, interest, claim and demand which the said party of the first part hath in and to the following described property situate, lying and being in the County of Las Animas and State of Colorado, to-wit:

Source	Name	Elev. Rate In. CES	District Priority #	Appropriation Date
Middle Fork of Purgatoire River	Maxwell #9	3.0	59	03-31-1872

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of said party of the second part, his successors and assigns forever.

IN WITNESS WHEREOF, The said party of the first part hath caused its corporate name to be hereunto subscribed by its President, and its corporate seal to be hereunto affixed, attested by its Assistant Secretary, the day and year first above written.

ATTEST

*Roberta L. Ringstrom*  
Roberta L. Ringstrom  
Assistant Secretary

By *James G. Wark*  
James G. Wark  
President

STATE OF COLORADO )  
                          ) ss.  
COUNTY OF PUEBLO )

The foregoing Quit Claim Deed was acknowledged before me this 30th day of July, 1986, by James G. Wark, as President, and Roberta L. Ringstrom as Assistant Secretary of [redacted]

My notarial commission expires: June 6, 1990

Witness my hand and official seal:

*Mary Jo Gregg*  
Notary Public  
Address:  
Suite 300, 201 W. 8th Street  
Pueblo, Colorado 81003

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200500678415  
Filed for Record in  
LAS ANIMAS, CO  
BERNARD J. GONZALES  
03-03-2005 At 03:02 pm.  
SP W DEED 11.00  
Doc Fees .00  
OR Book 1046 Page 555 - 556

**SPECIAL WARRANTY DEED**

Date: February 15, 2005

**Instrument**      **Book** **Page**  
200500678415 OR 1046 555

Grantors: [REDACTED]

Grantor's Address: 129 North Commercial Street, Trinidad, Colorado 81082

Grantee: [REDACTED]

Grantee's Address: 129 North Commercial Street, Trinidad, Colorado 81082

Consideration: \$10.00 and other good and valuable consideration

Property: (including any improvements)

**Legal Description: WATER RIGHTS**

3.00 CFS of water derived from Maxwell No. 9 Ditch, District Priority Number 59; Appropriation Date March 31, 1872; Adjudication Date: August 10, 1930; Source; Middle Fork Purgatories River, Las Animas County, Colorado

**Reservations from and Exceptions to Conveyance and Warranty:**

This conveyance is expressly made subject to all easements, rights-of-way, and prescriptive rights, whether of record or not; all previously recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, conveyances, and other instruments that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2004, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assignees forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend, all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assignees against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through or under the Grantor but not otherwise. This conveyance is for both surface and mineral estate.

When the context requires, singular nouns and pronouns include the plural.  
This deed consists of 2 typewritten pages

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**Structure Summary Report**

State of Colorado

HydroBase

**Structure Name:** A KLOTZ DITCH NO 1

**Water District:** 13

**Structure ID Number:** 784

**Source:** DRY CREEK

**Location:** Q10 Q40 Q160 Section Twtnshp Range PM  
SE NE 16 23S 73W S

**Distance From Section Lines:** From N/S Line: From E/W Line:  
**UTM Coordinates (NAD 83):** Northing (UTM y): 4211990 Easting (UTM x): 452049.5 Spotted from PLSS distances from section lines  
**Latitude/Longitude (decimal degrees):** 38.054379 -105.546551

**Water Rights Summary:**

Total Decreed Rate(s) (CFS):	Absolute:	0.0000	Conditional:	0.0000	AP/EX:	0.0000
Total Decreed Volume(s) (AF):	Absolute:	0.0000	Conditional:	0.0000	AP/EX:	0.0000

**Water Rights -- Transactions**

Case Number	Adjudication Date	Appropriation Date	Administration Number	Order Number	Priority Number	Decreed Amount	Adjudication Type	Uses	Action Comment
01CW0157	1896-03-12	1889-03-01	14305.00000	0	461	2.0000	C O,AB	1	RIGHT ABANDONED
03/12/1896	1896-03-12	1889-03-01	14305.00000	0	461	2.0000	C O	1	ORIGINAL RIGHT 35 ACRES

**Water Rights -- Net Amounts**

Adjudication Date	Appropriation Date	Administration Number	Order Number	Priority/Case Number	Rate (CFS)			Volume (Acre-Feet)		
					Absolute	Conditional	AP/EX	Absolute	Conditional	AP/EX
No data available for this report										

**Irrigated Acres Summary -- Totals From Various Sources**

GIS Total (Acres): Reported:  
 Diversion Comments Total (Acres): 0 Reported: 2007  
 Structure Total (Acres): Reported:

**Irrigated Acres From GIS Data**

Year	Land Use	Acres Flood	Acres Furrow	Acres Sprinkler	Acres Drip	Acres Groundwater	Acres Total
No data available for this report							

**Diversion Summary in Acre-Feet - Total Water Through Structure**

Year	FDU	LDU	DWC	Maxq & Day	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Total
1995	1995-07-24	1995-08-27	35	0 07-24	0	0	0	0	0	0	0	0	5	16	0	0	21
			<i>Minimum:</i>		0	0	0	0	0	0	0	0	5	16	0	0	21
			<i>Maximum:</i>		0	0	0	0	0	0	0	0	5	16	0	0	21
			<i>Average:</i>		0	0	0	0	0	0	0	0	5	16	0	0	21

1.00 years with diversion records

**Notes:** The average considers all years with diversion records, even if no water is diverted.  
 The above summary lists total monthly diversions.  
 \* = Infrequent Diversion Record. All other values are derived from daily records.  
 Average values include infrequent data if infrequent data are the only data for the year.



### Diversion Comments

YR	NUC Code	Acres Irrigated	Comment
1972		35	
1975		35	
1996	No water available	0	
1997	No information available	0	
1998	No information available	0	
1999	No information available	0	
2000	Structure not usable	0	NO HEADGATE OR MEASURING DEVICE PLACED ON 2000 ABANDONMENT LIST
2001	Structure not usable	0	NO HEADGATE OR MEASURING DEVICE PLACED ON 2000 ABANDONMENT LIST
2002	Structure not usable	0	PLACED ON 2000 ABANDONMENT LIST
2003	Structure not usable	0	PLACED ON 2000 ABANDONMENT LIST
2004	Structure not usable	0	PLACED ON 2000 ABANDONMENT LIST
2005	Structure not usable	0	PLACED ON 2000 ABANDONMENT LIST
2006	Structure not usable	0	PLACED ON 2000 ABANDONMENT LIST
2007	Structure not usable	0	PLACED ON 2000 ABANDONMENT LIST

Note: Diversion comments and reservoir comments may be shown for a structure, if both are available.

CONCERNING THE REVISED ABANDONMENT LIST OF)  
WATER RIGHTS IN WATER DIVISION 2)

REVISED ABANDONMENT LIST

Notice is hereby given that pursuant to Section 37-92-401, C.R.S. the Division Engineer for Water Division No. 2, in consultation with the State Engineer, has developed a revised abandonment list which contains those water rights that the Division Engineer has determined to have been abandoned in whole or in part. The revised abandonment list, when concluded by judgement and decree, shall be conclusive as to the water rights determined to have been abandoned.

The revised abandonment list may be inspected after December 31, 2001, in the offices of the State Engineer, the Division Engineer, each Water Commissioner, and the Clerk of the Water Court at any time during regular office hours. The Division Engineer will furnish or mail a copy of the Water Division revised abandonment list to anyone requesting one upon payment of a fee of ten dollars (\$10.00).

Any person who wishes to protest the inclusion of any water rights on the revised abandonment list shall file a written protest with the Water Clerk and the Division Engineer in accordance with the procedures set forth in Section 37-92-401 (5), C.R.S. **Protests must be filed no later than June 30, 2002.** The fee for filing such a protest is twenty dollars (\$20.00), payable to the Water Clerk.



Stevne J. Witte, Division Engineer



Hal D. Simpson, State Engineer.

## Division Engineer Revised Abandonment List (Surface Rights and No Structure Found Underground Rights)

December 31, 2001

Structure Name	Source Stream	Decreed Amount	Abandoned Amount	Remaining Amount	U	Adjudication Date	Appropriation Date	WD	ID
A KLOTZ DITCH NO 1	DRY CREEK	2.000	2.000	0.000	C	03/12/1896	03/01/1889	13	784
ABRAHAMSON WELL NO H-1	NON-EXEMPT TRIB WELLS	0.140	0.140	0.000	C	12/31/1972	07/20/1964	10	5363
ABRAHAMSON WELL NO H-3	NON-EXEMPT TRIB WELLS	0.104	0.104	0.000	C	12/31/1972	08/28/1964	10	5365
ALPHA-BETA WELL NO 2A	NON-EXEMPT TRIB WELLS	0.450	0.450	0.000	C	12/31/1972	07/01/1928	14	6356
ALPHA-BETA WELL NO 3A	NON-EXEMPT TRIB WELLS	0.450	0.450	0.000	C	12/31/1972	07/01/1916	14	6374
ALPHA-BETA WELL NO 4A	NON-EXEMPT TRIB WELLS	0.890	0.890	0.000	C	12/31/1972	04/01/1955	14	6082
ALPHA-BETA WELL NO 5	NON-EXEMPT TRIB WELLS	0.890	0.890	0.000	C	12/31/1972	03/01/1957	14	6081
ANDERSON WELL NO 7	NON-EXEMPT TRIB WELLS	1.670	1.670	0.000	C	12/31/1972	05/01/1955	67	5894
ANTONIO DE TORRES DITCH	S FORK PURGATOIRE	0.800	0.800	0.000	C	08/10/1903	04/30/1872	19	803
APPELT WELL NO 20	NON-EXEMPT TRIB WELLS	0.020	0.020	0.000	C	05/25/1972	09/21/1964	14	6358
ARKANSAS DITCH	ARKANSAS RIVER	1.500	1.500	0.000	C	03/23/1896	12/31/1892	14	503
ARNOLD-HARRIMAN WELL 6	NON-EXEMPT TRIB WELLS	0.280	0.169	0.111	C	12/31/1972	06/21/1951	17	6386
ARROWHEAD WELL	NON-EXEMPT TRIB WELLS	0.222	0.222	0.000	C	12/31/1971	07/08/1970	67	5394
ASSOCIATION WELL NO 23	NON-EXEMPT TRIB WELLS	0.334	0.223	0.111	C	12/31/1972	05/31/1968	67	6081
ATCHISON WELL NO 1	NON-EXEMPT TRIB WELLS	0.611	0.611	0.000	C	12/31/1971	02/28/1907	17	5950
ATCHISON WELL NO 2	NON-EXEMPT TRIB WELLS	0.667	0.667	0.000	C	12/31/1971	02/28/1907	17	5949
AUSTIN WELL NO 14981	NON-EXEMPT TRIB WELLS	0.670	0.670	0.000	C	12/31/1972	12/31/1925	14	5981
B C ADAMS TAYLOR CREEK	TAYLOR CREEK	0.400	0.400	0.000	C	03/12/1896	07/01/1887	13	889
BANNING-LEWIS WELL NO 1	NON-EXEMPT TRIB WELLS	4.000	4.000	0.000	C	12/31/1972	04/30/1925	17	6017
BANNING-LEWIS WELL NO 2	NON-EXEMPT TRIB WELLS	4.000	4.000	0.000	C	12/31/1972	05/31/1954	17	6018
BARTLETT WELL NO 1	NON-EXEMPT TRIB WELLS	1.000	1.000	0.000	C	12/31/1972	11/30/1960	79	5023
BARTLETT WELL NO 4	NON-EXEMPT TRIB WELLS	0.033	0.033	0.000	C	12/31/1972	11/30/1960	79	5024
BARTLETT WELL NO 9	NON-EXEMPT TRIB WELLS	0.330	0.330	0.000	C	12/31/1972	12/31/1942	79	5025
BARTLETT WELL NO 10	NON-EXEMPT TRIB WELLS	0.500	0.500	0.000	C	12/31/1972	12/31/1942	79	5026
BAYLESS WELL NO 10963	NON-EXEMPT TRIB WELLS	0.667	0.667	0.000	C	12/31/1972	05/20/1932	14	5909
BENT HOSPITAL WELL	NON-EXEMPT TRIB WELLS	0.330	0.330	0.000	C	12/31/1972	02/03/1964	17	6212
BISHOPS DOMESTIC DITCH	HAY CREEK	0.700	0.700	0.000	C	06/02/1919	04/08/1886	10	645
BOGGS DITCH WELL	NON-EXEMPT TRIB WELLS	3.000	3.000	0.000	C	08/26/1946	09/26/1920	67	5649
BROCK DITCH	S BRANCH TEXAS CREEK	1.420	1.420	0.000	C	02/15/1913	04/30/1888	13	973
BROWN WELL	NON-EXEMPT TRIB WELLS	0.140	0.029	0.111	C	12/31/1972	12/31/1932	17	5961
BROYLES WELL NO 7	NON-EXEMPT TRIB WELLS	0.017	0.017	0.000	C	12/31/1972	12/31/1908	67	5304
BRUNETTO WELL NO 1	NON-EXEMPT TRIB WELLS	0.010	0.010	0.000	C	12/31/1977	06/30/1972	12	5621
BRYAN WELL	NON-EXEMPT TRIB WELLS	0.410	0.410	0.000	C	12/31/1972	04/19/1948	12	5632
BURKE WELL NO 14896	NON-EXEMPT TRIB WELLS	0.240	0.240	0.000	C	12/31/1972	10/28/1953	67	5948
BUTTERMILK DITCH NO 1	N BRANCH TEXAS CREEK	1.200	1.200	0.000	C	02/15/1913	05/30/1881	13	972
BUTTERMILK DITCH NO 2	N BRANCH TEXAS CREEK	1.000	1.000	0.000	C	02/15/1913	04/15/1892	13	976
C N MARTIN WELL	NON-EXEMPT TRIB WELLS	0.140	0.140	0.000	C	12/31/1971	06/04/1963	12	5629
CADWELL WELL NO 1	NON-EXEMPT TRIB WELLS	0.440	0.440	0.000	C	12/31/1972	12/31/1957	14	5820
CAGE RANCH WELL NO 1	NON-EXEMPT TRIB WELLS	0.180	0.069	0.111	C	12/31/1972	03/27/1959	67	6351
CALCO INC WELL	NON-EXEMPT TRIB WELLS	0.067	0.067	0.000	C	12/31/1972	03/01/1972	10	5917
CALHOUN WELL	NON-EXEMPT TRIB WELLS	0.160	0.160	0.000	C	12/31/1972	03/29/1955	14	5988
CAMP WELL	NON-EXEMPT TRIB WELLS	0.130	0.130	0.000	C	05/25/1972	12/31/1920	14	5055
CAMPBELL DUNN NO 3991-F	NON-EXEMPT TRIB WELLS	1.410	1.410	0.000	C	12/31/1972	04/20/1963	17	5581
CAMPBELL WELL NO 13036	NON-EXEMPT TRIB WELLS	0.330	0.330	0.000	C	12/31/1972	12/31/1957	17	5926
CAPE HORN RANCH RES	ARKANSAS RIVER	25.300	25.300	0.000	A	03/23/1896	03/31/1880	14	3607
CATHOLIC BISHOP WELL 1	NON-EXEMPT TRIB WELLS	0.220	0.220	0.000	C	12/31/1972	06/30/1932	14	5863
CERT CONCRETE WELL 10410	NON-EXEMPT TRIB WELLS	1.930	1.930	0.000	C	12/31/1972	02/15/1955	14	6299
CF&I WELL NO 1	NON-EXEMPT TRIB WELLS	0.011	0.011	0.000	C	12/31/1972	06/30/1951	19	5010
CF&I WELL NO 2	NON-EXEMPT TRIB WELLS	0.250	0.250	0.000	C	12/31/1972	04/30/1952	19	5011
CF&I WELL NO 3	NON-EXEMPT TRIB WELLS	0.033	0.033	0.000	C	12/31/1972	06/21/1956	19	5007
CF&I WELL NO 7 16314	NON-EXEMPT TRIB WELLS	0.220	0.220	0.000	C	12/31/1972	12/31/1890	16	5015
CF&I WELL NO 8 16315	NON-EXEMPT TRIB WELLS	0.590	0.590	0.000	C	12/31/1972	12/31/1890	16	5016
CF&I WELL NO 9	NON-EXEMPT TRIB WELLS	0.055	0.055	0.000	C	12/31/1972	12/31/1923	19	5018
CF&I WELL NO 10	NON-EXEMPT TRIB WELLS	0.110	0.110	0.000	C	12/31/1972	12/31/1939	19	5019
CF&I WELL NO 11	NON-EXEMPT TRIB WELLS	0.110	0.110	0.000	C	12/31/1972	12/31/1939	19	5020
CF&I WELL NO 12	NON-EXEMPT TRIB WELLS	0.110	0.110	0.000	C	12/31/1972	12/31/1932	19	5021
CF&I WELL NO 13 16321	NON-EXEMPT TRIB WELLS	0.220	0.220	0.000	C	12/31/1972	12/31/1913	16	5021
CF&I WELL NO 17 16335	NON-EXEMPT TRIB WELLS	4.000	4.000	0.000	C	12/31/1972	12/31/1888	16	5025
CF&I WELL NO 18 16336	NON-EXEMPT TRIB WELLS	0.440	0.440	0.000	C	12/31/1972	12/31/1923	16	5026
CF&I WELL NO 19 16337	NON-EXEMPT TRIB WELLS	0.440	0.440	0.000	C	12/31/1972	12/31/1920	16	5027
CF&I WELL NO 21 16339	NON-EXEMPT TRIB WELLS	1.000	1.000	0.000	C	12/31/1972	12/31/1919	79	5042
CF&I WELL NO 23 16341	NON-EXEMPT TRIB WELLS	0.110	0.110	0.000	C	12/31/1972	12/31/1932	16	5030
CHARLES CROOK WELL NO 1	NON-EXEMPT TRIB WELLS	1.600	1.600	0.000	C	08/30/1922	02/01/1910	17	5000
CHARLES CROOK WELL NO 2	NON-EXEMPT TRIB WELLS	2.400	2.400	0.000	C	08/30/1922	06/06/1911	17	5001
CHARLES CROOK WELL NO 3	NON-EXEMPT TRIB WELLS	2.400	2.400	0.000	C	08/30/1922	06/06/1911	17	5002
CHARLES CROOK WELL NO 4	NON-EXEMPT TRIB WELLS	0.400	0.400	0.000	C	08/30/1922	04/01/1913	17	5003
CHESSER DITCH (SMITH CK)	HARDSCRABBLE CREEK	3.000	3.000	0.000	C	11/21/1908	04/01/1886	12	653



WARRANTY DEED

BOOK 865 PAGE 308

[Redacted] for consideration paid, grant  
to [Redacted]  
whose address is [Redacted]  
the following described real estate in Las Animas Colorado  
County, New Mexico:

State Documentary Fee  
Date MAR 03 1989  
\$ 17.50

SEE ATTACHED EXHIBIT A.

with warranty covenants.

WITNESS hand and seal this 12th day of January, 1989

[Redacted] (Seal) [Redacted] (Seal)

ATTEST: [Signature: Brian Hernandez] (Seal) Secretary of the Board  
By: [Signature: Jack T. Cargill] (Seal) Jack T. Cargill, President

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO } ss.  
COUNTY OF [Redacted]  
The foregoing instrument was acknowledged before me this [Redacted] day of [Redacted], 19 [Redacted]  
by [Redacted] (Name or Names of Person or Persons Acknowledging)

My commission expires: [Redacted] Notary Public (Seal)

FOR RECORDER'S USE ONLY

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO } ss.  
COUNTY OF COLFAX  
The foregoing instrument was acknowledged before me this 12 day of January, 1989, by Jack T. Cargill (Name of Officer) President of [Redacted] (Name of Corporation Acknowledging) New Mexico corporation, on behalf of said corporation. My commission expires: (Seal) 12-5-89 [Signature: Yolanda Lopez] Notary Public

110

- 1) Thence continuing S 1° 41' 09" E a distance of 918.90 feet to intersect the Northerly right-of-way line of the Colorado and Wyoming Railroad as established from a culvert at Station 263+09;
- 2) Thence Southeasterly along said Northerly right-of-way line and along the arc of a curve to the right, which has a central angle 0° 33' 54", a radius of 5829.56 feet, and an arc length of 57.49 feet (the chord of said curve bears S 82° 48' 06" E) to intersect an old fence North;
- 3) Thence leaving the Northerly right-of-way line of said Colorado and Wyoming Railroad N 1° 42' 26" W along said old fence a distance of 929.88 feet to a fence corner, and being the Southerly right-of-way fence line of Colorado State Highway No. 12;
- 4) Thence S 86° 11' 06" W along the Southerly right-of-way fence line of Colorado State Highway No. 12 a distance of 56.75 feet, more or less, to the point of beginning

All in Las Animas County, Colorado.

TOGETHER WITH, with respect to Tracts III, IV, V and VI, all rights, title and interest, if any of the grantors in and to all water, water rights, ditches, ditch rights, reservoirs, reservoir rights, wells and all irrigation equipment appurtenant to or used in connection with land herein described, including, but not limited to, all interest of the grantor in following decreed water rights in Water District No. 19; Dolores Duran Ditch, Priority No. 33, and the 1 cfs transferred to the Dolores Duran Ditch from the Reyes Montoya Ditch, Priority No. 10; the Santistevan Ditch, Priority No. 52; and the Ignacio Chacon Ditch, Priority No. 33.

200500678354  
Filed for Record in  
LAS ANIMAS, CO  
BERNARD J. GUNZALES  
02-25-2005 At 08:46 am.  
SP W DEED 31.00  
Doc Fees .00  
OR Book 1046 Page 411 - 416

**SPECIAL WARRANTY DEED**

Date: February 15, 2005

**Instrument**      **Book** **Page**  
**200500678354** **OR 1046** **411**

Grantors: [REDACTED]

Grantor's Address: 129 North Commercial Street, Trinidad, Colorado 81082

Grantee: [REDACTED]

Grantee's Address: 129 North Commercial Street, Trinidad, Colorado 81082

Consideration: \$10.00 and other good and valuable consideration

Property: (including any improvements)

Township 33 South, Range 67 West of the 6<sup>th</sup> P.M. Approximately 152.701 acres located in Section 19, also known as Tracts III, IV, V and VI, Chavez Valley Ranch, Las Animas County, Colorado

All of the property described in the attached Exhibit A.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is expressly made subject to all easements, rights-of-way, and prescriptive rights, whether of record or not; all previously recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, conveyances, and other instruments that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2004, the payment of which Grantee assumes.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assignees forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend, all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assignees against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through or under the Grantor but not otherwise. This conveyance is for both surface and mineral estate.

When the context requires, singular nouns and pronouns include the plural.

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Cont'd

Exhibit A - Case No. 4200

- 1) Thence continuing S 1° 41' 09" E a distance of 918.90 feet to intersect the Northerly right-of-way line of the Colorado and Wyoming Railroad as established from a culvert at Station 263+09;
- 2) Thence Southeasterly along said Northerly right-of-way line and along the arc of a curve to the right, which has a central angle 0° 33' 54", a radius of 5829.56 feet, and an arc length of 57.49 feet (the chord of said curve bears S 82° 48' 06" E) to intersect an old fence North;
- 3) Thence leaving the Northerly right-of-way line of said Colorado and Wyoming Railroad N 1° 42' 26" W along said old fence a distance of 929.88 feet to a fence corner, and being the Southerly right-of-way fence line of Colorado State Highway No. 12;
- 4) Thence S 86° 11' 06" W along the Southerly right-of-way fence line of Colorado State Highway No. 12 a distance of 56.75 feet, more or less, to the point of beginning

All in Las Animas County, Colorado.

Contract No. 5-07-70-W0086  
 Formerly  
 Contract No. 14-06-700-4715

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF RECLAMATION  
 Fryingpan-Arkansas Project, Colorado

CONTRACT BETWEEN THE UNITED STATES AND THE  
 SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT

TABLE OF ARTICLES

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(c) The United States shall not be responsible for the control, carriage, handling, use, disposal, or distribution of water which may be furnished at the points of delivery established pursuant to Section (a) of this article, nor for claim of damage of any nature whatsoever, including, but not limited to, property damage, personal injury, or death, arising out of or connected with the control, carriage, handling, use, disposal or distribution of such water beyond such delivery points: Provided, that the District reserves the right to the use of all waste, seepage, and return flow water derived from water furnished to the District by the United States and such reservation of right to use of such water shall be for the use and benefit of the District and those claiming by, through, or under the District.

Use of Water Outside the District

10. Water furnished to the District pursuant to this contract shall not be sold or otherwise disposed of outside the District, nor shall any water sold by the District be resold by the District's water users for any purpose except that municipalities may, within the area served by them, resell project water but not the return flows thereof.

Payment for Water

11. (a) Commencing with the year for which the initial delivery date is fixed, the District shall pay to the United States each year throughout the term of this contract:

(1) An amount which shall be the product of the total of the assessed valuation of all taxable property in the District for the preceding year, as fixed by the proper officials of the counties in which the District lies, and .0009,