

STATE OF COLORADO, )  
                               ) SS.  
COUNTY OF LARIMER. )

IN THE DISTRICT COURT

In the Matter of the Adjudication )  
of Priorities of Right to the Use )  
of Water for Irrigation in Water )  
District No. 3, Division No. 1, )  
State of Colorado. )

No. 2031.

D E C R E E .

And now, to-wit, upon this 22 day of April  
A.D. 1922, the same being one of the regular juridical days of  
the March A.D. 1922 Term of this Court, the above entitled  
matter coming on to be heard upon the report of J. Fred Farrar,  
referee in said proceeding, and upon the findings and recommend-  
ed decree submitted in said matter by said referee and also upon  
all claims permitted to be filed since the making of said re-  
port and the evidence offered thereon and the tendered findings  
of counsel for respective claimants, and upon all the exceptions  
and objections heretofore made to the findings and recommended  
decree of said referee and to the matters heard before the  
court and the evidence and tendered findings of said claims sub-  
sequently heard and all exceptions and objections thereof, and  
the Court having fully considered all of the foregoing matters  
and having heard the arguments of counsel;

And it appearing to the Court that due notice has  
been given in all respects in accordance with the law as to  
the pendency of these proceedings, the appointment of the referee  
and the date upon which said referee would commence to take  
testimony; and that due notice has been given in accordance with

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DITCH NO. 75.

THE SPRING CANON WASTE WAY DITCH,

Gehart C. Mathiesen, Samuel C. Mathiesen  
and Peter C. Mathiesen, Claimants.

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In accordance with the findings: That the Spring Canon Waste Way Ditch diverts water from an unnamed draw which heads in the northwest quarter of section 1, township 6, north range 69 west of the 6th P.M., and also certain seepage and waste water all tributary to the Cache la Poudre river; that the headgate is located at a point North 45° 35' west 2845 feet from the east quarter corner of section 9, township 6, north range 68 west of the 6th P.M., from which point the general course of the ditch is southeasterly; that the carrying capacity is 12.8 cubic feet per second; that the work of construction commenced July 22, 1895, and was prosecuted with due diligence to completion; that the water has been used since construction for the irrigation of about 365 acres of land in the south half of the northwest quarter, the north half of the southwest quarter and the south half of the southeast quarter of section 10, and the northeast quarter of section 15, township 6, north range 68 west; that water to the capacity of the ditch is not necessary for the irrigation of these lands; that the maximum amount which has been beneficially applied for irrigation is 4.5 cubic feet per second; that an appropriation of 4.5 cubic feet, or so much thereof as may be necessary for the irrigation of the lands described, was made as of date July 22, 1895.

IT IS ORDERED, ADJUDGED AND DECREED, that The Spring

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Canon Waste Way Ditch be awarded a priority for the diversion from an unnamed draw, which heads in the northwest quarter of section 1, township 9 north range 69 west of the 6th P.M., and also certain seepage and waste water, all of which is tributary to the Cache la Poudre river, as of date July 22, 1895, to the amount of 4.5 cubic feet per second, or so much thereof as may be necessary for the irrigation of the lands described, said priority being No. 114.

It is further Ordered by the Court that the residue of the costs and expenses of taking and extending the evidence herein and hearing thereon not heretofore paid, and the costs and expenses of the Clerk of this Court in filing, indexing and recording the findings and decree of the Court herein, and making certified copies thereof to be lodged with the State Engineer and Division Engineer as by law provided, as well as the costs and expenses of re-writing said findings and decree in order to have the same conform numerically to the preceding decrees in said Water District and to unify the several decrees herein amounting to \$ 1394<sup>05</sup>, which amount is hereby allowed and approved by the Court and said amount, together with all other unpaid costs of this proceeding, is hereby ordered to be paid by the Counties of Larimer and Weld, being all the Counties in said Water District No. 3, in equal amounts as by law provided, said costs and expenses to be certified by the Clerk of this Court to the respective counties for allowance and payment by the Boards of County Commissioners of said counties and when so paid to said Clerk he shall apply the same in the paying of said costs and allowances aforesaid.

IT IS FURTHER ORDERED BY THE COURT that all the evidence heretofore taken by the referee in this matter and by him extended and filed in this Court, including all the exhibits being parts of said evidence and all the evidence taken before the Court or its commissioner subsequent to the filing of the report of said referee and extended and filed in this Court with the exhibits and all the exceptions and objections of any party or claimant made and filed herein, together with the rulings of the court thereon and the exceptions thereto, be and the same are hereby made a general bill of exceptions herein, and any party or parties aggrieved by any finding of the court or any provision of

this decree or by any ruling of the Court herein are hereby granted one year from the date of the entering of this decree in which to make and tender a particular bill of exceptions involving such matters as shall set forth and show wherein they have been aggrieved and which they may desire to have reviewed by the Supreme Court and the special bill of exceptions of any party deeming themselves to be aggrieved by any finding ruling or decree of this court may be made from what is herein described as a general bill of exceptions and when so made may be thereupon tendered, signed and sealed by the Judge of this Court who has made and entered this Decree, or in his absence or death, by any Judge of said Court and when so tendered, signed and sealed shall be filed herein as of this day.

Done in open Court.

By the Court

Neil F. Graham  
Judge.

STATE OF COLORADO, )  
COUNTY OF LARIMER. ) SS.

I, Frank D. Abbott, Clerk of the District Court of the 8th Judicial District of the State of Colorado, within and for the County of Larimer and as such Clerk, custodian of the files and records of said Court, do hereby certify the above and foregoing to be a true, correct and complete copy of the Decree filed and entered of record in a certain cause lately pending in said Court entitled "In the Matter of the Adjudication of Priorities of Right to the Use of Water for Irrigation in Water District No. 3, Division No. 1, State of Colorado, No. 2031", as the same now remains on file and of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court in my office at Fort Collins, Larimer County, Colorado, this 30<sup>th</sup> day of June, A.D. 1922.

Frank D. Abbott  
Clerk.