

MAR 8 1966

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

*Dannette Smillion*  
CLERK

Civil Action No. 3815

IN THE MATTER OF THE PETITION FOR )  
THE ORGANIZATION OF THE UPPER ) D E C R E E  
YAMPA WATER CONSERVANCY DISTRICT. )

This cause coming on for hearing on this 8th day of March, 1966, on the petition for organization of a water conservancy district filed in this cause on the 21st day of December, 1965. Various of the petitioners appeared in person and all of the petitioners appeared by their attorney, Nicholas Magill. 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 the 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 21st day of December, 1965, on which date the Court entered an order for a hearing on said petition, and directed notice to be given of the time and place of said hearing, as required by law; thereafter, the petitioners filed a bond for costs and expenses as provided by statute, and the Court entered an order approving said bond.

2. 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 no 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

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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 valuation of not less than one thousand dollars.

3. The Clerk of this Court has caused notice to be issued and published in two weekly newspapers, The Steamboat Pilot, published in Routt County, Colorado, and The Craig Empire-Courier, published in Moffat County, Colorado, for four consecutive issues of each; a copy of said notice was mailed by the Clerk of this Court to the Board of County Commissioners of Routt County, Colorado, and the Board of County Commissioners of Moffat 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. 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 land and town property within the proposed district; that the said petition has been signed in full conformity with the "Water Conservancy Act" of Colorado (1963 C.R.S., 150-5-1 to 50).

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

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

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9. The property within the proposed district will be benefited by *Dannette Amillion* the accomplishment of the following purposes, as enumerated in C.R.S. 1965, 150-5-3, namely, the conserving, developing and stabilizing supplies of water for domestic, irrigation, 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 Toponas, Wessels and Hayden-Mesa Projects will provide a supplemental water supply for the irrigation of approximately 7,260 acres of land within the District now having an inadequate water supply and will provide a full water supply for theirri- gation of approximately 43,975 acres of arable land now unirrigated. Said irrigation developments will be accomplished by the construction of: The Yampa Valley Project consisting of three units as follows:

TOPONAS UNIT

- i. The Toponas Reservoir on Rock Creek with a planned capacity of approximately 16,400 acre-feet of water.
- ii. The Yamcolo Reservoir on Bear River with a planned capacity of approximately 6,400 acre-feet of water.
- iii. The Coal Creek Feeder Canal will divert and convey surplus water in Coal Creek for storage in the Yamcolo Reservoir.
- iv. The Toponas Canal extending from the outlet of the Toponas Reservoir to project lands in the vicinity of the towns of Toponas and Yampa.
- v. Stillwater Ditch Enlargement extending from the outlet of the Yamcolo Reservoir to project lands in the Bear River and Egeria Creek Basins, situated at higher elevations than lands served by the Toponas Canal.

WESSELS UNIT

- i. The Bear Reservoir on Yampa River near the town of Oak Creek with a capacity of approximately 11,600 acre-feet.
- ii. The Wessels Canal diverting from Yampa River at a point about two miles downstream from said Bear Reservoir and extending along the West side of the Yampa River valley to the Cow Creek drainage West of the Town of Steamboat Springs, Colorado to serve project lands under the canal.

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HAYDEN-MESA UNIT

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- i. The Dunkley Reservoir on Fish Creek near Hayden, Colorado with a planned capacity of 56,900 acre-feet.
- ii. The East Fork Feeder Canal extending from the East Fork of Williams Fork River to the Dunkley Reservoir to convey surplus flows of said East Fork into said Dunkley Reservoir.
- iii. Hayden Bench Canal extending from the outlet of the Dunkley Reservoir along the bench lands South of the Yampa River to a point about five miles West of the Town of Craig, Colorado to serve said bench lands.
- iv. The Twenty Mile Park Canal, a lateral of the Hayden Bench Canal, extending Eastward to serve project lands in the Twenty Mile Park area.

11. A further purpose of the contemplated improvements to be sponsored by said proposed district is to benefit the entire area within the district by obtaining the participating benefits under the Colorado River Storage Act, Stat. 105, et. seq., Public Law 485, 84th Congress, and to have said improvements constructed by the United States as a reclamation project, and to provide an agency qualified to contract with the United States under Section 3 of said Act for the construction of said improvements as now planned or as said general plan may be amended.

12. A further purpose of the contemplated improvements to be sponsored by said proposed District is to plan for and assist with the development of water resources of the District for municipal, domestic, industrial, recreational and other beneficial uses of said water resources within the District.

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

14. A general description of the territory to be included within the proposed District, which contains and includes parts of Routt and Moffat Counties, State of Colorado, is that part of Routt County described as follows:

Beginning at the Southeast Corner of Routt County at a point common to Routt, Eagle and Grand Counties which is the Southeast corner of Section 36, Township 1 South, Range 83 West of the 6th Principal Meridian; thence West approximately 21 miles along

the Routt-Eagle County boundary to the Southwest corner of Section 34, Township 1 South, Range 86 West of the 6th Principal Meridian which is at a point common to Eagle, Garfield and Routt Counties; thence North approximately 3 miles along the Garfield-Routt County line to the Northwest corner of Section 22, said Township and Range; thence East along said county line approximately 120 feet to the Southwest corner of Section 15, said Township and Range; thence North along said County line approximately 2.7 miles to the Northwest corner of Section 3, said Township and Range; thence West along said county line approximately 0.4 miles to the Southwest corner of Section 34, Township 1 North, Range 86 West of the 6th Principal Meridian; thence North approximately 6 miles to the Northwest corner of Section 3, said Township and Range which is the point common to Garfield, Rio Blanco and Routt Counties; thence North along Rio Blanco-Routt County line approximately 9 miles to the Northwest corner of Section 22, Township 3 North, Range 86 West of the 6th Principal Meridian; thence West along said Rio Blanco-Routt County line approximately 3 miles to the Southwest corner of Section 18, said Township and Range; thence South along said County line approximately 400 feet to the Southeast corner of Section 13, Township 3 North, Range 87 West of the 6th Principal Meridian; thence West along said county line approximately 18 miles to the Southwest corner of Section 18, Township 3 North, Range 89 West of the 6th Principal Meridian which is the point common to Moffat, Rio Blanco and Routt Counties; thence North along the Moffat-Routt County line approximately 7.7 miles to the Northwest corner of Section 7, Township 4 North, Range 89 West of the 6th Principal Meridian; thence East along said county line approximately 0.5 miles to the Southwest corner of Section 31, Township 5 North, Range 89 West of the 6th Principal Meridian; thence North along said county line approximately 12.3 miles to the point of intersection of said county line with the South bank of the channel of Yampa River; thence in a general Easterly direction along the said South bank of said River channel approximately 1 mile to the point of intersection of said South bank of said river channel with the West boundary of Section 32, Township 7 North, Range 89 West of the 6th Principal Meridian; thence North along said West boundary of said Section 32 approximately 0.6 miles to the Northwest corner of said Section 32; thence East approximately 8 miles to the Northwest corner of Section 34, Township 7 North, Range 88 West of the 6th Principal Meridian; thence North approximately 5 miles to the Northwest corner of Section 3, Township 7 North, Range 88 West of the 6th Principal Meridian; thence East approximately 7 miles to the Southwest corner of Section 35, Township 8 North, Range 87 West of the 6th Principal Meridian; thence North approximately 6 miles to the Northwest corner Section 2, said Township and Range; thence East approximately 2 miles to the Northeast corner, Section 1, said Township and

Range; thence North approximately 12 miles to the Northwest corner, Section 6, Township 10 North, Range 86 West of the 6th Principal Meridian; thence East along the line between Townships 10 and 11 North approximately 22 miles to the point of intersection of said line with the Continental Divide which here forms the line between Routt and Jackson Counties; thence in a general Southerly direction along the said county line and the Continental Divide approximately 32 miles to the point common to Grand, Jackson and Routt Counties near the Northeast corner, Section 1, Township 5 North, Range 83 West of the 6th Principal Meridian; thence South along East boundary of said Township and Range here forming the line between Grand and Routt Counties approximately 6 miles to the Southeast Corner of Section 36, said Township and Range; thence East along said Grand-Routt County line approximately 1 mile to the Northeast corner of Township 4 North, Range 83 West of the 6th Principal Meridian; thence South along said Grand-Routt County line approximately 24 miles to the Southeast corner of Section 36, Township 1 North, Range 83 West of the 6th Principal Meridian; thence East along said Grand-Routt County line approximately 0.5 miles to the Northeast corner of Section 1, Township 1 South, Range 83 West of the 6th Principal Meridian; thence South along said Grand-Routt County line approximately 6 miles to the point of beginning.

and that part of Moffat County described as follows:

Beginning at a point on the Moffat-Routt County line at the Southeast corner, Section 36, Township 6 North, Range 90 West of the 6th Principal Meridian; thence West approximately 11 miles to the Southwest corner of Section 32, Township 6 North, Range 91 West of the 6th Principal Meridian; thence North approximately 2 miles to the Northwest corner of Section 29, said Township and Range; thence East approximately 1 mile to the Northeast corner of said Section 29; thence North approximately 1 mile to the Northwest corner of Section 21, said Township and Range; thence East approximately 1 mile to the Northeast corner of said Section 21; thence North along the West boundary of Section 15, said Township and Range approximately 0.9 miles to the point of intersection of the West boundary of said Section 15 with the South bank of the channel of Yampa River; thence in a general Northeasterly direction along the South bank of said river channel approximately 11 miles to the point of intersection of said South bank with the Moffat-Routt County line; thence South along said Moffat-Routt County line approximately 6.5 miles to the point of beginning.

15. That the name of said district, as proposed in said petition, is "Upper Yampa Water Conservancy District." Said name is hereby adopted and approved.

16. No part of the proposed district is included within the boundaries of a district already in existence, under the provisions of C.R.S. 1963, 150-5-1, et seq., as amended, known as the "Water Conservancy Act."

17. The district shall be divided into three divisions. A general designation of the three divisions of the district follows:

Division 1 of said District shall comprise that part of said District lying West from the East boundary of Range 87 West of the 6th Principal Meridian, including that part of said District contained in Moffat County, Colorado.

Division 2 of said district shall comprise that part of said District lying East of the West boundary of Range 86 West of the 6th Principal Meridian and North of the South boundary of Township 6 North, 6th Principal Meridian.

Division 3 of said District shall comprise that part of said District lying East of the West boundary of Range 86 West of the 6th Principal Meridian and South of the North boundary of Township 5 North of the 6th Principal Meridian.

18. Three directors are proposed for each division of said district, and the Court finds that there should be three divisions of the district as described hereinbefore, with three directors for each of such divisions.

19. The office or principal place of business of said district shall be Steamboat Springs, Colorado.

WHEREFORE, IT IS ORDERED, ADJUDGED and DECREED that the territory as above described in paragraph 14 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. 1963, 150-5-1 to 50, under the corporate name of "Upper Yampa Water Conservancy District" with its office or principal place of business at Steamboat Springs, Colorado.

IT IS FURTHER ORDERED that the Board of Directors of said District shall consist of nine directors, to be appointed by order of Court within

thirty days from the date of this decree, as provided by C.R.S. 1963, 150-5-9, as amended, 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:

Wen Lorenz  
Judge



CERTIFIED TO BE A FULL  
TRUE AND CORRECT COPY  
OF ORIGINAL IN MY CUSTODY  
DATED 2-25-85

RUTH ANN MEWBORN  
CLERK  
BY Linda K. Riels  
DEPUTY