

District Court, Water Division 4, Colorado Court Address: 1200 N. Grand Ave., Montrose CO 81401	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: THE OVERLAND DITCH AND RESERVOIR COMPANY IN THE GUNNISON RIVER, IN DELTA COUNTY	FILED Document CO Montrose County District Court 7th JD Filing Date: Feb 9 2010 9:57AM MST Filing ID: 29467434 Review Clerk: Darleen Cappannokeep <div style="text-align: center;">▲ COURT USE ONLY ▲</div>
If Represented by an Attorney, Attorney's Name and Address: Aaron R. Clay #9666 Clay and Dodson, P.C. PO Box 38, Delta, CO 81416 Telephone 970-84-9777, fax 970-874-7224 aaronclay@qwestoffice.net	Case Number: 09CW120
FINDINGS AND RULING OF REFEREE AND DECREE	

This matter came before the Court upon the Application of Overland Ditch and Reservoir Company, by its attorney, Aaron R. Clay, P.O. Box 38, Delta, CO 81416, for a surface water right.

FINDINGS OF FACT

1. The Application was properly published in the resume for Water Division No. 4. The time has expired for filing of statements of opposition and no such statement was filed. All notices required by law have been made, and the Referee has jurisdiction of this case.

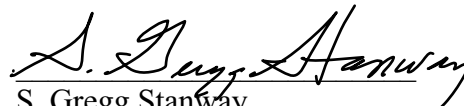
2. Applicant requests an absolute water right for the **Overland Ditch, Roatcap Diversion**. This diversion takes water into the Overland Ditch at the intersection of West Roatcap Creek and the Overland Ditch, in the SW1/4NE1/4SW1/4 of Section 5, Township 13 South, Range 92 West, 6th P.M., approximately 1357 feet north of the south section line and 1558 feet east of the west section line (at Latitude 38.9478 North, Longitude 107.696 West, UTM Easting 266358.93, Northing 4314440.75 Zone 13.) West Roatcap Creek is tributary to Roatcap Creek, which is tributary to the North Fork of the Gunnison River.

3. Historically, Applicant has captured as much as 50 c.f.s. at this location, mingled it with waters being transported in the Overland Ditch, and used for the irrigation of approximately 7000 acres.

RULING

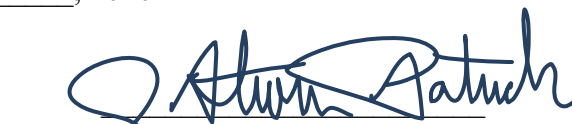
Applicant is HEREBY GRANTED an absolute water right for 50.0 c.f.s. from the OVERLAND DITCH, ROATCAP DIVERSION, identified above, for the irrigation of 7000 acres, with appropriation date July 9, 2009, adjudication date 2009.

Done this 14th day of January, 2010.


S. Gregg Stanway
Water Referee

No protest was filed in this matter. The foregoing Ruling of the Referee is confirmed and approved, and is made the Judgment and Decree of this Court.

Done this 5th day of Feb, 2010


J. Steven Patrick
Water Judge