

District Court, Water Division 4, Colorado Court Address: 1200 N. Grand Ave., Montrose CO 81401	EFILED Document CO Montrose County District Court 7th JD Filing Date: Feb 25 2010 3:14PM MST Filing ID: 29764951 Review Clerk: Darleen Cappannokeep
CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant:	▲ COURT USE ONLY ▲
OVERLAND DITCH AND RESERVOIR COMPANY	Case Number: 09CW100
IN THE GUNNISON RIVER, IN DELTA COUNTY	
CORRECTED FINDINGS OF FACT, RULING OF REFEREE AND DECREE	

Applicant, Overland Ditch and Reservoir Company, by its attorney, Aaron R. Clay, Box 38, Delta CO 81416, requests to make a conditional decree absolute by Application filed August 10, 2009. Said decree was entered on December 22, 2009 but an order correcting said Ruling and Decree has been entered to correct an error in the appropriation and adjudication dates.

FINDINGS OF FACT

1. All notices required by law of the filing of this Application have been given. The Referee has jurisdiction of this case. The time for filing of statements of opposition has expired, and no such statements have been filed.

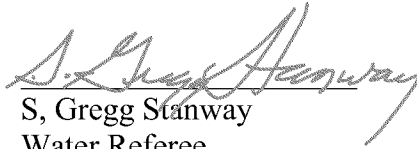
2. Applicant requests to make absolute the conditional water right for the OVERLAND RESERVOIR NO. 1, which is located in the NE1/4SW1/4NW1/4 of Section 23, Township 11 South, Range 92 West, 6th P.M., 1543 feet south of the north section line and 737 feet east of the west section line. This on-channel reservoir stores water in Muddy Creek, which is tributary to the North Fork of the Gunnison River, as decreed August 28, 1920 in Delta Civil Action No. 1424. Applicant owns absolute rights decreed and transferred to Overland Reservoir No. 1, totaling 6,200 acre-feet. Applicant also owns conditional rights initially decreed to Overland Reservoir No. 2 totaling 970.73 acre-feet. These rights were changed to Overland Reservoir No. 1 in cases 89CW142 and 90CW33. Applicant chose to have those rights filled in the irrigation year 2008-2009, and so notified the Division Engineer. The Court finds that the statements are true, and that this activity constitutes completion of the water right.

09CW100

RULING

The conditional water rights decreed for 970.73 acre-feet to the OVERLAND RESERVOIR NO. 1, identified above, for the irrigation of 7000 acres, are HEREBY MADE ABSOLUTE, with an appropriation date June 11, 1902, adjudication date August 28, 1920.

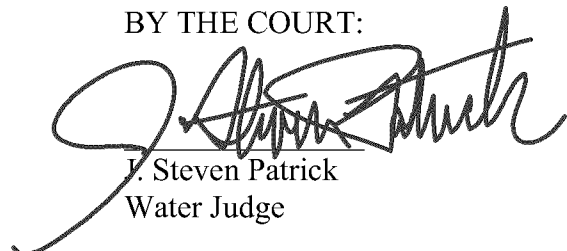
Done this 11th day of February, 2010, nunc pro tunc November 20, 2009.


S, Gregg Stanway
Water Referee

The time for filing of protest having expired, and no such protest having been made, the Court hereby confirms the foregoing Ruling, and makes it the Decree of the Court.

Done this 20th day of Feb, 2010 nunc pro tunc December 22, 2009.

BY THE COURT:


J. Steven Patrick
Water Judge