

IN THE WATER COURT IN AND FOR
WATER DIVISION I, STATE OF COLORADO

CASE NO. W-126

IN THE MATTER OF THE
APPLICATION FOR WATER
RIGHTS OF THE BRAECHER
RANCH COMPANY
IN GILPIN COUNTY

FINDINGS AND RULING
OF THE REFEREE

THIS CLAIM, having been filed with the Water Clerk, Water Division I, on May 29, 1970, and having been heard on August 26, 1970, before the Water Referee, and the Referee being fully advised in the premises, does hereby find:

1. All notices required by law of the filing of this application have been fulfilled, and the Referee has jurisdiction of this application.

2. No statement of opposition to the granting of said application has been filed, and the time for filing such statement has expired.

3. Applicant appeared by his attorney, John D. Pearson.

4. The name and address of the applicant is:

The Braecher Ranch Company, P.O. Box 401, Golden, Colorado 80401

5. The name of the structure is: Sea of Tranquillity Reservoir.

6. The legal description of the structure is: SE 1/4 NW 1/4 of Section 29, Township 2 South, Range 72 West of the 6th P.M., beginning at a point whence the Northwest corner of Section 29, Township 2 South, Range 72 West of the 6th P.M. bears North 53°34' West a distance of 2498.21 feet.

7. The source of water is: a seepage and drainage area, tributary to Ralston Creek, which lies immediately to the west of said reservoir in parts of Sections 19, 29 and 30 in Township 2 South, Range 72 West of the 6th P.M.

8. The date of initiation of appropriation is: September 20, 1870, by construction.

9. The amount of water claimed is: 29.055 acre feet for storage and to be used for domestic, irrigation and stockwatering purposes.

WHEREFORE, the Water Referee rules that the Sea of Tranquillity Reservoir be awarded a priority date of September 20, 1870 for storage of 29.055 acre feet of water from seepage and drainage tributary to Ralston Creek for domestic, irrigation and stockwatering purposes.

The priority herein awarded shall be junior to all priorities awarded in previous years. As between all rights adjudicated this calendar year, priorities shall be determined by historical dates of appropriation and not affected by the date of entry of ruling.

DATED this 26th day of September, 1970.



George Vranesh
Water Referee
Water Division I
State of Colorado

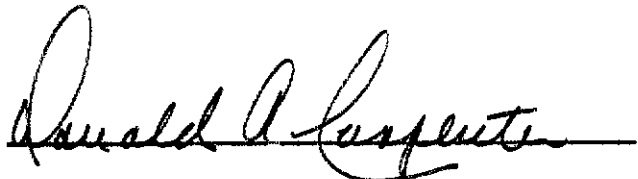
THE COURT finds that the ruling by the Water Referee in W-126, application of The Braeher Ranch Company should be confirmed, approved and adopted and

THEREFORE:

IT IS ORDERED that the ruling of the Water Referee in W-126 be adopted by the Water Court and is hereby decreed a water right.

DATED this 27th day of July, 1970.

BY THE COURT:



Donald A. Carpenter
Water Judge
Water Division 1
State of Colorado