

The Eleventh Judicial District

OF THE

STATE OF COLORADO,

IN AND FOR THE

COUNTY OF FREMONT.

IN THE MATTER OF THE ADJUDICATION
OF WATER RIGHTS IN WATER

DISTRICT NO. 12.

Now on this 3d day of February, A. D. 1894, the same being the 23rd day of the regular November Term, A. D. 1893, of said Court, this matter comes on for hearing upon the draft for final decree, adjudicating water right in said water district, heretofore filed in this Court by James L. Cooper, the referee to whom this matter was heretofore referred by orders entered of record in this Court; and, it appearing to the Court that said referee has given notice of the taking of testimony in accordance with the provisions of law; that he has, in pursuance of said notice, taken all testimony offered concerning water rights in said water district; and has given due notice,

in the manner ordered by this Court, of the filing of said draft of decree herein, and has, also, given due notice that at the present term of this Court said draft of decree would be made the final decree and judgment of this Court on the adjudication of water rights in said water district unless cause be shown why same should not be done; and, it appearing to the Court that no good and sufficient reason exists why a final judgment and decree, adjudicating water rights in said water district, should not at this time be entered;

It is hereby ordered, adjudged and decreed:

(1st)—That every right hereinafter decreed shall be and is hereby made subject to all rights decreed to be prior thereto; so that if the water which can be had at any time be insufficient to supply the quantities decreed to all of the ditches hereinafter mentioned, the full supply decreed shall be allowed to the first ditch to the extent of the first priority decreed to said ditch, and so on (satisfying each decreed priority before allowing any water to the next), until all the water shall be exhausted; the decree of water to a ditch being of no force if prior ditches, or ditches entitled to older priorities require all the water attainable;

(2nd)—That no ditch hereinafter mentioned and not having a supply of water hereinafter decreed thereto, shall be allowed to take any water unless it can be done without interference with any right hereinafter decreed;

(3d)—That wherever in this decree a certain quantity of water is decreed to a ditch, but no period of time specified during which said water shall be allowed to flow therein, the quantity of water so de-