

DISTRICT COURT, PUEBLO COUNTY
STATE OF COLORADO
Pueblo County, Judicial Building
320 West 10th Street
Pueblo, Colorado 81003

FILED IN THE OFFICE OF THE CLERK
OF THE DISTRICT / COUNTY COURT

NOV 21 2002

COMPLAINT COURT
County of Pueblo, Colorado
Certified to be a true, true and correct
copy of the original in my custody.

IN THE MATTER OF THE LOWER ARKANSAS VALLEY
WATER CONSERVANCY DISTRICT

PUEBLO COUNTY, COLORADO COURT USE ONLY Δ

Clerk of the County Court

Base Number: DICY 793

Deputy Clerk

Div: B Courtroom: 217

FINDINGS AND DECREE

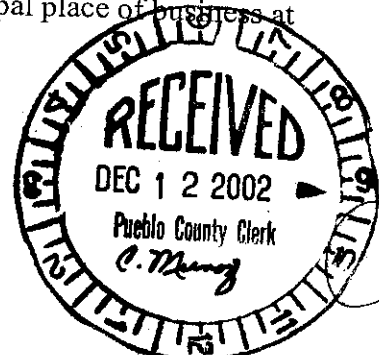
This matter for the organization of a Water Conservancy District under the provisions of the Water Conservancy Act, Colo. Rev. Stat. §§37-45-101 et seq., having come before the Court, the Court finds:

1. That pursuant to the order of this Court dated September 9, 2002 the ballot question respecting formation of the district was duly presented to the electors of the counties of Bent, Crowley, Otero, Prowers, and Pueblo on November 5, 2002.
2. That the Clerks of each of these counties have certified to this Court the results of this election.
3. That a majority of the votes cast in this election in each and every county supported the formation of the district.
4. That the Town of Hartman, the only incorporated municipality in the five counties with a majority of votes opposing formation of the District, has waived its right under Colo. Rev. Stat. §37-45-109 (2.5)(c) to petition the Court for exclusion from the District.
4. That in all respects the requirements of the Water Conservancy Act, and especially of Colo. Rev. Stat. §37-45-109 (2.5), pertaining to formation of a district, have been met.
5. That no petition contesting the form or content of the ballot question was filed with this Court pursuant to Colo. Rev. Stat. §1-11-203.5 (2) within five days after the title of the ballot question was set and that the ballot question fully complied with the requirements of Article X, Section 20 of the Colorado Constitution.
6. That the inclusion of question of formation of the proposed district together with the request for approval of a 1.5 mill levy in the ballot was entirely consistent with the policy expressed in Article V, Section 1 (5.5) and Colo. Rev. Stat. §1-40-106.5 that ballot initiatives should contain only a single subject.

WHEREFORE IT IS BY THE COURT ORDERED:

1. That the Lower Arkansas Valley Water Conservancy District is hereby declared to be organized as a political subdivision of the State of Colorado and a body corporate with all of the powers of a public or municipal corporation, with its office or principal place of business at

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Chr IsC. Munoz Pueblo Cty Clerk & Rec FIND DEC R 11.00

Handwritten:
C. Munoz
12/12/02

Otero Junior College, Humanities Building, 1802 Colorado Avenue, La Junta, Colorado 81050.

2. That the District is established for the purposes of conservation of the water resources within the District, for their greatest beneficial use, and for other matters authorized under the Water Conservancy Act.

3. That the lands included within the District fully encompass those within the counties of Bent, Crowley, Otero, Prowers, and Pueblo.

4. That the District is authorized to collect a 1.5 mill levy on all taxable real property within the District as of January 1, 2002 for a thirty-year period.

5. That the Board of Directors of said District shall consist of seven directors with backgrounds reflecting the agricultural, municipal, industrial, and other interests in the beneficial use of water within the District who are owners of real property in the District and knowledgeable in water matters. One director shall be appointed from each county within the District which contains more than one percent of the total land area of the District, which person shall be the owner of real property within the District and the county. The remaining directors shall be appointed in the same proportion that the population of each county or portion thereof within the District bears to the total population of the District. Said directors shall reside and own real property within each county, or portion thereof, which is entitled to such proportional representation. The Board shall be constituted as follows:

Division No. 1:	Pueblo County, with one director
Division No. 2:	Crowley County, with one director
Division No. 3:	Otero County, with one director
Division No. 4:	Bent County, with one director
Division No. 5:	Prowers County, with one director

The other two directors are to be appointed from the division(s) according to the proportion of its/their population to the entire District.

Dated this 21st day of November, 2002

THE DISTRICT COURT OF PUEBLO COUNTY

By Dennis Maer
Judge



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