

STATE OF COLORADO )  
                          )  
COUNTY OF PUEBLO )

ss.

IN THE DISTRICT COURT

IN THE MATTER )  
                  )  
          OF )  
THE PUEBLO CONSERVANCY DISTRICT )

DECREE  
APPROVING AND CONFIRMING  
THE CONSERVANCY APPRAISAL RECORD

This cause coming on to be heard, pursuant to notice, on the eighth day of November, 1923, at 10 o'clock, A.M., in the matter of protests filed in the above entitled proceedings against the Conservancy Appraisal Record, and having been regularly continued from time to time until this day for further and final hearing, and now having heard all said protests and objections and the evidence offered in support thereof, as well as evidence of the Pueblo Conservancy District in said matter, and being now fully advised in the premises, the Court doth now here find and adjudge:

1. That this Court has jurisdiction of the parties to, and of the subject matter of, this proceeding.
2. That heretofore on the 8th day of November, 1922, E. D. Spruill, W. D. Keen and Thomas Kelly were appointed Appraisers of the Pueblo Conservancy District; that the said persons and each of them, prior to taking up his duties, duly qualified as such Appraisers; that the said E. D. Spruill, W. D. Keen and Thomas Kelly, at all times since their appointment aforesaid, have been and now are the duly appointed, lawful and acting Appraisers of the Pueblo Conservancy District.
3. That the Appraisers of the Pueblo Conservancy District have appraised the benefits of every kind to all land and property within and without the Pueblo Conservancy District, which will

result from the organization of the Pueblo Conservancy District and the execution of the Official Plan; that the said Appraisers have appraised the damages to all land and property within and without the Pueblo Conservancy District, which result from the organization of the Pueblo Conservancy District and the execution of the Official Plan, and have appraised the value of the property necessary to be taken by the Pueblo Conservancy District in this proceeding, except where agreements of settlement have been made by the Board of Directors and approved by the Court in this proceeding; and that the said Appraisers have appraised the benefits and damages accruing from the execution of the Official Plan and organization of the Pueblo Conservancy District to cities, counties and other public corporations as political entities.

4. That the Appraisers of the Pueblo Conservancy District have prepared a report of their findings entitled, "The Conservancy Appraisal Record" in form as provided by law, signed by all of the said Appraisers, and on the 22nd day of September, 1923, the said Appraisers deposited said report with the Clerk of this Court, and the said report was filed in these proceedings on, to-wit, the 22nd day of September, 1923; that the Clerk of this Court, in accordance with an order of the Court heretofore made, has given due and proper notice thereof, fixing the time for filing objections and time for hearing thereon, by publication once a week for three consecutive weeks in the Pueblo Star-Journal and The Pueblo Chieftain on, to-wit, the 25th day of September, 1923, the 2nd day of October, 1923, and the 9th day of October, 1923; that each of the said publications named are newspapers of general circulation in the County of Pueblo, State of Colorado; that all lands and public corporations within the Pueblo Conservancy District, and all lands and public corporations benefited or damaged by the organization of the Pueblo Conservancy District or the execution of the Official Plan, and all lands neces-

sary to be taken, in whole or in part, for the use of the Pueblo Conservancy District, are within the County of Pueblo and State of Colorado,

5. The Court doth here further find and adjudge: That the Official Plan and all amendments thereto or supplements thereof, heretofore adopted by the Board of Directors and approved by this Court, are suited to, and adequate for, the requirements of the Pueblo Conservancy District; that the estimated total cost of the execution of the said Official Plan is four million dollars (\$4,000,000); that the amount of benefits appraised and fixed by this decree is \$ 9,496,910.; that the total amount of benefits contested by this proceeding is \$ 233,369.; that the estimated cost of constructing the improvements contemplated in the Official Plan is less than the benefits appraised and herein confirmed.

6. The Court doth here further find and adjudge: That all amendments and modifications of the Conservancy Appraisal Record ordered by the Court to be made in these proceedings have been made and entered upon the Conservancy Appraisal Record now on file herein; that the several lots, tracts and parcels of land and public corporations as described and recorded in the Conservancy Appraisal Record, will each and severally be benefited by the execution of the Official Plan to the full sum of the amount fixed for benefits for each of said lots, tracts and parcels of land, and public corporations, by the Appraisers of the Pueblo Conservancy District or by order of this Court, all as shown by the Conservancy Appraisal Record.

7. The Court doth here further find and adjudge: That each of the several lots, tracts and parcels of land and public corporations recorded on the Conservancy Appraisal Record will each and severally be damaged by the execution of the Official

Plan and the organization of the Pueblo Conservancy District in an amount not exceeding the sum fixed for damages to each of said lots, tracts and parcels of land and public corporations as shown on the Conservancy Appraisal Record; that no other or different land or property or public corporation then so designated on the Conservancy Appraisal Record will be damaged by the execution of the Official Plan or the organization of the Pueblo Conservancy District.

8. The Court doth here further find and adjudge: That a necessity exists for the taking for public use by the Pueblo Conservancy District for the purpose of said District, of the lots, tracts and parcels of land, or easements therein, as described and designated on the Conservancy Appraisal Record as property or easements to be taken; that the sum shown on the Conservancy Appraisal Record as the appraised value for purchase, or the sum there shown as the amount fixed for easement, as the case may be, is the present, actual, full, cash, market value of the said lands or easements; provided, however, with reference to property to be taken in regard to which the parties hereto or their representatives have, by stipulation on file in these proceedings and approved by this Court, agreed upon a further or different consideration by exchange of property or otherwise, it is hereby adjudged and decreed that such consideration shall be and the same is hereby awarded as compensation in accordance with the terms of such stipulated agreements.

WHEREFORE, it is hereby ordered, adjudged and decreed:

1. That all protests now before the Court heretofore filed to the Conservancy Appraisal Record and to the amounts fixed therein for benefits, damages or for purchase or easement, be and the same are hereby dismissed.

2. That all objections now before the Court which have been made heretofore to the Conservancy Appraisal Record and to the

amount fixed therein for benefits, damages or for purchase or easement be and the same are hereby overruled.

3. That the Conservancy Appraisal Record and the amounts fixed therein for benefits, damages or for purchase or easement, with all amendments or modifications thereof heretofore ordered by the Court in this proceeding, be and the same are hereby confirmed and approved and judgment is entered accordingly; and it now appearing to the Court here that the subdivision of certain of the lands against which benefits have been appraised in large units is in process or is imminent, and that it is desirable that the amount of benefits by this decree confirmed upon any such unit should be apportioned equitably upon the several lots, tracts or parcels of land into which such unit is hereafter divided or subdivided; it is therefore ordered by the Court that for the purpose of permitting any appraisement of benefits hereby adjudicated, and any assessment levied accordingly upon any such unit, to be apportioned in severalty upon the several parcels of land into which such unit may at any time hereafter be divided or subdivided, permission is hereby granted to the owner or owners of any such unit to apply to the Court for a just and equitable apportionment of such appraisal of benefits and of such assessment; and thereupon after such notice as the Court may deem proper, the Court will, upon good cause shown, apportion such gross appraisement of benefits and assessment upon the several component parts of such unit in such manner as will do justice to the parties and will not prejudice the security of any bonds that may be issued upon the faith and credit of such appraisement and assessment.

4. That upon payment of the full award of compensation for property taken as fixed and shown by the Conservancy Appraisal Record and confirmed by this decree, the Pueblo Conservancy District shall become seized in fee of all of the property hereinafter described;

Provided, however, that where the parties to this proceeding, or their representatives, by stipulation filed herein and approved by order of this Court, have agreed upon a consideration for lands to be taken, by exchange of property or otherwise, and the time and manner and form of payment and terms of entry of possession, upon further order of this Court or otherwise, such stipulation shall remain in full force and effect as part of this decree, and with reference to lands involved in such cases, title is hereby decreed and adjudged to the Pueblo Conservancy District subject to and conditioned upon the performance of such stipulated agreements.

5. That the Pueblo Conservancy District, upon payment of compensation therefor as fixed and shown by the Conservancy Appraisal Record, have and take of the owners thereof, and claimants of interest therein, easements for all the uses and purposes of the Pueblo Conservancy District in the following described property, to-wit:



Provided, however, that where the parties to this proceeding, or their representatives, by stipulation filed herein and approved by order of this Court, have agreed upon a consideration for easements to be taken, and the time and manner and form of payment and terms of entry of possession, upon further order of this Court or otherwise, such stipulation shall remain in full force and effect as part of this decree, and with reference to easements involved in such cases, title is hereby decreed and adjudged to the Pueblo Conservancy District subject to, and conditioned upon the performance of such stipulated agreements.

6. That the Pueblo Conservancy District pay to the owners thereof and claimants of interest therein, as damages accruing to each of the several lots, tracts and parcels of land and public corporations recorded on the Conservancy Appraisal Record by reason of the execution of the Official Plan and the organization of the Pueblo Conservancy District the amount fixed for damages to each of said lots, tracts and parcels of land and public corporations as shown on the Conservancy Appraisal Record as confirmed by this decree, which damages shall also cover easements in said lots, tracts and parcels of land for all of the purposes of the Pueblo Conservancy District, and that upon payment of such sum so fixed as damages, the said Pueblo Conservancy District be forever discharged from further suits, actions, claims and demands touching said lands and arising out of the proper and lawful execution of the Official Plan and the organization of the Pueblo Conservancy District, and have an easement in said lots, tracts and parcels of land for all of the purposes of the Pueblo Con-

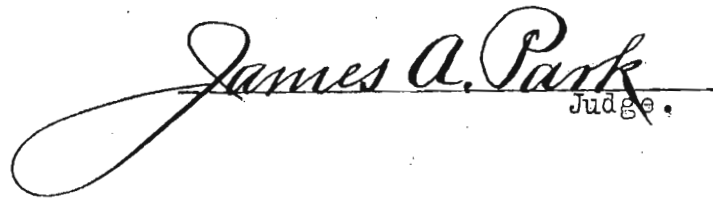
servancy District. Provided, however, with reference to property to be damaged in regard to which the parties hereto, or their representatives, have by stipulation on file in these proceedings and approved by this Court, agreed upon a further or different consideration by exchange of property or otherwise, it is hereby adjudged and decreed that such consideration shall be and the same is hereby awarded as compensation in accordance with the terms of such stipulated agreements. That the said property so to be damaged is as follows, to-wit:



7. That if hereafter it shall be made to appear that the ownership of any lots, tracts or parcels of land described and designated in said Conservancy Appraisal Record and confirmed by this decree, as property to be taken, or for easement, or property to be damaged, be in controversy, the award fixed and shown by said Conservancy Appraisal Record as confirmed by this decree, as the award for purchase or easement or for damages, as the case may be, shall be paid into the registry of this Court, for the use of the successful claimant, or claimants, of said lots, tracts or parcels of land, as their respective interests may hereafter be made to appear to the Court.

Done at Pueblo, Colorado, this 11th day of December, A.D. 1923.

By the Court,

A handwritten signature in cursive script that reads "James A. Park". The signature is written in black ink and is positioned above the printed word "Judge".  
Judge.