



**GRANTED**

The moving party is hereby **ORDERED** to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

**Jeffrey K. Holmes**  
**District Court Judge**

DATE OF ORDER INDICATED ON ATTACHMENT

**FILED Document – District Court**

**2008CV149**  
**CO Elbert County District Court 18th JD**  
**Filing Date: Nov 24 2008 3:26PM MST**  
**Filing ID: 22628615**  
**Review Clerk: N/A**

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|---|------------------------------------|
| DISTRICT COURT, ELBERT COUNTY,<br>COLORADO<br>Court Address: 4000 Justice Way<br>Castle Rock, Colorado 80109<br>Telephone Number: 303-621-2131  |                                    |
| IN RE THE ORGANIZATION OF DEER CREEK<br>WATER DISTRICT  | <b>▲ COURT USE ONLY ▲</b>          |
| Attorney: Evan D. Ela<br>Collins Cockrel & Cole<br>390 Union Blvd., Suite 400<br>Denver, Colorado 80228-1556<br>Telephone: (303) 986-1551<br>Facsimile: (303) 986-1755<br>E-Mail: <a href="mailto:eela@cccfirm.com">eela@cccfirm.com</a><br>Attorney Reg. No. 23965 | Case No: 08CV149<br>Div: 1 Ctrm: E |
| <b>FINDINGS, ORDER AND DECREE CREATING THE<br/>         DEER CREEK WATER DISTRICT</b>   |                                    |

This matter coming before the Court upon the filing of the Canvass Board’s Certificate of Official Abstract of Votes Cast, which document relates to an election held on November 4, 2008, pursuant to the Order for Organizational Election entered by this Court on July 1, 2008, at which election there was submitted to the eligible electors the question of the organization of Deer Creek Water District (“District”); the election of Directors thereof; ballot issues as required by Article X, Section 20 of the Colorado Constitution, requesting authorization for tax and debt increases, and authorization to collect, retain and spend all revenues generated. Now this Court, having considered the documentary evidence and being fully advised in the premises, does hereby FIND:

1. That the question of the organization of the District, the election of Directors thereof, and appropriate ballot issues were submitted to the eligible electors at an election duly held at the time and place specified in the Order for Organizational Election.
2. That the required Notice of Mail Ballot Election was duly published in compliance with the Order of Organizational Election and in accordance with all statutory requirements.
3. That all ballots were cast at the election by eligible electors of the District.

4. That the Canvass Board has duly certified its election returns to this Court as required by law, which returns show the election results to be as follows:

**BALLOT QUESTION 5A**

FOR the Organization of Deer Creek Water District  
AGAINST the Organization of Deer Creek Water District

**VOTES**

Two Hundred Eighty Seven (287)  
Sixteen (16)

**BALLOT ISSUE 5B**

FOR an increase in taxes of \$72,605 annually, and for authorization to collect, retain and spend all revenue generated  
AGAINST an increase in taxes of \$72,605 annually, and for authorization to collect, retain and spend all revenue generated

**VOTES**

Two Hundred Seventy One (271)  
Twenty Nine (29)

**BALLOT ISSUE 5C**

FOR an increase in debt of \$1,600,000  
AGAINST an increase in debt of \$1,600,000

**VOTES**

Two Hundred Seventy One (271)  
Twenty Seven (27)

5. That a majority of the votes cast at such election were in favor of the organization of the District and all ballot issues submitted.

6. That the results of the election of Directors of the District for terms of office to expire at the next regular election after organization in 2010 were as follows:

**CANDIDATES**

Richard L. Bare  
Ed Milner

**VOTES**

Two Hundred Sixty Seven (267)  
Two Hundred Sixty Two (262)

7. That the results of the election of Directors of the District for terms of office to expire at the second regular election after organization in 2012 were as follows:

**CANDIDATES**

Les Aseere  
Bruce L. McQuaid  
Michael G. Allen

**VOTES**

Two Hundred Fifty Seven (257)  
Two Hundred Seventy Three (273)  
Two Hundred Fifty Seven (257)

8. That the following legal description of the boundaries of the District is legally sufficient to give notice to all persons of the District's boundaries for all purposes relating to this organization and relating to all other functions or activities of the District:

Deer Creek Farm Filing Nos. 1, 2, 3, 1A, 2A, and 3A, Outlot X,  
Deer Creek Farm Filing No. 1, and Deer Creek Ranch Estates,  
Elbert County, Colorado.

9. That such election was held in accordance with the provisions of Articles 1 through 13, Title 1, C.R.S., Article 1, Title 32, C.R.S., and all other applicable provisions of law. All of the requirements of Article 1, Title 32, C.R.S., have been complied with, met and performed in the organization of the District.

The Court being fully advised in this matter, it is therefore ORDERED, ADJUDGED AND DECREED:

1. That this Court has jurisdiction in all matters pertaining to this action as provided by law.

2. That the Canvass Board's Certificate of Official Abstract of Votes Cast filed herein hereby is, in all respects, approved and confirmed.

3. That the District has been, and is hereby declared to be, duly organized and is hereby named, and shall be known as "Deer Creek Water District."

4. That the District is located within Elbert County, Colorado, and a description of the boundaries of the District and the territory to be included therein is set forth above. Further, a map of the District, Resolution of the Board of County Commissioners of the County of Elbert, Colorado, approving the Service Plan, and a copy of the approved Service Plan are all on file with the Court and are incorporated into this Order and Decree by this reference.

5. That the following are the names of the electors of the District who were elected and are therefore designated to serve on the first Board of Directors of the District:

|                            |                              |
|----------------------------|------------------------------|
| Terms to expire May, 2010: | Richard L. Bare<br>Ed Milner |
|----------------------------|------------------------------|

|                            |  |
|----------------------------|--|
| Terms to expire May, 2012: | Les Aseere<br>Bruce L. McQuaid<br>Michael G. Allen |
|----------------------------|--|

6. That the District shall be a quasi-municipal corporation and a political subdivision of the State of Colorado with all the powers of a water district as provided by law, and that the facilities, services, and financial arrangements of the District shall conform as far as practicable to the approved Service Plan and Resolution of Approval of the Deer Creek Water District adopted by the Board of County Commissioners of Elbert County, Colorado.

7. That within thirty (30) days after the date hereof, the District shall transmit to the Elbert County Clerk and Recorder a certified copy of this Findings, Order and Decree. The same

shall be recorded by the Elbert County Clerk and Recorder and shall be filed with the Division of Local Government, and a map of the District shall be filed with the Elbert County Assessor and Division of Local Government.

8. That the above-named duly elected and designated members of the Board of Directors of the District shall qualify for office and organize such Board in the manner prescribed by law and shall file with the Clerk of this Court their Oaths of Office and individual, schedule, or blanket corporate surety bonds, at the expense of the District, in the amounts and form specified by law.

9. That the members of the Board of Directors of the District and their lawful successors shall hereafter take such actions and proceedings as are necessary for the governance of the District.

10. That the District shall have and exercise, through its duly elected Board of Directors and officers, all of the powers and authorities conferred upon water districts under and by virtue of the provisions of Article 1, Title 32, C.R.S., and all other applicable laws relating thereto, and all additional powers and authorities as may hereafter be conferred by law.

DONE this \_\_\_\_\_ day of November, 2008.

BY THE COURT:

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District Court Judge

This document constitutes a ruling of the court and should be treated as such.

**Court:** CO Elbert County District Court 18th JD

**Judge:** Jeffrey K Holmes

**Alternate Judge:** Unassigned

**File & Serve**

**Transaction ID:** 22343821

**Current Date:** Nov 24, 2008

**Case Number:** 2008CV149

**Case Name:** IN RE THE ORGANIZATION OF DEER CREEK WATER DISTRICT

**Court Authorizer:** Jeffrey K Holmes

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**/s/ Judge Jeffrey K Holmes**