

3305 County Road 210, Salida, Colorado



\$749,000

MLS #235486



Offered by Jeff Post

GRI, CDPE, Broker / Owner

719.539.6682 / 719.539.8909

FirstColorado.com



First
COLORADO LAND
Office

Adjoins National Forest



Mountain Lodge

7 Acres

Aspens & Pines

Year Round Little Cochetopa Creek



Upper Level (Main Level)

Living Area

Natural Gas Stove



Upper Level

Kitchen

Dining Area





Upper Level
Guest Room or
Second Master

3 Bedrooms
2 Baths





Upper Level

Private
Master
Suite





Lower Level
 1 Bedroom
 1 Bath
 Sleeping Area





Oversize 2-car Garage

Property Summary

1874 SF Upper Level & 864 SF Finished Basement

Built in 1980

Natural Gas Stove & Selective Electric Heating in Bedrooms & Baths

Forced Air Heating in Garage

Frame Siding Exterior & Composition Shingle Roofing

2-Car Garage & Carport

7 Acre Gated Horse Property ~ Mostly Fenced

Open Range Protection

Additional Features

Interior Features ~

Every window replaced with Thermal Windows

Every Exterior & Interior Door replaced

vaulted Ceiling in Great Room & Dining Area

Skylights in Great Room

All Plumbing Fixtures Replaced & Upgraded

Plumbing revised to facilitate Complete & safe winterization

Cherry Cabinetry & Granite Countertops in Kitchen

Garage ~

Full Length Lighting

Utility Tub

Garage Door Opener

Insulated Walls & Door

Exterior ~

Rock Gardens

Native Wildflowers, Birds & Animals

Secluded & Quiet ~ Backs to National Forest

Year Round Cochetopa Creek

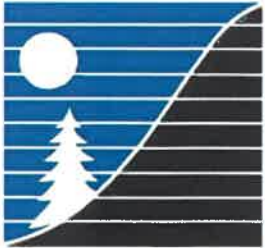
All Furnishings Included

All data, square footage, etc. throughout this brochure deemed reliable.

No warranties or representations expressed or implied.







FIRST COLORADO
LAND OFFICE

Your Needs - First

Jeff Post, GRI, CDPE, Broker / Owner

Office 719.539.6682

Cell 719.539.8909

E-mail: post@firstcolorado.com

www.FirstColorado.com

7385 W. Highway 50 ~ Salida, CO 81201



E SOUTHEAST 1/4
N, R 7 E, N.M.P.M.
OLORADO 1"=100'-0

400 300 FEET

d of Record--Reception No. 291062
 cMullen Family Trust dated November 29, 1982



W 1/2 of the

TINTSMAN

7.15 AC.

TINSTMAN TO BERG
 0.2360 AC.

10'-0 DROP
 OFF TO CREEK

COTCHETOPA CREEK

BERG TO
 TINSTMAN
 0.2378
 AC.

WOOD
 DECK

TWO LEVEL
 RESIDENCE

E 1/16
 S. 23
 S. 36

TO THE SOUTHWEST CORNER OF SECTION 4
 '9 N, R 7 E, N.M.P.M. (MARKED STONE)

N88°55'17"W

NOT TO SCALE

ument with a 2 inch zinc plat...

TINTSMAN

POINT OF
 BEGINNING

583.30

470.30

N73°48'16"W

193.27

503°56'09"E

188.97

N30°13'12"E

193.27

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LEGAL

EXHIBIT A

A tract of land located in the West One-half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 25, Township 49 North, Range 7 East of the New Mexico Principal Meridian, Chaffee County, Colorado, described as follows:

Commencing at the southeast corner (rebar monument with a metal disc marked 'E 1/16 S. 25 - S. 36, 6753') of the said W $\frac{1}{2}$ SE $\frac{1}{4}$ from whence the southwest corner (marked stone) of said Section 25 bears North 88°55'17" West 3974.94 feet, and the Southeast corner (marked stone) of said Section 25 bears South 88°55'17" East 1324.98 feet;

thence North 0°35'34" West along the east boundary of the said W $\frac{1}{2}$ SE $\frac{1}{4}$ a distance of 889.21 feet to the point of beginning of the tract herein described;

thence along the following calls and distances:

First, thence proceeding around the tract North 73°48'16" West 470.30 feet;

Second, thence proceeding North 3°56'09" West 195.27 feet;

Third, thence proceeding North 24°21'00" East 236.28 feet;

Fourth, thence proceeding North 19°02'14" East 70.11 feet;

Fifth, thence proceeding North 05°43'09" East 107.57 feet;

Sixth, thence proceeding North 16°01'14" East 204.61 feet;

Seventh, thence South 60°29'18" East 36.16 feet;

Eighth, thence South 73°34'41" East 247.68 feet to a point (herein designated as point "8");

Ninth, thence South 0°35'34" East 823.43 feet to the point of beginning of the tract herein described.

TOGETHER with an easement for access to and maintenance of and to receive water decreed to the Berg Spring Ditch from that certain spring box which is located immediately North of a point on the line of the call designated "Eighth" of the legal description of the primary tract which point is North 73°34'41" West approximately 70 feet from point "8" described in said legal description of said primary tract. Said easement to be appurtenant to the primary tract above described.

AND TOGETHER with an easement for access to, maintenance of, and to withdraw water from the head gate of the Berg Spring Ditch which is described in that certain certified copy of a Decree of the District Court of Chaffee County, Colorado in Civil Action No. 5141 which was recorded under Reception No. 135037 on 5 March 1970 in Book 368 at Page 578 of the Chaffee County records. Said easement to be appurtenant to the primary tract above described.

AND TOGETHER with an easement for access to and from the above described primary tract and Chaffee County Road No. 210 which easement may also be used for aboveground and underground utilities and which shall be appurtenant to the above described primary tract of real property, said easement being described as follows:

A roadway and utility easement located within the said W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 25, said easement being 20 feet in total width and being 10 feet on each side of the following described centerline:

Beginning at a point on the Northerly line of the above described tract from whence the northeasterly corner of said tract bears South 73°34'41" East 176.23 feet;

thence proceeding along said easement centerline North 03°14'03" West 92.27 feet;

thence North 05°48'20" East 119.76 feet;

thence North 03°46'34" East 280.02 feet;

thence North 0°05'43" East 203.98 feet;

thence North 0°07'17" West 90.55 feet;

thence North 07°46'29" West 52.91 feet to the East-West centerline of said Section 25.

Directions are based on a solar observation.

RESERVING unto Willard Berg, and his heirs and successors and assigns forever, an easement for access to and maintenance of and to receive water decreed to the Berg Spring Ditch from that certain spring box which is located immediately South of a point on the line of the call designated "Eighth" of the legal description of the primary tract which point is North 73°34'41" West approximately 130 feet from point "8" described in the legal description of said primary tract.

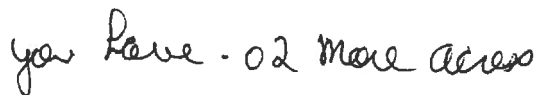
[Descriptions prepared by Alan L. Sulzenfuss, P.C., P.O. Box 1003, Salida, Colorado 81201 based upon maps and descriptions prepared by Robert G. Biglow, P.O. Box 531, Salida, Colorado 81201].

EXHIBIT "B"

DEED
RESTRICTION

AS AND FOR AN APPURTENANCE FOR THE REAL PROPERTY PARTICULARLY DESCRIBED IN THE DEED FOUND AT RECEPTION NO. 270825, BOOK 542, PAGE 85 OF THE RECORDS OF CHAFFEE COUNTY, CLERK AND RECORDER'S OFFICE, AND FOR ANY PART, A PERPETUAL EASEMENT OF RIGHT TO RECEIVE LIGHT, AIR, AND UNOBSTRUCTED VIEW OVER THE REAL PROPERTY DESCRIBED BELOW, TO THE EXTENT THAT LIGHT, AIR, AND VIEW, WILL BE RECEIVED AND ENJOYED BY PROHIBITING THE BUILDING OF ANY STRUCTURE, EXCEPT FENCES, ON THE PROPERTY DESCRIBED BELOW, EXCEPT AS MAY CURRENTLY EXIST ON THE PROPERTY ON THE DATE OF THIS CONVEYANCE. FURTHER, ANY OBSTRUCTION OF SUCH VIEW SHALL BE CONSIDERED AN UNAUTHORIZED INTERFERENCE WITH SUCH RIGHT OR EASEMENT AND SHALL BE REMOVED ON DEMAND AT THE EXPENSE OF GRANTEES AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS IN THE OWNERSHIP OF THAT REAL PROPERTY DESCRIBED BELOW OR ANY PART OF THAT PROPERTY.

DEED RESTRICTION


$$\begin{array}{r} 3.94 \\ 3.23 \\ \hline 7.17 \end{array}$$

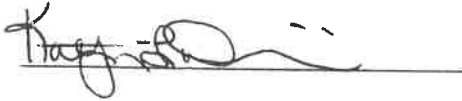
**DISTRICT COURT
ELEVENTH JUDICIAL DISTRICT
CHAFFEE COUNTY COURTHOUSE
P.O. BOX 279
SALIDA, COLORADO 81201-0279
(719) 539-2561
Fax (719) 539-6281**

Kenneth M. Plotz
District Judge

Lenna Finck
Clerk
Debbie Easterly
Court Reporter

I, Kathryn Donisi, Deputy Clerk of the District Court, certify that the following is a true copy of the original in my custody as pertains to The Berg Ditch.

WITNESS my hand and the Seal of said Court this 23rd of October 1998.

A handwritten signature in dark ink, appearing to read 'Kathryn Donisi', is written over a horizontal line.

IN THE DISTRICT COURT IN AND FOR THE
COUNTY OF CHAFFEE, STATE OF COLORADO
CIVIL ACTION NO. 5141

IN THE MATTER OF ADJUDICATION OF	)	
PRIORITIES OF THE RIGHT TO THE	)	
USE OF WATER FOR IRRIGATION AND	)	<u>FINDING AND DECREE</u>
NON-IRRIGATION PURPOSES IN WATER	)	
DISTRICT NO. 11, WATER DIVISION	)	
NO. 2, IN THE STATE OF COLORADO.	)	

Indices indicating the names of the various
structures adjudicated herein and the names of the claim-
ants hereof are included in and are part of this finding
and decree.

IN THE DISTRICT COURT IN AND FOR THE

COUNTY OF CHAFFEE, STATE OF COLORADO

CIVIL ACTION NO. 5141

IN THE MATTER OF ADJUDICATION OF)
PRIORITIES OF THE RIGHT TO THE)
USE OF WATER FOR IRRIGATION AND) FINDING AND DECREE
NON-IRRIGATION PURPOSES IN WATER)
DISTRICT NO. 11, WATER DIVISION)
NO. 2, IN THE STATE OF COLORADO.)

Now on this 9th day of July, 1969,
this matter came on for further consideration by the Court
upon the petition of the Southeastern Colorado Water Con-
servancy District for a supplemental general adjudication
of priorities of rights to the use of water in Water Dis-
trict No. 11 of the State of Colorado, and said Southeastern
Colorado Water Conservancy District and the claimants of
the ditches, reservoirs and water rights hereinafter set
forth having appeared by their respective counsel, and
testimony in support of the statements of claim heretofore
filed herein by said respective claimants having heretofore
been offered and heard by the Court and concluded on the
16th day of April, A.D., 1969, and the Court
on said last mentioned date having as of that date closed
the time for filing of statements of claim herein and for
the taking of testimony in support of such statements of claim,

and the Court having examined the files and records in this proceeding and having considered the evidence submitted to it by the claimants herein in support of their respective statements of claim, and being now fully advised in the premises, doth find:

That an interim decree was entered in this matter, on the 23rd day of September, 1964, as to the Petitioner, Southeastern Colorado Water Conservancy District, and as to the various structures claimed by said petitioner, priority numbers granted thereto, and the Court now entering this final decree, and the claims of the said Southeastern Colorado Water Conservancy District having been incorporated therein and given their proper priority number, said interim decree is, by this decree, now set aside and held for naught.

That except as hereafter specifically modified or withdrawn, the within findings and decree shall constitute the decree of the court herein.

1. This is a supplemental adjudication of water rights for all purposes under the laws of Colorado, and everything necessary or prerequisite to the establishment of jurisdiction in this court for that purpose has been done. The proceedings taken herein have included the giving of notices required by law, the receiving of statements of claim, and the taking of evidence respecting statements of claim filed herein.

2. All and singular the canals, ditches, pipelines, tunnels, pumping plants, reservoirs, and other diversion, utilization, and storage works hereinafter set forth are declared and decreed to have the several rights, numbers and priorities to the use of the waters of the several streams, springs, and other sources of supply, respectively, as hereinafter set forth; subject, however, to the following next mentioned five provisions, to wit:

FIRST: No part of this decree shall in any case be taken, deemed or held to confirm, impair, or in any manner affect any claim of right or property claimed or held by any person, association or corporation, in or to any ditch, pipeline, canal, reservoir, or other structure, or any part thereof, or to any land, or interest in land, on or in which any of them may be situated, or to the land or interest in land, held or claimed as right-of-way for any of them, or to any right, interest or claim of property whatever in or relating to any of them.

SECOND: No part of this decree shall be taken, deemed or held as determining in any

manner any question or claim or right between the owners or claimants of any ditch, pipeline, canal, reservoir or other structure as between themselves, whether as part owners or shareholders therein or as stockholders in any corporation, or joint stock company, claiming or to claim the same or any part thereof, nor shall it be deemed to determine as among themselves or as between them and any other party claimant the right, rights, interests or claims of any consumer of water for irrigation or for beneficial purposes other than irrigation whether as part owner, lessee, shareholder or stockholder in any corporation holding or controlling the same, or determine the rights of any purchasers of water therefrom as against the rights, interests or claims of any other party or parties interested or claiming an interest or right in or to such ditch, pipeline, canal, reservoir or other structure, as owner, lessee, or part thereof, or as shareholder or stockholder in any corporation claiming the same, or as purchaser of water therefrom;

neither shall it determine any claim of relative priority made or resisted as between the parties using the water from the same appropriation.

THIRD: Priorities to the rights to the use of water awarded in this decree as of the same date are to have equal seniority, regardless of different numbers awarded to them. Dates of priority, rather than numbers awarded to the priorities, shall control the seniority of right, except as herein expressly otherwise adjudged and decreed.

FOURTH: In any case herein in which a right is noted to be "conditional," that right is awarded upon the condition that work toward application of the water for that right to beneficial use be prosecuted with due diligence, and such use occur within a reasonable time. Conditional rights shall be subject to cancellation as provided by law in the absence of proof of the exercise of reasonable diligence with respect thereto. As to each conditional priority herein awarded, this case is hereby continued to the day of the opening of the first

term of this court in the first even-numbered year following the date of the entry of this decree (and to the day of the opening of the first term of this court in every even-numbered year thereafter unless changed by specific order of this court or by law) as an adjudication day for the hearing of further proof with respect to each conditional right awarded herein, without further notice.

FIFTH: Each priority in this proceeding has been given a number, the earliest priority being numbered "1" and each priority thereafter being given a succeeding number. Each number is preceded by the prefix "A" to distinguish it from numbers assigned to priorities in earlier adjudications in this court. When priority number is followed by the letter "C" in parenthesis, it indicates that such priority is conditional.

3. The court finds, as to each water right herein-after awarded, that all matters set forth in the respective statements of claim were proved as stated therein except insofar as they may be in conflict with the express terms of this finding and decree, and that work on the appropriation was,

in each case, prosecuted with due diligence continuously from and after the date awarded each appropriation.

4. References to volumes and pages are to the Reporter's Transcript of Testimony herein.

5. All appropriations herein are for direct and immediate use unless specified with respect to a particular appropriation to be for storage. Unless otherwise specified, all storage decrees herein are for one annual filling. Where expressly granted, the right to refill after one annual filling shall be as of the respective dates of such reservoirs.

6. The authority of administrative officials to enforce this decree shall extend to all types and means of diversion of the waters decreed herein.

7. As to water rights heretofore adjudicated in this district, priorities for irrigation granted by this decree shall be enforceable only as of July 14, 1942, and priorities for purposes other than irrigation granted by this decree shall be enforceable only as of December 15, 1942.

8. With respect to each of the various appropriations for which claim has been made herein, it is found, determined, and decreed as follows:

I N D E X B Y S T R U C T U R E

<u>NAME OF STRUCTURE:</u>	<u>NAME OF CLAIMANT</u>	<u>DATE</u>	<u>PAGE OF DECREE</u>
Adams Enlargement of Morrison Creek Ditch	Charles W. and Dorothy R. Lee	Dec. 31, 1879*	43
Alpine Ditch	Alpine Reservoir Assoc., Inc.	March 14, 1941*	92
Alpine Pipeline	D. p. Conn, Reba Conn, Martin E. & Stella Bailey	Jan. 31, 1962*	133
Alpine Reservoir No. 2	Alpine Reservoir Assoc., Inc.	March 14, 1941*	92
Anderson Ditch	Investors Development Corporation	Dec. 31, 1953*	113
Anderson Seepage Ditch	Investors Development Corporation	Dec. 31, 1953*	113
Bale Ditch No. 1 Enlargement	Jack Adams	Dec. 31, 1898*	51
Bale Ditch No. 2 Enlargement	Jack Adams	Dec. 31, 1898*	52
Balltown Ditch	Warren & Ruby Cureton	Dec. 31, 1890*	35
Bassam Ditch	Angus & Ethel Davidson	Dec. 31, 1890*	33
Baumdicker Ditch	Frank E., Margaret L. & Bonnie F. Baumdicker	Sept. 18, 1962*	134
Berg Collection Basin	Willard Berg	May 15, 1962*	133
Berg Ditch	Willard Berg	Dec. 31, 1910*	63
Berg Spring Ditch	Willard Berg	May 31, 1958*	123
Berg Spring & Pipeline	Willard Berg	Dec. 31, 1910*	64

* As to water rights heretofore adjudicated in this district, priorities for irrigation granted by this decree shall be enforceable only as of July 14, 1942, and priorities for purposes other than irrigation granted by this decree shall be enforceable only as of December 15, 1942.

1. NAME OF STRUCTURE: Berg Ditch
 2. SOURCE: Seepage area on Little Cochetopa Creek Watershed, tributary to the South Arkansas River
 3. POINT OF DIVERSION: At a point in a seepage area on Little Cochetopa Creek, whence the East Quarter Corner of Section 25, Township 49 North, Range 7 East of the New Mexico Principal Meridian, bears North 47°25' East, 2633.1 feet
 4. PURPOSES: Domestic and irrigation
 5. PRIORITY DATE: December 31st, 1910 *
 6. AMOUNT: 2.32 cubic feet of water per second of time
- * As to water rights heretofore adjudicated in this district, priorities for irrigation granted by this decree shall be enforceable only as of July 14, 1942, and priorities for purposes other than irrigation granted by this decree shall be enforceable only as of December 15, 1942

1. NAME OF STRUCTURE: Berg Spring and Pipeline
2. SOURCE: Little Cochetopa Creekwatershed, tributary to the South Arkansas River
3. POINT OF DIVERSION: At a point on the Little Cochetopa Creek watershed whence the East Quarter Corner of Section 25, Township 49 North, Range 7 East of the New Mexico Principal Meridian bears North 46°58' East, 3550.0 feet
4. PURPOSES: Domestic and irrigation
5. PRIORITY DATE: December 31st, 1910 *

PRIORITY NO. A - 156
(Vol. 1, Part III, P. 260 to 269)

1. NAME OF STRUCTURE: Berg Spring Ditch
 2. SOURCE: A spring on Little Cochetopa Creek watershed a tributary of the South Arkansas River
 3. POINT OF DIVERSION: At a point whence the East Quarter Corner of Section 25, Township 49 North, Range 7 East of the New Mexico Principal Meridian bears North 59° 06' East, 1639.2 feet
 4. PURPOSES: Domestic and irrigation
 5. PRIORITY DATE: May 31st, 1958 *
 6. AMOUNT: 0.59 cubic feet of water per second of time
- * As to water rights heretofore adjudicated in this district, priorities for irrigation granted by this decree shall be enforceable only as of July 14, 1942, and priorities for purposes other than irrigation granted by this decree shall be enforceable only as of December 15, 1942

PRIORITY NO. A - 157 (C)
(Vol. II, P. 5 to 45)
Conditional

1. NAME OF STRUCTURE: The Home Stake Trout Club Ditch and Lake System (Lee Lake Extension or Enlargement Component)
2. SOURCE: Long's Gulch, sometimes known as Long's Creek
3. POINT OF DIVERSION: The point of diversion and location of the dam for Lee's Lake is at a point whence the Southeast corner of Section 29, Township 8 South, Range 80 West of the 6th Principal Meridian, bears South 22° 10' East, 4205.0 feet from the Easterly end of said dam.

1. NAME OF STRUCTURE: Alpine Pipeline
 2. SOURCE: Baldwin Creek, a tributary of Chalk Creek, a tributary of the Arkansas River
 3. POINT OF DIVERSION: At a point on the Westerly bank of Baldwin Creek, whence Corner No. 3 of the East Alpine Placer, Mineral Survey No. 824, Township 15 South, Range 80 West of the 6th Principal Meridian bears North 57° 11' West, 885.5 feet
 4. PURPOSES: Domestic
 5. PRIORITY DATE: January 31st, 1962 *
 6. AMOUNT: 1 cubic foot of water per second of time
- * As to water rights heretofore adjudicated in this district, priorities for irrigation granted by this decree shall be enforceable only as of July 14, 1942, and priorities for purposes other than irrigation granted by this decree shall be enforceable only as of December 15, 1942.

PRIORITY NO. A - 171
(Part VI, P. 1332 to 1344)
Storage

1. NAME OF STRUCTURE: Berg Collection Basin
2. SOURCE: Berg Spring, tributary to the Arkansas River
3. PLACE OF STORAGE: The initial point of survey of the high-water line is located at a point whence the Northeast Corner of Section 25, Township 49 North, Range 7 East of the New Mexico Principal Meridian bears North $28^{\circ}33'$ East, 5376.8 feet
4. PURPOSES: Irrigation and fish culture purposes

This decree is final and unconditional, except to the extent that any water right herein awarded is conditional, and a final decree shall be hereafter entered for such amount of water as shall be shown in a subsequent proceeding to have been applied to beneficial use with reasonable diligence with respect to any conditional decree herein, provided that the amount of water to so be hereafter finally decreed to such conditional appropriation shall in no event be in excess of the maximum amount fixed in such conditional decree.

That the 29th day of August, A.D., 1969, at the hour of 10:00 a. m. be, and it is hereby, fixed for the hearing and consideration of such objections and exceptions, if any, as may be filed to the foregoing Findings and Decree, and that all parties in interest are hereby given to and until the 18th day of August, A.D., 1969, within which to file herein any such objections and exceptions to said Findings and Decree as they may desire to file.

Done in Chambers at Salida, Colorado, this 9th day of July, 1969.

BY THE COURT:

Howard E. Pude
JUDGE