

DISTRICT COURT, DELTA COUNTY, COLORADO Court Address: 501 Palmer Street #338, Delta, CO, 81416	DATE FILED: June 10, 2013
Plaintiff(s) NICK HUGHES et al. v. Defendant(s) JAMES L PATTERSON JR FAMILY TRUST et al.	
△ COURT USE ONLY △ Case Number: 2010CV255 Division: 1 Courtroom:	
Order: Proposed Order of Permanent Injunction and Declaratory Relief - Corrected	

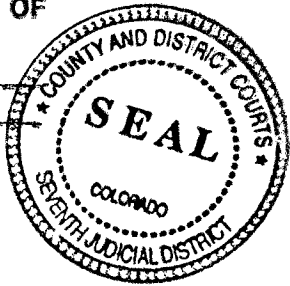
The motion/proposed order attached hereto: GRANTED.

Issue Date: 6/10/2013

Charles R. Greenacre

CHARLES R GREENACRE
District Court Judge

CERTIFIED TO BE A FULL,
TRUE, AND CORRECT COPY OF
ORIGINAL IN MY CUSTODY
DATE: *June 11, 2013*
[Signature]
Deputy Clerk
Delta Combined Court



DISTRICT COURT, DELTA COUNTY STATE OF COLORADO 501 Palmer Street Delta, CO 81416 (970) 874-6280	▲ COURT USE ONLY ▲
PLAINTIFFS: Nick Hughes, Christopher S. Sanchez, Beverly A. Sanchez, individuals; and The West Reservoir and Ditch Company, a Colorado non-profit corporation v. DEFENDANTS: Jeannie Stroh, James L. Patterson III, and Cindy Miller, individuals; and the Delta County Board of County Commissioners	
Case Number: 2010CV255	
Division/Courtroom:	
ORDER OF PERMANENT INJUNCTION AND DECLARATORY RELIEF	

This matter came before the Court for a bench trial February 12, 13, 14, and 18, 2013. On May 14, 2013, the Court entered its Findings of Fact, Conclusions of Law, and Order, which Order is incorporated herein.

In its May 14, 2013 Order, the Court Ordered as follows:

1. The Main Road and Hoolie Springs Jog are public roads that have not been abandoned.
2. The West Reservoir and Ditch Company has acquired a right of access over the Main Road and the Headgate Jog for access to and maintenance of its reservoirs, ditches, and headgates.

Having so previously found and ordered, and pursuant to C.R.C.P. 57 and 65, the Court HEREBY ENTERS JUDGMENT in favor of Plaintiffs and against Defendants, and ORDERS as follows:

The Main Road and Hoolie Springs Jog are HEREBY DECLARED to be public rights-of-way pursuant to 43 U.S.C. § 932, C.R.S. § 43-1-202, and C.R.S. § 43-2-201(1)(e). The surveyed legal descriptions of the Main Road and the Hoolie Springs Jog are attached hereto as

Exhibit A. The Main Road and Hoolie Springs Jog public rights-of-way are deemed to have a width of 50 feet total, 25 feet on either side of the centerline as described in Exhibit A.

It is further DECLARED THAT The West Reservoir and Ditch Company, and its successors, successors in interests, heirs, agents, and assigns, have an unrestricted right of access across the Main Road and the Headgate Jog in order to access its reservoirs, ditches, and headgates and to otherwise conduct the operations of the Ditch Company. Such access specifically includes reasonable access across land currently owned by Defendants from the Main Road and/or the Headgate Jog to reasonably access the Ditch Company's reservoirs, ditches, and headgates. The surveyed legal description of the Headgate Jog is attached hereto in Exhibit A. The right-of-way of the Headgate Jog is deemed to have a width of 20 feet total, 10 feet on either side of the centerline as described in Exhibit A.

The Court ENJOINS AND ORDERS Defendants to remove all obstructions from the Main Road and Hoolie Springs Jog, including without limitation, any locks and chains, gates, or any other mechanism which impedes Plaintiffs' and the public's free access to the Main Road and Hoolie Springs Jog. Nothing in this order shall preclude any party from installing and maintaining appropriate cattle guards where the rights-of-way cross property boundaries. Defendants and their successors, successors in interest, heirs, and assigns are further PERMANENTLY ENJOINED from blocking, obstructing, impeding, damaging, or destroying the Main Road and Hoolie Springs Jog, or taking any other action that would interfere with the rights of Plaintiffs and the public to access, use, maintain, and improve the Main Road and/or Hoolie Springs Jog at any time in the future.

Defendants and their successors, successors in interest, heirs, and assigns are further PERMANENTLY ENJOINED from blocking, obstructing, damaging, or destroying the Headgate Jog, or taking any other action that would interfere with the rights of the West Reservoir and Ditch Company and its successors, successors in interests, heirs, agents, and assigns, to access, use, maintain, and improve the Main Road and the Headgate Jog in the future to reasonably access the Ditch Company's reservoirs, ditches, and headgates and to otherwise conduct the operations of the Ditch Company.

This Order and its Exhibit A shall be recorded in the Office of the Clerk and Recorder of Delta County, Colorado.

So Ordered, this _____ day of _____, 2013.

By the Court:

District Court Judge

HEAD GATE JOG

An existing access road located within the SE1/4 of the NE1/4 and within the SE1/4 of Section 7, Township 13 South, Range 92 West of the 6th P.M., having a description based upon a bearing of S.89°00'24"E. from the Section Corner common to Sections 7, 12, 13 and 18 (monumented by a 3" USGLO Brass cap) to the 1/4 Corner common to Sections 7 and 18 (monumented by a 2-1/2" USGLO Brass cap), with all other bearings relative thereto and having a centerline more particularly described as follows:

Beginning at a point from whence said 1/4 Corner bears S.14°45'28"W. 1241.87 feet; thence N.16°21'19"W. 45.70 feet; thence N.05°52'07"W. 40.57 feet; thence N.09°08'30"W. 81.84 feet; thence N.04°47'56"E. 121.74 feet; thence N.09°22'37"W. 101.55 feet; thence N.21°40'29"W. 81.58 feet; thence N.00°25'25"E. 60.85 feet; thence N.21°22'10"E. 187.39 feet; thence along the arc of a tangent curve to the right 68.08 feet, said curve having a radius of 50.00 feet and a chord bearing and distance of N.60°22'28"E. 62.94 feet; thence S.80°37'13"E. 52.78 feet; thence N.87°03'50"E. 41.29 feet; thence N.76°48'53"E. 103.13 feet; thence N.68°37'40"E. 60.62 feet; thence N.84°27'28"E. 40.88 feet; thence N.67°17'44"E. 60.72 feet; thence N.51°51'11"E. 102.34 feet; thence N.39°13'00"E. 40.89 feet; thence N.57°02'42"E. 39.89 feet; thence S.83°41'28"E. 60.91 feet; thence S.89°16'37"E. 120.94 feet; thence N.35°32'24"E. 206.07 feet; thence N.84°53'06"E. 76.80 feet; thence N.77°32'28"E. 93.86 feet; thence S.51°21'28"E. 99.12 feet; thence S.79°17'51"E. 42.91 feet; thence N.69°44'55"E. 262.29 feet; thence N.59°49'13"E. 122.88 feet; thence N.17°53'41"E. 50.76 feet; thence N.28°56'38"W. 98.27 feet; thence N.25°29'08"W. 125.83 feet; thence N.33°38'52"W. 52.83 feet; thence N.44°41'35"W. 71.81 feet; thence along the arc of a tangent curve to the right 141.59 feet, said curve having a radius of 200.00 feet and a chord bearing and distance of N.24°24'40"W. 138.66 feet; thence N.04°07'45"W. 57.87 feet; thence N.04°58'59"E. 56.98 feet; thence N.10°44'58"W. 45.54 feet; thence N.01°40'11"E. 41.87 feet; thence N.11°44'37"E. 94.87 feet; thence N.15°51'17"E. 94.83 feet; thence N.22°14'30"E. 96.56 feet; thence N.27°12'45"E. 156.12 feet, more or less, to the Point of Terminus, being a point on the eastern boundary line of the Patterson parcel described under Reception No. 656080.



HOOBIE SPRINGS JOG

An existing access road located within the SE1/4 of the SE1/4 of Section 20, Township 13 South, Range 92 West of the 6th P.M., having a description based upon a bearing of S.89°00'24"E. from the Section Corner common to Sections 7, 12, 13 and 18 (monumented by a 3" USGLO Brass cap) to the 1/4 Corner common to Sections 7 and 18 (monumented by a 2-1/2" USGLO Brass cap), with all other bearings relative thereto and having a centerline more particularly described as follows:

Beginning at a point from whence the Section Corner common to Sections 20, 21, 28 and 29 bears S.16°59'25"E. 939.69 feet; thence S.27°10'13"E. 42.77 feet; thence along the arc of a tangent curve to the right 95.94 feet, said curve having a radius of 60.00 feet and a chord bearing and distance of S.18°38'16"W. 86.04 feet; thence S.64°26'46"W. 72.56 feet; thence S.75°46'50"W. 153.86 feet; thence S.89°39'24"W. 73.08 feet; thence S.42°22'34"W. 29.97 feet; thence S.33°11'16"W. 126.36 feet; thence S.48°21'39"W. 51.02 feet; thence S.58°29'39"W. 94.87 feet; thence S.72°41'59"W. 70.45 feet; thence S.77°49'25"W. 116.97 feet; thence S.27°25'48"W. 264.81 feet; thence S.78°30'38"W. 41.28 feet; thence S.48°37'23"W. 29.16 feet; thence S.26°10'06"W. 74.60 feet; thence S.33°12'08"W. 39.90 feet; thence S.26°24'01"W. 114.68 feet to the Point of Terminus, being a point on the section line common to said Sections 20 and 29.

MAIN ROAD

An existing access road located within Sections 7, 17, 18, 20 and 21, Township 13 South, Range 92 West of the 6th P.M., having a description based upon a bearing of S.89°00'24"E. from the Section Corner common to Sections 7, 12, 13 and 18 (monumented by a 3" USGLO Brass cap) to the 1/4 Corner common to Sections 7 and 18 (monumented by a 2-1/2" USGLO Brass cap), with all other bearings relative thereto and having a centerline more particularly described as follows:

Beginning at a point on the west line of said Section 7 from whence said Section Corner bears S.00°03'00"W. 164.64 feet; thence N.89°31'10"E. 10.82 feet; thence S.86°11'51"E. 54.22 feet; thence along the arc of a tangent curve to the left 119.97 feet, said curve having a radius of 125.00 feet and a chord bearing and distance of N.66°18'24"E. 115.42 feet; thence N.38°48'39"E. 93.23 feet; thence along the arc of a tangent curve to the right 172.79 feet, said curve having a radius of 125.00 feet and a chord bearing and distance of N.78°24'43"E. 159.36 feet; thence S.61°59'12"E. 104.42 feet; thence along the arc of a tangent curve to the left 112.86 feet, said curve having a radius of 125.00 feet and a chord bearing and distance of S.87°51'10"E. 109.07 feet; thence N.66°16'52"E. 118.75 feet; thence S.85°36'06"E. 186.92 feet; thence along the arc of a tangent curve to the right 95.81 feet, said curve having a radius of 125.00 feet and a chord bearing and distance of S.63°38'37"E. 93.48 feet; thence S.41°41'08"E. 35.89 feet; thence S.54°26'51"E. 30.75 feet; thence S.65°09'36"E. 164.96 feet; thence N.66°54'46"E. 68.22 feet; thence N.45°38'30"E. 112.66 feet; thence N.37°36'26"E. 38.41 feet; thence N.43°43'09"E. 82.08 feet; thence N.52°05'05"E. 178.56 feet; thence N.69°50'15"E. 46.74 feet; thence N.50°55'40"E. 89.93 feet; thence N.26°55'27"E. 57.45 feet; thence N.32°46'16"E. 21.11 feet; thence N.17°35'48"E. 146.84 feet; thence along the arc of a tangent curve to the left 238.14 feet, said curve having a radius of 400.00 feet and a chord bearing and distance of N.00°32'28"E. 234.64 feet; thence N.16°30'53"W. 74.26 feet; thence along the arc of a tangent curve to the right 87.48 feet, said curve having a radius of 125.00 feet and a chord bearing and distance of N.03°32'04"E. 85.71 feet; thence N.23°35'01"E. 63.88 feet; thence N.06°32'26"E. 32.19 feet; thence N.23°21'54"E. 31.64 feet; thence N.47°59'46"E. 81.45 feet; thence N.36°00'32"E. 49.18 feet; thence along the arc of a tangent curve to the right 141.75 feet, said curve having a radius of 150.00 feet and a chord bearing and distance of N.63°04'50"E. 136.53 feet; thence S.89°50'51"E. 167.83 feet; thence S.81°44'39"E. 123.06 feet; thence S.84°11'10"E. 282.16 feet; thence S.78°58'07"E. 133.70 feet; thence along the arc of a tangent curve to the left 75.61 feet, said curve having a radius of 40.00 feet and a chord bearing and distance of N.46°52'46"E. 64.85 feet; thence N.07°16'21"W. 170.19 feet; thence N.00°39'30"E. 529.90 feet; thence along the arc of a tangent curve to the right 265.09 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of N.76°36'03"E. 194.01 feet; thence S.27°27'25"E. 175.28 feet; thence S.37°17'55"E. 93.35 feet; thence S.50°01'05"E. 451.28 feet; thence along the arc of a tangent curve to the right 151.36 feet, said curve having a radius of 400.00 feet and a chord bearing and distance of S.39°10'38"E. 150.46 feet; thence S.28°20'12"E. 149.05 feet; thence along the arc of a tangent curve to the left 117.21 feet, said curve having a radius of 150.00 feet and a chord bearing and distance of S.50°43'21"E. 114.25 feet; thence S.73°06'29"E. 331.55 feet; thence S.63°13'29"E. 331.55 feet; thence S.48°40'24"E. 115.04 feet; thence S.19°15'50"W. 20.26 feet; thence S.40°52'14"W. 33.58 feet; thence along the arc of a tangent curve to the left 115.35 feet,

said curve having a radius of 100.00 feet and a chord bearing and distance of S.07°49'35"W. 109.06 feet; thence S.25°13'05"E. 333.06 feet; thence S.16°39'51"E. 25.74 feet; thence S.03°49'30"E. 63.11 feet; thence S.28°30'13"E. 65.92 feet; thence S.24°20'32"E. 155.67 feet; thence S.68°31'05"E. 20.91 feet; thence S.89°43'35"E. 35.54 feet; thence along the arc of a tangent curve to the right 66.09 feet, said curve having a radius of 50.00 feet and a chord bearing and distance of S.51°51'42"E. 61.38 feet; thence S.13°59'50"E. 23.09 feet; thence S.29°36'48"E. 28.93 feet; thence S.56°52'25"E. 27.09 feet; thence S.41°09'12"E. 52.44 feet; thence S.74°41'22"E. 163.46 feet; thence along the arc of a tangent curve to the right 107.10 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of S.44°00'32"E. 102.05 feet; thence S.13°19'42"E. 18.25 feet; thence S.22°32'46"E. 28.91 feet; thence S.55°32'35"E. 72.37 feet; thence S.41°00'43"E. 26.75 feet; thence S.01°04'58"E. 30.16 feet; thence S.19°18'43"E. 25.83 feet; thence S.32°34'54"E. 28.29 feet; thence S.40°07'25"E. 70.88 feet; thence S.13°05'50"E. 114.95 feet; thence S.35°10'42"E. 133.44 feet; thence along the arc of a tangent curve to the right 81.62 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of S.11°47'41"E. 79.38 feet; thence S.11°35'19"W. 46.86 feet; thence S.01°33'22"W. 164.15 feet; thence along the arc of a tangent curve to the right 58.36 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of S.18°16'29"W. 57.53 feet; thence S.34°59'37"W. 62.07 feet; thence S.26°39'37"W. 25.85 feet; thence S.21°05'31"W. 93.45 feet; thence S.02°24'32"W. 87.08 feet; thence S.03°40'41"E. 63.57 feet; thence S.11°56'30"E. 62.41 feet; thence S.00°54'53"W. 81.50 feet; thence S.25°59'33"E. 42.03 feet; thence S.02°12'02"W. 20.21 feet; thence S.26°21'42"W. 48.35 feet; thence S.34°57'43"W. 64.68 feet; thence S.38°59'23"W. 44.09 feet; thence along the arc of a tangent curve to the left 66.68 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of S.19°53'13"W. 65.45 feet; thence S.00°47'02"W. 36.19 feet; thence S.02°17'00"W. 95.38 feet; thence S.07°12'28"E. 98.70 feet; thence along the arc of a tangent curve to the right 80.41 feet, said curve having a radius of 150.00 feet and a chord bearing and distance of S.08°09'01"W. 79.46 feet; thence S.23°30'30"W. 52.41 feet; thence S.08°05'12"W. 85.95 feet; thence S.05°22'19"E. 50.42 feet; thence S.19°12'59"E. 21.31 feet; thence S.04°09'40"W. 41.22 feet; thence S.12°25'47"E. 42.09 feet; thence S.10°07'42"W. 22.99 feet; thence S.20°33'43"W. 100.21 feet; thence S.04°12'54"W. 32.16 feet; thence S.03°55'33"E. 68.34 feet; thence S.01°03'03"W. 21.38 feet; thence S.15°28'20"W. 158.38 feet; thence along the arc of a tangent curve to the left 97.46 feet, said curve having a radius of 150.00 feet and a chord bearing and distance of S.03°08'26"E. 95.75 feet; thence S.21°45'13"E. 51.65 feet; thence S.06°32'30"E. 87.19 feet; thence S.15°27'51"W. 130.69 feet; thence S.24°20'19"E. 359.24 feet; thence S.39°41'40"E. 154.05 feet; thence S.22°19'58"E. 198.10 feet; thence S.39°20'15"E. 325.88 feet; thence S.70°56'10"E. 409.89 feet; thence S.84°17'30"E. 506.55 feet; thence S.66°41'43"E. 270.17 feet; thence S.89°51'49"E. 191.89 feet; thence S.49°43'25"E. 208.46 feet; thence S.56°54'59"E. 229.74 feet; thence S.78°55'48"E. 200.52 feet; thence S.50°36'00"E. 96.53 feet; thence S.08°54'06"E. 40.31 feet; thence S.09°25'47"W. 159.74 feet; thence S.22°31'34"E. 126.61 feet; thence along the arc of a tangent curve to the right 122.65 feet, said curve having a radius of 150.00 feet and a chord bearing and distance of S.00°53'55"W. 119.26 feet; thence S.24°19'25"W. 27.76 feet; thence S.17°09'34"E. 115.53 feet; thence S.29°05'29"E. 174.55 feet; thence S.58°36'41"E. 154.74 feet; thence S.76°33'34"E. 61.83 feet; thence S.62°08'32"E. 63.22 feet; thence S.46°47'04"E. 43.01 feet; thence S.57°30'11"E. 138.83 feet; thence S.49°42'50"E. 189.84 feet; thence S.43°58'55"E.

189.15 feet; thence S.52°59'30"E. 214.53 feet; thence S.76°28'58"E. 40.72 feet; thence S.68°07'02"E. 61.14 feet; thence S.56°28'58"E. 96.43 feet; thence S.60°12'27"E. 77.03 feet; thence S.53°54'23"E. 115.88 feet; thence S.59°06'00"E. 105.09 feet; thence S.53°36'21"E. 169.79 feet; thence S.70°47'16"E. 44.50 feet; thence S.53°21'25"E. 30.36 feet; thence S.32°36'04"E. 40.50 feet; thence S.51°20'36"E. 44.87 feet; thence S.69°58'31"E. 88.93 feet; thence S.47°38'09"E. 82.66 feet; thence S.38°18'49"E. 156.92 feet; thence S.43°54'16"E. 156.75 feet; thence S.48°17'37"E. 40.30 feet; thence S.38°24'49"E. 228.25 feet; thence S.63°23'03"E. 40.91 feet; thence S.41°33'44"E. 20.78 feet; thence S.28°31'17"E. 82.47 feet; thence S.46°59'07"E. 104.33 feet; thence S.38°16'14"E. 83.22 feet; thence S.42°39'08"E. 82.77 feet; thence S.25°05'07"E. 103.44 feet; thence S.45°21'22"E. 20.37 feet; thence S.55°03'18"E. 110.96 feet; thence S.47°24'26"E. 134.94 feet; thence S.46°07'17"E. 40.25 feet; thence S.55°19'07"E. 123.94 feet; thence S.41°18'18"E. 294.04 feet; thence S.56°55'33"E. 94.41 feet; thence S.33°53'56"E. 107.32 feet; thence S.27°23'29"E. 82.45 feet; thence S.35°33'11"E. 61.72 feet; thence S.27°45'12"E. 122.65 feet; thence S.19°59'05"E. 77.24 feet; thence S.30°45'36"E. 55.16 feet; thence S.43°04'00"E. 215.81 feet; thence S.25°25'21"E. 205.29 feet; thence S.30°53'15"E. 628.89 feet; thence S.16°51'12"E. 106.90 feet; thence S.26°33'46"E. 130.80 feet; thence S.35°56'10"E. 109.13 feet; thence S.48°28'51"E. 132.53 feet; thence S.38°29'07"E. 139.05 feet; thence S.21°08'24"E. 159.37 feet; thence S.30°13'31"E. 110.96 feet; thence S.52°07'49"E. 127.51 feet; thence S.65°53'07"E. 123.03 feet; thence S.81°43'40"E. 181.02 feet; thence S.76°28'14"E. 178.08 feet; thence S.87°09'01"E. 33.93 feet; thence N.81°24'50"E. 56.80 feet; thence S.89°59'10"E. 45.47 feet; thence S.81°42'19"E. 40.54 feet; thence S.71°39'28"E. 247.33 feet; thence S.77°54'12"E. 20.11 feet; thence S.65°26'30"E. 63.82 feet; thence S.55°42'51"E. 39.96 feet; thence S.32°28'32"E. 62.43 feet; thence S.57°02'20"E. 93.82 feet; thence S.43°50'31"E. 21.52 feet; thence S.24°07'26"E. 74.17 feet; thence S.33°57'38"E. 82.79 feet; thence S.40°01'58"E. 125.67 feet; thence S.52°44'41"E. 150.17 feet; thence N.60°55'13"E. 53.07 feet, more or less, to the Point of Terminus, a point on the east line of the SW1/4 of the SW1/4 of said Section 21.