

<p>DISTRICT COURT, WATER DIVISION 2, COLORADO</p> <p>Court Address: 320 W. 10th Street Pueblo, CO 81003</p> <hr/> <p>CONCERNING THE APPLICATION FOR WATER RIGHTS OF:</p> <p>CHEROKEE METROPOLITAN DISTRICT</p> <p>IN EL PASO COUNTY</p>	<p>EFILED Document – District Court 2005CW6 CO Pueblo County District Court 10th JD Filing Date: Dec 2 2009 4:14PM MST Filing ID: 28319345 Review Clerk: N/A</p> <p>Δ COURT USE ONLY Δ</p> <hr/> <p>Case No.: 05CW06</p>
<p>ORDER</p>	

THIS MATTER having come before the Court upon the Applicant's Motion for the Stay the Enforcement of Judgment, and the Court being fully advised on this matter and having reviewed the file in this case, enters the following Order:

The Motion for the Stay the Enforcement of Judgment of this Court's order entered on July 28, 2009, abandoning Cherokee Wells No. 14, 15, 16, and 17, is hereby granted. Cherokee may pump up to the following maximum amount of water from Cherokee Wells No. 14, 15, 16, and 17, until such time as a final unappealable order is entered in this matter:

<u>Structure</u>	<u>Maximum pumping per year</u>
Well 14:	10 acre feet
Well 15:	236 acre feet
Well 16:	226 acre feet
<u>Well 17:</u>	<u>137 acre feet</u>
Total:	609 acre feet

IT IS FURTHER ORDERED that Cherokee report to this court every 30 days from the date of this Order what efforts have been made to locate, negotiate, fund, budget, acquire and construct additional water supplies to replace the amount the Court ordered abandoned.

IT IS FURTHER ORDERED that if Cherokee shall lose its appeal, Cherokee shall replace an amount equal to the water Cherokee pumps from Cherokee Wells No. 14-17 by subtracting that amount from any allowed replacement plan pumping in Case No. 08GW71 and such amount of water shall be relinquished to the aquifer. Such subtraction

shall be for one time only to make up the amount equal to the water Cherokee pumps and shall not be subtract from the plan indefinitely.

DONE THIS 2 day of December, 2009.

BY THE COURT:



Dennis Maes, Water Judge
Water Division 2