

DISTRICT COURT, GUNNISON COUNTY, CO
5200 E. Virginia Ave
Gunnison, CO 81230

DATE FILED: April 1, 2019 3:53 PM
CASE NUMBER: 2019CV30015

IN RE:

**SOMERSET DOMESTIC WATERWORKS
DISTRICT**

COURT USE ONLY

Case No: 19 CV _____

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ORDER TO OPEN SPECIAL DISTRICT FILE

Petitioner, Somerset Domestic Waterworks District (“District”), through its attorneys, Hoskin, Farina & Kampf, PC, tendered to this Court a Verified Petition to Open a Special District file pursuant to the 1981 Special District Act. The Court makes the following findings:

A. The District was formed as the Domestic Waterworks District on November 6, 1961, by Order of the Gunnison County Commissioners pursuant to the 1953 Act, Chapter 89 entitled “Local Improvement and Service Districts”. The 1953 Act did not require the filing of a service plan but only a “... description of the boundaries of such proposed district, the means proposed to supply water for domestic use, the name proposed for such district...” The order from the Commissioners was recorded on November 6, 1981 at Reception #250016 and has been in continuous operation since November 1961.

B. In 1965, the Colorado Legislature enacted the Special District Control Act codified at article 18 of chapter 89, C.R.S. (1965 Per.Cum.Supp.). Section 89-18-3 defines a “special

district” as any of the various service districts “organized under the local improvement and service district laws of this state.” Ch. 225, sec. 3, §89-18-3, 1965 Colo.Sess.Laws 887.

C. The 1965 Special District Control Act was repealed and reenacted in 1981 as the “Special District Act”, 32-1-101, et. seq. C.R.S. 32-1-308 provides: “The provisions of this article which become effective July 1, 1981, shall apply to all special districts existing on June 30, 1981, or organized thereafter; except that any such existing district need not obtain a name change to conform to this article and that any district may continue to operate for the purpose or purposes for which it was organized.”

D. The Special District Act requires certain actions to be taken only by order of the District Court including: (i) approving special elections, 32-1-403(2); (ii) receiving certain filings from the District, 32-1-104(3)(a); (iii) determining the validity of a district's existence 32-1-109; (iv) the inclusion of new territory 32-1-401 into the District; (v) the exclusion of territory from the District 32-1-501; (v) the consolidation of districts 32-1-701; (vii) the dissolution of districts 32-1-701; and (vi) the recall of district directors 32-1-906.

E. Pursuant to Section 32-1-208, the District has filed a Statement of Purposes with the Gunnison County Commissioners which was recorded at Reception #659116.

F. The District has been in continuous operation since 1961, it owns real property and leasehold interests, has an elected board of directors, files water quality reports with CDPHE, operates 6900 feet of water lines, purchases treated water from Oxbow Mine, and services 73 single family water taps and 3 commercial/government water taps.

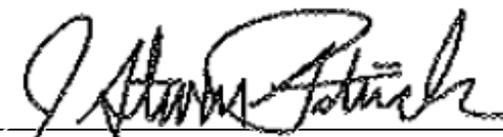
G. The District is not located within any municipality. It is wholly within the boundaries of the Ragged Mountain Fire Protection District, North Fork Water District, North Fork Ambulance Health Services District and Colorado River Water District.

H. *A map of the District as it exists is attached as **Exhibit 1**.*

The Court ORDERS that a new Court File is hereby opened as a Title 32 Special District file under the name of Somerset Domestic Waterworks District and from and after the date of this Order the District shall exist as a Special District pursuant to 32-1-308(2), C.R.S.

DATED April 1, 2019

Dated: _____, 2019.



Judge