Water Decree

Mandated on July 2, 1979, by the District Court Water Division No. 2,
State of Colorado, Case No. W-4062

The following segments from the water decree pertain to *Homeowner obligations,*
and are put forth as a condensed and searchable version for homeowner use and compliance.
The remaining portions of the decree, not included below, pertain to the *HOA obligations*
such as logistical storage of water and calculations for release.

The complete water decree is available on our website:
blumenauhoa.com/governing-documents/

… the Court having considered the application and other documents filed herein, FINDS:

- Page 3-4: #7 –
  Domestic, in-house use, as referred to herein, precludes any use of water for any purpose outside the house, i.e., use of water outside the house for car washing, for swimming or wading pools or for irrigation of trees, shrubs or lawns. The sole and only use of water outside the house is for watering of horses.

- Page 8-9: #17 –
  All lot purchasers in the Blumenau subdivision will be bound by the terms of the Decree in this matter and the Decree shall be filed of record in Custer County, Colorado, and thereby constitute a covenant running with the land. Protective covenants running with the property allow the use of water for domestic, in-house purposes only, and also prohibit evapo-transpiration sewage treatment systems. No amendment to the protective covenants shall be made inconsistent with the terms of this Decree absent further order of this Court. To further facilitate the enforcement of this condition, the obligations and rights attendant upon this plan for augmentation shall be assumed by and assigned to a homeowners' association formed for this purpose, which shall be comprised of all lot owners in the subdivision.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

• Page 12: #3 –

Each residence is restricted to using the water for domestic, in-house use and for occasional stock watering. Use of water for irrigation purposes is prohibited. Each residence shall be equipped with a non-evaporative sewage system. These restrictions appear in the protective covenants running with the property adopted at the time of subdivision and shall appear in the Articles of Incorporation creating the homeowners' association…. No amendment of the protective covenants shall be made inconsistent with the terms of this Decree absent further order of this Court.

• Page 12: #5 –

The BHA shall enforce the restrictions in the protective covenants running with the land and shall be required so to do by the Articles of Incorporation under which it is created. It shall be empowered to be sued on behalf of its constituent property owners by any person entitled to enforce this Decree and it many in turn sue its constituent property owners or other persons in use to enforce compliance with the terms hereof.

• Page 14: #9 –

Each lot owner shall install a water meter or other measuring device satisfactory to the Division Engineer. The BHA shall supply the Division Engineer with readings therefrom semiannually, on or before January 1 and July 1 of each year, and at such other times as the Division Engineer may by order require.

• Page 15: #11 –

Any user who withdraws or uses water in violation of this Decree shall be subject to all administrative and legal sanctions provided by law and by this Decree.

• Page 15-16: #15 –

All subsequent purchasers in the Blumenau subdivision… shall be bound by the terms of the Decree in this matter and when the Decree is filed of record in Custer County it shall constitute a covenant running with such lands.

NOTE: The DECREE includes many approved statistics only for horse consumption of water. It is therefore understood that ONLY horses are allowed, as specifically referenced throughout the Decree. The occasional use of the term "stock" is thereby understood, by intent, to refer to horses only and not an indication of permitting other farm animals. The DECREE would have included the statistics for other animals if they were approved.