

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SOUTHEAST COLORADO POWER ASSOCIATION,)
A COLORADO CORPORATION OF 901 WEST)
THIRD STREET, LA JUNTA, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO FURNISH ELECTRICAL)
SERVICE FOR LIGHTS, POWER, HEAT, AND)
ALL OTHER PURPOSES IN THE TERRITORY)
DESCRIBED IN THE INSTANT APPLICATION)
LOCATED IN THE COUNTIES OF PROWERS)
AND BENT IN THE STATE OF COLORADO.)

APPLICATION NO. 23806

October 6, 1970

Appearances: Thomas T. Farley, Esq.,
Pueblo, Colorado,
and
Carl Shinn, Esq.,
Lamar, Colorado, for
Applicant, Southeast Colorado
Power Association;
John R. Barry, Esq.,
Denver, Colorado,
and
Harlan Johnson, Esq.,
Lamar, Colorado, for
Utilities Board of the
City of Lamar.

PROCEDURE AND RECORD

The above-entitled application was filed on June 20, 1969, and a Protest thereto by the Utilities Board of the City of Lamar was filed on December 8, 1969. After certain prehearing procedures and after due and proper notice to all interested parties, the matter was set for hearing on December 8, 1969, at 10 a.m. at Lamar, Colorado, at which time and place the matter was heard by Girts Krumins, who was designated Examiner in these proceedings pursuant to law. After several recesses, the hearings were concluded on March 13, 1970.

Applicant's Exhibits Nos. 1 through 23, 25, 27, 28, 29, 30 and 31 were offered and admitted into evidence. Exhibits Nos. 24, 26 and 32 were offered but were not admitted. Exhibit No. 11 was withdrawn. Exhibits 33 through 46 were offered and admitted.

Protestant's Exhibits lettered A through P were offered and admitted into evidence. Also Exhibits Q, R, S, T, V, W, X and Y were offered and admitted; Exhibit U was offered but not admitted into evidence.

At the conclusion of the hearings, the matter was taken under advisement and briefs were permitted to be filed. No brief was filed by Protestant in the time allowed.

FINDINGS OF FACT

THE COMMISSION FINDS THAT:

1. Southeast Colorado Power Association (Southeast) is a co-operative corporation, organized under the laws of the State of Colorado, and is a public utility operating under the jurisdiction of this Commission and engaged in the business of purchase, distribution and sale of electrical energy in several counties in the State of Colorado.
2. The Utilities Board of Lamar (Lamar), Protestant, is a municipal agency established under the home rule charter of the City of Lamar, engaged in the generation, purchase, distribution and sale of electrical energy, both inside and outside the City of Lamar. Lamar operates as a public utility under the jurisdiction of this Commission outside the city limits of the City of Lamar.
3. By this application Southeast seeks a certificate of public convenience and necessity to provide electric service in Bent and Prowers Counties. Southeast now has certificates in other areas in the State of Colorado.
4. Lamar has a certificate of public convenience and necessity to provide electric service in certain areas in Bent and Prowers Counties by virtue of Decision No. 21392, which is incorporated herein by reference. By decision of the District Court of the County of Bent, said certificate was set aside with respect to extension of lines to the community of Hasty. In light of the Findings to follow, to determine the exact extent to which said certificate has been amended and set aside by the said District Court Decision is not necessary.

5. Both Southeast and Lamar are well qualified, financially and otherwise, to provide electric service as public utilities in their respective areas.

6. Southeast now provides electric service to a number of customers in Bent and Prowers Counties including areas which have been previously certificated to Lamar. This situation arose generally prior to the time Southeast became a public utility by an Act of the Legislature in 1961, and Southeast had a perfect legal right at that time to provide such service to its own members wherever located. Thus in large areas previously certificated to Lamar, the customers are served almost exclusively by Southeast. In the late 1930s and early 1940s extensions by Lamar into such areas were economically prohibitive because of the large contributions in aid of construction involved.

7. In certain areas of Bent and Prowers Counties electric service is also provided by the City of Las Animas, the Town of Holly, and the Town of Granada, the latter two obtaining their wholesale supply from Lamar.

8. In the area previously certificated to Lamar, Lamar provides electric service to a meaningful extent only in the following territory:

(All Range descriptions are Ranges West of the 6th Principal Meridian.)

A. LAMAR AREA

Beginning at the NW corner of Section 12, Township 22 South, Range 49 West of the Sixth Principal Meridian, thence east along the north line of Section 12 from the NW corner to the NE corner of Section 12, Township 22 South, Range 49 West, thence east along the north line of Sections 7 and 8 from the NW corner of Section 7 to the NE corner of Section 8, Township 22 South, Range 48 West, thence south along the east line of Section 8 from the NE corner to the SE corner of Section 8, Township 22 South, Range 48 West, thence east along the north line of Sections 16, 15 and 14 from the NW corner of Section 16 to the NE corner of Section 14, Township 22 South, Range 48 West, thence east along the north line of Section 13, 750 feet from the NW corner of Section 13, Township 22 South, Range 48 West, thence north along a north-south line 750 feet east of the west line of Section 12 from the south line to the north line of Section 12, Township 22 South, Range 48 West, thence

east along the north line of Section 12 from a point 750 feet east of the NW corner of Section 12 to the North 1/4 corner of Section 12, Township 22 South, Range 48 West, thence north along a line from the South 1/4 corner to the North 1/4 corner of Section 1, Township 22 South, Range 48 West, thence north along a line from the South 1/4 corner of Section 36 to the Center 1/4 corner of Section 25, Township 21 South, Range 48 West, thence west along a line from the Center 1/4 corner of Section 25 to the West 1/4 corner of Section 26, Township 21 South, Range 48 West, thence north along the west line of Sections 26 and 23 from the West 1/4 corner of Section 26 to the NW corner of Section 23, Township 21 South, Range 48 West, thence east along the north lines of Sections 23 and 24 from the NW corner of Section 23 to the NE corner of Section 24, Township 21 South, Range 48 West, thence south along the east line of Section 24 from the NE corner to the SE corner of Section 24, Township 21 South, Range 48 West, thence east along the north line of Section 30 from the NE corner to the North 1/4 corner of Section 30, Township 21 South, Range 47 West, thence south on the north-south center line in Section 30 from the North 1/4 corner to the South 1/4 corner of Section 30, Township 21 South, Range 47 West, thence south on a continuation of the above described north-south center line 375 feet into Section 31, Township 21 South, Range 47 West, thence east along an east-west line 1630 feet (in Section 31, Township 21 South, Range 47 West), thence south along a north-south line 2760 feet, thence west along an east-west line 4,270 feet, thence south along the west section line of Section 31, Township 21 South, Range 47 West to the SW corner of Section 31, Township 21 South, Range 47 West, thence east along the north line of Sections 6 and 5 to the North 1/4 corner of Section 5, Township 22 South, Range 47 West, thence south along the north-south center line from the North 1/4 corner to the South 1/4 corner of Section 5, Township 22 South, Range 47 West, thence south 300 feet on a continuation of the above described north-south center line into Section 8, Township 22 South, Range 47 West, thence east along an east-west line 300 feet south of the north line of Section 8 to the east line of said Section 8, Township 22 South, Range 47 West, thence south along the east line of Section 8 to the East 1/4 corner of said Section 8, Township 22 South, Range 47 West, thence east along an east-west center line in Sections 9, 10, 11 and 12 from the West 1/4 corner of Section 9 to the center 1/4 corner of Section 12, Township 22 South, Range 47 West, thence north along a north-south center line in Sections 12 and 1 from the center 1/4 corner of Section 12 to the North 1/4 corner of Section 1, Township 22 South, Range 47 West, thence north along a north-south center line in Section 36 from the South 1/4 corner to the center 1/4 corner, Township 21 South, Range 47 West, thence west along an east-west center line in Section 36, 2,250 feet from the center 1/4 corner thence north along a north-south line 2,640 feet to the north line of Section 36, Township 21 South, Range 47 West, thence north along a continuation of the above described line 2,640 feet into Section 25,

Township 21 South, Range 47 West, thence west to the center 1/4 corner of Section 26, Township 21 South, Range 47 West, thence north to the south 1/4 corner of Section 23, Township 21 South, Range 47 West, thence north to the center 1/4 corner of Section 23, Township 21 South, Range 47 West, thence east along the east-west center line in Sections 23 and 24 to the East 1/4 corner of Section 24, Township 21 South, Range 47 West, thence east along the east-west center line in Section 19 from the West 1/4 corner to the East 1/4 corner, Township 21 South, Range 46 West, thence east in Section 20 along the east-west center line 3,760 feet from the West 1/4 corner of Section 20, Township 21 South, Range 46 West, thence south 13,200 feet more or less on a north-south line 1,520 feet west of the east line of Sections 20, 29 and 32 to the south line of Section 32, Township 21 South, Range 46 West, thence south on a continuation of the above described north-south line 880 feet into Section 5, Township 22 South, Range 46 West, thence east on an east-west line 1,520 feet more or less to the east line of Section 5, Township 22 South, Range 46 West, thence east on a continuation of the above described east-west line 1,620 feet into Section 4, Township 22 South, Range 46 West, thence South 3,720 feet along a north-south line 1,620 feet east of the west line of Section 4, Township 22 South, Range 46 West, thence west 1,620 feet more or less along an east-west line in Section 4, Township 22 South, Range 46 West, to the west line of said Section 4, thence south along the east line of Sections 5 and 8 to the SE corner of Section 8, Township 22 South, Range 45 West, thence west 1,760 feet along the north line of Section 17 from the NE corner of said Section 17, Township 22 South, Range 46 West, thence south along a north-south line 1,760 feet west of the east line of Sections 17 and 20 from the north line of Section 17 to the south line of Section 20, thence south along a continuation of the above described north-south line 1,760 feet into Section 29, Township 22 South, Range 46 West, thence east along an east-west line 1,760 feet south of the north line of Sections 29, 28 and 27 from a point on the line in Section 29, 1,760 feet west of the east line of Section 29 to a point on the east section line of Section 27, Township 22 South, Range 46 West, thence north on the east line of Section 27, Township 22 South, Range 46 West, 1,760 feet more or less to the NE corner of Section 27, Township 22 South, Range 46 West, thence east along the north line of Sections 26 and 25, Township 22 South, Range 46 West, to the NE corner of Section 25, Township 22 South, Range 46 West, thence east 700 feet from the SW corner of Section 19, Township 22 South, Range 45 West along the south line of said Section 19, thence north on a line 700 feet east of the west line of Section 19, Township 22 South, Range 45 West to a point on the north line of said Section 19, 700 feet east of the NW corner of Section 19, Township 22 South, Range 45 West, thence west 700 feet along the north line of Section 19, Township 22 South, Range 45 West to the SE corner of Section 13, Township 22 South, Range 46 West, thence west

along the south line of Section 13 from the SE corner to the SW corner of Section 13, Township 22 South, Range 46 West, thence west along the south line of Section 14 from the SE corner to the East 1/16 corner of Section 14, Township 22 South, Range 46 West, thence north to the east-west center line of Section 14, Township 22 South, Range 46 West, thence along the east-west center line in Section 14 to the West 1/4 corner of Section 14, Township 22 South, Range 46 West, thence west 1,320 feet along the east-west center line in Section 15 from the East 1/4 corner of Section 15, Township 22 South, Range 46 West, thence north on a north-south line 1,320 feet west of the east lines of Sections 15 and 10 from the center line of Section 15 to the north line of Section 10, Township 22 South, Range 46 West, thence along the north line of Sections 10, 11 and 12 from a point 1,320 feet west of the NE corner of Section 10 to the NE corner of Section 12, Township 22 South, Range 46 West, thence east along the north line of Sections 7 and 8 from the NW corner of Section 7, Township 22 South, Range 45 West to the NE corner of said Section 8, thence north along the west line of Section 4, Township 22 South, Range 45 West, to the NW corner of Section 4, Township 22 South, Range 45 West, thence east along the north lines of Sections 4, 3 and 2 all in Township 22 South, Range 45 West to the NE corner of said Section 2, thence south along the east line of Sections 2 and 11 in Township 22 South, Range 45 West, to the NW corner of Section 14, Township 22 South, Range 45 West, thence east along the north line of Section 13, Township 22 South, Range 45 West to the NE corner of said Section 13, thence east along the north line of Sections 18 and 17 from the NW corner of Section 18 to the NE corner of Section 17, Township 22 South, Range 44 West, thence south along the east line of Sections 17 and 20 from the NE corner of Section 17 to the East 1/4 corner of Section 20, Township 22 South, Range 44 West, thence along the east-west center line of Section 21 from the West 1/4 corner to the East 1/4 corner of Section 21, Township 22 South, Range 44 West, thence south along the east line of Section 21 from the East 1/4 corner to the SE corner of Section 21, Township 22 South, Range 44 West, thence east along the north line of Sections 27 and 26 from the NW corner of Section 27 to the NE corner of Section 26, Township 22 South, Range 44 West, thence north along the west line of Section 24 from the SW corner of said Section 24, Township 22 South, Range 44 West, thence east along the north line of said Section 24 to the NE corner of said Section 24, thence south from the NE corner of Section 24, Township 22 South, Range 44 West along the east line of Sections 24, 25 and 36, to the SE corner of Section 36, Township 22 South, Range 44 West, thence south along the east line of Section 1, 4,400 feet from the NE corner of Section 1, Township 23 South, Range 44 West, thence west along an east-west line 880 feet north of the south line of Section 1 from the east line to the west line of Section 1, Township 23 South, Range 44 West, thence north along the west line of Section 1 from a point 880 feet north of the SW corner of said Section 1 to the NW corner of Section 1,

Township 23 South, Range 44 West, thence north along the west line of Section 36 from the SW corner of Section 36 to the intersection of the center line of the Arkansas River (September 1970) with the west line of Section 36, 3,400 feet more or less north of the SW corner of Section 36, Township 22 South, Range 44 West, thence in a westerly direction along the center line of the Arkansas River in Sections 26, 35, 27, 34, 28, 33, 29 and 30 from its intersection with the east line of Section 36 to its intersection with the west line of Section 30, Township 22 South, Range 44 West, thence in a westerly direction along the center line of the Arkansas River in Sections 25, 26, 35, 27, 34, 28, 29 to its intersection with the west line of Section 32, Township 22 South, Range 45 West, thence north along the west line of Section 32, Township 22 South, Range 45 West to the SE corner of Section 30, Township 22 South, Range 45 West, thence west along the south line of said Section 30 to the west 1/16 corner of said Section 30, thence north on a north-south line to the center line of said Section 30, thence west on the center line of said Section 30 to the west 1/4 corner of Section 30, Township 22 South, Range 45 West, thence west from the west 1/4 corner of Section 30, Township 22 South, Range 45 West, on the east-west center line of Sections 25 and 26, Township 22 South, Range 46 West to a point 1,320 feet west of the east 1/4 corner of Section 26, Township 22 South, Range 46 West, thence south on a north-south line through Sections 26 and 35, Township 22 South, Range 46 West, to a point on the south line of Section 35, 1,320 feet west of the SE corner of said Section 35, thence east from a point 1,320 feet west of the SE corner of said Section 35 along the south line of Sections 35 and 36 to the SE corner of Section 36, Township 22 South, Range 46 West, thence south along the east line of Sections 1, 12, 13, 24, 25, and 36 from the NE corner of Section 1 to the SE corner of Section 36, Township 23 South, Range 46 West, thence south along the east line of Sections 1, 12, 13, 24, 25, and 36 from the NE corner of Section 1 to the SE corner of Section 36, Township 24 South, Range 46 West, thence south along the east line of Sections 1 and 12 from the NE corner of Section 1 to the SE corner of Section 12, Township 25 South, Range 46 West, thence west along the south line of Sections 12, 11, 10, 9 and 8 from the SE corner of Section 12 to the south 1/4 corner of Section 8, Township 25 South, Range 46 West, thence north along the north-south center line of Sections 8 and 5 from the south 1/4 corner of Section 8 to the north 1/4 corner of Section 5, Township 25 South, Range 46 West, thence north from the south 1/4 corner to the center 1/4 corner of Section 32, Township 24 South, Range 46 West, thence west along the east-west center line of Section 32 from the center 1/4 corner to the west 1/4 corner of Section 32, Township 24 South, Range 46 West, thence north along the west line of Sections 32 and 29 from the west 1/4 corner of Section 32 to the west 1/4 corner of Section 29, Township 24 South, Range 46 West, thence east along an east-west center line in Section 29 from the west 1/4 corner to the center 1/4 corner in Section 29, Township 24 South,

Range 46 West, thence north along the north-south center line in Sections 29, 20, 17, 8 and 5 from the center 1/4 corner of Section 29 to the north 1/4 corner of Section 5, Township 24 South, Range 46 West, thence north along the north-south center line of Sections 32 and 29 from the south 1/4 corner of Section 32 to the north 1/4 corner of Section 29 in Township 23 South, Range 46 West, thence west along the south line of Sections 20 and 19 from the south 1/4 corner of Section 20 to the SW corner of Section 19, Township 23 South, Range 46 West, thence north along the west line of Sections 19, 18, 7 and 6 from the SW corner of Section 19 to the NW corner of Section 6, Township 23 South, Range 46 West, thence north along the west line of Sections 31 and 30 from the SW corner of Section 31 to the NW corner of Section 30, Township 22 South, Range 46 West, thence west along the south line of Sections 24 and 23 from the SE corner of Section 24 to the south 1/4 corner of Section 23, Township 22 South, Range 47 West, thence north along the north-south center line in Sections 23 and 14 from the south 1/4 corner of Section 23 to the center 1/4 corner of Section 14, Township 22 South, Range 47 West, thence west along the east-west center line in Sections 14, 15, 16, 17 and 18 from the center 1/4 corner of Section 14 to the west 1/4 corner of Section 18, Township 22 South, Range 47 West, thence west along the east-west center line in Sections 13, 14, 15, 16 and 17 from the east 1/4 corner of Section 13 to the center 1/4 corner of Section 17, Township 22 South, Range 48 West, thence south along the north-south center line in Sections 17 and 20 from the center 1/4 corner of Section 17 to the center 1/4 corner of Section 20, Township 22 South, Range 48 West, thence west along the east-west center line in Sections 20 and 19 from the center 1/4 corner of Section 20 to the west 1/4 corner of Section 19, Township 22 South, Range 48 West, thence west from the east 1/4 corner of Section 24, Township 22 South, Range 49 West, along the east-west center line in Section 24, to the west 1/4 corner of said Section 24, thence north along the west line of Sections 24, 13 and 12 from the west 1/4 corner of said Section 24 to the NW corner of Section 12, Township 22 South, Range 49 West, being the point of beginning.

B. HARTMAN AREA

Section 23 and the north 1/2 of Section 26, Township 22 South, Range 43 West.

C. MORROW AREA

Beginning at the NE corner of Section 29, Township 22 South, Range 47 West, thence south along the east line of said Section 29 to the center line of the canal of the Amity Irrigation Company (September 1970), thence westerly along the center line of the canal to a point

on the north-south center line of Section 30, Township 22 South, Range 47 West, thence north on the north-south center line of Sections 30 and 19, Township 22 South, Range 47 West to a point 500 feet north of the south line of said Section 19, thence east on an east-west line in Sections 19 and 20 to a point on the east line of Section 20, Township 22 South, Range 47 West 500 feet north of the SE corner of said Section 20, thence south 500 feet on the east line of Section 20, Township 22 South, Range 47 West to the point of ~~beginning~~.

D. Wholesale service only in the Granada Area.

GRANADA AREA

Sections 12, 13 and 14, Township 23 South, Range 44 West.

E. Wholesale service only to the Town of Holly, which Town provides electric service in an area presently certificated to it by Decision No. 33923 in an area as follows:

Sections 5, 6, 7, 8, 17, 18, 19, and 20, in Range 41-West, and Sections 1 to 4, both inclusive, 9 to 16, both inclusive, and 21 to 24, both inclusive, in Range 42-West, all in Township 23-South.

In the balance of the areas previously certificated to Lamar extensions of electric service are practically nonexistent, and Lamar has abandoned its certificate as to such area.

9. The following area is now certificated to the City of Las Animas (or the Las Animas Municipal Light and Power Board) by Decision No. 66075, and Las Animas is providing adequate service therein:

Beginning at the southwest corner of Section 9, Township 23 South, Range 52 West of the 6th P.M., in Bent County, Colorado; thence easterly one mile to the southeast corner of Section 9, Township 23 South, Range 52 West; thence southerly on section line common to Sections 15 and 16 a distance of 4,455 feet; thence easterly a distance of 3860 feet to centerline of north south county road; thence southerly a distance of 825 feet to the south line of Section 15, Township 23 South, Range 52 West; thence easterly along said section line to the southeast corner of Section 15, Township 23 South, Range 52 West; thence on east along south line of Section 14, Township 23 South, Range 52 West, a distance of 1000 feet to a point on south line of Section 14; thence northerly across Section 14 and part of Section 11, Township 23 South, Range 52 West, to the intersection of said line with the centerline of the Santa Fe main line railroad track; thence easterly along center line of Santa Fe railroad tracks across Sections 11

and 12, Township 23 South, Range 52 West; thence across Sections 7, 8 and 9, Township 23 South, Range 51 West, to the east section line of Section 9, Township 23 South, Range 51 West; thence easterly along the center line of the Santa Fe railroad tracks to the intersection of the mid-section line of Section 10, Township 23 South, Range 51 West; thence northerly on half section line approximately two miles to the southeast corner of the NW 1/4 of Section 34, Township 22 South, Range 51 West; thence westerly 1-1/4 miles to the southeast corner of the W 1/2 of the NW 1/4 of Section 33, Township 22 South, Range 51 West; thence northerly 1/4 mile to the SE corner of the NW 1/4 of the NW 1/4 of Section 33, Township 22 South, Range 51 West; thence westerly 1/4 mile to the SW corner of the NW 1/4 of the NW 1/4 of Section 33, Township 22 South, Range 51 West; thence northerly along section line to the NE corner of the SE 1/4 of Section 29, Township 22 South, Range 51 West; thence westerly 4680 feet on 1/2 section line of Section 29, Township 22 South, Range 51 West; thence south 1/2 mile to the south section line of Section 29, Township 22 South, Range 51 West (4680 feet west of the SE corner of Section 29); thence westerly on section line to the SW corner of the SE 1/4 of the SE 1/4 of Section 30, Township 22 South, Range 51 West; thence northerly 2150 feet; thence westerly 2640 feet to the east edge of the W 1/4 of said section; thence southerly 300 feet; thence westerly to the intersection of said line with section line common to Sections 25 and 30; thence on westerly 1320 feet in Section 25, thence northerly to the NW corner of the NE 1/4 of the NE 1/4 of Section 25, Township 22 South, Range 52 West; thence on northerly to intersection of said line with center line of the Fort Lyon Canal in Section 24, Township 22 South, Range 52 West; thence southwesterly along center line of said canal to the intersection of Fort Lyon Canal with the west section line of Section 24, Township 22 South, Range 52 West; thence southerly along section line to the NE corner of Section 26, Township 22 South, Range 52 West; thence westerly 1/4 mile; thence southerly 1/2 mile; thence westerly 1/4 mile to the NW corner of the SE 1/4 of Section 26, Township 22 South, Range 52 West; thence southerly 1/2 mile to the SE corner of SW 1/4 of Section 26, Township 22 South, Range 52 West; thence westerly 1/2 mile to the NE corner of Section 34; Township 22 South, Range 52 West; thence southerly 1/4 mile on section line common to Sections 34 and 35 to the SE corner of the NE 1/4 of the NE 1/4 of Section 34, Township 22 South, Range 52 West; thence westerly 1/4 mile to the SW corner of the NE 1/4 of the NE 1/4 of Section 34, Township 22 South, Range 52 West, thence southerly to the SW corner of the SE 1/4 of the SE 1/4 of Section 34, Township 22 South, Range 52 West; thence on southerly to intersection of said line with the center of the Arkansas River; thence southwesterly up the Arkansas River to the intersection

of said river with the section line common to Sections 4 and 5, Township 23 South, Range 52 West; thence southerly along section line common to Sections 4 and 5, and Sections 8 and 9, to the point of beginning.

10. In the balance of Bent and Prowers Counties, Southeast is now providing adequate electric service except that in the areas listed below Southeast has either no customers and/or no distribution lines:

A. BENT COUNTY

PLOT NO. 1

Beginning at the point of intersection of the boundaries of Otero, Bent and Kiowa Counties, Colorado, which point is the NW corner of Section 6, Township 21 South, Range 53 West of the 6th Principal Meridian and continuing east along the north lines of Sections 6, 5, 4, 3, 2, 1 from the NW corner of Section 6 to the NE corner of Section 1, Township 21 South, Range 53 West, thence east along the north lines of Sections 6, 5, 4, 3, 2, 1, from the NW corner of Section 6 to the NE corner of Section 1, Township 21 South, Range 52 West, thence south along the east line of Sections 1, 12, 13, 24, 25, and 36, from the NE corner of Section 1 to the SE corner of Section 36, Township 21 South, Range 52 West, thence south along the east line of Sections 1, 12 and 13 from the NE corner of Section 1 to the SE corner of Section 13, Township 22 South, Range 52 West, thence west along the south line of Sections 13, 14, 15, 16, 17 and 18 from the SE corner of Section 13 to the SW corner of Section 18, Township 22 South, Range 52 West, thence north along the west line of Sections 18, 7 and 6 from the SW corner of Section 18 to the NW corner of Section 6, Township 22 South, Range 52 West, thence west along the south line of Sections 36, 35 and 34 from the SE corner of Section 36 to the SW corner of Section 34, Township 21 South, Range 53 West, thence south along the east line of Sections 4, 9 and 16 from the NE corner of Section 4 to the SE corner of Section 16, Township 22 South, Range 53 West, thence west along the south line of Sections 16, 17 and 18 from the SE corner of Section 16 to the SW corner of Section 18, Township 22 South, Range 53 West, thence north along the west line of Sections 18, 7 and 6 from the SW corner of Section 18 to the NW corner of Section 6, Township 22 South, Range 53 West, thence north along the west line of Sections 31, 30, 19, 18, 7 and 6 from the SW corner of Section 31 to the NW corner of Section 6, Township 21 South, Range 53 West which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 2

Beginning at the NW corner of Section 4, Township 21 South, Range 51 West and continuing east along the north line of Sections 4, 3, 2, and 1 from the NW corner of Section 4 to the NE corner of Section 1, Township 21 South, Range 51 West, thence continuing east along the north line of Sections 6 and 5 from the NW corner of Section 6 to the NE corner of Section 5, Township 21 South, Range 50 West, thence south along the east line of Sections 5, 8, 17 and 20 from the NE corner of Section 5 to the SE corner of Section 20, Township 21 South, Range 50 West, thence east along the north line of Sections 28 and 27 from the NW corner of Section 28 to the NE corner of Section 27, Township 21 South, Range 50 West, thence south along the east line of Sections 27 and 34 from the NE corner of Section 27 to the SE corner of Section 34, Township 21 South, Range 50 West, thence south along the east line of Sections 3 and 10 from the NE corner of Section 3 to the southeast corner of Section 10, Township 22 South, Range 50 West, thence west along the south line of Sections 10, 9, 8 and 7 from the SE corner of Section 10 to the SW corner of Section 7, Township 22 South, Range 50 West, thence north along the west line of Section 7 from the SW corner to the NW corner of Section 7, Township 22 South, Range 50 West, thence west along the south line of Sections 1, 2, 3 and 4 from the SE corner of Section 1 to the SW corner of Section 4, Township 22 South, Range 51 West, thence north along the west line of Section 4 from the SW corner to the NW corner of Section 4, Township 22 South, Range 51 West, thence north along the west line of Section 33 from the SW corner to the NW corner of Section 33, Township 21 South, Range 51 West, thence east along the north line of Sections 33, 34, 35 and 36 from the NW corner of Section 33 to the NE corner of Section 36, Township 21 South, Range 51 West, thence north along the west line of Sections 30, 19, 18, and 7 from the SW corner of Section 30 to the NW corner of Section 7, Township 21 South, Range 50 West, thence west along the south line of Sections 1, 2, 3, and 4 from the SE corner of Section 1 to the SW corner of Section 4, Township 21 South, Range 51 West, thence north along the west line of Section 4 from the SW corner to the NW corner of Section 4, Township 21 South, Range 51 West which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 3

Beginning at the NW corner of Section 6, Township 21 South, Range 49 West and continuing east along the north line of Sections 6, 5, 4, 3, 2 and 1 from the NW corner of Section 6 to the NE corner of Section 1, Township 21 South, Range 49 West, thence continuing east along the north line of Sections 6, 5 and 4 from the NW corner of Section 6 to the NE corner of Section 4, Township 21 South, Range 48 West, thence south along

the east line of Sections 4, 9, 16, 21 and 28 from the NE corner of Section 4 to the SE corner of Section 28, Township 21 South, Range 48 West, thence west along the south line of Sections 28, 29 and 30 from the SE corner of Section 28 to the SW corner of Section 30, Township 21 South, Range 48 West, thence north along the west line of Sections 30, 19, 18 and 7 from the SW corner of Section 30 to the NW corner of Section 7, Township 21 South, Range 48 West, thence west along the south line of Sections 1, 2, 3, 4, 5 and 6 from the SE corner of Section 1 to the SW corner of Section 6, Township 21 South, Range 49 West, thence north along the west line of Section 6 from the SW corner to the NW corner of Section 6, Township 21 South, Range 49 West which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 4

Beginning at the NW corner of Section 30, Township 23 South, Range 53 West, and continuing east to the NE corner of Section 30 of Township 23 South, Range 53 West, thence north along the west line of Sections 20 and 17 from the SW corner of Section 20 to the NW corner of Section 17, Township 23 South, Range 53 West, thence east along the north line of Sections 17 and 16 from the NW corner of Section 17 to the NE corner of Section 16, Township 23 South, Range 53 West, thence south along the east line of Section 16, from the NE corner to the SE corner of Section 16, Township 23 South, Range 53 West, thence east along the north line of Sections 22, 23, and 24 from the NW corner of Section 22 to the NE corner of Section 24, Township 23 South, Range 53 West, thence east along the north line of Section 19 from the NW to the NE corner of Section 19, Township 23 South, Range 52 West, thence south along the east line of Sections 19 and 30 from the NE corner of Section 19 to the southeast corner of Section 30, Township 23 South, Range 52 West, thence west along the south line of Section 30 from the SE corner to the SW corner, Township 23 South, Range 52 West, thence west along the south line of Sections 25, 26 and 27 from the SE corner of Section 25 to the SW corner of Section 27, Township 23 South, Range 53 West, thence south along the east line of Section 33 from the NE corner to the SE corner of Section 33, Township 23 South, Range 53 West, thence west along the south line of Sections 33, 32 and 31 from the SE corner of Section 33 to the SW corner of Section 31, thence north along the west line of Sections 31 and 30 from the SW corner of Section 31 to the NW corner of Section 30, Township 23 South, Range 53 West, which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 5

Beginning at the NW corner of Section 31, Township 25 South, Range 53 West and continuing east along the north line of Sections 31, 32, 33 and 34 from the NW corner of

Section 31 to the NE corner of Section 34, thence north along the west line of Sections 26, 23, and 14 from the SW corner of Section 26 to the NW corner of Section 14, Township 25 South, Range 53 West, thence east along the north line of Sections 14 and 13 from the NW corner of Section 14 to the NE corner of Section 13, Township 25 South, Range 53 West, thence north along the west line of Sections 7 and 6 from the SW corner of Section 7 to the NW corner of Section 6, Township 25 South, Range 52 West, thence north along the west line of Sections 31 and 30 from the SW corner of Section 31 to the NW corner of Section 30, Township 24 South, Range 52 West, thence east along the north line of Section 30 from the NW corner to the NE corner of Section 30, Township 24 South, Range 52 West, thence north along the west line of Sections 20 and 17 from the SW corner of Section 20 to the NW corner of Section 17, Township 24 South, Range 52 West, thence east along the north line of Section 17 from the NW to the NE corner of Section 17, Township 24 South, Range 52 West, thence south along the east line of Sections 17, 20 and 29 from the NE corner of Section 17 to the SE corner of Section 29, Township 24 South, Range 52 West, thence east along the north line of Section 33 from the NW corner to the NE corner of Section 33, Township 24 South, Range 52 West, thence south along the east line of Section 33 from the NE corner to the SE corner of Section 33, Township 24 South, Range 52 West, thence east along the north line of Section 3 from the NW corner to the NE corner of Section 3, Township 25 South, Range 52 West, thence south along the east line of Sections 3, 10, 15 and 22 from the NE corner of Section 3 to the SE corner of Section 22, Township 25 South, Range 52 West, thence west along the south line of Section 22 from the SE corner to the SW corner of Section 22, Township 25 South, Range 52 West, thence south along the east line of Section 28 from the NE corner to the SE corner of Section 28, Township 25 South, Range 52 West, thence west along the south line of Section 28 from the SE corner to the SW corner of Section 28, Township 25 South, Range 52 West, thence south along the east line of Section 32, from the NE corner to the SE corner of Section 32, Township 25 South, Range 52 West, thence west 1320 feet more or less along the south line of Section 32 west from the SE corner of Section 32, Township 25 South, Range 52 West, thence south along the east line of Section 5 from the NE to the SE corner of Section 5, Township 26 South, Range 52 West, thence west along the south line of Sections 5 and 6 from the SE corner of Section 5 to the SW corner of Section 6, Township 26 South, Range 52 West, thence west along the south line of Section 1 from the SE corner to the SW corner of Section 1, Township 26 South, Range 53 West, thence south along the east line of Sections 11 and 14 from the NE corner of Section 11 to the SE corner of Section 14, Township 26 South, Range 53 West, thence east along the north line of Section 24 from the NW corner to the NE corner of Section 24, Township 26 South, Range 53 West, thence east along the north line of Sections 19 and 20

from the NW corner of Section 19 to the NE corner of Section 20, Township 26 South, Range 52 West, thence south along the east line of Sections 20, 29 and 32 from the NE corner of Section 20 to the SE corner of Section 32, Township 26 South, Range 52 West, thence south along the east line of Sections 5, 8, 17, 20, 29 and 32 from the NE corner of Section 5 to the SE corner of Section 32, Township 27 South, Range 52 West, thence west along the south line of Sections 31 and 32 from the SE corner of Section 32 to the SW corner of Section 31, Township 27 South, Range 52 West, thence west along the south line of Sections 36, 35, 34, 33, 32 and 31 from the SE corner of Section 36 to the SW corner of Section 31, Township 27 South, Range 53 West, thence north along the west line of Sections 31, 30, 19, 18 and 7 from the SW corner of Section 31 to the NW corner of Section 7, Township 27 South, Range 53 West, thence east along the north line of Sections 7, 8, 9, 10 and 11 from the NW corner of Section 7 to the NE corner of Section 11, Township 27 South, Range 53 West, thence north along the west line of Section 1 from the SW corner to the NW corner of Section 1, Township 27 South, Range 53 West, thence north along the west line of Sections 36 and 25 from the SW corner of Section 36 to the NW corner of Section 25, Township 26 South, Range 53 West, thence west along the south lines of Sections 23 and 22 from the SE corner of Section 23 to the SW corner of Section 22, Township 26 South, Range 53 West, thence north along the west line of Section 22 from the SW corner to the NW corner of Section 22, Township 26 South, Range 53 West, thence west along the south line of Sections 16, 17 and 18 from the SE corner of Section 16 to the SW corner of Section 18, Township 26 South, Range 53 West, thence north along the west line of Sections 18, 7 and 6 from the SW corner of Section 18 to the NW corner of Section 6, Township 26 South, Range 53 West, thence east along the north line of Section 6, 1320 feet more or less from the NW corner of Section 6, Township 26 South, Range 53 West, thence north along the west line of Section 31 from the SW corner to the NW corner of Section 31, Township 25 South, Range 53 West, which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 6

Beginning at the NW corner of Section 11, Township 26 South, Range 52 West, and continuing east from the NW corner of Section 11 to the NE corner of Section 12, Township 26 South, Range 52 West, thence south along the east line of Sections 12, 13, 24, 25 and 36 from the NE corner of Section 12 to the SE corner of Section 36, Township 26 South, Range 52 West, thence south along the east line of Sections 1, 12 and 13 from the NE corner of Section 1 to the SE corner of Section 13,

Township 27 South, Range 52 West, thence east along the north line of Sections 19, 20 and 21 from the NW corner of Section 19 to the NE corner of Section 21, Township 27 South, Range 51 West, thence south along the east line of Section 21 from the NE corner to the SE corner of Section 21, Township 27 South, Range 51 West, thence east along the north line of Section 27 from the NW to the NE corner of Section 27, Township 27 South, Range 51 West, thence south along the east line of Sections 27 and 34 from the NE corner of Section 27 to the SE corner of Section 34, Township 27 South, Range 51 West, thence west along the south line of Sections 34, 33, 32 and 31 from the SE corner of Section 34 to the SW corner of Section 31, Township 27 South, Range 51 West, thence west along the south line of Sections 36 and 35 from the SE corner of Section 36 to the SW corner of Section 35, Township 27 South, Range 52 West, thence north along the west line of Sections 35, 26, 23, 14, 11 and 2 from the SW corner of Section 35 to the NW corner of Section 2, Township 27 South, Range 52 West, thence north along the west line of Sections 35, 26, 23, 14 and 11 from the SW corner of Section 35 to the NW corner of Section 11, Township 26 South, Range 52 West, which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 7

Beginning at the NW corner of Section 26, Township 24 South, Range 51 West and continuing east along the north line of Sections 26 and 25 from the NW corner of Section 26 to the NE corner of Section 25, Township 24 South, Range 51 West, thence east along the north line of Sections 30, 29, 28, 27, 26 and 25 from the NW corner of Section 30 to the NE corner of Section 25, Township 24 South, Range 50 West, thence south along the east line of Section 25 from the NE corner to the SE corner of Section 25, Township 24 South, Range 50 West, thence east along the north line of Sections 31, 32 and 33 from the NW corner of Section 31 to the NE corner of Section 33, Township 24 South, Range 49 West, thence south along the east line of Section 33 from the NE corner to the SE corner of Section 33, Township 24 South, Range 49 West, thence south along the east line of Sections 4, 9, 16, 21 and 28 from the NE corner of Section 4 to the SE corner of Section 28, Township 25 South, Range 49 West, thence west along the south line of Sections 28, 29 and 30 from the SE corner of Section 28 to the SW corner of Section 30, Township 25 South, Range 49 West, thence south along the east line of Section 36 from the NE corner to the SE corner of Section 36, Township 25 South, Range 50 West, thence east along the north line of Section 6, 3300 feet more or less to the NE corner of Section 6, Township 26 South, Range 49 West, thence south along the east line of Sections 6 and 7 from the NE corner of Section 6 to the SE corner of Section 7, Township 26 South, Range 49 West, thence east along the north line of Sections 17, 16, 15, 14 and 13 from the NW corner of Section 17 to the NE

corner of Section 13, Township 26 South, Range 49 West, thence north along the west line of Sections 7 and 6 from the SW corner of Section 7 to the NW corner of Section 6, Township 26 South, Range 48 West, thence west along the south line of Section 36, 3100 feet more or less to the SW corner of Section 36, Township 25 South, Range 49 West, thence north along the west lines of Sections 36 and 25 from the SW corner of Section 36 to the NW corner of Section 25, Township 25 South, Range 49 West, thence east along the north line of Section 25 from the NW corner to the NE corner of Section 25, Township 25 South, Range 49 West, thence east along the north line of Sections 30, 29, 28, 27 and 26, from the NW corner of Section 30 to the NE corner of Section 26, Township 25 South, Range 48 West, thence north along the west line of Sections 24, 13, 12 and 1 from the SW corner of Section 24 to the NW corner of Section 1, Township 25 South, Range 48 West, thence north along the west line of Section 36 from the SW to NW corner of Section 36, Township 24 South, Range 48 West, thence east along the north line of Section 36 from the NW to the NE corner of Section 36, Township 24 South, Range 48 West, thence south along the east line of Section 36, from the NE to the SE corner of Section 36, Township 24 South, Range 48 West, thence south along the east line of Sections 1, 12, 13, 24, 25 and 36 from the NE corner of Section 1 to the SE corner of Section 36, Township 25 South, Range 48 West, thence west along the south line of Section 36, Township 25 South, Range 48 West, 2200 feet more or less from the SE corner of Section 36 to the NE corner of Section 1, Township 26 South, Range 48 West, thence south along the east line of Sections 1, 12, 13, 24, 25 and 36 from the NE corner of Section 1 to the SE corner of Section 36, Township 26 South, Range 48 West, thence south along the east line of Sections 1, 12, 13, 24, 25 and 36 from the NE corner of Section 1 to the SE corner of Section 36, Township 27 South, Range 48 West, thence west along the south line of Section 36 from the SE corner to the SW corner of Section 36, Township 27 South, Range 48 West, thence north along the west line of Sections 36, 25 and 24 from the SW corner of Section 36 to the NW corner of Section 24, Township 27 South, Range 48 West, thence west along the south line of Sections 14, 15 and 16 from the SE corner of Section 14 to the SW corner of Section 16, Township 27 South, Range 48 West, thence south along the east line of Sections 20, 29 and 32 from the NE corner of Section 20 to the SE corner of Section 32, Township 27 South, Range 48 West, thence west along the south line of Sections 32 and 31 from the SE corner of Section 32 to the SW corner of Section 31, Township 27 South, Range 48 West, thence north along the west line of Sections 31, 30, 19, 18, 7 and 6 from the SW corner of Section 31 to the NW corner of Section 6, Township 27 South, Range 48 West, thence west along the south lines of Sections 36, 35 and 34 from the SE corner of Section 36 to the SW corner of Section 34, Township 26 South, Range 49 West, thence south along the east line of Sections 4, 9, 16, 21,

28 and 33 from the NE corner of Section 4 to the SE corner of Section 33, Township 27 South, Range 49 West, thence west along the south line of Sections 33, 32 and 31 from the SE corner of Section 33 to the SW corner of Section 31, Township 27 South, Range 49 West, thence west along the south line of Sections 36 and 35 from the SE corner of Section 36 to the SW corner of Section 35, Township 27 South, Range 50 West, thence north along the west line of Sections 35, 26, 23, 14, 11 and 2 from the SW corner of Section 35 to the NW corner of Section 2, Township 27 South, Range 50 West, thence west along the south line of Sections 34 and 33 from the SE corner of Section 34 to the SW corner of Section 33, Township 26 South, Range 50 West, thence south along the east line of Sections 5, 8, 17 and 20 from the NE corner of Section 5 to the SE corner of Section 20, Township 27 South, Range 50 West, thence west along the south lines of Sections 20 and 19 from the SE corner of Section 20 to the SW corner of Section 19, Township 27 South, Range 50 West, thence north along the west line of Sections 19, 18, 7 and 6 from the SW corner of Section 19 to the NW corner of Section 6, Township 27 South, Range 50 West, thence north along the west line of Sections 31 and 30 from the SW corner of Section 31 to the NW corner of Section 30, Township 26 South, Range 50 West, thence west along the south line of Sections 24, 23 and 22 from the SE corner of Section 24 to the SW corner of Section 22, Township 26 South, Range 51 West, thence north along the west line of Section 22 from the SW corner to the NW corner of Section 22, Township 26 South, Range 51 West, thence along the south line of Section 16 from the SE corner to the SW corner of Section 16, Township 26 South, Range 51 West, thence north along the west line of Sections 16, 9 and 4 from the SW corner of Section 16 to the NW corner of Section 4, Township 26 South, Range 51 West, thence west along the south line of Section 32, 3960 feet more or less to the SW corner of Section 32, Township 25 South, Range 51 West, thence north along the west line of Sections 32 and 29 from the SW corner of Section 32 to the NW corner of Section 29, Township 25 South, Range 51 West, thence east along the north line of Section 29 from the NW corner to the NE corner of Section 29, Township 25 South, Range 51 West, thence north along the west line of Section 21 from the SW corner to the NW corner of Section 21, Township 25 South, Range 51 West, thence east along the north line of Sections 21 and 22 from the NW corner of Section 21 to the NE corner of Section 22, Township 25 South, Range 51 West, thence north along the west line of Sections 14, 11 and 2 from the SW corner of Section 14 to the NW corner of Section 2, Township 25 South, Range 51 West, thence north along the west line of Sections 35 and 26 from the SW corner of Section 35 to the NW corner of Section 26, Township 24 South, Range 51 West which is the point of beginning, all in Bent County, Colorado.

B. PROWERS COUNTY

PLOT NO. 8

The following described territory is located in Prowers County, Colorado. (All Range descriptions are Ranges West of the 6th Principal Meridian.)

Beginning at a point on the Prowers-Bent County Line which is the NW corner of Section 31, Township 24 South, Range 47 West of the 6th Principal Meridian, thence east along the north line of Sections 31, 32 and 33 from the NW corner of Section 31, to the NE corner of Section 33, thence south along the east line of Section 33 from the NE corner to the SE corner of Section 33 in Township 24 South, Range 47 West, thence south along the east line of Sections 4, 9 and 16 from the NE corner of Section 4 to the SE corner of Section 16 in Township 25 South, Range 47 West, thence east along the north line of Sections 22 and 23 from the NW corner of Section 22 to the NE corner of Section 23 in Township 25 South, Range 47 West, thence south along the east line of Sections 23, 26 and 35 from the NE corner of Section 23 to the SE corner of Section 35 in Township 25 South, Range 47 West, thence west along the south line of Section 35 from the SE corner to the SW corner of Section 35, thence west along the south line of Section 34 from the SE corner of said Section 34 a distance of 2200 feet more or less to the NE corner of Section 3, Township 26 South, Range 47 West, thence south from the NE corner of Section 3, Township 26 South, Range 47 West, along the east line of Sections 3, 10, 15 and 22 from the NE corner of Section 3 to the SE corner of Section 22 in Township 26 South, Range 47 West, thence west along the south line of Sections 22, 21, 20 and 19 from the SE corner of Section 22 to the SW corner of Section 19, Township 26 South, Range 47 West, which is a point on the Prowers-Bent County line, thence north along the west line of Sections 19, 18, 7 and 6 from the SW corner of Section 19 to the NW corner of Section 6 in Township 26 South, Range 47 West, thence east along the north line of Section 6, Township 26 South, Range 47 West from the NW corner a distance of 2200 feet more or less to the SW corner of Section 31, Township 25 South, Range 47 West, thence north along the west line of Sections 31, 30, 19, 18, 7 and 6 from the SW corner of Section 31 to the NW corner of Section 6, Township 25 South, Range 47 West, thence north along the west line of Section 31 from the SW corner to the NW corner of Section 31, Township 24 South, Range 47 West which is the point of beginning, all in Prowers County, Colorado.

PLOT NO. 9

Beginning at a point on the Prowers-Bent County line which is the NW corner of Section 18, Township 27 South, Range 47 West, thence east along the north line of Sections 18, 17 and 16 from the NW corner of Section 18 to the NE corner of Section 16, Township 27 South, Range 47 West, thence south along the east line of Sections 16, 21, 28 and 33 from the NE corner of Section 16 to the SE corner of Section 33, Township 27 South, Range 47 West, thence west along the south line of Sections 33, 32 and 31 from the SE corner of Section 33 to the SW corner of Section 31, Township 27 South, Range 47 West, thence north along the west line of Sections 31, 30, 19 and 18 from the SW corner of Section 31 to the NW corner of Section 18, Township 27 South, Range 47 West, which is the point of beginning, all in Prowers County, Colorado.

PLOT NO. 10

Beginning at a point on the Prowers-Kiowa County line which is the NW corner of Section 6, Township 21 South, Range 45 West, thence east along the north line of Sections 6, 5, 4, 3, 2, 1 from the NW corner of Section 6 to the NE corner of Section 1, Township 21 South, Range 45 West, thence east along the north line of Sections 6, 5, 4, 3, 2 and 1 from the NW corner of Section 6 to the NE corner of Section 1, Township 21 South, Range 44 West, thence east along the north line of Sections 6, 5, 4, 3 and 2 from the NW corner of Section 6 to the NE corner of Section 2, Township 21 South, Range 43 West, thence south along the east line of Sections 2, 11, 14 and 23 from the NE corner of Section 2 to the SE corner of Section 23, thence west along the south line of Sections 23, 22, 21, 20 and 19 from the SE corner of Section 23 to the SW corner of Section 19, Township 21 South, Range 43 West, thence west along the south lines of Sections 24 and 23 from the SE corner of Section 24 to the SW corner of Section 23 in Township 21 South, Range 44 West, thence south along the east line of Sections 27 and 34 from the NE corner of Section 27 to the SE corner of Section 34, Township 21 South, Range 44 West, thence west along the south line of Section 34 from the SE to the SW corner of Section 34 in Township 21 South, Range 44 West, thence south along the east line of Sections 4 and 9 from the NE corner of Section 4 to the SE corner of Section 9 in Township 22 South, Range 44 West, thence west along the south line of Sections 9, 8 and 7 from the SE corner of Section 9 to the SW corner of Section 7 in Township 22 South, Range 44 West, thence west along the south line of Sections 12, 11, 10 and 9 from the SE corner of Section 12 to the SW corner of Section 9 in Township 22 South, Range 45 West, thence north along the west line of Sections 9 and 4 from the SW corner of Section 9 to the NW corner of Section 4, Township 22 South,

Range 45 West, thence east along the north line of Sections 4, 3 and 2 from the NW corner of Section 4 to the NE corner of Section 2, Township 22 South, Range 45 West, thence north along the west line of Sections 36, 25, 24 and 13 from the SW corner of Section 36 to the NW corner of Section 13, all in Township 21 South, Range 45 West, thence west along the south line of Sections 11, 10, 9, 8 and 7 from the SE corner of Section 11 to the SW corner of Section 7, Township 21 South, Range 45 West, thence north along the west line of Sections 7 and 6 from the SW corner of Section 7 to the NW corner of Section 6, Township 21 South, Range 45 West, which is the point of beginning, all in Prowers County, Colorado.

PLOT NO. 11

Beginning at the NW corner of Section 16, Township 23 South, Range 45 West and continuing east along the north line of Sections 16, 15, and 14 to the NE corner of Section 14, Township 23 South, Range 45 West, thence south along the east side of Sections 14 and 23 from the NE corner of Section 14 to the SE corner of Section 23, Township 23 South, Range 45 West, thence east along the north line of Section 25, Township 23 South, Range 45 West, from the NW corner of Section 25 to the NE corner of Section 25, Township 23 South, Range 45 West, thence east along the north line of Sections 30 and 29, Township 23 South, Range 44 West, from the NW corner of Section 30 to the NE corner of Section 29, Township 23 South, Range 44 West, thence south along the east section line of Sections 29 and 32, Township 23 South, Range 44 West, from the NE corner of Section 29 to the SE corner of Section 32, Township 23 South, Range 44 West, thence south along the east lines of Sections 5, 8, 17, 20, 29 and 32 from the NE corner of Section 5 to the SE corner of Section 32, Township 24 South, Range 44 West, thence west along the south lines of Sections 32 and 31 from the SE corner of Section 32 to the SW corner of Section 31, Township 24 South, Range 44 West, thence west along the south line of Section 36 from the SE corner of Section 36 to approximately the S 1/4 corner of Section 36, Township 24 South, Range 45 West, thence north along a north-south line approximately 2640 feet west of the east line of Sections 36, 25, 24 and 13 from the S 1/4 corner of Section 36 to approximately the S 1/4 corner of Section 12, Township 24 South, Range 45 West, thence west along the south line of Sections 12, 11, 10 and 9 from approximately the S 1/4 corner of Section 12 to the SW corner of Section 9, Township 24 South, Range 45 West, thence north along the west line of Sections 9 and 4 from the SW corner of Section 9 to the NW corner of Section 4, Township 24 South, Range 45 West, thence north along the west line of Sections 33, 28, 21 and 16 from the SW corner of Section 33 to the NW corner of Section 16, Township 23 South, Range 45 West, which is the point of beginning, all in Prowers County, Colorado.

PLOTS NO. 12 and 13

Beginning at the NW corner of Section 30, Township 24

South, Range 45 West and continuing east along the north line of Sections 30, 29 and 28 from the NW corner of Section 30 to the NE corner of Section 28, thence south along the east line of Sections 28 and 33 from the NE corner of Section 28 to the SE corner of Section 33, Township 24 South, Range 45 West, thence east along the north line of Section 3, from the NW corner to the NE corner of Section 3, Township 25 South, Range 45 West, thence south along the east line of Sections 3, 10 and 15 from the NE corner of Section 3 to the SE corner of Section 15, Township 25 South, Range 45 West, thence west along the south line of Sections 15, 16 and 17 from the SE corner of Section 15 to the SW corner of Section 17, Township 25 South, Range 45 West, thence south along the east line of Sections 19, 30 and 31 from the NE corner of Section 19 to the SE corner of Section 31, Township 25 South, Range 45 West, thence east along the north line of Sections 5 and 4 from approximately the N 1/4 of Section 5 to the NE corner of Section 4, Township 26 South, Range 45 West, thence south along the east line of Section 4 from the NE corner to the SE corner, Township 26 South, Range 45 West, thence east along the north line of Sections 10, 11 and 12 from the NW corner of Section 10 to the NE corner of Section 12, Township 26 South, Range 45 West, thence east along the north line of Section 7 from the NW corner to the NE corner of Section 7, Township 26 South, Range 44 West, thence south along the east line of Sections 7 and 18 from the NE corner of Section 7 to the SE corner of Section 18, Township 26 South, Range 44 West, thence west along the south line of Section 18 from the SE corner to the SW corner of Section 18, Township 26 South, Range 44 West, thence west along the south line of Sections 13, 14, 15 from the SE corner of Section 13 to the SW corner of Section 15, Township 26 South, Range 45 West, thence north along the west line of Section 15 from the SW corner to the NW corner of said Section 15, Township 26 South, Range 45 West, thence west along the south line of Sections 9 and 8 from the SE corner of Section 9 to the SW corner of Section 8, Township 26 South, Range 45 West, thence north along the west line of Sections 8 and 5 from the SW corner of Section 8 to the NW corner of Section 5, Township 26 South, Range 45 West, which is also approximately the S 1/4 corner of Section 31, Township 25 South, Range 45 West, thence west along the south line of Section 31 to the SW corner of Section 31, Township 25 South, Range 45 West, thence west along the south line of Sections 36, 35 and 34 from approximately the SE corner of Section 36 to the SW corner of Section 34, Township 25 South, Range 46 West, thence north along the west line of Sections 34, 27, 22 and 15 from the SW corner of Section 34 to the NW corner of Section 15, Township 25 South, Range 46 West, thence east along the north line of Sections 15, 14 and 13 from the NW corner of Section

15 to the NE corner of Section 13, Township 25 South, Range 46 West, thence north along the west line of Sections 7 and 6 from the SW corner of Section 7 to the NW corner of Section 6, Township 25 South, Range 45 West, thence north along the west line of Sections 31 and 30 from the SW corner of Section 31 to the NW corner of Section 30, Township 24 South, Range 45 West, which is the point of beginning, all in Prowers County, Colorado.

PLOT NO. 14

Beginning at the NW corner of Section 22, Township 26 South, Range 44 West and continuing east along the north line of Sections 22, 23 and 24 from the NW corner of Section 22 to the NE corner of Section 24, Township 26 South, Range 44 West, thence continuing east along the north line of Sections 19 and 20 from the NW corner of Section 19 to the NE corner of Section 20, Township 26 South, Range 43 West, thence south along the east line of Sections 20 and 29 from the NE corner of Section 20 to the SE corner of Section 29, Township 26 South, Range 43 West, thence west along the south line of Sections 29 and 30 from the SE corner of Section 29 to the SW corner of Section 30, Township 26 South, Range 43 West, thence west along the south line of Sections 25, 26 and 27 from the SE corner of Section 25 to the SW corner of Section 27, Township 26 South, Range 44 West, thence north along the west line of Sections 27 and 22 from the SW corner of Section 27 to the NW corner of Section 22, Township 26 South, Range 44 West, which is the point of beginning, all in Prowers County, Colorado.

11. Throughout the area certificated to Lamar by Decision No. 21392 there is and will be a duplication of service by the public utilities in the area, namely, Lamar and Southeast. In accordance with CRS 1963, 115-5-1 (2), the Commission finds that public convenience and necessity requires and will require that Southeast be issued a certificate of public convenience and necessity to provide electric service in the area previously certificated to Lamar and which has been abandoned by Lamar as found hereinabove; that Lamar's certificate of public convenience and necessity should be redefined to include only that area wherein the certificate has not been abandoned as defined in Finding No. 8 as described hereinabove; and that existing customers of either utility in the area certificated to the other utility should be frozen as provided in the Order hereinbelow.

12. Public convenience and necessity does not require that the areas described in Finding No. 10 described hereinabove be certificated to Southeast as no electric service is now provided and no demand therefor appears to exist. Public convenience and necessity requires and will require that Southeast be issued a certificate of public convenience and necessity to provide electric service in all of Bent and Prowers Counties except the areas described in subparagraphs A, B, C, D and E in Finding No. 8, in Finding No. 9, and in areas described as Plots 1 through 14 in Finding No. 10 hereinabove.

13. The duplication of electric facilities described in the Findings above has continued to exist ever since Southeast became a public utility in 1961, without resolution. The instant proceeding likewise has been pending before the Commission for a period of more than one year. Accordingly, the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Examiner be omitted and the initial decision be made by the Commission as provided by 115-6-9 (6), CRS 1963, as amended.

The Commission concludes that a certificate of public convenience and necessity to render electric service should be granted to Southeast with respect to certain areas in Bent and Prowers Counties wherein it presently provides service; that the certificated area of Lamar should be redefined and recertificated to reflect the areas actually served by Lamar and deleting therefrom those areas which have been abandoned or wherein the certificated area has been set aside by the District Court Judgment referred to previously, all as provided in the Order herein.

O R D E R

THE COMMISSION ORDERS THAT:

1. Southeast Colorado Power Association be, and hereby is, granted a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY to provide

electric service as a public utility in all of Bent and Prowers Counties, except all the areas described in subparagraphs A, B, C, D and E of Finding No. 8 and in Finding No. 9, and Plots 1 through 14 described in Finding No. 10 hereof; this Order shall be deemed and held to be a certificate therefor.

2. The Certificate of Public Convenience and Necessity of the Utilities Board of the City of Lamar to render electric service shall henceforth include only the areas described in subparagraphs A, B and C of Finding No. 8 hereof, and, in addition, Lamar shall have a certificate to supply wholesale electric service to the Town of Granada and the Town of Holly; and this Order shall be deemed and held to be a certificate therefor.

3. Southeast Colorado Power Association be, and hereby is, authorized to continue service to its present customers located in areas certificated to Lamar until such time as there is a substantial change in the nature of the service. Likewise, that Lamar be, and hereby is, authorized to continue service to its present customers located in the areas certificated to Southeast until such time as there is a change in service. The two utilities are urged to negotiate towards an eventual exchange of customers where feasible to eliminate service by one utility in the area certificated to the other.

4. The recommended decision of the Examiner be, and hereby is, omitted and this Decision shall be the initial decision of the Commission as provided for by CRS 1963, 115-6-9 (6).

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
6th day of October, 1970.
vjr