



4. Objectors: No Statements of Opposition were filed. The time for filing statements of opposition has expired.
5. Consultation: The Division Engineer filed a Summary of Consultation pursuant to § 37-92-302(4) C.R.S. dated October 20, 2009, recommending approval of the Application.
6. Name of natural stream: Clear Fork East Muddy Creek tributary to East Muddy Creek tributary to the North fork of the Gunnison River.
7. Location:
  - a. Legal description of the stream segment through which an instream flow is claimed: The natural stream channel from the headwaters in the vicinity of latitude 39° 15' 11.67"N and longitude 107° 25' 36.93"W as the upstream terminus and extending to the U.S. Forest Service boundary at latitude 39° 8' 45.14"N and longitude 107° 26' 10.42"W as the downstream terminus, being a distance of approximately 8.7 miles. This segment can be located on the Elk Knob & Quaker Mesa U.S.G.S. quadrangles.
  - b. For administrative purposes only:

Upper Terminus =  
SE SW S22 T9S R90W 6<sup>th</sup> PM  
1789' East of the West Section Line, 798' North of the South Section Line  
UTM North: 4347686.9 UTM East: 290586.8

Lower Terminus =  
NE SE S33 T10S R90W 6<sup>th</sup> PM  
685' West of the East Section Line, 2170' North of the South Section Line  
UTM North: 4335790.9 UTM East: 289463.5
8. Use of the water: Instream flow to preserve the natural environment to a reasonable degree.
9. Date of appropriation: The water was first applied to the above beneficial use on or before January 27, 2009. The appropriation was completed on January 27, 2009 by the action of the Colorado Water Conservation Board under the provisions of §§ 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2009).
10. Amount of water claimed (ABSOLUTE): Instream flow of 13.0 cfs (April 1 – August 15), and 5.0 cfs (August 16 – March 31).

### **CONCLUSIONS OF LAW**

11. Notice and Jurisdiction. The Water Court for Division 4 has jurisdiction over the subject matter of these proceedings and over all persons, owners of property and water rights that may be affected hereby, whether or not they have chosen to appear. The Application in this matter and the resume publication of the Application placed such

persons on notice of the relief requested by the Application and granted by this decree. §§ 37-92-203 and 302 C.R.S. (2009).

12. The CWCB has fulfilled all legal requirements for a decree for water rights including §§ 37-92-302, 304 and 305, C.R.S. (2009).

13. Burden of Proof. The CWCB has complied with all requirements has met all standards and burdens of proof to adjudicate the water rights required in the Application and is therefore entitled to a decree approving the requested water rights.

### **JUDGMENT AND DECREE**

14. The foregoing Findings of Fact and Conclusions of Law are hereby approved and incorporated as the Judgment and Decree of the Court by this reference.

15. The Application is granted and the Court hereby approves and decrees the absolute water rights described herein, in the amount of 13.0 cfs (April 1 – August 15), and 5.0 cfs (August 16 – March 31) in order to preserve the natural environment to a reasonable decree in the reach of Clear Fork East Muddy Creek between the upstream and downstream terminus points described in paragraph 7 above. The appropriation date for this water right is January 27, 2009.

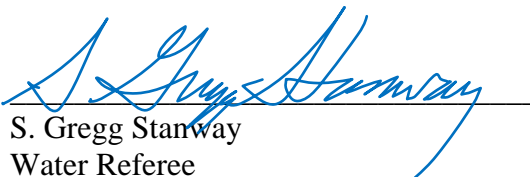
16. The priority herein awarded was filed in the water court in the year of 2009 and shall be junior to all priorities filed in previous years. As between all rights filed in the same calendar year, priorities shall be determined by historical date of appropriation and not affected by the date of entry of ruling. The Applicant shall install and maintain such measuring devices and keep such records as the Division Engineer may required for administration of this right.

It is accordingly **ORDERED** that this Ruling shall be filed with the water clerk subject to judicial review.

It is further **ORDERED** that a copy of this Ruling shall be filed with the Division Engineer and the State Engineer.

Dated this 9<sup>th</sup> day of April, 2010.

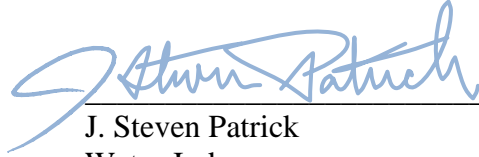
BY THE REFEREE

  
S. Gregg Stanway  
Water Referee  
Water Division No. 4  
State of Colorado

No protest was filed in this matter. The foregoing Ruling is confirmed and approved, and is made the Judgment and Decree of this Court.

Dated this 3<sup>rd</sup> day of May, 2010.

BY THE COURT



J. Steven Patrick  
Water Judge  
Water Division No. 4  
State of Colorado