

DISTRICT COURT, WATER DIVISION 1 STATE OF COLORADO, WELD COUNTY COURTHOUSE P.O. BOX 2038 GREELEY, CO 80632	EFILED Document – District Court 2010CW207 CO Weld County District Court 19th JD Filing Date: Jan 5 2011 7:56AM MST Filing ID: 35191568
Concerning the Application for Water Rights of: COLORADO WATER CONSERVATION BOARD, IN BLACK HOLLOW CREEK, A NATURAL STREAM, IN THE WATERSHED OF THE CACHE LA POUDE RIVER, IN LARIMER COUNTY, COLORADO.	
	Case No. : 10CW207 Div. 12
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE, JUDGMENT AND DECREE OF THE WATER COURT	

This matter comes before the Court by Application of the Colorado Water Conservation Board (“CWCB”). The Court, having considered all matters raised by the Application, and being fully advised in the premises, does hereby make the following Findings of Fact, Conclusions of Law, Ruling of the Referee, Judgment and Decree:

FINDINGS OF FACT

1. The name and address of the applicant is:
Colorado Water Conservation Board
1313 Sherman Street, Suite 721
Denver, Colorado 80203
(303) 866-3441
2. Application: CWCB filed an Application for Water Rights to Preserve the Natural Environment to a Reasonable Degree on August 25, 2010.
3. Notice and Jurisdiction: All notices of this matter required by law have been fulfilled and the Court has jurisdiction over the Application and all parties affected thereby, whether or not they have chosen to appear.
4. Objectors: No Statements of Opposition were filed and the time for filing additional Statements of Opposition has expired.

5. Summary of Consultation: The Division Engineer filed a Summary of Consultation pursuant to § 37-92-302(4) C.R.S. (2010), dated November 30, 2010 and the Referee has given it due consideration.
6. Name of Natural Stream: Black Hollow Creek, tributary to the Cache La Poudre 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 40° 38' 27.85"N and longitude 105° 41' 24.33"W as the upstream terminus and extending to the confluence with the Cache La Poudre River at latitude 40° 42' 3.66"N and longitude 105° 38' 51.92"W as the downstream terminus, being a distance of approximately 5.49 miles. This segment can be located on the Kinikinik U.S.G.S. quadrangle.
 - b. Termini for administrative purposes only:

Upper Terminus =
SE SE S21 T8N R74W 6th PM
500' West of the East Section Line
580' North of the South Section Line
UTM North: 4499142.6 UTM East: 441648.3

Lower Terminus =
NE SE S35 T9N R74W 6th PM
988' West of the East Section Line
2246' North of the South Section Line
UTM North: 4505769.6 UTM East: 445277.1
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 26, 2010, by the action of the Colorado Water Conservation Board under the provisions of C.R.S. § § 37-92-102(3) and 37-92-103(3), (4) and (10).
10. Amount of Water Claimed (ABSOLUTE): Instream flow of 2.2 cfs (May 1 – September 30), 1.4 cfs (October 1 – November 15) and 0.75 cfs (November 16 – April 30).

CONCLUSIONS OF LAW

11. Notice and Jurisdiction. The Water Court for Division 1 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. C.R.S. §§ 37-92-203 and 302.
13. The CWCB has fulfilled all legal requirements for a decree for water rights including C.R.S. §§ 37-92-302, 304 and 305.
14. Burden of Proof. The CWCB has complied with all requirements and has met its burden of proof to adjudicate the water rights required in the Application and is therefore entitled to a decree approving the requested water rights.

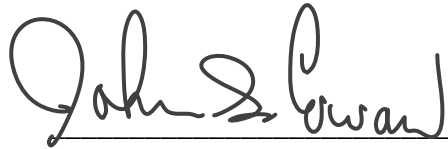
JUDGMENT AND DECREE

15. 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.
16. The application is granted and a decree (ABSOLUTE) in the amount 2.2 cfs (May 1 – September 30), 1.4 cfs (October 1 – November 15) and 0.75 cfs (November 16 – April 30) is hereby entered to preserve the natural environment to a reasonable degree in the reach of Black Hollow Creek between the upstream and downstream terminus points described in paragraph 4 above. The appropriation date for this water right is January 26, 2010.
17. The priority herein awarded was filed in the water court in the year of 2010 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.
18. The Applicant shall install and maintain such measuring devices and keep such records as the Division Engineer may require 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: December 10, 2010

A handwritten signature in black ink, appearing to read "John S. Cowan", written over a horizontal line.

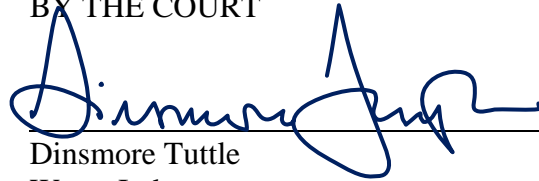
John S. Cowan
Water Referee
Water Division 1

This document was e-filed pursuant to C.R.C.P. 121 §1-16. A printable version of the electronically signed document is available in the court's electronic file.

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: 5 January 2011

BY THE COURT

A handwritten signature in blue ink, appearing to read "Dinsmore Tuttle", written over a horizontal line.

Dinsmore Tuttle
Water Judge
Water Division No. 1